Journal *of* Proceedings

of the

Senate
of
Maryland

2010 Regular Session

Volume III

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Annapolis, Maryland
Monday, March 22, 2010
8:00 P.M. Session

The Senate met at 8:01 P.M.

Prayer by Reverend Ron Maxson, Chaplain, Frederick County Sheriff's Office, guest of Senator Mooney.

(See Exhibit A of Appendix III)

The Journal of March 19, 2010 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 548)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 537 – Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Vivian Wang
in recognition of
placing third in the 2009 Middle School National Debate Championship in Policy Debate, held in San Antonio, Texas, and being selected as 2nd Speaker in the Nation.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Senate Resolution No. 538 – Senator James N. Robey:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Niran Lakhanpal
in recognition of
placing third in the 2009 Middle School National Debate Championship in Policy Debate, held in San Antonio, Texas, and being selected as 4th Speaker in the Nation.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Senate Resolution No. 539 – Senator James N. Robey:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Nikita Datta
in recognition of
winning the 2009 Middle School National Debate Championship in Public Forum Debate, held in
San Antonio, Texas.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Senate Resolution No. 540 – Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Srinidhi Muppalla
in recognition of
placing third in the 2009 Middle School National Debate Championship in Policy Debate, held in San Antonio, Texas, and being selected as Top Speaker in the Nation.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Senate Resolution No. 541 – Senator James N. Robey:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Madeleine Houck
in recognition of
placing third in the 2009 Middle School National Debate Championship in Policy Debate, held in San Antonio, Texas, and being selected as 5th Speaker in the Nation.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Senate Resolution No. 542 – Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Viveka Advani
in recognition of
winning the 2009 Middle School National Debate Championship in Public Forum Debate, held in
San Antonio, Texas.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 549)

Senate Resolution No. 535 – Senator Rob Garagiola and Senator Nancy J. King:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Seneca Valley Girls Basketball Team
in recognition of
winning the 2010 Maryland State 3A Basketball Championship. Your hard work and dedication
are commended. Congratulations!
The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 550)

Senate Resolution No. 559 – Senator Edward R. Reilly

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Arundel High School Girls Basketball Team
in recognition of
your winning the Class 4A Maryland State Championship. We applaud your outstanding season and wish
you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 551)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #45

Senate Bill 93 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Pest Control – Fees and Registration

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

Affirmative – 32 Negative – 14 (See Roll Call No. 552)

The Bill was then sent to the House of Delegates.

Senate Bill 542 – Senators Harrington and Colburn

AN ACT concerning

~~Health~~ Business Regulation – Lodging Establishments – National Human Trafficking Resource Center Hotline ~~– Posting of~~ Information

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

Affirmative – 42 Negative – 4 (See Roll Call No. 553)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 5 – Delegate Braveboy

AN ACT concerning

Corporations and Associations – Low–Profit Limited Liability Companies

FOR the purpose of authorizing the formation of a certain low–profit limited liability company as a permitted form of unincorporated business organization; requiring the name of a low–profit limited liability company to include certain words or abbreviations; requiring a low–profit limited liability company to meet certain requirements; providing that if a low–profit limited liability company that met certain requirements at its formation subsequently ceases to satisfy a certain requirement, it shall immediately cease to be a low–profit limited liability company but may continue to exist as a limited liability company under certain circumstances; requiring that the articles of organization for a limited liability company set forth whether it is a low–profit limited liability company; defining a certain term; and generally relating to low–profit limited liability companies.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–501, 1–502(b) and (f), 4A–101(n) through (r), and 4A–204(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Corporations and Associations

Section 1–502(f), 4A–101(n), and 4A–201.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 4A–101(a) and (l)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 79 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commercial Law – Credit Services Businesses – Limitation on Fees

FOR the purpose of prohibiting a credit services business, its employees, and certain independent contractors from charging or receiving any money or other valuable consideration in connection with an extension of credit that, when combined with any interest charged on the extension of credit, would exceed a certain interest rate; and generally relating to the regulation of credit services businesses.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–1902
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 92 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Doory, Barkley, Barnes, Bobo, Bohanan, Branch, Carr, Davis, Dumais, Eckardt, Feldman, Gilchrist, Glenn, Gutierrez, Haynes, Hecht, Heller, Howard, Hucker, Ivey, Kelly, King, Kipke, Kullen, Lafferty, Levi, Malone, Manno, McIntosh, Mizeur, Montgomery, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Ramirez, Reznik, Rice, Rosenberg, Ross, Rudolph, Schuler, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

FOR the purpose of establishing the Job Creation and Recovery Tax Credit; providing a credit against the State income tax for certain employers employing certain individuals in certain qualified positions; defining certain terms; providing for certification by the Department of Labor, Licensing, and Regulation of persons eligible for the credit and of the maximum amount of credit for which a qualified employer is eligible; limiting to a certain amount the credit each qualified employer may receive; providing for a cap of the total aggregate amount of the tax credit that the Department may approve; ~~allowing the credit as a credit against the payment of certain withholding taxes under certain circumstances;~~ making the credit refundable under certain circumstances; requiring certain reports; authorizing the adoption of certain regulations; making the provisions of this Act severable; making this Act an emergency measure; and generally relating to tax credits in connection with the employment of certain individuals in certain qualified positions in the State and the Job Creation and Recovery Tax Credit ~~program~~.

BY adding to
Article – Labor and Employment
Section 11–1101 through 11–1107 to be under the new subtitle "Subtitle 11. Job Creation and Recovery Tax Credit"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 10–728
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 181 – Delegates Hubbard, Ali, Benson, Bobo, Bromwell, Bronrott, Costa, Frush, Griffith, Healey, Holmes, Hucker, Ivey, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Reznik, Riley, Tarrant, ~~and V. Turner~~ V. Turner, Donoghue, and Jenkins

AN ACT concerning

Department of Health and Mental Hygiene – Biomonitoring Program – Report

FOR the purpose of requiring the Department of Health and Mental Hygiene, in consultation with the Department of the Environment, to conduct a certain study on the feasibility of establishing a biomonitoring program in the State and

to make certain recommendations; requiring the Department of Health and Mental Hygiene to make a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a report on the feasibility of establishing a biomonitoring program in the State.

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

House Bill 215 – Delegates Nathan–Pulliam and Eckardt

AN ACT concerning

State Board of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements

FOR the purpose of establishing a certain quorum requirement for the Electrology Practice Committee of the State Board of Nursing; establishing certain requirements for when the Committee is to meet; providing that members of the Committee are entitled to certain compensation as determined by the Board and certain reimbursement for travel; requiring that certain applicants pass and schedule certain national and clinical examinations; extending the period of time the Board has to send certain renewal notices; providing that the Board may send certain renewal notices by electronic means; extending the date on which the Board is to begin requiring criminal history records checks for certain renewal applicants; extending the period of time between criminal history records checks for certain renewal applicants; and generally relating to the State Board of Nursing, the Electrology Practice Committee, and electrologists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6B–05, 8–6B–08(e), 8–6B–10(b), and 8–6B–14(c) and (k)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 289 – Delegates Smigiel, Aumann, Bates, Beitzel, Boteler, Carter, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Jennings, Kach, Kelly, Kramer, Krebs, McComas, Miller, Norman, Schuh, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stull, ~~and Walkup~~ Walkup, McDonough, Ali, Anderson, Barnes, Bartlett, Beidle, Bohanan, Burns, Cane, G. Clagett, Conway, Donoghue, Elliott, Feldman, Frush, Harrison, Healey, Impallaria, Ivey, Jameson, Jenkins, Kaiser, King, Kipke, Krysiak, Kullen, Levi, Levy, Love, Malone, Manno, McConkey, Montgomery, Murphy, Myers, Nathan–Pulliam, Niemann, O'Donnell, Oaks, Pena–Melnyk, Ramirez, Reznik, Robinson, Rudolph,

Stein, Stifler, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Wood

AN ACT concerning

Correctional Services – Child Sexual Offenders – Diminution Credits ~~and Parole~~

FOR the purpose of prohibiting the earning of diminution credits to reduce the term of confinement of an inmate who is serving a sentence in a State or local correctional facility for committing a certain sexual crime against a ~~minor~~ victim who is a child under a certain age; ~~providing that an inmate who is serving a sentence for committing a certain sexual crime against a minor is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence~~ providing for the construction of a certain provision of this Act; providing for the application of this Act; and generally relating to the elimination of diminution credits ~~and parole eligibility~~ for persons serving sentences for committing certain sexual crimes against children.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–702 and 11–502
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

~~BY adding to~~
~~Article – Correctional Services~~
~~Section 7–301(e)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

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

House Bill 302 – Delegates Nathan–Pulliam, Eckardt, Elmore, and V. Turner

AN ACT concerning

State Board of Nursing and Certified Nursing Assistant Advisory Committee – Membership – Nominations for Vacancies

FOR the purpose of adding a currently practicing nurse who has practiced acute care nursing for at least a certain number of years to the State Board of Nursing; adding certain degrees that qualify an individual for the nurse administrator member of the Board; requiring the registered nurse member of the Board who is certified in advanced practice nursing to rotate with each vacancy among certain specialties; replacing a certain registered nurse clinician member of the

Board with a currently practicing nurse who has practiced as a delegating nurse in a certain setting for at least a certain number of years; requiring that at least one licensed practical nurse member of the Board practice in a long–term care nursing facility; authorizing certain professional nursing organizations to submit certain lists from which the Governor can appoint certain Board members; authorizing certain licensed nurses to submit certain petitions from which the Governor can appoint certain Board members; requiring that certain petitions have a certain number of signatures; requiring the Board to notify certain licensed nurses and professional nursing organizations of certain vacancies on the Board; providing that members appointed to the Board reflect certain diversity of the State; clarifying the term limitations for a member of the Board who is appointed after a term has begun; adding an adult medical day care nursing assistant to the Certified Nursing Assistant Advisory Committee; providing for the appointment of certain members of the Board and the Committee; and generally relating to membership and nominations for the State Board of Nursing and the Certified Nursing Assistant Advisory Committee.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–202(a), (b), and (i) and 8–6A–13
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 334 – Delegates Walker ~~and Ivey~~, Ivey, Hixson, Bartlett, Cardin, Elmore, Frick, Gilchrist, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, and F. Turner

AN ACT concerning

Public Schools – Physical Education Facilities

FOR the purpose of requiring the State Department of Education to adopt regulations that require ~~certain public schools~~ a public school that is newly constructed or completely renovated and occupied on or after a certain date to include a gymnasium and ~~support spaces~~ adequate support space for physical education instruction ~~and~~; requiring certain regulations to include a certain process to request a waiver from a certain requirement for certain reasons; requiring the Department to adopt guidelines for facilities for physical education programs; providing for the application of this Act; and generally relating to physical education facilities in public schools.

BY repealing and reenacting, with amendments,
Article – Education

Section 7–409
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 346 – Delegate Hucker

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

FOR the purpose of repealing the Advisory Committee on the Naming of State Facilities, Roads, and Bridges and other related provisions of law; and generally relating to the naming of State facilities, roads, and bridges.

BY repealing
Article – State Government
Section 2–10A–09
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 404 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Order to Pay Wages

FOR the purpose of providing for an administrative procedure for the Commissioner of Labor and Industry on receipt of a complaint for failure to pay wages that do not exceed a certain amount; authorizing the ~~Commisioner~~ Commissioner to issue an order to pay wages under certain circumstances; authorizing an employer to request a de novo hearing on the order to pay wages; providing that the order to pay wages becomes a final order under certain circumstances; authorizing the Commissioner to enforce payment in District Court under certain circumstances; and generally relating to wage payment and collection.

BY renumbering
Article – Labor and Employment
Section 3–507.1
to be Section 3–507.2

Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Labor and Employment
Section 3–507.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 411 – ~~Delegate Kach~~ Delegates Kach, Hubbard, Montgomery, Oaks, Pena–Melnyk, V. Turner, Benson, and Donoghue

AN ACT concerning

Statewide Advisory Commission on Immunizations – Membership, ~~Sunset Extension, and Study of HPV Vaccine~~ Duties, and Sunset Repeal

FOR the purpose of adding a consumer member and a pharmacist to the Statewide Advisory Commission on Immunizations; ~~extending~~ repealing the termination date of the Commission; ~~requiring the Commission to study the safety of the human papillomavirus (HPV) vaccine; requiring the Commission to include certain components in the study, determine the need for certain information and certain communication, make certain recommendations, and report the results of its study;~~ requiring the Secretary of Health and Mental Hygiene, in consultation with MedChi, The Maryland State Medical Society, to appoint the chair of the Commission; establishing the terms of the appointed members of the Commission; specifying when the terms of certain members of the Commission expire; requiring the Commission to review certain factors and make recommendations on how to increase immunizations among certain individuals; repealing a provision that requires the Commission to study and make recommendations about immunizations required by children entering schools in times of vaccine shortage; requiring the Commission to study and make recommendations about a public campaign in the event of a public health emergency involving immunizations; requiring the Commission to study and make recommendations about the availability and affordability of adolescent vaccines; authorizing the Commission to recommend to the Department of Health and Mental Hygiene that certain information be communicated to health care providers; making certain technical corrections and stylistic changes; and generally relating to the Statewide Advisory Commission on Immunizations.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–214
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 337 of the Acts of the General Assembly of 2002, as amended by Chapter 200 of the Acts of the General Assembly of 2005~~, as amended by~~ and Chapter 504 of the Acts of the General Assembly of 2007
Section 2

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

House Bill 473 – The Speaker (By Request – Administration) and Delegates Busch, Vallario, Rosenberg, Ali, Anderson, Barkley, Barnes, Bartlett, Barve, Beidle, Branch, Bromwell, Cardin, Carr, Conway, Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Elmore, Feldman, Frank, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway, Hammen, Haynes, Healey, Hecht, Hixson, Holmes, Howard, Hubbard, Ivey, Jennings, Jones, Kaiser, Kelly, King, Kirk, Kramer, Lee, Levi, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, McIntosh, Miller, Montgomery, Morhaim, Murphy, Niemann, O'Donnell, Oaks, Olszewski, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Ross, Rudolph, Shewell, Smigiel, Stein, Stifler, Tarrant, Taylor, V. Turner, Valderrama, Vaughn, ~~and Walker~~ Walker, and Conaway

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

FOR the purpose of repealing the requirement that the Maryland Parole Commission administer extended sexual offender parole supervision; altering certain provisions relating to extended sexual offender supervision of certain offenders; altering the term for certain extended sexual offender supervision; requiring a sentence for certain persons to include a term of lifetime sexual offender supervision; altering the term of lifetime sexual offender supervision; establishing that lifetime sexual offender supervision is imposed on a defendant for a crime committed on or after a certain date; requiring a certain sentencing court to impose certain conditions of lifetime sexual offender supervision and to advise certain persons of the conditions of lifetime sexual offender supervision; requiring the sentencing court to order a presentence investigation under certain circumstances; authorizing a certain sentencing court to adjust certain conditions of lifetime sexual offender supervision under certain circumstances; clarifying that the imposition or adjustment of special conditions of lifetime sexual offender supervision is a subsequent proceeding under a certain provision of law; establishing a certain offense and penalty for violation of lifetime sexual offender supervision; authorizing certain procedures for violations of lifetime sexual offender supervision; ~~requiring certain judges to hear certain violations and certain petitions;~~ ~~authorizing~~ prohibiting a certain sentencing court ~~to deny~~ from denying a certain petition under certain circumstances; providing for the discharge of certain persons from lifetime

sexual offender supervision under certain circumstances; clarifying that certain proceedings are a subsequent proceeding under a certain provision of law; requiring a certain sentencing court to hear and adjudicate certain petitions; altering the composition of a certain sexual offender management team; requiring certain progress reports of a certain sexual offender management team; authorizing the Department of Public Safety and Correctional Services to adopt certain regulations; making a certain technical correction; deleting certain terms; making certain conforming changes; and generally relating to sexual offender supervision.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–206
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701 and 11–723 through 11–726
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 497 – Delegates G. Clagett, Barkley, DeBoy, Hecht, Heller, Howard, Kullen, Robinson, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Public Safety – ~~Emergency Medical Services Board~~ Statewide Emergency Medical Services Advisory Council – Membership

FOR the purpose of altering the membership of the ~~State Emergency Medical Services Board~~ statewide Emergency Medical Services Advisory Council by increasing the number of members who are from the ~~public at large~~ general public and by adding one member who is a helicopter pilot ~~employed by the Department of State Police within the Aviation Division~~; making corrections to the names of certain organizations; and generally relating to the ~~State Emergency Medical Services Board~~ statewide Emergency Medical Services Advisory Council.

BY repealing and reenacting, without amendments,
Article – Education
Section 13–511(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section ~~13–505~~ 13–511(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 536 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging) and Delegates Hubbard, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Kach, Kipke, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Department of Aging – Long–Term Care Ombudsman Program

FOR the purpose of repealing certain powers and duties of the Secretary of Aging; repealing certain provisions of law relating to the Maryland Long–Term Care Ombudsman Program and the Maryland Long–Term Care Ombudsman; reestablishing the Long–Term Care Ombudsman Program in the Department of Aging; specifying the purpose of the Program; establishing the Office of the Long–Term Care Ombudsman in the Department; providing for the ~~appointment~~ selection of the State Long–Term Care Ombudsman; establishing certain powers and duties of the Secretary, the State Long–Term Care Ombudsman, and designated ombudsmen; establishing the qualifications of entities qualified to be designated as local long–term care ombudsman entities; requiring that an ombudsman have access to certain facilities, documents, and records; requiring the Secretary to adopt certain regulations; requiring the Secretary to adopt certain regulations in consultation with area agencies on aging; making it a misdemeanor, subject to a certain penalty, to willfully interfere with an ombudsman's performance of an official duty or to retaliate or make reprisals against certain persons; requiring the State Long–Term Care Ombudsman to submit a certain annual report to the Governor and the General Assembly; requiring the Department of Aging to reconvene a certain workgroup; requiring the workgroup to meet on a certain basis; providing for the duties of the Department and the State Long–Term Care Ombudsman in conducting the workgroup; defining certain terms; and generally relating to the Long–Term Care Ombudsman Program.

BY repealing
Article – Human Services
Section 10–212 and 10–213
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

BY adding to
Article – Human Services
Section 10–901 through 10–911 to be under the new subtitle "Subtitle 9. Long–Term Care Ombudsman Program"
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

House Bill 599 – Delegates Olszewski, Kach, Aumann, Barkley, Boteler, Bromwell, DeBoy, Frank, Frick, Glenn, Hecht, Heller, Howard, James, Lafferty, Mathias, Minnick, Morhaim, Riley, Shewell, Stocksdale, F. Turner, Valderrama, and Weir

AN ACT concerning

Correctional Services – Repeat Child Sexual Offenders – Diminution Credits

FOR the purpose of prohibiting the earning of diminution credits to reduce the term of confinement of a certain inmate who is serving a sentence ~~for~~ in a State or local correctional facility for committing a certain sexual offense against a ~~minor~~ victim who is a child under a certain age after being previously convicted of a certain sexual offense against a ~~minor~~ victim who is a child under a certain age; providing for the construction of a certain provision of this Act; providing for the application of this Act; and generally relating to diminution credits.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–702 and 11–502
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 670 – Delegate Feldman

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

FOR the purpose of increasing the membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight to include a certain member; and generally relating to membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–03
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 795 – Delegates Lee, Barkley, G. Clagett, Doory, Dumais, Frick, Gutierrez, Heller, Kaiser, Mathias, McDonough, Montgomery, Nathan–Pulliam, Rice, Robinson, Tarrant, and Taylor

AN ACT concerning

Task Force to Study ~~Nanotechnology and~~ Nanobiotechnology

FOR the purpose of establishing a Task Force to Study ~~Nanotechnology and~~ Nanobiotechnology; providing for the membership of the Task Force; providing for the designation of cochairs of the Task Force; providing for the meeting times and places of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation and authorizing reimbursement of certain expenses; requiring the Task Force to study certain matters; requiring the Task Force to make certain recommendations; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study ~~Nanotechnology and~~ Nanobiotechnology.

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

House Bill 868 – Delegates Montgomery, Carr, Frick, George, Heller, Howard, and Manno

AN ACT concerning

State Board of Pharmacy – ~~Wholesale Distributors – Accreditation and Reciprocity~~ Wholesale Distributor Permitting and Prescription Drug Integrity Act – Revisions

FOR the purpose of authorizing the Department of Health and Mental Hygiene to purchase and distribute certain drugs and devices for certain purposes; altering ~~certain circumstances when~~ the circumstances under which the State Board of Pharmacy may grant "deemed status" to wholesale distributors; requiring wholesale distributors that receive a permit by reciprocity to comply with certain requirements; requiring wholesale distributors that are not eligible for reciprocity to be accredited; requiring the Board to grant "deemed status" to certain wholesale distributors under certain circumstances; altering ~~the~~

~~definition of "deemed status" and defining certain other terms~~ certain definitions; and generally relating to the ~~accreditation of and granting of reciprocity to wholesale distributors of prescription drugs~~ Wholesale Distributor Permitting and Prescription Drug Integrity Act.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–6C–01(a), (h), (n), (v), and (w)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–6C–01(u) and 12–6C–04
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 12–6C–03.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 882 – Delegates Kramer, Barkley, Barnes, Conaway, Frick, Heller, Ivey, Manno, McConkey, Ramirez, Reznik, ~~and Simmons~~ Simmons, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and V. Turner

AN ACT concerning

~~Life and Health Insurance – Senior Investment Protection~~
Insurance Producers – Use of Senior or Retiree Credential or Designation

FOR the purpose of prohibiting ~~a person~~ an insurance producer from using a ~~senior–specific certification or professional~~ senior or retiree credential or designation in a way that is or would ~~mislead a purchaser of life insurance, health insurance, or an annuity about certain matters; stating the intent of this Act; requiring the Maryland Insurance Commissioner to specify certain misleading uses of certain certifications and designations by regulation or order; providing that certain uses shall be specified as being misleading under this Act; requiring the Commissioner to consult with the Securities Commissioner of the Securities Division on certain matters; establishing a rebuttable~~

~~presumption concerning certain organizations that issue certain certifications and designations; establishing certain factors to consider in interpreting certain certifications and designations; establishing a penalty for violating this Act, including imprisonment and a fine; providing for the application of this Act; providing for the construction of this Act, including certain conflict of laws; defining certain terms; and generally relating to the sale and purchase of life insurance, health insurance, and annuities~~ be misleading in connection with the offer, sale, or purchase of insurance; requiring the Maryland Insurance Commissioner, in consultation with the Securities Commissioner of the Division of Securities in the Office of the Attorney General, to adopt certain regulations; providing that the regulations may contain certain exemptions under certain circumstances; providing that a violation of this Act constitutes a lack of trustworthiness for the purposes of certain provisions of law; providing for the construction of this Act; and generally relating to the offer, sale, and purchase of insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–201
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 27–223
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 899 – ~~Delegate Hubbard~~ Delegates Hubbard, Benson, Kach, Kullen, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Nursing Facility Residents – Home–Based and Community Services – Access Assistance

FOR the purpose of requiring social workers to provide certain nursing facility residents with certain information about certain services under the home– and community–based waiver programs on admission and discharge from the nursing facility; ~~requiring the Department of Health and Mental Hygiene or the Department's designee to provide certain information to certain nursing facility residents within a certain number of days; requiring the Department to provide certain assistance to certain residents within certain time frames;~~ requiring certain employees or representatives of certain designated protection and advocacy systems agencies to have certain access to certain residents; providing

for the confidentiality of certain information provided by a nursing facility resident to employees or representatives of designated protection and advocacy systems agencies; ~~prohibiting a nursing facility from denying certain employees or representatives access to certain nursing facility residents; providing for a certain penalty and appeal procedures;~~ defining a certain term; and generally relating to providing nursing facility residents access assistance to home–based and community services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–135
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 931 – The Speaker (By Request – Administration) and Delegates Busch, Carter, G. Clagett, Conway, Ivey, Kelly, Schuler, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

FOR the purpose of altering the composition of a certain Sexual Offender Advisory Board; requiring certain members of the Board to have certain expertise; providing for the terms of the appointed members of the Board to be staggered in a certain manner; altering the duties of the Board; requiring the Board to make a certain report by a certain date; repealing a requirement that the Department of Health and Mental Hygiene provide staff to the Board; making certain conforming changes; and generally relating to the Sexual Offender Advisory Board.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–401
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 933 – ~~Delegate Montgomery~~ Delegates Montgomery, Benson, Hubbard, Kullen, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Hospitals – Financial Assistance and Debt Collection

FOR the purpose of requiring the State Health Services Cost Review Commission to require certain chronic care hospitals to develop a certain financial assistance policy for providing free and reduced–cost care to certain patients; requiring a certain hospital financial assistance policy to provide reduced–cost medically necessary care to certain patients who have a financial hardship; requiring a hospital to apply a reduction that is most favorable to a patient under certain circumstances; providing that a patient or ~~any family member~~ certain family members of the patient shall remain eligible for certain reduced–cost care under certain circumstances; requiring the patient or family member to inform a hospital of the patient's or family member's eligibility for certain reduced–cost care under certain circumstances; altering the requirements for a notice that a hospital must post regarding patient financial assistance; specifying that, for certain purposes, the rights and obligations of a patient with regard to a hospital bill include the rights and obligations with regard to certain reduced–cost care; requiring a hospital's policy on the collection of debts owed by patients to provide for a refund of certain amounts collected from a patient or the guarantor of a patient, require the hospital to seek to vacate a judgment or strike adverse information reported to a consumer reporting agency under certain circumstances, and provide a mechanism for a patient to request a reconsideration of the denial of free or reduced–cost care and file a complaint regarding the handling of the patient's bill; requiring a hospital, beginning on a certain date, to provide for a refund of certain amounts collected from a patient or the guarantor of a patient who, within a certain time period, was found to be eligible for free care; authorizing a hospital to reduce the time period under certain circumstances; requiring a hospital's refund policy to provide for a refund that complies with a patient's means–tested government health care plan under certain circumstances; prohibiting a hospital, for a certain period of time, from reporting adverse information about a patient to a consumer reporting agency or commencing civil action against a patient for nonpayment of a bill unless the hospital documents a certain lack of cooperation; requiring a hospital to ~~promptly~~ report to a certain consumer reporting agency the fulfillment of a patient's payment obligation within a certain period of time; prohibiting a hospital from forcing the sale or foreclosure of a patient's primary residence to collect a debt owed on a hospital bill; authorizing a hospital to maintain its position as a secured creditor under certain circumstances; requiring a hospital to fulfill certain requirements if the hospital delegates collection activity to an outside collection agency; requiring the board of directors of each hospital to review and approve the financial assistance and debt collection policies of the hospital at certain intervals; prohibiting a hospital from altering its financial assistance and debt collection policies without approval of its board of directors; requiring a hospital to provide to a patient, on request, a written estimate of certain charges; requiring the written estimate to include a certain statement; authorizing a hospital to restrict the availability of the written estimate; providing that the requirements pertaining to written estimates do not apply to emergency services; defining certain terms; making

certain conforming changes; and generally relating to hospital financial assistance and debt collection requirements.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–214.1, 19–214.2, and 19–350(b)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 971 – Delegate Feldman

AN ACT concerning

Maryland Statutory Trust Act

FOR the purpose of clarifying and revising the Maryland Business Trust Act and renaming it to be the Maryland Statutory Trust Act; providing that a use of a certain designation or statement in a certain certificate of trust or governing instrument does not create a certain presumption or inference; providing for the construction of certain provisions of this Act; clarifying that a statutory trust has certain general powers under certain circumstances; clarifying the requirements for, and time at which, a statutory trust is formed; providing for the restatement of a certificate of trust under certain circumstances; providing for the execution and effective time of certain documents; clarifying that a governing instrument of a statutory trust may contain certain provisions relating to the nature and division of beneficial interests in the statutory trust, the rights of certain persons, amendments to the governing instrument, and actions by or on behalf of the statutory trust in the event there are no trustees; clarifying that a statutory trust is not required to execute its governing instrument and that it is bound by its governing instrument; clarifying that a beneficial owner or trustee of a statutory trust is bound by the statutory trust's governing instrument; clarifying the types of consideration that may be contributed for a beneficial interest in a statutory trust; clarifying and altering the powers of a statutory trust to indemnify and hold harmless, and to pay or reimburse certain expenses incurred by, certain persons; altering the circumstances under which certain records of a statutory trust may be inspected and copied; clarifying that, except as provided in the governing instrument of a statutory trust, meetings of beneficial owners or trustees may be held in a certain manner, beneficial owners or trustees may vote or consent to a certain action in a certain manner, and certain actions must be approved by the beneficial owners or trustees by a certain percentage of votes; clarifying certain powers, duties, and liabilities of the trustees of a statutory trust; providing that a governing instrument may not eliminate the duty of a trustee to perform the trustee's duties in good faith; providing for certain limits on the duties of a trustee; providing that no creditor of a trustee shall have the right to exercise

any legal or equitable remedy with respect to certain property under certain circumstances; providing that a trustee of a certain statutory trust shall be deemed to be independent and disinterested when making a certain determination or taking certain action; providing that certain persons, in the governing instrument of a statutory trust or other writing, may consent to be subject to certain jurisdiction or arbitration and to be served with legal process in a certain manner; altering the vote by which the trustees of a statutory trust must approve a merger or consolidation; altering certain requirements for articles of merger or consolidation; establishing that, subject to the Maryland Constitution, certain laws govern the organization, internal affairs, and liability of the trustees of a foreign statutory trust, and a foreign statutory trust may not be denied registration under certain circumstances; requiring a foreign statutory trust to register with the State Department of Assessments and Taxation before doing certain business in the State; establishing certain requirements for registration; prohibiting a foreign statutory trust from doing any kind of business in the State that a domestic statutory trust is prohibited from doing under the laws of the State; authorizing a foreign statutory trust to cancel its registration in a certain manner; establishing certain penalties for failing to register with the Department and for transacting certain business on behalf of a foreign statutory trust that has not registered with the Department; authorizing the Attorney General to bring a certain action; specifying certain actions that do and do not constitute doing business in the State; providing that by doing certain business in the State a foreign statutory trust assents to the laws of the State; providing for a merger of a foreign statutory trust; providing for the forfeiture of the right of a foreign statutory trust to do business in the State; defining certain terms; altering and repealing certain definitions; making certain conforming and stylistic changes; and generally relating to statutory trusts.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 12–101 through 12–610, 12–801 through 12–803, and 12–805 through 12–810 to be under the amended title "Title 12. Statutory Trusts"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Corporations and Associations
Section <u>12–101.1,</u> 12–105, 12–306, 12–404, 12–405, and 12–611; and 12–901 through 12–912 to be under the new subtitle "Subtitle 9. Foreign Statutory Trusts"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 12–701 and 12–804

Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 15
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 14.09(c)(4)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4–401(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 1–201(28) and 8–103(a)
Annotated Code of Maryland
(2002 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–201(f), 11–301(j), 11–401(d), 11–501(f), 11–601(g), 11–701(c), 11–801(d), 11–901, 11–1101(d), 11–1201(d), 12–101(g), 12–301(f), 12–401(h), 12–501(k), 12–601(q), 12–701(f), 12–801(f), 12–901(f)(1), 12–1001(g)(1), 13–101(h), 14–101(d), 14–201(d), 14–301(e), 14–401(f), 14–501(d), 14–601(c), 14–701(d), 14–801(b), 14–901(i), 14–1001(d), 14–1201(j), 14–1301(c), 14–1901(g), 14–2801(d), 14–3401(c), 14–3601(h), 15–102(a)(2), 15–301(e), 16–101(d), 17–101(e) and (l), 18–101(e), 21–101(m), and 22–102(a)(51)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–101, 1–203(b)(3)(ii), 1–301(a), 3–101(b), 3–102(a)(3), 4A–101, 8–103(a), 8–501.1(a) and (c)(1), 9A–101(n), (o), and (p), 9A–902(c), and 10–208(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Corporations and Associations
Section 9A–101(n) and (q) and 9A–902(h) and (i)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–401(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–213(f)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–801(h)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 9–201(i), 11–102(b)(10), 15–201(d), 15–301(f), 15–401(g), and 15–501(j)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 9.5–101(m) and 10–301(o)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 5–401(b) and (d), 8–101(b), 11–101(a)(4), 11–201(e), 11–401(h), and 11–501(p)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–608(a)(3)

Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 2–122(a)(3), 7–109(a)(2), and 10–501(h)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–102.1(a)(4)(iv) and (7)(iv)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 11–101(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 972 – Delegate Feldman

AN ACT concerning

Maryland General Corporation Law – Miscellaneous Provisions

FOR the purpose of altering the manner in which certain charter documents of certain business entities must be executed by authorizing certain officers, agents, and persons acting in a certain capacity to sign, acknowledge, witness, and attest the documents and to verify certain matters and facts; clarifying that a corporation may provide by its charter that holders of one or more classes or series of stock have certain voting rights under certain circumstances; clarifying that certain authority of a corporation to provide by its charter for classes of stock and certain rights, restrictions, and preferences of classes of stock applies to series of stock; altering the circumstances under which the board of directors of a corporation may effect a certain reverse stock split; expanding the authority of the board of directors of a corporation to delegate to certain committees powers of the board relating to the authorization of dividends on stock and other distributions; repealing certain unnecessary provisions of law relating to the time at which a stockholder of a corporation or a shareholder of a real estate investment trust who proposes a certain nominee or matter for consideration at a meeting of the stockholders or shareholders may be required to provide certain notice; altering the circumstances under which certain notice given by a corporation by a single notice to all stockholders who share an address is

effective; providing that, prior to being convened, a meeting of stockholders may be postponed from time to time to a certain date; altering the contents of a certain notice of a proposed charter amendment that a corporation must give to certain stockholders; exempting corporations that have a class of securities registered under a certain federal law from the application of certain provisions of law relating to the dissolution of a corporation; clarifying that certain restrictions on voting rights apply to the holders of certain shares and not to the shares; making conforming and stylistic changes; and generally relating to corporations and other business entities.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–301(a), 2–105(a), 2–309(d) and (e), 2–411(a), 2–504(f), 2–504.1, 2–511(d), 2–604, 3–413, and 3–702(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 8–601.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 974 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Nutrient Trading – Voluntary Agricultural Nutrient Credit Certification Program

FOR the purpose of authorizing the State Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient credits on agricultural land; establishing certain certification and registration requirements; authorizing the Secretary of Agriculture to suspend or revoke the approval or certification of certain credits under certain circumstances; preserving the authority of the Department of the Environment to establish eligibility and other requirements for use of nutrient offset credits under any State or federal permit or other regulatory program; providing for the application of this Act; declaring the intent of the General Assembly; and generally relating to the establishment of agricultural nutrient credit requirements.

BY adding to
Article – Agriculture

Section 8–901 through 8–904 to be under the new subtitle "Subtitle 9. Voluntary Agricultural Nutrient Credit Certification Program"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1015 – ~~**Delegate Rudolph**~~ **Delegates Rudolph, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner**

AN ACT concerning

Health Insurance – Purchasing Out of State – Feasibility Study

FOR the purpose of requiring the Maryland Insurance Administration to study the feasibility and desirability of allowing State residents to purchase health insurance out of state and of establishing an Interstate Health Insurance Compact for a certain purpose; requiring the study to examine certain items and issues; requiring the Administration, on or before a certain date, to report its findings and recommendations to the Governor and certain legislative committees; and generally relating to a study by the Maryland Insurance Administration of the purchase of health insurance out of state by residents of the State.

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

House Bill 1046 – Delegates Conway, Anderson, Aumann, Barnes, Bates, Beitzel, Bohanan, Branch, Bronrott, Cane, Carter, G. Clagett, Conaway, DeBoy, Doory, Dwyer, Eckardt, Elliott, Elmore, Frank, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Heller, James, Jennings, Jones, Kramer, Krebs, Levy, Mathias, McComas, McConkey, McDonough, Mizeur, Proctor, Ramirez, Robinson, Rosenberg, Rudolph, Schuh, Shewell, Simmons, Smigiel, Sossi, Stocksdale, Valderrama, Vallario, and Wood

AN ACT concerning

Criminal Procedure – Registered Sex Offenders – Restrictions on Pretrial Release and Inclusion on RAP Sheet

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant who is a registered sex offender; 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; adding the imposition of ~~extended~~ lifetime sexual offender ~~parole~~ supervision as a certain reportable event that must be reported to the Criminal Justice Information System Central Repository; requiring a certain State Record of Arrest and Prosecution to prominently indicate, if applicable, that a certain individual is a registered sex offender or subject to a term of ~~extended~~ lifetime sexual offender ~~parole~~ supervision; and generally relating to registered sex offenders.

BY adding to
Article – Criminal Procedure
Section 5–202(g), 10–215(a)(24), and 10–229
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–215(a)(23) and (24)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1100 – Delegates Braveboy, Ali, Anderson, Barkley, Barnes, Benson, Bobo, Burns, Carr, Davis, Feldman, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kirk, Krysiak, Kullen, Lee, Levi, Malone, Manno, McHale, Mizeur, Montgomery, Niemann, Olszewski, Pena–Melnyk, Ramirez, Reznik, Rice, Ross, Schuler, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

FOR the purpose of authorizing certain employees to file a complaint with the Commissioner of Labor and Industry; requiring that a certain complaint filed by an employee under a certain provision of law is subject to certain investigation and enforcement procedures; requiring the Commissioner to attempt to resolve a certain issue internally or issue a certain order under certain circumstances; authorizing certain employees to seek certain compensation and additional remedies from certain employers under certain circumstances; authorizing certain employees or the Commissioner to file certain court actions; requiring that certain actions be brought within a certain time period; providing that a

certain contract is not a bar to the recovery of certain remedies; authorizing a court to award certain employees certain wages, other compensation, and fees in certain circumstances; authorizing certain employees to bring an action on their behalf and on behalf of certain other employees; subjecting certain persons to certain civil penalties; prohibiting a contractor or subcontractor from engaging in certain conduct against certain employees; subjecting a contractor or subcontractor to certain penalties for certain violations; and generally relating to private enforcement actions under the State prevailing wage law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–224
Annotated Code of Maryland
(2009 Replacement Volume)

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

MESSAGE FROM THE EXECUTIVE

March 22, 2010

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nomination for confirmation by the Maryland State Senate.

Howard Community College Board of Trustees
Edmund Starr Coale, III
6636 Prestwick Drive
Highland, Maryland 20777
Howard County, Legislative District 13
Appointment as Member
Term of 6 years from July 1, 2010

I trust you will find this individual to be well qualified and highly deserving of your support for the office in which he will serve. I look forward to your favorable approval of this nominee. Thank you for your assistance and support.

Sincerely,

Governor

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #13

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

Senate Bill 140 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2011)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2010 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit E of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 140 – THE BUDGET BILL
AND SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit F of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit G of Appendix III)

Senator Currie moved, duly seconded, that the Bill be laid over under the Rule.

The motion was adopted.

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

Senate Bill 141 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit H of Appendix III)

SB0141/509237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 141
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "altering the calculation of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes;"; in line 5, after "requirements;" insert "altering or repealing certain grant programs;"; in line 13, strike "repealing" and substitute "altering certain inflation adjustments for the calculation of certain State education funding; altering the schedule for the Judicial Compensation Commission to meet to review judicial salaries and pensions and make written recommendations to the Governor and the General Assembly; requiring the budget bill to include a certain schedule for certain proposed reductions under certain circumstances; altering"; in line 15, after "purposes;" insert "repealing certain grants to certain institutions; specifying the allocation of certain grants between certain institutions; authorizing the use of a certain grant for certain purposes;"; in line 19, after "circumstances;" insert "requiring that an application for a certain death benefit payable to the surviving spouse, child, or estate of certain individuals under certain circumstances be submitted within a certain time period; requiring the Department of Public Safety and Correctional Services under certain circumstances to take certain steps to notify potential recipients of the availability of a certain death benefit; altering the allocation of certain funds; requiring certain local employers to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to establish a certain local contribution rate in a certain manner for certain fiscal years; providing for the manner of payment by certain local employers for certain employer contributions; altering the calculation of certain State payments for certain library employees excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; requiring certain counties and

Baltimore City to pay certain employer contributions for certain members of certain systems of the State Retirement and Pension System; requiring certain counties to make certain payments in certain fiscal years; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain local employers or counties under certain circumstances; requiring the Comptroller to pay certain grants to certain local jurisdictions for a certain fiscal year;"; in line 20, after "Fund;" insert "requiring the Comptroller to make a certain distribution to the General Fund;"; in line 22, after "vehicles;" insert "altering the distribution of certain sales and use tax revenue for certain fiscal years;"; strike beginning with the first "repealing" in line 23 down through "coal;" in line 25; strike beginning with "authorizing" in line 27 down through "contingency;" in line 28; and strike beginning with "Maryland" in line 29 down through "2010" in line 30 and substitute "proceeds of certain bonds; repealing a requirement that the Governor provide a plan for repayment of certain monies to a certain fund".

On page 2, strike beginning with "altering" in line 4 down through "year;" in line 6 and substitute "limiting the size of the incoming class at a certain residential education boarding program for at–risk students receiving certain funding;"; in lines 8 and 9, strike "for certain fiscal years" and substitute "; stating the intent of the General Assembly that a certain workgroup review and provide recommendations regarding distribution of local highway user revenues"; in lines 12 and 13, strike "for a certain fiscal year"; and in line 20, after "purpose;" insert "reducing a certain appropriation for a certain fiscal year; authorizing the Governor to transfer certain funds for use in a certain program for a certain fiscal year; making certain provisions of this Act subject to a certain contingency;".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

after line 32, insert:

"BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–304(b)
Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)";

in line 35, after "Section" insert "1–708(c),"; in the same line, after "7–301(f)" insert ", and 13–603(c)"; and in line 40, after "Section" insert "4–214,".

On page 3, strike line 3 in its entirety and substitute:

"Section 5–202(a)(13), 5–205(c)(3), 5–206(f), 16–305(c)(1), 16–512(a), 17–104(a), 23–205(c) and (d), and 23–503(b)(1)";

in line 13, strike "13–1117(a)(1), 13–1118(a)(1),"; after line 26, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202(b)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)";

after line 31, insert:

"BY adding to
Article – State Finance and Procurement
Section 7–114.2
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(g–1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(a) and (b), 21–307(b) and (o), 21–308(a)(1) and (d)(1), and 32–205(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–309.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)";

in line 34, strike "and"; in the same line, after "2–1302.1" insert "<u>, and 2–1302.2</u>"; and in line 39, after "2–606(e)" insert "<u>and (f)</u>".

On page 4, after line 1, insert:

"<u>BY repealing</u>
<u>Article – Transportation</u>
<u>Section 8–403</u>
<u>Annotated Code of Maryland</u>
<u>(2008 Replacement Volume and 2009 Supplement)</u>";

in line 4, after "4–321(e)" insert "<u>, 8–402(c), 8–404, 8–405, and 8–407</u>"; after line 6, insert:

"<u>BY adding to</u>
<u>Article – Transportation</u>
<u>Section 8–401(c–1) and 8–403</u>
<u>Annotated Code of Maryland</u>
<u>(2008 Replacement Volume and 2009 Supplement)</u>";

On page 4, strike in their entirety lines 7 through 12, inclusive, and substitute:

"<u>BY repealing</u>
<u>Article – Correctional Services</u>
<u>Section 11–308, 11–309, and 11–310(a), (b), and (c)</u>
<u>Annotated Code of Maryland</u>
<u>(2008 Replacement Volume and 2009 Supplement)</u>

<u>BY repealing</u>
<u>Article – Education</u>
<u>Section 7–117</u>
<u>Annotated Code of Maryland</u>
<u>(2008 Replacement Volume and 2009 Supplement)</u>

<u>BY repealing</u>
<u>Article – Health – General</u>
<u>Section 13–1117 and 13–1118</u>
<u>Annotated Code of Maryland</u>
<u>(2009 Replacement Volume)</u>";

strike in their entirety lines 18 through 22, inclusive; after line 22, insert:

"<u>BY repealing</u>

Chapter 451 of the Acts of the General Assembly of 2003
Section 5";

and in line 35, strike "25" and substitute "12, 25, 29,".

AMENDMENT NO. 3

On page 8, in line 22, strike the second comma and substitute "**AND**"; strike beginning with "**, AND**" in line 22 down through "**2012**" in line 23; in line 23, strike "**100% OF**"; and in line 24, after "**CREDITED**" insert "**AS FOLLOWS:**

(I) 25% TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(II) 75%".

AMENDMENT NO. 4

On page 8, after line 32, insert:

"4–214.

The Board shall:

(1) set policies for spending money on tourism advertising, written and graphic materials, cooperative and matching promotional programs, and other tourism and travel developmental and promotional activities for the State;

(2) spend money of the Fund to plan, advertise, promote, assist, and develop the tourism and travel industries in the State; and

(3) **[**beginning in fiscal year 2011,**]** provide grants **[**of not less than $2,500,000 in total each fiscal year**]** to destination marketing organizations for the purpose of attracting visitors to the State **OF NOT LESS THAN:**

(I) $2,000,000 IN TOTAL FOR EACH OF FISCAL YEARS 2011 AND 2012; AND

(II) $2,500,000 IN TOTAL FOR FISCAL YEAR 2013 AND FOR EACH FISCAL YEAR THEREAFTER.".

On page 9, in line 4, strike "**$5,000,000**" and substitute "**$4,000,000**".

AMENDMENT NO. 5

On page 10, in lines 21, 22, and 26, in each instance, strike the bracket; strike beginning with "**EACH**" in line 21 down through "**2012,**" in line 22; and in line 22, strike "24%" and substitute "**21.8%**".

On pages 10 and 11, strike beginning with "**$194,407,432**" in line 26 on page 10 down through "**$6,454,091**" in line 13 on page 11.

On page 11, in lines 14 and 19, in each instance, strike the brackets; in line 15, strike "25%" and substitute "**20%**"; in line 20, strike "**22%**" and substitute "**21%**"; in line 24, strike "**5.**" and substitute "**6.**"; in line 25, strike "**24%**" and substitute "**22%**"; in line 30, strike "**6.**" and substitute "**7.**"; and in line 31, strike "**26.5%**" and substitute "**23%**".

On page 12, in line 4, strike "**AND**"; and after line 4, insert:

"**8. IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 24% 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 5, strike "**7.**" and substitute "**9.**"; in the same line, strike "**2016**" and substitute "**2017**"; in line 6, strike "**29%**" and substitute "**25%**"; and after line 11, 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 a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TOTAL STATE OPERATING FUNDS TO BE DISTRIBUTED UNDER THIS SUBSECTION TO THE COMMUNITY COLLEGES FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE $194,407,432.".

AMENDMENT NO. 6

On page 12, in lines 26 and 31, in each instance, strike the bracket; in line 26, strike "13%" and substitute "**9.8%**"; in lines 26, 29, and 32, strike "(3)", "(4)", and "**(III)**", respectively, and substitute "**(III)**", "**(IV)**", and "**(V)**", respectively; in line 29, strike "13.5%" and substitute "**9.2%**"; and in line 32, strike "**8.5%**" and substitute "**10%**".

On page 13, in lines 1, 4, 8, and 12, strike "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively, and substitute "**(VI)**", "**(VII)**","**(VIII)**", and "**(IX)**", respectively; in line 1, strike "**10%**" and substitute "**10.5%**"; in line 5, strike "**11.5%**" and substitute "**11%**"; in line 9, strike "**13.5%**" and substitute "**11.5%**"; in line 13, strike "15.5%" and substitute "**12%**"; strike beginning with "**APPORTIONMENT**" in line 17 down through "**FOR**" in line 18 and substitute "**AID PROVIDED UNDER THIS SUBTITLE SHALL BE $38,445,958, TO BE ALLOCATED AMONG**"; in line 19, strike "**, SHALL BE $30,000,000**" and substitute "**IN PROPORTION TO THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS ENROLLED AT EACH INSTITUTION DURING THE FALL SEMESTER OF THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE AID APPORTIONMENT IS MADE, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION**".

AMENDMENT NO. 7

On page 16, in line 16, strike "2010" and substitute "**2011 AND FISCAL YEAR 2012**"; in line 17, strike "$7,000,000" and substitute "**$6,000,000**"; in line 29, after "(b)" insert "**FOR FISCAL YEAR 2013, THE GOVERNOR SHALL INCLUDE AT LEAST $10,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

(C)";

in the same line, strike "**2011**" and substitute "**2014**"; and in line 30, strike "**$6,000,000**" and substitute "**$13,000,000**".

AMENDMENT NO. 8

On page 8, after line 7, insert:

"Article – Correctional Services

11–304.

(b) (1) With the approval of the Secretary, a county may convert a work release program established under Subtitles 1 and 7 of this title into a center that is subject to this subtitle.

(2) **[**The provisions of § 11–309 of this subtitle do not apply to a work release program that is converted into a center.

(3)**]** The Secretary shall adopt regulations for the conversion of a work release program into a center.".

On page 17, in line 1, strike "**, THE**" and substitute "**:**

1. THE";

in line 2, strike "**$1,650,000**" and substitute "**$2,400,000**"; in line 4, after "**SECTION**" insert "**; AND**

2. THE GRANTS SHALL BE DISTRIBUTED BETWEEN THE STATEWIDE ACADEMIC HEALTH CENTERS AS FOLLOWS:

A. $2,007,300 TO THE UNIVERSITY OF MARYLAND MEDICAL GROUP; AND

B. $392,700 TO THE JOHN HOPKINS INSTITUTIONS";

in line 6, strike ", the" and substitute "**:**

1. THE";

in the same line, strike "$6,700,000" and substitute "**$13,000,000**"; in line 8, after "section" insert "**; AND**

2. THE GRANTS SHALL BE DISTRIBUTED ACCORDING TO HISTORICAL ALLOCATIONS BETWEEN THE ACADEMIC HEALTH CENTERS";

and strike in their entirety lines 9 through 26, inclusive.

On page 25, after line 10, insert:

"SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 11–308, 11–309, and 11–310(a) through (c) of Article – Correctional Services of the Annotated Code of Maryland be repealed.

SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 7–117 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 13–1117 and 13–1118 of Article – Health – General of the Annotated Code of Maryland be repealed.";

and after line 15, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, up to $300,000 of the allocation to the University of Maryland Medical Group under § 13–1116 of the Health – General Article as enacted by this Act may be used to offset a deficit resulting from the termination of the Statewide Academic Health Center Tobacco–Related Diseases Research Grant Program and the Statewide Academic Health Center Network Grant Program under this Act.".

AMENDMENT NO. 9

On page 19, in line 15, strike the brackets; strike beginning with "**FOR**" in line 15 down through "**THE**" in line 16; and in line 17, after "be" insert "**:**

1.".

On page 20, in line 5, after "**$3,000,000**" insert "**FOR EACH OF FISCAL YEARS 2011 AND 2012; AND**

2. $6,000,000 FOR FISCAL YEAR 2013 AND EACH SUBSEQUENT FISCAL YEAR".

AMENDMENT NO. 10

On page 20, in lines 28 and 29, in each instance, strike the bracket.

On page 21, in lines 6 and 9, in each instance, strike the bracket; and in line 7, strike "10%" and substitute "**15%**".

AMENDMENT NO. 11

On page 23, in line 22, strike "**$5,000,000**" and substitute "**$9,100,000**".

On page 24, in line 23, strike "**$17,101,428**" and substitute "**$23,000,000**".

AMENDMENT NO. 12

On page 25, in line 7, strike "**$126,900,000**" and substitute "**$81,900,000**"; and in line 8, strike "**$30,013,000**" and substitute "**$75,013,000**".

AMENDMENT NO. 13

On page 25, strike in their entirety lines 11 through 13, inclusive.

AMENDMENT NO. 14

On page 25, strike in their entirety lines 16 and 17.

On page 41, strike in their entirety lines 32 and 33.

AMENDMENT NO. 15

On page 25, strike in their entirety lines 26 through 31, inclusive.

On page 26, strike in their entirety lines 1 and 2.

On page 27, in line 1, strike "$1,200,000" and substitute "$3,000,000".

On page 27, strike in their entirety lines 17 through 19, inclusive.

On page 30, in line 7, strike "$51,731,321" and substitute "$55,532,294"; in line 14, strike "$822,287" and substitute "$1,783,395"; and in line 15, strike "$790,574" and substitute "$1,051,307".

AMENDMENT NO. 16

On page 31, strike beginning with the colon in line 4 down through "section" in line 5; in line 8, strike "subsection" and substitute "section"; and strike in their entirety lines 11 through 22, inclusive.

AMENDMENT NO. 17

On page 10, after line 6, insert:

"5–206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal year 2011, the following amounts for the following counties:

1. Allegany County $97,791;

2. Anne Arundel County $506,038;

3. Baltimore City $1,387,924;

4. Baltimore County $874,227;

5. Calvert County $38,292;

6. Caroline County $50,074;

7. Carroll County $137,261;

8. Cecil County $96,024;

9. Charles County $50,074;

10. Dorchester County $38,292;

11. Frederick County $182,622;

12. Garrett County $38,292;

13. Harford County $217,379;

14. Howard County $87,776;

15. Kent County $38,292;

16. Montgomery County..... $602,651;

17. Prince George's County..... $1,209,426;

18. Queen Anne's County..... $50,074;

19. St. Mary's County..... $50,074;

20. Somerset County $38,292;

21. Talbot County..... $38,292;

22. Washington County..... $134,904;

23. Wicomico County..... $106,627; and

24. Worcester County..... $38,292;

[(ii) In fiscal year 2012, the following amounts for the following counties:

1. Allegany County..... $166,000;

2. Anne Arundel County $859,000;

3. Baltimore City..... $2,356,000;

4. Baltimore County..... $1,484,000;

5. Calvert County $65,000;

6. Caroline County $85,000;

7. Carroll County..... $233,000;

8. Cecil County $163,000;

9. Charles County..... $85,000;

10. Dorchester County $65,000;

11. Frederick County $310,000;

12. Garrett County..... $65,000;

13. Harford County $369,000;

14. Howard County $149,000;

15. Kent County $65,000;

16. Montgomery County..... $1,023,000;

17. Prince George's County..... $2,053,000;

18. Queen Anne's County..... $85,000;

19. St. Mary's County..... $85,000;

20. Somerset County $65,000;

21. Talbot County..... $65,000;

22. Washington County..... $229,000;

23. Wicomico County..... $181,000; and

24. Worcester County.....$65,000;**]** and

[(iii)**] (II)** **[**Except as provided in paragraph (3) of this subsection, in**] IN** fiscal year **[**2013**] 2012** and in each fiscal year thereafter, the funding level for the county for the prior fiscal year **[**increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year**]**.

[(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.**]**".

On page 31, in line 26, after "the" insert "proceeds of General Obligation bonds issued under the"; and in the same line, after "2010" insert "or Qualified Zone Academy Bonds issued under Chapter ___ (S.B. 202/H.B. 171) of the Acts of the General Assembly of 2010".

AMENDMENT NO. 18

On page 33, in line 10, after "section." insert:

"SECTION 30. AND BE IT FURTHER ENACTED, That Section(s) 5 of Chapter 451 of the Acts of the General Assembly of 2003 be repealed.".

AMENDMENT NO. 19

On page 32, in line 10, strike "$3,000,000" and substitute "$5,000,000".

AMENDMENT NO. 20

On page 32, strike in their entirety lines 34 through 39, inclusive.

AMENDMENT NO. 21

On page 33, in line 4, strike "$1,000,000" and substitute "$2,000,000".

AMENDMENT NO. 22

On page 33, strike in their entirety lines 11 through 16, inclusive.

AMENDMENT NO. 23

On page 33, in line 33, after "law," insert "and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement,".

On page 36, in line 1, strike "Maryland Economic Adjustment Fund" and substitute "All special funds within the Department of Business and Economic Development"; after line 4, insert:

"(52) Migratory Game Bird Fund;

(53) Deer Stamp Fund;

(54) Wildlife Habitat Incentive Fund;

(55) Fisheries Research and Development Fund;

(56) Strategic Energy Investment Fund;

(57) Criminal Injuries Compensation Fund;

(58) 50% of the interest from the 9–1–1 Trust Fund;";

and in lines 5 and 6, strike "(52)" and "(53)", respectively, and substitute "(59)" and "(60)", respectively.

AMENDMENT NO. 24

On page 24, before line 26, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That Section(s) 8–403 of Article – Transportation of the Annotated Code of Maryland be repealed.";

and in line 26, strike "7." and substitute "10.".

On page 25, in line 10, after "prudent." insert:

"8–401.

(C–1) "ELIGIBLE MUNICIPALITY" MEANS A MUNICIPALITY AUTHORIZED BY LAW TO CONSTRUCT OR MAINTAIN STREETS OR ROADS.

8–402.

(c) (1) [During] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR** each fiscal year[,]**:**

(I) 19% OF THE REVENUE CREDITED TO THE ACCOUNT SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE;

(II) 71.5% OF THE REVENUE CREDITED TO THE ACCOUNT MAY BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE; AND

(III) THE BALANCE OF the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City[; and]**.**

[(2) The balance of the Account may be used as provided in § 3–216 of this article.]

(2) FOR FISCAL YEARS 2010 THROUGH 2012, THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:

(I) A PORTION TO THE GENERAL FUND OF THE STATE AS FOLLOWS:

1. 19.6% FOR FISCAL 2010;

2. 22.5% FOR FISCAL YEAR 2011; AND

3. 20.1% FOR FISCAL YEAR 2012;

(II) A PORTION TO BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE, AS FOLLOWS:

1. 70% FOR FISCAL YEAR 2010;

2. 68.6% FOR FISCAL YEAR 2011; AND

3. 71.5% FOR FISCAL YEAR 2012; AND

(III) THE BALANCE TO BE USED TO PAY THE ALLOCATIONS OF HIGHWAY USER REVENUES PROVIDED UNDER THIS SUBTITLE TO THE COUNTIES, MUNICIPALITIES, AND BALTIMORE CITY.

8–403.

(A) SUBJECT TO §§ 3–307 AND 3–308 OF THIS ARTICLE, AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR EACH FISCAL YEAR, FROM THE TOTAL HIGHWAY USER REVENUES:

(1) AN AMOUNT SHALL BE DISTRIBUTED TO BALTIMORE CITY MONTHLY EQUAL TO 8.8% OF TOTAL HIGHWAY USER REVENUES;

(2) AN AMOUNT SHALL BE DISTRIBUTED TO THE COUNTIES AT THE TIMES SPECIFIED IN § 8–407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8–404 OF THIS SUBTITLE, EQUAL TO 0.6% OF TOTAL HIGHWAY USER REVENUES; AND

(3) AN AMOUNT SHALL BE DISTRIBUTED TO THE MUNICIPALITIES AT THE TIMES SPECIFIED IN § 8–407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8–405 OF THIS SUBTITLE, EQUAL TO 0.1% OF TOTAL HIGHWAY USER REVENUES.

(B) (1) FOR FISCAL YEAR 2010:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.5% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.

(2) FOR FISCAL YEAR 2011:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.2% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.6% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

(3) FOR FISCAL YEAR 2012:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 7.8% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

8–404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues **[**provided for**] TO BE DISTRIBUTED TO THE COUNTIES** under § 8–403 of this subtitle, **[**its gross**] THE COUNTY'S** share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county**, NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN AN ELIGIBLE MUNICIPALITY,** bears to the total mileage of county roads in all of the counties**, NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN AN ELIGIBLE MUNICIPALITY**; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county**, NOT INCLUDING MOTOR VEHICLES REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY,** bears to the total number of motor vehicles registered to owners in all the counties**, NOT INCLUDING MOTOR VEHICLES REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY**.

[(c) The allocation of highway user revenues to a county under subsection (b) of this section may not be less than the amount allocated to the county from highway user revenue sources in the fiscal year that began July 1, 1967.

(d) From each county's share of highway user revenues determined under this section, the Administration shall deduct the amount of highway user revenues allocated to any municipality in the county under § 8–405 of this subtitle. The resulting amount is the county's net share of highway user revenues.**]**

8–405.

[(a) Any municipality authorized by law to construct or maintain streets or roads may request its share of the highway user revenues provided under this subtitle

from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.]

(A) HIGHWAY USER REVENUES SHALL BE ALLOCATED TO THE ELIGIBLE MUNICIPALITIES:

(1) ONE HALF ON A MUNICIPAL ROAD MILEAGE BASIS, AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ONE HALF ON A MOTOR VEHICLE REGISTRATION BASIS, AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

(b) [During the fiscal year beginning after a request is made, the] **THE** Administration shall allocate [to the] **FOR THE ACCOUNT OF EACH ELIGIBLE** municipality, [from the gross share of] **OUT OF THE** highway user revenues [allocated under § 8–404] **TO BE DISTRIBUTED TO THE MUNICIPALITIES UNDER § 8–403** of this subtitle [to the county within which the municipality is located, its net] **THE ELIGIBLE MUNICIPALITY'S** share [of highway user revenues], to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the **ELIGIBLE** municipality bears to the total mileage of county roads **LOCATED** in [the county] **ELIGIBLE MUNICIPALITIES IN THE STATE**; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the **ELIGIBLE** municipality bears to the total number of motor vehicles registered to owners having addresses in [the county] **ELIGIBLE MUNICIPALITIES IN THE STATE**.

(c) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

8–407.

(a) (1) If a county's **OR MUNICIPALITY'S** road construction, reconstruction, or maintenance is performed by the Administration, the county's **[**net**]** **OR MUNICIPALITY'S** share of highway user revenues shall be credited to the account of the Administration to be spent on warrants of the State Comptroller.

(2) If a county has paid any debt service on bonds or other evidences of obligation issued by a municipality in the county for the construction, reconstruction, or maintenance of roads or streets, an amount sufficient to reimburse the county for these payments shall be paid to the county from the municipality's **[**net**]** share of highway user revenues.

(3) In all other cases, a county's or municipality's **[**net**]** share of highway user revenues shall be paid to or on the order of:

(i) The proper official of the county or municipality designated by local law; or

(ii) If no designation is made, the county or municipality.

(b) Payments of a county's or municipality's **[**net**]** share of highway user revenues shall be made:

(1) At monthly intervals; or

(2) At other appropriate times reasonably requested.".

On pages 36 through 38, strike in their entirety the lines beginning with line 7 on page 36 through line 20 on page 38, inclusive, and substitute:

"SECTION 34. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor by budget amendment partially restore local highway user revenues for fiscal year 2010 that were reduced by actions taken by the Board of Public Works in August 2009, to implement the distributions of highway user

revenues for fiscal year 2010 as reflected in § 8–403 of the Transportation Article as enacted by this Act.

SECTION 35. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a working group formed in statute or by order of the President of the Senate or the Speaker of the House looking at transportation funding or local aid issues shall review and provide recommendations for how local highway user revenues shall be distributed in fiscal year 2013 and thereafter.".

On page 41, in line 20, strike "25" and substitute "12, 25, 29,".

AMENDMENT NO. 25

On page 27, after line 29, insert:

"$300,000 of the funds in the State Occupational and Professional Licensing Design Boards' Fund established under § 2–106.1 of the Business Regulation Article;".

AMENDMENT NO. 26

On page 4, after line 37, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(a) (1) Subject to subsection (d) of this section, for each fiscal year, the Comptroller shall distribute to a county the amount determined for each county under this section.

(2) The amount a county shall receive under this section in any fiscal year shall be based on the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, from returns filed through **[**August 15**]** **NOVEMBER 1** immediately preceding the applicable fiscal year, as determined by the Comptroller.

(b) (1) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(i) The per capita yield of the county income tax for each county, based on:

1. Unless a county income tax rate of other than 2.54% was in effect, the receipts described in subsection (a)(2) of this section;

2. The population of the county as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. If the county income tax rate is other than 2.54% in the applicable taxable year, the receipts described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect; and

(ii) The per capita statewide yield of the county income tax, based on:

1. The total receipts for county income tax described in subsection (a)(2) of this section for counties with an income tax rate of 2.54% in effect;

2. The State population as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. For counties with an income tax rate of other than 2.54% in effect, the total receipts for county income tax described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect.

(2) If the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(3) A county may not receive a distribution under this subsection if the county tax rate in that county was less than 2.4%:

(i) For the taxable year that ended in the second prior fiscal year; or

(ii) For any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) The Comptroller shall make payments of the additional amounts provided under this section quarterly during the fiscal year for which the payment is made.

(d) For fiscal year 2011 and each subsequent fiscal year, **[**the distribution provided to any county or Baltimore City**]** **IF THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES** under **SUBSECTION (B) OF** this section **[**may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010**]** **EXCEEDS $120,000,000, THE COMPTROLLER SHALL DISTRIBUTE TO EACH COUNTY AN AMOUNT EQUAL TO THE AMOUNT OTHERWISE DETERMINED FOR THE COUNTY UNDER SUBSECTION (B) OF THIS SECTION MULTIPLIED BY A FRACTION:**

(1) THE NUMERATOR OF WHICH IS $120,000,000; AND

(2) THE DENOMINATOR OF WHICH IS THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES FOR THE APPLICABLE FISCAL YEAR UNDER SUBSECTION (B) OF THIS SECTION WITHOUT REGARD TO THIS SUBSECTION.".

AMENDMENT NO. 27

On page 8, after line 29, insert:

"13–603.

(c) The Fund shall be used to pay:

(1) The operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee; and

(2) For **[**fiscal years 2009 and 2010, for**]** major information technology development projects of the Judiciary Department, as the Administrator considers appropriate.".

AMENDMENT NO. 28

On page 21, after line 9, insert:

"**7–114.2.**

WHEN A PROPOSED BUDGET INCLUDES EXPENDITURE REDUCTIONS TO BE APPLIED ACROSS MULTIPLE EXECUTIVE BRANCH AGENCIES, THE BUDGET BILL SHALL INCLUDE A SEPARATE SCHEDULE FOR EACH REDUCTION ALLOCATING THE REDUCTION FOR EACH AGENCY IN A LEVEL OF DETAIL NOT LESS THAN THE 3–DIGIT R*STARS FINANCIAL AGENCY CODE AND BY EACH FUND SOURCE.".

AMENDMENT NO. 29

On page 21, in line 24, after "article." insert:

"Article – State Government

9–20B–05.

(g–1) The proceeds described in subsection (g) of this section from the allowances sold between March 1, 2009, and June 30, **[**2011**] 2012**, shall be allocated as follows:

(1) up to 50% shall be credited to an energy assistance account to be used as described in subsection (g)(1) of this section;

(2) 23% shall be credited to a rate relief account to be allocated as provided in subsection (g)(2) of this section;

(3) at least 17.5% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account to be allocated as provided in subsection (g)(3) of this section;

(4) at least 6.5% shall be credited to a renewable and clean energy programs account to be allocated as provided in subsection (g)(4) of this section; and

(5) up to 3.0%, but not more than $4,000,000, shall be credited to an administrative expense account to be allocated as provided in subsection (g)(5) of this section.".

AMENDMENT NO. 30

On page 26, after line 16, insert:

"$2,500,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article;".

AMENDMENT NO. 31

On page 24, after line 25, insert:

"2–1302.2.

After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, **FOR EACH FISCAL YEAR,** the Comptroller shall pay into the Transportation Trust Fund established under § 3–216 of the Transportation Article**[**:

(1) for each fiscal year beginning before July 1, 2013,**]** 5.3% of the remaining sales and use tax revenue**[**; and

(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue**]**.".

AMENDMENT NO. 32

On page 22, after line 30, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2–606.

(F) (1) ON OR BEFORE JUNE 30, 2011, THE COMPTROLLER SHALL DISTRIBUTE $389,000,000 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION TO THE GENERAL FUND OF THE STATE FOR USE IN FUNDING THE MARYLAND MEDICAID PROGRAM FOR FISCAL YEAR 2011.

(2) IN EACH OF FISCAL YEARS 2021 THROUGH 2026, THE STATE SHALL PAY TO THE LOCAL INCOME TAX RESERVE ACCOUNT $63,833,333 TO REPAY THE $389,000,000 TRANSFER TO THE GENERAL FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General".

On page 41, after line 31, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect January 1, 2011, contingent on the failure of the federal government to act, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in the State's federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, and if the federal government acts, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in Maryland's federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, Section 5A this Act shall be null and void without the necessity of further action by the General Assembly.".

AMENDMENT NO. 33

On page 41, after line 19, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the special fund appropriation in the fiscal 2010 State budget for program L00A12.10 Marketing and Agricultural Development in the Department of Agriculture is reduced by $700,000. The reduction provided under this section shall be made only to programs supported by funds from the Cigarette Restitution Fund. For fiscal year 2010, the Governor is authorized to transfer $700,000 from the Cigarette Restitution Fund to program M00Q01.03 Medical Care Provider Reimbursements in the Department of Health and Mental Hygiene.".

AMENDMENT NO. 34

On page 30, after line 25, insert:

"$602,800 of the funds in the special fund established under § 11–401 of the Business Regulation Article;".

AMENDMENT NO. 35

On page 20, after line 20, insert:

"Article – Public Safety

1–202.

(b) (1) Subject to subsection (c) of this section and **[**paragraph (2)**]** **PARAGRAPHS (2) AND (3)** of this subsection, a death benefit of $125,000 shall be paid to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties on or after January 1, 2006:

(i) a law enforcement officer;

(ii) a correctional officer;

(iii) a volunteer or career firefighter or rescue squad member;

(iv) a sworn member of the office of State Fire Marshal;

(v) a public safety aviation employee;

(vi) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict; or

(vii) a hazardous material response team employee.

(2) For fiscal year 2009, and for each following fiscal year, the death benefit provided in the prior fiscal year shall be adjusted by any change in the calendar year preceding the fiscal year in the Consumer Price Index (all urban

customers – United States city average – all items), as published by the United States Bureau of Labor Statistics.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED WITHIN 3 YEARS AFTER THE DEATH OF THE DECEDENT.

(II) IF THE DECEDENT DIED BEFORE JUNE 1, 2010, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED ON OR BEFORE MAY 31, 2013.

[(3)**] (4)** A death benefit under this subsection is in addition to:

(i) any workers' compensation benefits;

(ii) the proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; and

(iii) the funeral benefit provided under subsection (d) of this section.

(5) ON RECEIVING NOTICE OF THE DEATH OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL TAKE REASONABLE STEPS TO NOTIFY POTENTIAL RECIPIENTS OF THE POTENTIAL DEATH BENEFITS AVAILABLE UNDER THIS SUBSECTION:

(I) WHEN THE DEPARTMENT RECEIVES NOTICE OF THE DEATH; AND

(II) AGAIN 1 YEAR AFTER THE DATE OF THE DEATH, IF AN APPLICATION FOR A DEATH BENEFIT WITH RESPECT TO THE DEATH OF THE DECEDENT HAS NOT BEEN SUBMITTED.".

AMENDMENT NO. 36

On page 13, after line 19, insert:

"23–205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009..... $6.50 per each resident of the area served;

(ii) For fiscal year 2010..... $6.75 per each resident of the area served; **AND**

(iii) For fiscal year 2011 **AND EACH FISCAL YEAR THEREAFTER**..... $6.75 per each resident of the area served**[**;

(iv) For fiscal year 2012.....$7.50 per each resident of the area served; and

(v) for fiscal year 2013 and each fiscal year thereafter.....$8.50 per each resident of the area served**]**.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009.....$1.85 per State resident; **AND**

(ii) For **[**each of fiscal years 2010 and 2011**]** **FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER**.....$1.67 per State resident**[**; and

(iii) For fiscal year 2012 and each fiscal year thereafter.....$1.85 per State resident**]**.

23–503.

(b) (1) [Each] **FOR EACH FISCAL YEAR, EACH** county public library system that participates in the minimum library program shall be provided **AN AMOUNT EQUAL TO $14.00** for each resident of the county, to be used for operating and capital expenses[:

(i) For fiscal year 2009 – $14.00;

(ii) For fiscal year 2010 – $14.00;

(iii) For fiscal year 2011 – $14.00;

(iv) For fiscal year 2012 – $15.00; and

(v) For fiscal year 2013 and each fiscal year thereafter – $16.00].".

AMENDMENT NO. 37

On page 12, after line 11, insert:

"16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% 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 previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% 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;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% 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;

(iv) In fiscal year 2012, not less than an amount equal to **[**66%**]** **63%** 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;

(v) In fiscal year 2013, not less than an amount equal to **[**67%**]** **63.5%** 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**]**

(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 64% 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;

(VII) IN FISCAL YEAR 2015, NOT LESS THAN AN AMOUNT EQUAL TO 64.5% 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;

(VIII) IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 65% 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

[(vi)**] (IX)** In fiscal year **[**2014**] 2017** and each fiscal year thereafter, not less than an amount equal to **[**68.5%**] 66%** 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.

(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 a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE TOTAL STATE OPERATING FUND APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE $40,187,695.".

AMENDMENT NO. 38

On page 33, after line 10, insert:

"SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the incoming class in the fall of 2010 at a residential boarding education program for at–risk youth that receives funding under Title 8, Subtitle 7 of the Education Article may not exceed 68 students.".

AMENDMENT NO. 39

On page 21, after line 24, insert:

"Article – State Personnel and Pensions

21–304.

(a) (1) In this section the following words have the meanings indicated.

(2) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS AN AMOUNT BASED ON THE AGGREGATE ANNUAL SALARY PAYABLE BY A LOCAL EMPLOYER TO LOCAL EMPLOYEES,

CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR BEFORE THE FISCAL YEAR FOR WHICH A CALCULATION IS MADE UNDER THIS SECTION.

[(2)**] (3)** "Full funding rate" means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection (d)(1) and (2) of this section.

[(3)**] (4)** "Funding ratio for the employees' systems" means the actuarial value of assets for the employees' systems divided by the actuarial accrued liability for the employees' systems.

[(4)**] (5)** "Funding ratio for the teachers' systems" means the actuarial value of assets for the teachers' systems divided by the actuarial accrued liability for the teachers' systems.

(6) "LOCAL EMPLOYEE" MEANS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS:

(I) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

1. A CLERK;

2. A HELPING TEACHER;

3. A PRINCIPAL;

4. A SUPERINTENDENT;

5. A SUPERVISOR; OR

6. A TEACHER;

(II) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(III) A MEMBER OF THE FACULTY OR A PROFESSIONAL OR CLERICAL EMPLOYEE OF A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

(7) "LOCAL EMPLOYER" MEANS:

(I) A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;

(II) A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(III) A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

[(5)**] (8)** "State member" does not include a member on whose behalf a participating governmental unit is required to make an employer contribution under § 21–305 or § 21–306 of this subtitle.

(9) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF EACH LOCAL EMPLOYER.

(b) (1) **[**Each**] SUBJECT TO PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, EACH** fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or

greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) BEGINNING JULY 1, 2011, ON BEHALF OF THE LOCAL EMPLOYEES OF THE LOCAL EMPLOYER, SUBJECT TO § 21–309.1 OF THIS SUBTITLE, EACH LOCAL EMPLOYER SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AS DETERMINED UNDER PARAGRAPH (5) OF THIS SUBSECTION.

(5) FOR EACH LOCAL EMPLOYER, THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES IS THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER MULTIPLIED TIMES:

(I) 1% FOR FISCAL YEAR 2012;

(II) 3% FOR FISCAL YEAR 2013;

(III) 5% FOR EACH OF FISCAL YEARS 2014 AND 2015; AND

(IV) FOR FISCAL YEAR 2016 AND EACH FISCAL YEAR THEREAFTER, THE RATE ESTABLISHED BY THE BOARD OF TRUSTEES UNDER § 21–309.1 OF THIS SUBTITLE.

(6) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES FOR EACH LOCAL EMPLOYER SHALL BE THE OBLIGATION OF THE STATE.

21–307.

(b) **[**(1)**]** For **THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR** a master in chancery or a master in juvenile causes who is eligible for benefits under the Judges' Retirement System, the county where the master serves shall pay to the Judges' Retirement System **[**a portion of**]** the employer contributions required to be paid on behalf of the master **[**as determined under paragraph (2) of this subsection.

(2) The amount payable by a county for a master under this subsection is the product of multiplying:

(i) the sum of the accrued liability contribution rate and the normal contribution rate; and

(ii) the difference between the master's current earnable compensation and the earnable compensation of the master as of January 1, 1989**]**.

(o) **(1)** For the fiscal year beginning July 1, 2009, and each subsequent fiscal year, for a deputy sheriff employed by the Baltimore City Sheriff's Department who is a member of the Law Enforcement Officers' Pension System, Baltimore City shall pay the employer contributions otherwise required to be made by the State on behalf of the **[**members**]** **MEMBER**.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR AN EMPLOYEE OF THE BALTIMORE CITY SHERIFF'S DEPARTMENT WHO IS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM, BALTIMORE CITY SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBER.

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER § 21–304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

(d) (1) (i) The State Superintendent of Schools shall determine the amount that equals the applicable percentage as determined under subparagraph (ii)

of this paragraph of the payroll of the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System.

(ii) The applicable percentage under subparagraph (i) of this paragraph is the lesser of:

1. the **DIFFERENCE BETWEEN THE** State's contribution percentage for the Teachers' Retirement System and the Teachers' Pension System **AND THE LOCAL CONTRIBUTION RATE DETERMINED UNDER § 21–309.1 OF THIS SUBTITLE**, as certified by the Board of Trustees; or

2. the percentage of the payroll of its employees that Montgomery County has contributed to the Employees' Retirement System of Montgomery County, as determined by an actuarial valuation.

21–309.1.

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

(2) "LOCAL CONTRIBUTION RATE" MEANS THE RATE TO BE APPLIED TO THE AGGREGATE EARNABLE COMPENSATION OF LOCAL EMPLOYEES TO CALCULATE THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES UNDER § 21–304 OF THIS SUBTITLE.

(3) "LOCAL EMPLOYEE" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

(4) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

(B) (1) (I) ON OR BEFORE DECEMBER 1, 2014, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL ESTABLISH THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR AS PROVIDED IN THIS SUBSECTION.

(II) ON OR BEFORE NOVEMBER 1, 2014, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL PROVIDE LOCAL EMPLOYERS A PRELIMINARY ESTIMATE OF THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR.

(2) FOR EACH FISCAL YEAR, THE LOCAL CONTRIBUTION RATE SHALL BE ESTABLISHED AT THE RATE THAT WHEN ADDED TO THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW EQUALS ONE–HALF OF THE SUM OF:

(I) THE TEACHERS' SYSTEM CONTRIBUTION RATE FOR THE FISCAL YEAR DETERMINED UNDER § 21–304(F) OF THIS SUBTITLE; AND

(II) THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW.

(C) ON OR BEFORE DECEMBER 1, 2010, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL DETERMINE THE AMOUNTS PAYABLE BY EACH LOCAL EMPLOYER UNDER § 21–304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(D) EACH YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO EACH LOCAL EMPLOYER THE LOCAL CONTRIBUTION RATE AND THE AMOUNTS PAYABLE BY THE LOCAL EMPLOYER UNDER § 21–304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(E) (1) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (D) OF THIS SECTION.

(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.

(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.

(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.

(F) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.

(G) (1) NOTWITHSTANDING § 5–202(D) OF THE EDUCATION ARTICLE, IN FISCAL YEARS 2012 THROUGH 2014 ONLY, A COUNTY THAT DOES NOT MEET THE MAINTENANCE OF EFFORT REQUIREMENT AND DOES NOT RECEIVE A WAIVER SHALL BE REQUIRED TO PAY TO THE COUNTY BOARD OF EDUCATION THE DIFFERENCE BETWEEN THE LOCAL APPROPRIATION TO THE COUNTY SCHOOL OPERATING BUDGET AND THE AMOUNT CERTIFIED BY THE STATE SUPERINTENDENT AS THE REQUIRED LOCAL MAINTENANCE OF EFFORT AMOUNT UNDER § 5–202(D)(1)(II) OF THE EDUCATION ARTICLE.

(2) IF A COUNTY DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SUBSECTION TO THE COUNTY BOARD BY MAY 15 OF THE FISCAL YEAR FOR WHICH THE PAYMENT IS REQUIRED, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT COUNTY FROM THE STATE AND CREDIT IT TO THE COUNTY BOARD OF EDUCATION.".

AMENDMENT NO. 40

On page 9, after line 21, insert:

"5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in item (iii) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year; and

(iii) In **[**fiscal year 2012**]** **EACH OF FISCAL YEARS 2012 THROUGH 2015**:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.".

On page 10, in line 3, strike "fiscal year 2012" and substitute "**EACH OF FISCAL YEARS 2012 THROUGH 2015**".

AMENDMENT NO. 41

On page 22, in line 19, strike "**$1,000,000**" and substitute "**$500,000**"; in line 21, strike "**AND**"; in line 22, after "**(II)**" insert "**$500,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND**

(III)";

and after line 22, insert:

"**(C) (1) FOR FISCAL YEAR 2011, THE COMPTROLLER SHALL PAY FROM THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION A GRANT TO THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES THAT ARE THE SOURCE OF THE REVENUE ARE LOCATED, TO BE USED BY THE LOCAL JURISDICTIONS ONLY FOR ONE–TIME CAPITAL EXPENDITURES.**

(2) A GRANT UNDER THIS SUBSECTION SHALL BE PAID TO A MUNICIPAL CORPORATION IF THE MACHINES ARE LOCATED IN A MUNICIPAL CORPORATION OR TO A COUNTY IF THE MACHINES ARE NOT LOCATED IN A MUNICIPAL CORPORATION.

(3) THE GRANTS UNDER THIS SUBSECTION SHALL BE PAID TO EACH LOCAL JURISDICTION IN PROPORTION TO THE AMOUNT OF TAX REVENUE DERIVED FROM MACHINES IN EACH JURISDICTION.".

AMENDMENT NO. 42

On page 8, after line 10, insert:

"1–708.

(c) **[**Beginning on September 1, 2009, and**] ON OR AFTER SEPTEMBER 1, 2011, SEPTEMBER 1, 2013, AND** every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.".

AMENDMENT NO. 43

On page 21, before line 25, insert:

"32–205.

(a) For each participating employee who makes contributions under § 32–204 of this subtitle, **TO THE EXTENT FUNDS ARE PROVIDED IN THE STATE BUDGET,** the State **[**shall**] MAY** contribute to the applicable State supplemental plan employer contributions an amount equal to the lesser of the participating employee's contributions or $600 per fiscal year.".

AMENDMENT NO. 44

On page 13, in line 28, after "**FOR**" insert "**OIL–RELATED ACTIVITIES IN**".

On page 14, in line 15, after "**TO**" insert "**OIL–RELATED ACTIVITIES IN**".

On page 22, in line 27, after "**(E)**" insert "**(1)**"; and in line 30, after "**ARTICLE.**" insert:

"**(2) IN EACH OF FISCAL YEARS 2014 THROUGH 2020, THE STATE SHALL PAY TO THE LOCAL INCOME TAX RESERVE ACCOUNT $50,000,000 TO REPAY THE $350,000,000 TRANSFER TO THE EDUCATION TRUST FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**".

On page 26, in line 17, strike "$2,200,000" and substitute "$1,000,000"; and after line 18, insert:

"$1,200,000 of the funds in the Oil Reserve Fund established under § 4–607 of the Environment Article;".

On page 31, in line 29, after "be" insert "transferred from the 9–1–1 Trust Fund to the Department of Information Technology to be".

On page 35, in line 6, strike "Service" and substitute "System".

On page 39, strike in their entirety lines 30 through 33, inclusive.

AMENDMENT NO. 45

On page 23, in line 24, strike "6." and substitute "8.".

On page 25, in lines 14 and 18, strike "9." and "11.", respectively, and substitute "14." and "16.", respectively.

On page 29, in line 13, strike "12." and substitute "17.".

On page 30, in line 4, strike "13." and substitute "18.".

On page 31, in lines 3, 23, 27, 32, and 37, strike "14.", "15.", "16.", "17.", and "18.", respectively, and substitute "19.", "20.", "21.", "22.", and "23.", respectively.

On page 32, in lines 3, 9, 15, 24, and 30, strike "19.", "20.", "21.", "22.", and "23.", respectively, and substitute "24.", "25.", "26.", "27.", and "28.", respectively.

On page 33, in lines 1, 17, and 32, strike "25.", "27.", and "28.", respectively, and substitute "29.", "32.", and "33.", respectively.

On page 38, in lines 21, 29, and 34, strike "31.", "32.", and "33.", respectively, and substitute "36.", "37.", and "38", respectively.

On page 39, in lines 19, 26, and 34, strike "34.", "35.", and "37.", respectively, and substitute "39.", "40.", and "41.", respectively.

On page 41, in lines 20, 22, 28, and 34, strike "38.", "39.", "40.", and "42.", respectively, and substitute "43.", "44.", "45.", and "47.", respectively; in line 29, strike "6, and 28" and substitute "8, and 33"; and in line 34, strike "35" and substitute "40".

On page 42, in line 1, strike "43." and substitute "48.".

The preceding 45 amendments were read only.

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

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 700 – Senator Exum

AN ACT concerning

Health Insurance – Child Wellness Benefits

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 44 Negative – 2 (See Roll Call No. 554)

The Bill was then sent to the House of Delegates.

Senate Bill 678 – Senators Della, Forehand, Lenett, Pinsky, and Raskin

AN ACT concerning

Commercial Law – Credit Services Businesses – Limitation on Fees

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

STATUS OF BILL: QUESTION IS ON THE MOTION TO RECONSIDER THE VOTE BY WHICH THE BILL PASSED SECOND READING.

Senator Kittleman moved, duly seconded, to reconsider the vote by which **Senate Bill 1035** passed Second Reading.

The motion was adopted.

Senator Kittleman moved, duly seconded, to reconsider Floor Amendment.

The motion was adopted.

FLOOR AMENDMENT

SB1035/503527/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "their" and substitute "the"; and in the same line, after "rejection" insert "of this Act by the qualified voters of the State and of Prince George's County".

AMENDMENT NO. 2

On page 2, in line 11, after "question" insert "by the legally qualified voters of Maryland and a majority of the votes cast on the question by the legally qualified voters of Prince George's County"; and in line 13, after "question" insert "by the legally qualified voters of Maryland or a majority of the votes cast on the question by the legally qualified voters of Prince George's County".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Senate Bill 560 – Senators Forehand, King, and Madaleno

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR ZIRKIN.

FLOOR AMENDMENT

SB0560/193721/2

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "within" in line 5 down through "period" in line 6 and substitute "by marking a certain check–off box provided on the citation"; in line 7, after "notice;" insert "requiring a police officer who issues a certain traffic citation to give a certain explanation to the person to whom the citation is issued; requiring the District Court to schedule a certain trial date requested in a certain manner;"; after line 8, insert:

"BY renumbering
Article – Transportation
Section 26–201(d) and (e), respectively
to be Section 26–201(e) and (f), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)";

after line 13, insert:

"BY adding to
Article – Transportation

Section 26–201(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)";

and in line 15, strike "the Laws of Maryland read as follows:" and substitute "Section(s) 26–201(d) and (e), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 26–201(e) and (f), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 2

On page 2, in line 4, strike "**REQUEST**" and substitute "**SUBJECT TO SUBSECTION (D) OF THIS SECTION, REQUEST**"; strike beginning with "**WITHIN**" in line 4 down through "**CITATION**" in line 5 and substitute "**BY MAKING AN APPROPRIATE MARK IN A CHECK–OFF BOX CLEARLY AND CONSPICUOUSLY PROVIDED ON THE CITATION NEAR THE ACKNOWLEDGEMENT**"; after line 25, insert:

"**(D) (1) THE POLICE OFFICER WHO ISSUES A TRAFFIC CITATION UNDER THIS SECTION SHALL EXPLAIN TO THE PERSON TO WHOM THE CITATION IS ISSUED:**

(I) THE NEED TO INDICATE IN THE CHECK–OFF BOX DESCRIBED IN SUBSECTION (C)(1)(III) OF THIS SECTION THAT THE PERSON IS REQUESTING A TRIAL DATE; AND

(II) THE CONSEQUENCES OF FAILING TO INDICATE IN THE CHECK–OFF BOX THAT THE PERSON IS REQUESTING A TRIAL.

(2) IF A PERSON INDICATES IN THE CHECK–OFF BOX DESCRIBED IN SUBSECTION (C)(1)(III) OF THIS SECTION THAT THE PERSON IS REQUESTING A TRIAL DATE, THE DISTRICT COURT SHALL SCHEDULE A TRIAL DATE.

(3) IF A PERSON DOES NOT INDICATE IN THE CHECK–OFF BOX DESCRIBED IN SUBSECTION (C)(1)(III) OF THIS SECTION THAT THE PERSON IS

REQUESTING A TRIAL DATE, THE DISTRICT COURT MAY NOT SCHEDULE A TRIAL DATE UNLESS, WITHIN 30 DAYS FROM THE DATE OF THE CITATION, THE PERSON FILES A MOTION WITH THE COURT REQUESTING A TRIAL DATE.";

and in line 26, strike "2." and substitute "3.".

The preceding 2 amendments were withdrawn.

SUBSTITUTE FLOOR AMENDMENT

SB0560/793723/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "comply" insert "within a certain time period"; in lines 5 and 6, strike ", within a certain time period,"; in line 7, after the first semicolon insert "requiring the notice to include a certain statement of the possible consequences if the person fails to comply within a certain time period; authorizing the District Court or circuit court to issue a warrant or provide a certain notice to the Motor Vehicle Administration if a person fails to comply with certain notices; providing that a warrant may not be issued for a certain noncompliance until after the expiration of certain time periods;"; and in line 11, after "26–201(c)" insert "and 26–204".

AMENDMENT NO. 2

On page 1, in line 22, strike "**, THE**" and substitute "**:**

(I) THE";

in line 23, after "**FOLLOWING**" insert "**WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION**"; and in line 24, strike "**(I)**" and substitute "**1.**".

On page 2, in lines 1 and 4, strike "**(II)**" and "**(III)**", respectively, and substitute "**2.**" and "**3.**", respectively; in lines 4 and 5, strike "**, WITHIN 15 DAYS OF RECEIPT OF THE CITATION,**"; in line 6, after the semicolon insert "**AND**

(II) 1. IF THE PERSON FAILS TO COMPLY WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION, THE ADMINISTRATION WILL BE NOTIFIED AND MAY TAKE ACTION TO SUSPEND THE PERSON'S DRIVER'S LICENSE; AND

2. DRIVING ON A SUSPENDED LICENSE IS A CRIMINAL OFFENSE FOR WHICH THE PERSON COULD BE INCARCERATED; OR";

and after line 25, insert:

"26–204.

(a) (1) A person shall comply with the notice to appear contained in a writ or a trial notice issued by either the District Court or a circuit court in an action on a traffic citation.

(2) Unless the person charged demands an earlier hearing, a time specified to appear shall be at least 5 days after the alleged violation.

(b) (1) For purposes of this section, the person may comply with the notice to appear by:

(i) Appearance in person;

(ii) Appearance by counsel; or

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, a person who intends to comply with the notice to appear contained in a traffic citation by appearance in person or by counsel may return a copy of the citation to the District Court within the time allowed for payment of the fine indicating in the appropriate space on the citation that the person:

1. Does not dispute the truth of the facts as alleged in the citation; and

2. Requests, in lieu of a trial, a hearing before the Court regarding sentencing and disposition.

(ii) A person who requests a hearing under the provisions of subparagraph (i) of this paragraph waives:

1. Any right to a trial of the facts as alleged in the citation; and

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with **[**the**] A NOTICE UNDER § 26–201(C)(1) OF THIS SUBTITLE, A NOTICE FOR A HEARING DATE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER § 26–201(C)(1)(I)2 OF THIS SUBTITLE, A WRIT OR TRIAL NOTICE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER § 26–201(C)(1)(I)3 OF THIS SUBTITLE, OR A** notice to appear **UNDER § 26–201(C)(2) OF THIS SUBTITLE**, the District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the person's driving privileges shall be suspended unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations; or

(2) Posts bond or a penalty deposit and requests a new date for a trial or a hearing on sentencing and disposition.

(e) If a person fails to pay the fine or post the bond or penalty deposit under subsection (d) of this section, the Administration may suspend the driving privileges of the person.

(f) When the offense is not punishable by incarceration, if the court notifies the Administration of the person's noncompliance under subsection (c) of this section, a warrant may not be issued for the person under this section until 20 days after **[**the original trial date**]:**

(1) THE EXPIRATION OF THE TIME PERIOD REQUIRED TO COMPLY WITH § 26–201(C)(1)(I) OF THIS SUBTITLE, IF THE PERSON HAS NOT REQUESTED A HEARING REGARDING SENTENCING AND DISPOSITION OR A TRIAL DATE; OR

(2) THE ORIGINAL TRIAL DATE IF A TRIAL HAS BEEN SCHEDULED IN RESPONSE TO A REQUEST UNDER § 26–201(C)(1)(I)3 OF THIS SUBTITLE.

(g) With the cooperation of the District Court and circuit courts, the Administration shall develop procedures to carry out those provisions of this section that relate to the suspension of driving privileges.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 321 – Senator Stone

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

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

The Favorable Report was adopted by roll call vote as follows:

Affirmative – 25 Negative – 21 (See Roll Call No. 555)

FLOOR AMENDMENT

SB0321/723526/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 3, in lines 11 and 13, strike "**$100**" and "**$250**", respectively, and substitute "**$40**" and "**$100**", respectively.

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

Affirmative – 26 Negative – 20 (See Roll Call No. 556)

FLOOR AMENDMENT

SB0321/803623/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 3, in line 3, strike "**INITIATE**" and substitute "**:**

(I) **INITIATE**";

in the same line, strike "**OR TO TURN**" and substitute "**;**

(II) **TURN**";

and in line 4, after "**TELEPHONE**" insert "**; OR**

(III) **TURN ON, TURN OFF, OR ADJUST THE SOUND OF THE HANDHELD TELEPHONE**".

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

Affirmative – 15 Negative – 31 (See Roll Call No. 557)

FLOOR AMENDMENT

SB0321/803623/3

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 3, in line 3, strike "**INITIATE**" and substitute "**:**

(I) INITIATE";

in the same line, strike "**OR TO TURN**" and substitute "**;**

(II) TURN";

and in line 4, after "**TELEPHONE**" insert "**; OR**

(III) TURN ON OR TURN OFF THE SPEAKER FUNCTION OF THE HANDHELD TELEPHONE".

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

Affirmative – 17 Negative – 29 (See Roll Call No. 558)

FLOOR AMENDMENT

SB0321/973527/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 2, in line 15, strike "**AND**"; and in line 19, after "**PERSONNEL**" insert "**; AND**

(3) USE OF A HANDHELD TELEPHONE TO ACCESS A GLOBAL POSITIONING SYSTEM".

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

Affirmative – 15 Negative – 30 (See Roll Call No. 559)

FLOOR AMENDMENT

SB0321/943227/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 2, in line 15, strike "**AND**"; and in line 19, after "**PERSONNEL**" insert "**; AND**

(3) USE OF A HANDHELD TELEPHONE TO ACCESS A DIGITAL MUSIC PLAYER".

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

Affirmative – 14 Negative – 31 (See Roll Call No. 560)

FLOOR AMENDMENT

SB0321/533223/1

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 3, in line 3, strike "**INITIATE**" and substitute "**:**

(I) INITIATE";

in the same line, strike "**OR TO TURN**" and substitute "**;**

(II) TURN";

and in line 4, after "**TELEPHONE**" insert "**; OR**

(III) USE A FEATURE OF THE HANDHELD TELEPHONE THAT ALLOWS A PERSON TO RETRIEVE CONTACT INFORMATION SAVED IN THE MEMORY OF THE TELEPHONE".

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

Affirmative – 17 Negative – 28 (See Roll Call No. 561)

FLOOR AMENDMENT

SB0321/933021/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 2, in line 14, strike "**OR**"; in line 15, strike "**AND**" and substitute "**OR**

(VII) A TOWING SERVICE PROVIDER; OR";

and in line 18, strike "**AND**" and substitute "**OR**".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0321/963123/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 2, in line 15, strike "**AND**" and substitute "**OR**"; in line 18, strike "**AND**"; and in line 19, after "**PERSONNEL**" insert "**; OR**

(III) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR CONTRACTORS ACTING UNDER THE AUTHORITY OF § 8–602 OF THIS ARTICLE IN AN EMERGENCY SITUATION".

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

Affirmative – 18 Negative – 28 (See Roll Call No. 562)

FLOOR AMENDMENT

SB0321/723025/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 321
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "driving;" insert "establishing that a driver detained for a violation of this Act may attempt to contact an attorney once the car is no longer in motion and may not be compelled to surrender the handheld telephone, except under certain circumstances; establishing that a police officer may issue a citation and a driver is required to accept a citation, regardless of whether the driver makes contact with an attorney;".

AMENDMENT NO. 2

On page 3, after line 25, insert:

"**(H) (1) A DRIVER DETAINED FOR A VIOLATION OF THIS SECTION:**

(I) MAY ATTEMPT TO CONTACT AN ATTORNEY ONCE THE CAR IS NO LONGER IN MOTION; AND

(II) MAY NOT BE COMPELLED TO SURRENDER THE HANDHELD TELEPHONE TO A POLICE OFFICER, UNLESS THE DRIVER IS ARRESTED OR THE POLICE OFFICER OBTAINS A WARRANT.

(2) A POLICE OFFICER MAY ISSUE A CITATION UNDER THIS SECTION AND THE DRIVER SHALL ACCEPT THE CITATION IN ACCORDANCE WITH § 26–203 OF THIS ARTICLE, REGARDLESS OF WHETHER THE DRIVER MAKES CONTACT WITH AN ATTORNEY.".

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

Affirmative – 15 Negative – 31 (See Roll Call No. 563)

FLOOR AMENDMENT

SB0321/693723/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 321
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 10 and 11, strike "as a secondary action" and substitute "under certain circumstances".

AMENDMENT NO. 2

On page 3, strike beginning with "**AS**" in line 5 down through "**ACTION**" in line 6; and strike beginning with "**DETAINS**" in line 6 down through "**CODE**" in line 7 and substitute "**HAS PROBABLE CAUSE TO BELIEVE A DRIVER INVOLVED IN A MOTOR VEHICLE ACCIDENT WAS COMMITTING A VIOLATION OF THIS SECTION AT THE TIME OF THE ACCIDENT**".

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

Affirmative – 17 Negative – 28 (See Roll Call No. 564)

FLOOR AMENDMENT

SB0321/233727/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 2, in line 17, strike "**WHEN ACTING WITHIN THE SCOPE OF OFFICIAL DUTY**".

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

Affirmative – 13 Negative – 32 (See Roll Call No. 565)

FLOOR AMENDMENT

SB0321/643627/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 321
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "circumstances;" insert "exempting an individual who is deaf or hearing impaired from a certain prohibition under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 26, strike "**AN**" and substitute "**:**

(I) AN";

and in line 27, after "**SECTION**" insert "**; OR**

(II) AN INDIVIDUAL WHO IS DEAF OR HEARING IMPAIRED AND WHO IS EXPERIENCING AN EMERGENCY OR URGENT SITUATION THAT REQUIRES PROMPT COMMUNICATION WITH AN INDIVIDUAL OUTSIDE THE MOTOR VEHICLE".

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

Affirmative – 12 Negative – 33 (See Roll Call No. 566)

FLOOR AMENDMENT

SB0321/563821/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 321
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "providing that a certain prohibition on the use of a wireless communication device by a holder of a learner's instructional permit or a provisional driver's license does not apply to the use of a certain wireless communication device to contact a parent;"; and after line 16, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"21–1124.

(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) "Wireless communication device" means:

(i) A handheld or hands–free device used to access a wireless telephone service; or

(ii) A text messaging device.

(b) This section does not apply to the use of a wireless communication device to contact**:**

(1) **[**a**] A** 9–1–1 system**; OR**

(2) **A PARENT UNLESS THE WIRELESS COMMUNICATION DEVICE IS A TEXT MESSAGING DEVICE**.

(c) A holder of a learner's instructional permit or a provisional driver's license who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.

(d) A police officer may enforce this section only as a secondary action when the police officer detains a driver for a suspected violation of another provision of the Code.

(e) (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.".

On page 2, in line 15, strike "**AND**"; in line 18, strike "**AND**" and substitute "**OR**"; and in line 19, after "**PERSONNEL**" insert "**; OR**

(3) USE OF A HANDHELD TELEPHONE BY:

(I) A PARENT TO CONTACT A CHILD; OR

(II) A CHILD TO CONTACT A PARENT".

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

Affirmative – 16 Negative – 29 (See Roll Call No. 567)

FLOOR AMENDMENT

SB0321/653122/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 1, in line 7, after "vehicle" insert "that is in motion".

On page 2, in line 21, after "**VEHICLE**" insert "**THAT IS IN MOTION**"; and in line 23, strike "**AND IN MOTION**".

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

Affirmative – 13 Negative – 29 (See Roll Call No. 568)

FLOOR AMENDMENT

SB0321/333322/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 321
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 4 down through "vehicle" in line 16 and substitute "requiring the Maryland Insurance Commissioner, in cooperation with the Motor Vehicle Administration, the Department of State Police, and certain insurers, to establish and implement public awareness efforts to educate drivers about the dangers of using a handheld telephone while operating a motor vehicle; requiring the Commissioner to collect a certain assessment from certain insurers; requiring the Commissioner to deposit certain money into a special fund to be used only for a certain purpose; and generally relating to establishing and funding public awareness efforts concerning the dangers of using a handheld telephone while driving"; and strike in their entirety lines 17 through 21, inclusive, and substitute:

"BY adding to
Article – Insurance
Section 2–116
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 24 on page 1 through line 25 on page 3, inclusive, and substitute:

"Article – Insurance

2–116.

(A) THE COMMISSIONER, IN COOPERATION WITH THE MOTOR VEHICLE ADMINISTRATION, THE DEPARTMENT OF STATE POLICE, AND INSURERS THAT ISSUE, SELL, OR DELIVER MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THE STATE, SHALL ESTABLISH AND IMPLEMENT PUBLIC AWARENESS EFFORTS TO EDUCATE DRIVERS ABOUT THE DANGERS OF USING A HANDHELD TELEPHONE WHILE OPERATING A MOTOR VEHICLE.

(B) THE COMMISSIONER SHALL:

(1) COLLECT AN ASSESSMENT FROM EACH INSURER THAT ISSUES, SELLS, OR DELIVERS MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THE STATE IN AN AMOUNT THAT THE COMMISSIONER DETERMINES NECESSARY TO

ACCOMPLISH THE PURPOSE SPECIFIED FOR THE SPECIAL FUND ESTABLISHED UNDER ITEM (2) OF THIS SUBSECTION; AND

(2) DEPOSIT THE AMOUNTS COLLECTED UNDER THIS SUBSECTION INTO A SPECIAL FUND TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(C) THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE USED ONLY FOR THE PURPOSE OF ESTABLISHING PUBLIC AWARENESS EFFORTS TO EDUCATE DRIVERS ABOUT THE DANGERS OF USING A HANDHELD TELEPHONE WHILE OPERATING A MOTOR VEHICLE.".

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

Affirmative – 7 Negative – 37 (See Roll Call No. 569)

FLOOR AMENDMENT

SB0321/613823/1

BY: Senator Stone

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 2, in line 15, strike "**AND**"; and in line 19, after "**PERSONNEL**" insert "**; AND**

(3) USE OF A HANDHELD TELEPHONE AS A TEXT MESSAGING DEVICE AS DEFINED IN § 21–1124.1 OF THIS SUBTITLE".

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

Affirmative – 43 Negative – 0 (See Roll Call No. 570)

Read the second time and ordered prepared for Third Reading.

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

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

SB0322/168576/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 322
(First Reading File Bill)

On page 2, in line 2, after "exclusively" insert "**BY A PUBLIC SERVICE COMPANY OR**"; in line 6, strike "electronic" and substitute "**VIDEO**"; strike beginning with "used" in line 6 down through "with" in line 7 and substitute "**THAT IS USED AS**"; in line 8, strike "**THAT**" and substitute "**EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT**"; and in line 10, after "**THE**" insert "**EQUIPMENT OR**".

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 46 Members present.

(See Roll Call No. 571)

ADJOURNMENT

At 10:26 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 23, 2010.

Annapolis, Maryland
Tuesday, March 23, 2010
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer was prepared by Reverend Philip Ayers, Pastor, Covenant United Methodist Church, and read by Senator King.

(See Exhibit A of Appendix III)

The Journal of March 22, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 573)

INTRODUCTION OF RESOLUTIONS

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 574)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #46

Senate Bill 279 – The President (By Request – Administration) and Senators Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier, Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland False Health Claims Act of 2010

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

Affirmative – 37 Negative – 8 (See Roll Call No. 575)

The Bill was then sent to the House of Delegates.

Senate Bill 547 – Senators Pugh, Jones, and McFadden

AN ACT concerning

Insurance – Domestic Reinsurers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the House of Delegates.

Senate Bill 731 – Cecil County Senators

AN ACT concerning

Cecil County – Emergency Medical Services – Collective Bargaining

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

Affirmative – 44 Negative – 3 (See Roll Call No. 577)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 451 – Delegate Elmore

AN ACT concerning

Somerset County – Alcoholic Beverages – Sales to Underage Drinkers – Local Caterer's License Created

FOR the purpose of authorizing the Somerset County Board of License Commissioners to issue a local caterer's license in the county only to the holders of certain Class B restaurant or hotel (on–sale) licenses; providing that a caterer's license issued under this Act authorizes the holder to provide certain alcoholic beverages at catered events held off the premises of the restaurant or hotel; requiring the holder of a local caterer's license to provide food as well as alcoholic beverages; authorizing the holder of a caterer's license issued under this Act to exercise the

privileges of the license that are allowed for the underlying Class B license; adding Somerset County to the list of counties that do not bar the Board of License Commissioners from proceeding administratively against the holder of any alcoholic beverages license in the county for selling or providing alcoholic beverages to a person under the age of 21 or to a person who was visibly under the influence of alcoholic beverages, even though the holder of the license had been granted probation before judgment for either of those violations; and generally relating to alcoholic beverages in Somerset County.

BY adding to
Article 2B – Alcoholic Beverages
Section 6–714
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 12–108(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–108(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 559 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Winery Special Event Permits – Farmers' Markets
PG 304–10

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers' markets in Prince George's County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)

Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 570 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Extinguishment of Licenses
PG 306–10

FOR the purpose of ~~requiring the Prince George's County Board of License Commissioners to declare an alcoholic beverages license to be extinguished under certain circumstances;~~ authorizing a person to obtain a certain license in Prince George's County for the purpose of having the Board of License Commissioners declare the license to be extinguished; requiring the Board to declare the license to be extinguished at a certain time; requiring a person that obtains a certain license for certain purposes to take certain actions and prohibiting the person from taking certain actions; authorizing the Board to impose a certain penalty for certain violations; specifying that an extinguished license may not be replaced by the Board and that an extinguished license counts as one in a certain list of licenses; providing an exception to a certain licensing restriction; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(a) and 9–217(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages

Section 9–217(b–1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 574 – Prince George's County Delegation

AN ACT concerning

Prince George's County – National Harbor – Alcoholic Beverages – Restriction on License Holder
PG 308–10

FOR the purpose of prohibiting the issuance of a certain Class C beer, wine and liquor license for use in the National Harbor in Prince George's County to the same organization for a certain number of consecutive years; and generally relating to alcoholic beverages in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(x)(1), (2), and (3)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(x)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 717 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Class A Licenses – Findings

Ho. Co. 7–10

FOR the purpose of requiring in Howard County the Appointed Alcoholic Beverage Hearing Board, on determining whether to approve an application for a new Class A license, regardless of kind, to include certain findings in its written

decision; and generally relating to alcoholic beverages licenses in Howard County.

BY adding to
Article 2B – Alcoholic Beverages
Section 9–214(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–202(a)(2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 730 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages Act of 2010
Ho. Co. 3–10

FOR the purpose of establishing a Class B special beer and wine license in Howard County; authorizing a holder of the license to sell beer and wine for consumption off the licensed premises; specifying the persons authorized to be issued the license; providing for the term of and hours of sale for the license; specifying certain requirements that must be met before the license may be issued; authorizing a holder of the license to sell beer and wine for consumption off the licensed premises only to certain persons; prohibiting a holder of the license from displaying or providing shelving for certain beer and wine in certain areas of the establishment; specifying that certain off–sale alcoholic beverages receipts be included in a certain calculation; specifying certain requirements that a holder of the license must meet; authorizing the Board of License Commissioners of Howard County to adopt certain regulations for a certain purpose; authorizing the holder of a certain alcoholic beverages license to employ an individual of a certain age to sell or serve alcoholic beverages; making a certain stylistic change; and generally relating to alcoholic beverages licenses and employees of holders of alcoholic beverages licenses in Howard County.

BY adding to
Article 2B – Alcoholic Beverages
Section 7–101(p–1)
Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–214
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Winery Special Event Permits – Farmers' Markets
MC 9–10

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers' markets in Montgomery County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 921 – Delegates Love, Bates, Beidle, Bromwell, Cane, Cardin, V. Clagett, Costa, DeBoy, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Jameson, Kipke, Krebs, Mathias, McHale, Miller, Myers, Schuh, Schuler, Shewell, Smigiel, Sophocleus, Sossi, ~~and Wood~~ Wood, Feldman, Hecht, Impallaria, Manno, Minnick, Stifler, and Walkup

AN ACT concerning

Maryland Winery Modernization Act

FOR the purpose of authorizing the Comptroller to issue a farmer's market permit to certain alcoholic beverages licensees; specifying that a permit may be used only at a certain time and place and for certain purposes; requiring the licensee to notify the local licensing board of the issuance of a farmer's market permit; limiting the number of permits that the Comptroller may issue; altering the scope of the Class 4 limited winery license; authorizing a licensee to exercise certain privileges under certain conditions, including fermenting and bottling wine, distilling and bottling pomace brandy, providing samples of wine and pomace brandy, and selling or serving certain foods; specifying certain license restrictions in Garrett County; requiring a licensee to file a certain notice with the Comptroller under certain conditions; altering the amount of pomace brandy a licensee is authorized to distill and bottle; authorizing a licensee to purchase a certain amount of bulk wine for a certain purpose; authorizing a licensee to conduct winemaking and packaging activities at certain locations under certain circumstances; requiring that throughout the winemaking process, the licensee maintain ownership of the wine or pomace brandy and ensure that the wine or pomace brandy returns to the location of the limited winery; repealing certain provisions that are inconsistent with this Act; providing that this Act applies to certain licensees; providing for the construction of a portion of this Act; requiring the Comptroller to make a certain report on or before a certain date on the growth of the Maryland wine industry; and generally relating to alcoholic beverages in the State.

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(x)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–201, 2–205, 11–507, and 11–511
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 945 – Delegates Robinson, Carter, and Tarrant

AN ACT concerning

Baltimore City – Alcoholic Beverages – 1–Day Licenses – Applications and Notice

FOR the purpose of requiring an applicant for certain 1–day licenses in Baltimore City to submit an application to the Board of License Commissioners at a certain time; requiring the Board to post notice on its website at a certain time of certain licenses the Board approves for issuance; requiring a notice to include certain information; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(b)(1)(i) and (d)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(b)(3) and (d)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1056 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Capacity

FOR the purpose of altering in Dorchester County the minimum seating capacity required for certain restaurants and restaurant facilities to obtain a beer, wine and liquor license; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1114 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption

FOR the purpose of authorizing a holder of a Class B beer, wine and liquor license in Carroll County to sell wine under certain circumstances for off–premises consumption; limiting the number of bottles of wine a holder of the license may sell to an individual at one time; and generally relating to alcoholic beverages licenses in Carroll County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (h)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(h)(2)(iii)2.
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(h)(2)(iii)3.
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1205 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages License Fees – Repeal of Sunset MC 24–10

FOR the purpose of repealing the termination date of certain Class B alcoholic beverage license fees applicable in Montgomery County; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(q)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 91 of the Acts of the General Assembly 2001, as amended by Chapter 48 of the Acts of the General Assembly of 2005
Section 2

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 411 – ~~Delegate Kach~~ Delegates Kach, Hubbard, Montgomery, Oaks, Pena–Melnyk, V. Turner, Benson, and Donoghue

AN ACT concerning

Statewide Advisory Commission on Immunizations – Membership, ~~Sunset Extension, and Study of HPV Vaccine~~ Duties, and Sunset Repeal

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

Read and ordered journalized.

LAID OVER BILLS

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

Senate Bill 140 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2011)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (185) AND THE FAVORABLE REPORT.

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2010 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit E of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 140 – THE BUDGET BILL
AND SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit F of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit G of Appendix III)

Senator Currie moved, duly seconded, to make the Bill a Special Order for evening session.

The motion was adopted.

Senate Bill 141 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (45) AND THE FAVORABLE REPORT.

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 141 – THE BUDGET RECONCILIATION AND
FINANCING ACT

(See Exhibit H of Appendix III)

The preceding 45 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill a Special Order for evening session.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #24

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

Senate Bill 400 – Senators Pugh, Raskin, Conway, Currie, Forehand, Harrington, Jones, Kelley, Madaleno, McFadden, Miller, Muse, and Peters

AN ACT concerning

No Representation Without Population Act

SB0400/924730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 400
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "creating" insert "a certain congressional districting plan and"; in line 7, after "county" insert "and municipal corporation"; in line 8, after "legislative" insert "and congressional"; and after line 8, insert:

"BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–701
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"Article – Election Law

8–701.

(a) **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE CONGRESSIONAL DISTRICTING PLAN USED TO ELECT THE STATE'S REPRESENTATIVES IN CONGRESS:**

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

(B) The State is divided into eight districts for the election of the State's Representatives in Congress.

[(b)**] (C)** (1) The descriptions of congressional districts in this subtitle include the references indicated.

(2) The references to:

(i) election districts and wards are to the geographical boundaries of the election districts and wards as they existed on April 1, 2000; and

(ii) precincts are to the geographical boundaries of the precincts as reviewed and certified by the local boards or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2000 census redistricting data program and as those precinct lines are specifically indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.".

On page 2, in line 17, strike "**A COUNTY'S**" and substitute "**THE**"; and in the same line, after "**BODY**" insert "**OF A COUNTY OR A MUNICIPAL CORPORATION**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 415 – Senators Mooney, Raskin, Madaleno, Colburn, Currie, Della, Dyson, Forehand, Frosh, Garagiola, Haines, Harrington, Jacobs, Kelley, King, Kittleman, Lenett, Middleton, Munson, Muse, Peters, Pugh, Rosapepe, Simonaire, and Zirkin

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

SB0415/234330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 415
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Conway, Harris, and Reilly".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 478 – Senators Kelley, Della, King, Klausmeier, McFadden, Muse, Stone, and Zirkin

AN ACT concerning

Residential Child Care Facilities – Incident Reporting – Interagency Workgroup

SB0478/904531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 478
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 5, strike "adopt" and substitute "recommend".

AMENDMENT NO. 2
On page 1, in line 20, after "Resources" insert ", in conjunction with licensed providers of residential child care services,".

On page 2, in lines 1 and 4, in each instance, strike "adopt" and substitute "recommend"; in line 8, after "findings" insert "and recommendations"; in the same line, after "the" insert "Governor's Office for Children, the"; and in the same line, after "Governor" insert a comma.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 544 – Senators Harrington, Currie, Frosh, Gladden, Lenett, and Raskin

AN ACT concerning

Public Safety – Regulation of Demolition – Demolition Contractors

SB0544/164430/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 544
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the comma and substitute "and"; in line 6, strike ", and, under certain circumstances, a certain plan"; and in line 19, strike "after obtaining a demolition permit".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**(H)**" and substitute "**(G)**"; in line 27, after "**POLICY;**" insert "**AND**"; and in line 30, strike "**; AND**" and substitute a period.

On pages 3 and 4, strike beginning with line 31 on page 3 through line 7 on page 4, inclusive.

On page 4, in line 8, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 3

On page 6, in line 1, strike "**30**" and substitute "**180**"; and strike beginning with "**OBTAINING**" in line 3 down through "**AUTHORITY**" in line 4 and substitute "**BEGINNING DEMOLITION**".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 546 – Senators Peters, Muse, Conway, Currie, Exum, Harrington, Jones, King, Klausmeier, Kramer, Pinsky, Pugh, Robey, and Rosapepe

AN ACT concerning

Procurement – Minority Business Enterprises – Review of Application for Certification and Notice to Applicant

SB0546/484938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 546
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 6 down through "circumstances," in line 7; in line 7, after "time" insert "and that authorize the agency, after giving certain notice and explanation to a certain applicant, to extend the time period once for completion of the agency's review of, and decision on, a certain application for a certain time period".

AMENDMENT NO. 2

On page 2, in line 11, strike "**AND**"; in line 13, strike "**, ABSENT EXTENUATING CIRCUMSTANCES,**"; in line 15, strike "**120**" and substitute "**90**"; in line 16, after "**THE**" insert "**COMPLETE**"; and in the same line, after "**APPLICATION**;" insert "**AND**

(III) AUTHORIZING THE AGENCY, AFTER GIVING WRITTEN NOTICE AND EXPLANATION TO THE APPLICANT, TO EXTEND THE TIME PERIOD ONCE FOR COMPLETION OF THE AGENCY'S REVIEW OF, AND DECISION ON AN APPLICATION FOR CERTIFICATION FOR A PERIOD OF NOT MORE THAN 60 DAYS;".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 576 – Senator Zirkin

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification Requirement – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 631 – Senator Conway

AN ACT concerning

State Board of Dental Examiners – Materials Containing Mercury

SB0631/674631/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 631
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Materials Containing Mercury" and substitute "Dentists – Use of Dental Amalgam, Mercury, and Amalgam Alloy"; strike beginning with "requiring" in line 3 down through "mercury" in line 8 and substitute "requiring dentists to comply with the U.S. Food and Drug Administration Final Rule relating to the use of dental amalgam, mercury, and amalgam alloy under certain circumstances; and generally relating to a dentist's use of dental amalgam, mercury, and amalgam alloy".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with line 14 on page 1 through line 6 on page 2, inclusive.

AMENDMENT NO. 3

On page 2, strike beginning with "**(A)**" in line 11 down through "**(B)**" in line 15; strike beginning with "**ADHERE**" in line 15 down through "**LABELING**" in line 17 and substitute "**COMPLY WITH THE U.S. FOOD AND DRUG ADMINISTRATION FINAL RULE (74 FR 38686) RELATING TO THE USE OF DENTAL AMALGAM, MERCURY, AND AMALGAM ALLOY AS IT RELATES TO A DENTIST'S TREATMENT OF THE**

DENTIST'S PATIENTS, INCLUDING A DETERMINATION OF A PATIENT'S ALLERGY STATUS".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 632 – Senator Conway

AN ACT concerning

Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and Medication Technicians – Changes to Licensure Requirements

SB0632/954432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 632
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "believe" insert "and objective evidence"; in line 21, after "notices;" insert "altering the term of certain licenses;"; and in line 29, after "address;" insert "requiring the Board to stagger certain renewals of licenses in a certain manner;".

On page 2, in line 3, strike "8–312(b)" and substitute "8–312(a), (b)".

AMENDMENT NO. 2

On page 2, in line 18 and on page 12, in line 26, in each instance, after "believe" insert "**AND OBJECTIVE EVIDENCE**".

On page 3, in line 17, strike "**THE**" and substitute "**AN**"; in line 18, strike "**REQUIRED**"; in the same line, strike "**AND**" and substitute "**, BUT**"; and in line 19, strike "**RECORD INFORMATION**" and substitute "**RECORDS CHECK**".

AMENDMENT NO. 3

On page 4, in line 7, after "**OR**" insert "**ENGLISH–SPEAKING**".

AMENDMENT NO. 4

On page 5, after line 21, insert:

"(a) **(1)** [A] **ON OR BEFORE DECEMBER 31, 2013, A** license expires on the 28th day of the birth month of the licensee, unless the license is renewed for a 1–year term as provided in this section.

(2) ON OR AFTER JANUARY 1, 2013, A LICENSE EXPIRES ON THE 28TH DAY OF THE BIRTH MONTH OF THE LICENSEE, UNLESS THE LICENSE IS RENEWED FOR A 2–YEAR TERM AS PROVIDED IN THIS SECTION.".

On page 13, after line 17, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Nursing shall stagger the renewal of licenses required under § 8–312(a) of the Health Occupations Article as enacted by this Act so that licensees born in even years renew in even years and licensees born in odd years renew in odd years.";

and in line 18, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 778 – Senators Raskin, Lenett, and Pinsky

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

SB0778/924034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 778
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Pinsky" and substitute "Pinsky, and Harrington".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 791 – Senator Garagiola

AN ACT concerning

Procurement – Multi–Year Contracts for Renewable Energy – Termination Clauses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 849 – Senator Harrington

AN ACT concerning

Procurement – Minority Business Enterprise Directory – List of Contracts

SB0849/894031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 849
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Directory" and substitute "Program"; in the same line, strike "List of Contracts" and substitute "Directory and Report"; in line 5, after "enterprises;" insert "requiring a certain report to include certain information about certified minority business enterprises that participated as prime contractors or subcontractors on certain procurement contracts;"; and in line 10, after "14–304(a)" insert "and 14–305".

AMENDMENT NO. 2

On page 2, in line 5, strike "**AND THE AMOUNT OF THE AWARD**"; and after line 21, insert:

"14–305.

(a) (1) Within 90 days after the end of the fiscal year, each unit shall report to the Governor's Office of Minority Affairs, the certification agency, and, subject to § 2–1246 of the State Government Article, the Joint Committee on Fair Practices.

(2) A report under this subsection shall for the preceding fiscal year:

(i) state the total number and value of procurement contracts between the unit and certified minority business enterprises, by specific category of minority business enterprise, including whether the minority business enterprise participated as a prime contractor or as a subcontractor;

(ii) indicate the percentage that those procurement contracts represent, by specific category of minority business enterprise, of the total number and value of procurement contracts; **[**and**]**

(III) STATE THE TOTAL NUMBER AND THE NAMES OF CERTIFIED MINORITY BUSINESS ENTERPRISES THAT PARTICIPATED AS PRIME CONTRACTORS OR AS SUBCONTRACTORS ON PROCUREMENT CONTRACTS AWARDED BY A UNIT; AND

[(iii)**] (IV)** contain other such information as required by the Governor's Office of Minority Affairs and the certification agency and approved by the Board.

(3) A report under this subsection shall be in a form prescribed by the Governor's Office of Minority Affairs and the certification agency and approved by the Board.

(b) (1) On or before December 31 of each year, the Governor's Office of Minority Affairs shall submit to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (a) of this section.

(2) This report may be prepared in conjunction with the annual report required under § 9–306 of the State Government Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #25

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

Senate Bill 264 – Senators Muse, Klausmeier, and Colburn

AN ACT concerning

State Board of Education – Financial Literacy Curriculum – Graduation Requirement

SB0264/324239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 264
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Colburn" and substitute "Colburn, Harrington, and Lenett"; strike lines 2 and 3 in their entirety; after line 3, insert:

"State Department of Education – Personal Financial Literacy State Curriculum";

strike beginning with "requiring" in line 4 down through "State" in line 10 and substitute "requiring certain county boards of education to make certain certifications regarding a certain curriculum on or before a certain date each year; requiring the State Department of Education to develop a process to monitor certain implementation of a certain curriculum; requiring the Department to report certain information to the Governor and General Assembly on or before a certain date each year; expressing a certain intent of the General Assembly; defining a certain term; and generally relating to the monitoring and implementation of the Personal Financial Literacy State Curriculum"; and in line 13, strike "7–205.1" and substitute "4–111.1".

AMENDMENT NO. 2

On pages 1 and 2, strike the lines beginning with line 19 on page 1 through line 2 on page 2, inclusive.

On page 2, after line 2, insert:

"**4–111.1.**

(A) IN THIS SECTION, "PERSONAL FINANCIAL LITERACY STATE CURRICULUM" MEANS THE CONTENT STANDARDS FOR PERSONAL FINANCIAL LITERACY THAT HAVE BEEN DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD.

(B) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH COUNTY SUPERINTENDENT SHALL CERTIFY TO THE STATE SUPERINTENDENT THAT THE PERSONAL FINANCIAL LITERACY STATE CURRICULUM IS BEING TAUGHT IN THE COUNTY.

(C) THE DEPARTMENT SHALL DEVELOP A PROCESS TO MONITOR IMPLEMENTATION OF THE PERSONAL FINANCIAL LITERACY STATE CURRICULUM.

(D) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, REGARDING THE MONITORING AND IMPLEMENTATION OF THE PERSONAL FINANCIAL LITERACY STATE CURRICULUM.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State Department of Education strongly consider requiring a measurement of financial literacy as a condition of graduation from public high schools in the State.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0264/623223/1

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 264, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0264/324239/1), in line 6 of Amendment No. 1, after "year;" insert "requiring that the Personal Financial Literacy State Curriculum be implemented in a certain manner; requiring the State Board of Education to require successful completion of a certain course to be a requirement for graduation from a high school in this State;".

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, after "**(B)**" insert "**(1)**"; after line 6, insert:

"**(2) THE PERSONAL FINANCIAL LITERACY STATE CURRICULUM SHALL BE IMPLEMENTED AS A SINGLE TOPIC, SEMESTER–LONG COURSE IN PERSONAL FINANCIAL LITERACY IN EVERY HIGH SCHOOL IN THE STATE.**

(3) THE STATE BOARD SHALL REQUIRE SUCCESSFUL COMPLETION OF THE COURSE REQUIRED UNDER PARAGRAPH (2) OF THIS SECTION AS A REQUIREMENT FOR GRADUATION FROM A HIGH SCHOOL IN THIS STATE.".

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

Affirmative – 16 Negative – 31 (See Roll Call No. 578)

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 288 – Senator Edwards

AN ACT concerning

Maryland Dormant Mineral Interests Act

SB0288/814238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 288
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 27 down through "terms;" in line 29.

AMENDMENT NO. 2

On page 6, in line 10, strike "**ACTING**" and substitute "**LEGALLY AUTHORIZED TO ACT**"; strike beginning with "**IF**" in line 11 down through "**IDENTIFIED**" in line 14; in line 19, after "**OWNER**" insert "**, OR CO–OWNERS,**"; and strike beginning with the comma in line 19 down through "**PRESERVED**" in line 21.

AMENDMENT NO. 3

On page 8, in line 9, after "**MINERALS**" insert "**TO THE OWNER OF THE SURFACE ESTATE**"; in line 14, strike the colon; in line 15, strike "**(1) FEE**" and substitute "**FEE**"; and strike beginning with the semicolon in line 16 down through "**SUBSECTION**" in line 22.

AMENDMENT NO. 4

On page 9, strike beginning with the colon in line 17 down through "**AFTER**" in line 18 and substitute "**AFTER**"; and strike beginning with the semicolon in line 24 down through "**OWNER**" in line 27.

AMENDMENT NO. 5

On page 10, strike in their entirety lines 27 through 31, inclusive; and in line 32, strike "**(I)**" and substitute "**(H)**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 422 – Senator Colburn

AN ACT concerning

Dorchester County – Choptank River – Soft–Shell Clam Harvesting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 467 – Senators Conway, Madaleno, Colburn, Dyson, Exum, Forehand, Garagiola, Glassman, Harrington, King, Klausmeier, Kramer, Lenett, McFadden, Muse, Pinsky, Raskin, Rosapepe, and Zirkin

AN ACT concerning

Task Force to Incorporate the Principles of Universal Design for Learning into the Policies, Practices, and Curriculum of the Education Systems in Maryland

SB0467/354434/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 467
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 5, 17, and 21, in each instance, strike "Incorporate" and substitute "Explore the Incorporation of"; in lines 3, 6, 17 and 18, and 22, in each instance, strike "the Policies, Practices, and Curriculum of"; strike beginning with "how" in line 11 down through "apply" in line 12 and substitute "the feasibility of incorporating and applying"; and strike beginning with the second "the" in line 12 down through "of" in line 13.

AMENDMENT NO. 2

On page 2, after line 6, insert:

"(4) the Chancellor of the University System of Maryland, or the Chancellor's designee;

(5) the Director of the Governor's Office of the Deaf and Hard of Hearing, or the Director's designee;";

in lines 7, 9, 18, 20, 22, 28, and 30, strike "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)", respectively, and substitute "(6)", "(7)", "(8)", "(9)", "(10)", "(11)", and "(12)", respectively; in line 22, strike "three" and substitute "five"; strike beginning with the second "in" in line 22 down through "spans" in line 23; in line 24, strike "one teacher shall be a general educator" and substitute "three teachers shall be general educators, one each from an elementary, a middle, and a high school"; in line 30, strike "the following"; in the same line, after "Governor" insert ", one of whom has expertise in Universal Design for Learning"; and in the same line, strike the colon and substitute a period.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 9, inclusive; strike line 17 in its entirety and substitute:

"(1) study the effectiveness of Universal Design for Learning as a";

and in line 29, strike "how to" and substitute "the feasibility of".

On page 4, in line 1, strike "incorporate and apply" and substitute "incorporating and applying"; in line 2, strike "the policies, practices, and curriculum of"; in line 13, strike "evaluate" and substitute "evaluating"; in line 16, strike "for the minimum standards to be used" and substitute "relating to the incorporation of the principles of Universal Design for Learning"; and in line 18, strike "incorporating the principles of Universal Design for Learning".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 557 – Senator Pinsky

AN ACT concerning

Education – Alternate Maryland School Assessment – Review and Revision

SB0557/234935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 557
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Revision"; in line 3, strike "and revise"; in line 5, after "to" insert "survey certain teachers regarding satisfaction, or lack thereof, of

the ALT–MSA, solicit certain recommendations, and"; in line 8, strike "and revision"; in line 14, strike "Students" and substitute "Some students"; and in the same line, after "disabilities" insert "may".

AMENDMENT NO. 2

On page 2, in line 11, strike "and revise"; in line 14, after "shall" insert ":

(1) (i) Survey all teachers of severely disabled students and students who are likely to be impacted by the ALT–MSA regarding satisfaction, or lack thereof, with the ALT–MSA; and

(ii) Solicit recommendations for improvement to the ALT–MSA; and

(2)";

in line 14, strike "consider" and substitute "Consider"; in lines 15, 18, and 20, strike "(1)", "(2)", and "(3)", respectively, and substitute "(i)", "(ii)", and "(iii)", respectively; in line 19, after "subject;" insert "and"; in line 21, strike "; and" and substitute a period; and strike in their entirety lines 22 and 23.

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 775 – Senators Kramer, Conway, Currie, Forehand, Harrington, Kelley, Lenett, Muse, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment – Road Salt Management Programs

SB0775/464234/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 775
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Environment" and substitute "Transportation"; in the same line, strike "Programs" and substitute "– Best Practices Guidance"; strike beginning with "and" in line 3 down through "implement" in line 5 and substitute ", in consultation with the Department of the Environment, to develop"; in line 5, strike "program by" and substitute "guidance document, on or before"; in the same line, after "date" insert "for a certain purpose"; strike beginning with "requiring" in line 6 down through "and" in line 8 and substitute "requiring the Administration to"; in line 8, strike "program" and substitute "guidance document"; strike beginning with the second comma in line 8 down through "comment," in line 10; in line 10, strike "program and program updates" and substitute "guidance document"; in line 11, after "in" insert "a"; in the same line, strike "manners" and substitute "manner"; strike beginning with "establishing" in line 11 down through "circumstances" in line 15 and substitute "authorizing the Administration to include certain information in the guidance document"; in line 17, strike "programs" and substitute "best practices guidance"; in line 19, strike "Environment" and substitute "Transportation"; strike beginning with "4–2A–01" in line 20 down through "Programs"" in line 21 and substitute "8–602.1"; in line 23, strike "2007" and substitute "2008"; and strike in their entirety lines 24 through 28, inclusive.

AMENDMENT NO. 2

On page 2, in line 3, strike "Environment" and substitute "Transportation"; strike in their entirety lines 4 and 5 and substitute "**8–602.1.**"; in line 11, after "**STATE;**" insert "**AND**"; strike beginning with "**A**" in line 12, down through "**(3)**" in line 14; and strike in their entirety lines 20 through 29, inclusive, and substitute:

"**(C) ON OR BEFORE OCTOBER 1, 2011, THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL DEVELOP A ROAD SALT MANAGEMENT BEST PRACTICES GUIDANCE DOCUMENT FOR USE BY LOCAL JURISDICTIONS AND THE STATE TO MINIMIZE THE ADVERSE ENVIRONMENTAL IMPACTS OF ROAD SALT RUNOFF IN THE STATE.**".

On page 3, strike in their entirety lines 1 through 6, inclusive, and substitute:

"**(D) THE ADMINISTRATION SHALL ANNUALLY UPDATE THE GUIDANCE DOCUMENT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION AND SHALL MAKE THE DOCUMENT AVAILABLE TO THE PUBLIC ON THE ADMINISTRATION'S WEBSITE.**";

in line 7, strike "**4–2A–03.**"; in line 8, strike "**A**" and substitute "**(E) IN THE**"; in the same line, strike "**PROGRAM ESTABLISHED**" and substitute "**BEST PRACTICES GUIDANCE DOCUMENT REQUIRED**"; in line 9, strike "**SUBTITLE SHALL**" and substitute "**SECTION, THE ADMINISTRATION MAY**"; in line 12, strike "**AND GOVERN**"; and in line 30, after "**ENVIRONMENT;**" insert "**AND**".

On page 4, strike beginning with "**REQUIRE**" in line 1 down through "**(9)**" in line 3; in line 4, strike "**REQUIREMENTS**" and substitute "**PROCEDURES**"; and strike in their entirety lines 6 through 28, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 847 – Senators Kittleman, Astle, Brinkley, Colburn, Harris, and Jacobs

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #26

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

Senate Bill 382 – Senators Conway, Colburn, Dyson, Harrington, Lenett, Miller, and Reilly

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

SB0382/304139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 382
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "– Wetland Permits and Authorizations" and substitute "– Tidal Wetlands Licenses"; in line 4, after "of" insert "exempting certain licensed marine contractors from certain home improvement contractor licensing requirements; requiring the Department of the Environment to make certain notifications regarding certain wetlands license applications and delineations on or before a certain length of time; requiring the Department to grant, deny, or condition certain tidal wetlands licenses on or before a certain length of time under certain circumstances; requiring the Department to issue a certain public notice and provide an opportunity to submit certain comments or request a certain hearing under certain circumstances; establishing a Marine Contractors Licensing Board; providing for the membership of the Board;"; in line 5, strike "Department of the Environment" and substitute "Board"; strike beginning with "authorizing" in line 6 down through "duties" in line 7 and substitute "establishing certain powers and duties of the Board"; in line 8, after "the" insert "Board to recommend certain regulations for adoption by the"; in the same line, strike "to adopt certain regulations and" and substitute "of the Environment and to"; in line 9, strike "roster" and substitute "record"; in lines 13, 14, 16, 17, 18, 24, 28, and 30, in each instance, strike "Secretary" and substitute "Board"; in line 19, strike "providing that a license is void under certain circumstances;"; in line 23, after "to" insert "adopt regulations to"; in line 24, after "of" insert "certain"; in line 26, strike "the" and substitute "a"; in line 27, strike "a certain fee" and substitute "certain fees"; and in line 29, strike "a firm" and substitute "an entity".

On page 2, in line 1, strike "Secretary" and substitute "Board"; in line 2, after "deny," insert "refuse to renew,"; in line 5, after "law;" insert "establishing a civil

penalty for certain violations; requiring certain penalties that are collected to be paid into the Wetlands and Waterways Program Fund for administration of the Board;"; strike beginning with "requiring" in line 5 down through "association;" in line 16; in line 17, strike "or consult"; in line 18, after "circumstances;" insert "providing that certain property owners are not required to hire a licensed marine contractor under certain circumstances;"; in the same line, after "establishing" insert "a"; in the same line, strike "administrative fines" and substitute "fine"; in lines 18 and 19, strike "or consult"; in line 19, after "required;" insert "establishing a certain notification requirement applicable to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; providing for certain processing times for certain tidal wetlands license applications;"; strike beginning with "and" in line 20 down through "term" in line 21 and substitute "; requiring all marine contractors performing certain services to register with the Department and pay a certain fee on or before a certain date; prohibiting a marine contractor that fails to register from performing or soliciting to perform certain services after a certain date; requiring the Department, for certain initial recommendations of appointments to the Board, to select marine contractors from a certain list"; and strike beginning with the first "and" in line 22 down through "process" in line 23.

AMENDMENT NO. 2

On page 2, after line 23, insert:

"BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–301
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–101(h) through (n) and 16–202
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)";

in line 25, strike "Business Occupations and Professions" and substitute "Environment"; in line 26, strike "22–101 through 22–401" and substitute "16–101(h) and 16–106; and 17–101 through 17–403"; in the same line, strike "22." and substitute "17."; in line 29, strike "2004" and substitute "2007"; and strike in their entirety lines 30 through 44, inclusive.

AMENDMENT NO. 3

On page 3, after line 2, insert:

"Article – Business Regulation

8–301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) Except as otherwise provided in this title, a person must have a subcontractor license or contractor license whenever the person acts as a subcontractor in the State.

(c) Except as otherwise provided in this title, a person must have a salesperson license or contractor license whenever the person sells a home improvement in the State.

(d) This section does not apply to:

(1) an individual who works for a contractor or subcontractor for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air–conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

(ii) currently is licensed in that occupation or profession under State or local law; and

(iii) is:

1. acting only within the scope of that occupation or profession; or

2. installing a central heating or air–conditioning system;

(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article; **[**or**]**

(6) A MARINE CONTRACTOR LICENSED UNDER TITLE 17, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR

[(6)**] (7)** a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.

Article – Environment

16–101.

(h) **"LICENSED MARINE CONTRACTOR" HAS THE MEANING STATED IN TITLE 17, SUBTITLE 3 OF THIS ARTICLE.**

(I) (1) "Pier" means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

[(i)**] (J)** "Person" means any natural person, partnership, joint–stock company, unincorporated association or society, the federal government, the State, any unit of the State, a political subdivision, or other corporation of any type.

[(j)**] (K)** (1) "Private wetlands" means any land not considered "State wetland" bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth.

(2) "Private wetlands" includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

[(k)**]** **(L)** (1) "Public notice" means the public notice and public informational hearing procedures established in § 5–204(b) through (e) of this article.

(2) "Public notice" does not mean notice as provided for in § 16–303 of this title.

[(l)**]** **(M)** "Regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

[(m)**]** **(N)** "Secretary" means the Secretary of the Environment.

[(n)**]** **(O)** "State wetlands" means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered "private wetland" to the extent of the interest transferred.

16–106.

(A) (1) A PERSON THAT UNDERTAKES OR AUTHORIZES AN ACTIVITY THAT REQUIRES A LICENSE OR PERMIT UNDER THIS TITLE SHALL:

(I) HIRE A LICENSED MARINE CONTRACTOR TO DO THE WORK; OR

(II) BE A LICENSED MARINE CONTRACTOR.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOMEOWNER SHALL BE EXEMPT FROM THE REQUIREMENT TO BE OR TO HIRE A LICENSED MARINE CONTRACTOR UNDER SUBSECTION (A) OF THIS SECTION IF:

(I) THE HOMEOWNER PERFORMS MARINE CONTRACTOR SERVICES ON THE HOMEOWNER'S PROPERTY; AND

(II) THE HOMEOWNER OBTAINS THE NECESSARY TIDAL WETLANDS LICENSES OR PERMITS REQUIRED UNDER THIS TITLE.

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.

(C) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SECTION, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED $10,000 FOR EACH VIOLATION.

(D) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND ESTABLISHED UNDER § 5–203.1 OF THIS ARTICLE, FOR THE ADMINISTRATION OF THE MARINE CONTRACTORS LICENSING BOARD ESTABLISHED UNDER TITLE 17 OF THIS ARTICLE.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS SECTION.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(B) TO APPLY FOR A LICENSE, THE APPLICANT SHALL SUBMIT A DELINEATION OF THE AFFECTED TIDAL WETLANDS AND ALL OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(C) (1) WITHIN 45 DAYS FROM RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE AND WHETHER THE DELINEATION IS CORRECT.

(2) IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT ABOUT THE APPLICATION OR DELINEATION WITHIN 45 DAYS, THE DELINEATION SHALL BE TREATED BY THE DEPARTMENT AS CORRECT, AND THE APPLICATION SHALL BE TREATED AS COMPLETE.

(D) ONCE THE APPLICATION IS COMPLETE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL GRANT, DENY, OR CONDITION A LICENSE WITHIN 45 DAYS IF:

(1) THE APPLICATION IS NOT SUBJECT TO PUBLIC NOTICE AND HEARING REQUIREMENTS UNDER SUBSECTION (G) OF THIS SECTION; OR

(2) THE APPLICATION DOES NOT REQUIRE AN ACTION BY THE BOARD.

(E) (1) ONCE THE APPLICATION IS COMPLETE UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE PUBLIC NOTICE OF AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS OR TO REQUEST A HEARING IN ACCORDANCE WITH § 5–204(B) THROUGH (E) OF THIS ARTICLE.

(2) A HEARING REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD WITHIN 45 DAYS OF THE HEARING REQUEST, UNLESS EXTENUATING CIRCUMSTANCES JUSTIFY AN EXTENSION OF TIME.

(3) THE HEARING THAT MAY BE REQUESTED UNDER THIS SUBSECTION IS NOT A CONTESTED CASE HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

[(b)**]** **(F)** The Secretary shall assist the Board in determining whether to issue a license to dredge or fill State wetlands. The Secretary shall submit a report indicating whether the license should be granted and, if so, the terms, conditions, and consideration required after consultation with any interested federal, State, and local

unit, and after issuing public notice, holding any requested hearing, and taking any evidence the Secretary thinks advisable.

[(c)**]** **(G)** (1) Upon receipt of a report by the Secretary, the Board shall decide if issuance of the license is in the best interest of the State, taking into account the varying ecological, economic, developmental, recreational, and aesthetic values each application presents. If the Board decides to issue the license, the issuance of the license shall be for consideration and on terms and conditions the Board determines. Every license shall be in writing.

(2) With respect to an application for a license to fill or construct a shore erosion control structure other than riprap on State wetlands, the Board may issue the license without public notice if the fill area is less than 300 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line and if after a site visit the report of the Secretary recommends that the license be granted. The Board may issue a license without public notice where an emergency exists caused by act of God, natural disaster, catastrophe, or other similar natural event when the health, safety, or welfare of the citizens of the State would be jeopardized by a delay caused by time requirements for public notice. However, the license may be granted by the Board only with the concurrence of the Secretary. The Secretary shall provide prompt public notice of the emergency license issuance and the opportunity to submit written comments or to request a hearing to determine whether the emergency license shall be revoked or made permanent. If a hearing is requested, the hearing shall be scheduled within 30 days of the emergency issuance of the license.

(3) If the report of the Secretary recommends that a license be granted, the Board may issue the license without public notice:

(i) To fill or construct a shore erosion control structure of riprap on State wetlands if the fill area is less than 500 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line;

(ii) To repair or replace a bulkhead for the purpose of shore erosion control where the bulkhead is presently functional, but is deteriorating or damaged, provided that the repair or replacement structure does not extend more than 18 inches channelward of the existing structure. Repair or replacement may

include riprap placed along the base of the bulkhead, provided that the riprap shall not extend more than 10 feet channelward of the bulkhead;

(iii) To fill near shore shallow water bottom extending no more than 35 feet channelward of the mean high water line provided the fill area is less than 500 feet in length parallel to the fast land for the purpose of shore erosion control by landscaping and wetland plant establishment;

(iv) To construct or repair a private noncommercial boat ramp provided the ramp does not exceed 12 feet in width and extend more than 30 feet channelward of the mean high water line; or

(v) To maintenance dredge a mooring, private or commercial boat ramp, mobile boat hoist slip, or marine railway when no more than 100 cubic yards of material nor an area greater than 1,500 square feet need to be dredged.

(4) With respect to the maintenance dredging of projects in State wetlands for which a license is to be issued, the license may include provision for periodic maintenance dredging if recommended by the report of the Secretary provided that the maintenance dredging be effected:

(i) Within the area, depth, and in conformity with other limitations contained in the license;

(ii) That no more than 500 cubic yards of material be dredged at each maintenance dredging to restore licensed works;

(iii) That the material from maintenance dredging be deposited upon the designated or other upland site approved by the Secretary; and

(iv) That the Secretary be notified and approve of each maintenance dredging operation.

(5) The provisions for periodic maintenance dredging under paragraph (4) of this subsection shall be effective for no more than 6 years beyond the date of issuance of the license.

(6) If the licensee desires to continue maintenance dredging beyond the expiration date authorized in paragraph (5) of this subsection, the licensee must

obtain a new license by submitting an application to the Board for review in accordance with the procedures of this section.

[(d)**]** **(H)** The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; or

(5) Aquaculture activities occurring in Aquaculture Enterprise Zones established under Title 4, Subtitle 11A of the Natural Resources Article under an aquaculture lease issued by the Department of Natural Resources.

[(e)**]** **(I)** (1) The Board may not approve a license or an amendment to a license authorizing the dredge material deposited in the Hart–Miller Island Dredged Material Containment Facility to exceed an elevation of:

(i) 44 feet above the mean low water mark in the north cell; and

(ii) 28 feet above the mean low water mark in the south cell.

(2) On or after January 1, 2010, the Board may not approve a license or an amendment to a license authorizing the deposit of dredge material at the Hart–Miller Dredged Material Containment Facility.".

AMENDMENT NO. 4

On page 3, strike line 3 in its entirety; in line 4, strike "**22.**" and substitute "**17.**"; in line 5, after "**DEFINITIONS**" insert "**; GENERAL PROVISIONS**"; in line 6, strike "**22–101.**" and substitute "**17–101.**"; in line 9, strike "**DEPARTMENT**" and

substitute "**BOARD**"; in the same line, strike "**DEPARTMENT OF THE ENVIRONMENT**" and substitute "**MARINE CONTRACTORS LICENSING BOARD**"; in line 10, strike "**FIRM**" and substitute "**ENTITY**"; in line 13, after "**(D)**" insert "**(1)**"; in the same line, after "**A**" insert "**PROFESSIONAL**"; in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; in the same line, after "**TO**" insert "**AN INDIVIDUAL OR ENTITY TO**"; in line 14, strike "**PROVIDE**" and substitute "**PERFORM**"; after line 14, insert:

"**(2) "LICENSE" MEANS A MARINE CONTRACTOR LICENSE.**";

strike beginning with "**A**" in line 15 down through "**STATE**" in line 17 and substitute "**AN INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO PERFORM MARINE CONTRACTOR SERVICES**"; in line 18, strike "**THE**"; in line 19, after "**INSTALLATION,**" insert "**ALTERATION,**"; in the same line, strike "**SALE,**"; in lines 19 and 20, strike "**OF STRUCTURES**" and substitute "**ACTIVITIES**"; in line 20, strike "**THE STATE'S**" and substitute "**, ON, OVER, OR UNDER STATE OR PRIVATE**"; in the same line, strike "**AND NONTIDAL**"; strike beginning with the last comma in line 20 down through "**WHARFS**" in line 24; in line 25, strike "**THE**" and substitute "**:**

(I) DREDGING AND FILLING;

(II) THE CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE OF STRUCTURES, INCLUDING BOATHOUSES, BOAT OR OTHER PERSONAL WATERCRAFT LIFTS OR RAMPS, SLIPS, DOCKS, FLOATING PLATFORMS, MOORINGS, PIERS, PIER ACCESS STRUCTURES, PILINGS, WETLAND OBSERVATION PLATFORMS, WETLAND WALKWAYS, AND WHARFS; AND

(III) THE";

in line 26, after "**INSTALLATION,**" insert "**ALTERATION,**"; in the same line, strike "**SALE,**"; in line 27, strike "**MECHANISMS**" and substitute "**MEASURES**"; in line 28, strike "**AND**"; in line 29, after "**SILLS**" insert "**, MARSH ESTABLISHMENTS, AND BEACH NOURISHMENT OR OTHER SIMILAR PROJECTS**"; and strike line 30 in its entirety.

AMENDMENT NO. 5

On page 3, in line 31, strike "**SECRETARY**" and substitute "**MARINE CONTRACTORS LICENSING BOARD**".

On page 4, in line 1, strike "**22–201.**" and substitute "**17–201.**"; in line 2, before "**SUBJECT**" insert:

"**(A) THERE IS A MARINE CONTRACTORS LICENSING BOARD.**

(B)";

in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; in line 3, strike "**PERSONS**" and substitute "**INDIVIDUALS AND ENTITIES**"; and after line 4, insert:

"**17–202.**

(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) OF THE SEVEN MEMBERS:

(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

(II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES;

(III) THREE SHALL BE LICENSED MARINE CONTRACTORS AND SHALL INCLUDE:

1. ONE FROM ANNE ARUNDEL, CALVERT, CHARLES, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES;

2. ONE FROM BALTIMORE CITY, OR BALTIMORE, CECIL, HARFORD, KENT, OR QUEEN ANNE'S COUNTIES; AND

3. ONE FROM CAROLINE, DORCHESTER, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES; AND

(IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE, WHO REPRESENT DIVERSE INTERESTS, AND SHALL INCLUDE:

1. ONE FROM BALTIMORE CITY, OR ANNE ARUNDEL, BALTIMORE, CALVERT, CHARLES, HARFORD, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES; AND

2. ONE FROM CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES.

(B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTY, OR OTHER SUFFICIENT CAUSE.

17–203.

(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND SECRETARY ANNUALLY.

(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF OFFICERS.

17–204.

(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET.".

AMENDMENT NO. 6

On page 4, in line 5, strike "**22–202.**" and substitute "**17–205.**"; strike beginning with "**IN**" in line 6 down through "**SECRETARY**" in line 7 and substitute "**THE BOARD**"; in line 8, strike "**ADOPT**" and substitute "**RECOMMEND**"; in the same line, after "**REGULATIONS**" insert "**FOR ADOPTION BY THE SECRETARY**"; in the same line, after "**OUT**" insert "**THE PROVISIONS OF**"; in the same line, after the semicolon insert "**AND**"; strike beginning with "**USE**" in line 9 down through "**MAKE**" in line 11 and substitute "**MAKE**"; strike beginning with "**IN**" in line 13 down through "**SECRETARY**" in line 14 and substitute "**THE BOARD**"; strike beginning with "**ADOPT**" in line 15 down through "**AND**" in line 16 and substitute "**CARRY OUT THE PROVISIONS OF THIS TITLE;**

(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER THIS TITLE; AND";

in line 17, strike "**(2) KEEP**" and substitute "**(3) KEEP**"; in the same line, strike "**ROSTER**" and substitute "**CURRENT RECORD**"; in the same line, strike "**THE**" and substitute "**ALL**"; in lines 17 and 18, strike "**FIRMS WITH LICENSES**" and substitute "**ENTITIES LICENSED**"; in line 18, strike "**ON THE ROSTER**"; in line 19, strike "**THE**" and substitute "**THE**"; in the same line, strike "**FIRMS**" and substitute "**ENTITIES THAT ARE**"; in line 20, strike "**THE LICENSE**" and substitute "**THE**"; in the same line,

after "**DATES**" insert "**OF THE LICENSES**"; in line 21, strike "**ANY**" and substitute "**ANY**"; in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; and after line 22, insert:

"**17–206.**

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.

(2) THE FEES IMPOSED BY THE BOARD SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.

(B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO THE WETLANDS AND WATERWAYS PROGRAM FUND UNDER § 5–203.1 OF THIS ARTICLE FOR THE ADMINISTRATION OF THE BOARD.".

AMENDMENT NO. 7

On page 4, in line 23, strike "**MARINE CONTRACTOR LICENSES**" and substitute "**LICENSING**"; in line 24, strike "**22–301.**" and substitute "**17–301.**"; in line 25, strike "**A**" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A**"; in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; and in line 26, strike "**FIRM**" and substitute "**ENTITY THAT IS**".

On page 5, in line 1, strike "**PROVIDE**" and substitute "**PERFORM**"; in line 2, strike "**SOLICIT**" and substitute "**SOLICIT**"; in the same line, strike "**PROVIDE**" and substitute "**PERFORM**"; in line 4, strike "**A FIRM**" and substitute "**AN ENTITY**"; after line 4, insert:

"**(C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR THE STATE MAY PERFORM MARINE CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.**";

in line 5, strike "**22–302.**" and substitute "**17–302.**"; in line 7, after "**SECTION**" insert "**AND ANY REGULATIONS ADOPTED UNDER THIS SECTION**"; in lines 8 and 11, in each instance, strike "**A FIRM**" and substitute "**AN ENTITY**"; in lines 8, 9, and 10, in

each instance, strike "**FIRM**" and substitute "**ENTITY**"; in lines 13 and 18, in each instance, strike "**HAVE**" and substitute "**HAVE**"; in line 14, after "**CONTRACTOR**" insert "**OR DEMONSTRATE SIMILAR CONTRACTOR EXPERIENCE**"; in line 15, strike "**PASS**" and substitute "**PASS**"; strike beginning with "**SECRETARY**" in line 16 down through "**ASSOCIATION**" in line 17 and substitute "**BOARD**"; in line 18, after "**NUMBER;**" insert "**AND**"; strike beginning with "**BE**" in line 19 down through "**CARRY**" in line 21 and substitute "**CARRY**"; in line 22, strike "**COMMERCIAL**" and substitute "**COMMERCIAL**"; and in line 24, strike "**WORKERS'**" and substitute "**WORKERS'**".

AMENDMENT NO. 8

On page 5, in line 26, strike "**22–303.**" and substitute "**17–303.**"; in line 27, strike "**AN**" and substitute "**TO APPLY FOR A LICENSE, AN**"; and in the same line, strike "**FOR A LICENSE**".

On page 6, in lines 1, 2, 5, 13, and 19, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in lines 1 and 3, in each instance, strike "**SUBMIT**" and substitute "**SUBMIT**"; in line 5, strike "**PAY**" and substitute "**PAY**"; in the same line, after the second "**THE**" insert "**REQUIRED APPLICATION**"; strike beginning with "**REQUIRED**" in line 5 down through "**SECTION**" in line 6 and substitute "**SET BY THE BOARD**"; in lines 7 and 18, in each instance, strike "**A FIRM**" and substitute "**AN ENTITY**"; in line 9, strike "**FIRM'S**" and substitute "**ENTITY'S**"; strike beginning with "**AN**" in line 10 down through "**(C)**" in line 12; in lines 14, 15, 16, and 26, in each instance, strike the first "**THE**" and substitute "**THE**"; in line 20, strike "**A**" and substitute "**A**"; in the same line, strike "**FIRM'S**" and substitute "**ENTITY'S**"; in line 21, strike "**FOR**" and substitute "**FOR**"; in the same line, strike "**FIRM**" and substitute "**ENTITY**"; in line 28, strike "**ANY**" and substitute "**ALL**"; in the same line, strike "**NAME**" and substitute "**NAMES**"; and in line 29, strike "**CONDUCTING THE BUSINESS OF MARINE CONTRACTING**" and substitute "**PERFORMING MARINE CONTRACTOR SERVICES**".

On page 7, in line 1, strike "**AS**" and substitute "**AS**"; in lines 1, 5, 12, 18, 23, 26, and 27, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in line 3, strike "**AN**" and substitute "**AN**"; in line 4, strike "**IF**" and substitute "**IF**"; in lines 4 and 10, in each instance, strike "**A FIRM**" and substitute "**AN ENTITY**"; in lines 4 and 13, in each instance, strike "**FIRM**" and substitute "**ENTITY**"; in lines 5, 8, and 14,

strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 7, strike "**§ 22–401**" and substitute "**§ 17–403**"; in line 8, strike "**APPLICATION**" and substitute "**INDIVIDUAL SHALL SIGN THE APPLICATION**"; in line 9, strike "**SHALL BE SIGNED,**"; in the same line, strike "**, BY THE INDIVIDUAL**"; strike beginning with the second "**THE**" in line 10 down through "**AS**" in line 11; in line 12, after "**MEMBER**" insert "**OF THE ENTITY SHALL SIGN THE APPLICATION FORM UNDER OATH**"; in line 15, strike "**§ 22–302(C)(5)**" and substitute "**§ 17–302(C)(4)**"; in lines 17 and 22, strike "**22–304.**" and "**22–305.**", respectively, and substitute "**17–304.**" and "**17–305.**", respectively; in line 24, strike "**EACH**" and substitute "**ANY**"; in line 25, strike "**SUBTITLE**" and substitute "**TITLE AND ANY REGULATION ADOPTED UNDER THIS TITLE**"; in line 28, strike the first "**THE**" and substitute "**THE**"; and in line 29, strike "**THE**" and substitute "**THE**".

On page 8, in lines 1, 3, 4, and 5, in each instance, strike the first "**THE**" and substitute "**THE**"; in lines 2, 6, and 13, in each instance, strike "**A FIRM**" and substitute "**AN ENTITY**"; strike in their entirety lines 7 through 11, inclusive; in lines 12, 20, and 28, strike "**22–306.**", "**22–307.**", and "**22–308.**", respectively, and substitute "**17–306.**", "**17–307.**", and "**17–308.**", respectively; in lines 14 and 19, in each instance, strike "**FIRM**" and substitute "**ENTITY**"; in line 15, strike "**EMPLOY**" and substitute "**EMPLOY**"; in line 18, strike "**REPRESENT**" and substitute "**REPRESENT**"; in line 22, strike "**INCLUDE**" and substitute "**INCLUDE**"; and in line 25, strike "**PROMINENTLY**" and substitute "**PROMINENTLY**".

On page 9, in line 1, strike "**BY REGULATION, THE**" and substitute "**THE**"; in the same line, after "**SHALL**" insert "**ADOPT REGULATIONS TO**"; in line 3, strike "**THE**" and substitute "**A**"; in the same line, after "**SETS**" insert "**, IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**"; in lines 4, 23, 24, and 28, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in line 4, strike "**1 MONTH**" and substitute "**2 MONTHS**"; in line 5, strike "**MAIL**" and substitute "**SEND**"; in the same line, strike "**AT**" and substitute "**, BY FIRST–CLASS MAIL OR ELECTRONICALLY, TO**"; in lines 7 and 8, in each instance, strike "**A**" and substitute "**A**"; in lines 9 and 13, in each instance, strike the first "**THE**" and substitute "**THE**"; in line 10, strike "**THAT THE SECRETARY**" and substitute "**THE DATE BY WHICH THE BOARD**"; in line 11, strike "**AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE**"; in line 14, strike "**A**" and substitute "**BEFORE A LICENSE EXPIRES, THE**"; in

line 16, strike "**IS**" and substitute "**IS**"; in line 17, strike "**(I) PAYS TO THE SECRETARY A**" and substitute "**PAYS TO THE BOARD:**

(I) THE REQUIRED";

in the same line, strike "**OF $300**" and substitute "**SET BY THE BOARD**"; in line 18, strike "**PAYS TO THE SECRETARY ANY**" and substitute "**ANY**"; in the same line, after "**FEES;**" insert "**AND**"; in line 19, strike "**SUBMITS**" and substitute "**SUBMITS**"; strike beginning with "**SECRETARY**" in line 19 down through "**AND**" in line 21 and substitute "**BOARD:**

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS ESTABLISHED UNDER § 17–302 OF THIS SUBTITLE;

(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD ACTIONS TAKEN UNDER THIS TITLE; AND";

in line 22, strike "**(4) SUBMITS TO THE SECRETARY A**" and substitute "**(IV) A**"; after line 23, insert:

"**(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING EDUCATION INSTRUCTION COVERING MARINE CONTRACTOR SUBJECT MATTER APPROVED BY THE BOARD.**

(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:

1. OFFERED BY A QUALIFIED INSTRUCTOR; OR

2. CONDUCTED BY AN EDUCATIONAL INSTITUTION APPROVED BY THE BOARD.

(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY CONTINUING EDUCATION COURSE.";

in line 24, strike "**(E)**" and substitute "**(F)**"; in line 26, strike "**22–309.**" and substitute "**17–309.**"; and in line 27, strike "**THAT IS A FIRM**".

On page 10, in line 1, strike "**THE ADDITION OF A BRANCH OFFICE**" and substitute "**IF THE LICENSEE IS AN INDIVIDUAL OR ENTITY, ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS**"; strike beginning with "**ANY**" in line 2 down through "**OFFICE**" in line 3 and substitute "**IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH OFFICE**"; in line 4, strike "**22–310.**" and substitute "**17–310.**"; in line 7, strike "**(B)**" and substitute "**(C)**"; in lines 7, 10, 11, and 17, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in line 8, after "**DENY,**" insert "**REFUSE TO RENEW,**"; in line 9, strike "**VIOLATES**" and substitute "**:**

(1) VIOLATES";

in the same line, after "**TITLE**" insert "**OR ANY REGULATION ADOPTED UNDER THIS TITLE;**

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER PERSON;

(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PRACTICING MARINE CONTRACTOR SERVICES;

(5) FAILS TO COMPLY WITH THE TERMS OF A TIDAL WETLANDS AUTHORIZATION ISSUED UNDER § 16–202 OR § 16–307 OF THIS ARTICLE;

(6) VIOLATES ANY PROVISION OF, OR REGULATIONS ADOPTED UNDER, § 16–202 OR § 16–307 OF THIS ARTICLE; OR

(7) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8–1802 OF THE NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:

(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR

(II) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT";

in line 10, after "**(B)**" insert "**THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED MARINE CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(7) OF THIS SECTION.**

(C)";

strike beginning with "**HOLD**" in line 13 down through "**ARTICLE**" in line 14 and substitute "**THE OPPORTUNITY FOR A HEARING BEFORE THE BOARD**"; after line 14, insert:

"**(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE SHALL BE:

(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR

(II) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL OR ENTITY.";

in line 15, strike "**(2)**" and substitute "**(4)**"; after line 17, insert:

"**(D)** **EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS AUTHORIZED UNDER §§ 10–222 AND 10–223 OF THE STATE GOVERNMENT ARTICLE.**";

and in line 18, strike "**(C)**" and substitute "**(E)**".

AMENDMENT NO. 9

On page 10, after line 22, insert:

"**17–401.**

AN INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT MARINE CONTRACTOR SERVICES UNLESS THE INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD.

17–402.

UNLESS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES IN THE STATE.";

in line 23, strike "**22–401.**" and substitute:

"**17–403.**";

in line 24, before "**A**" insert:

"**(A)** **(1)**";

in the same line, strike "**KNOWINGLY**"; in the same line, after "**TITLE**" insert "**OR ANY REGULATION ADOPTED UNDER THIS TITLE**"; in line 26, strike "**$1,000**" and substitute "**$10,000**"; and after line 26, insert:

"**(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.**

(B) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SUBTITLE, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF THIS TITLE, OR ANY REGULATION ADOPTED UNDER THIS TITLE.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED $10,000 FOR EACH VIOLATION.

(C) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER § 5–203.1 OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.".

On pages 10 through 19, strike in their entirety the lines beginning with line 27 on page 10 through line 14 on page 19, inclusive.

AMENDMENT NO. 10

On page 19, after line 14, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before December 31, 2010, all marine contractors performing marine contractor services in the State or soliciting to perform marine contractor services in the State shall:

(i) Register with the Department of the Environment; and

(ii) Pay a $300 registration fee.

(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2011, unless extended by an action of the Board.

(b) After December 31, 2010, any marine contractor that fails to register with the Department may not perform or solicit to perform marine contractor services in the State and shall be subject to the penalties established in § 17–403 of the Environment Article, as enacted by Section 1 of this Act.

(c) For the initial three licensed marine contractor members required to be appointed to the Marine Contractors Licensing Board in accordance with § 17–202 of the Environment Article, as enacted by Section 1 of this Act, the Department shall select marine contractors from the list of the registrants compiled under subsection (a) of this section for recommendation to the Governor for appointment to the Board.";

and in line 15, strike "2." and substitute "3.".

The preceding 10 amendments were read only.

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

The motion was adopted.

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

Senate Bill 556 – Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Prohibitions

SB0556/794933/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 556
(First Reading File Bill)

On page 2, after line 5, insert:

"**(A) IN THIS SECTION, "TRANSPORTATION EQUIPMENT", "MILITARY EQUIPMENT", AND "COMPONENTS OF TRANSPORTATION OR MILITARY EQUIPMENT" DO NOT INCLUDE PLASTIC SHIPPING PALLETS USED TO TRANSPORT FRUITS AND VEGETABLES.**";

in lines 6 and 22, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in lines 7, 15, and 23, in each instance, after "**MANUFACTURE,**" insert "**LEASE,**"; and in the same lines, in each instance, after "**SALE**" insert "**OR LEASE**".

On page 3, in line 3, strike "**(C)**" and substitute "**(D)**"; in line 5, after "**MANUFACTURE,**" insert "**LEASE,**"; in the same line, after the second "**SALE**" insert "**OR LEASE**"; and in lines 6 and 10, in each instance, strike "**(A) AND (B)**" and substitute "**(B) AND (C)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0556/843125/1

BY: Senator Conway

AMENDMENTS TO SENATE BILL 556, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, strike "a"; and in line 10, strike "term" and substitute "terms".

AMENDMENT NO. 2

In the Education, Health, and Environmental Affairs Committee Amendment (SB0556/794933/1), in line 4, strike "**PLASTIC**"; and in line 5, after "**TRANSPORT**" insert "**UNPACKAGED**".

The preceding 2 amendments were read and adopted.

Senator Conway moved, duly seconded, to make the Bill a Special Order for March 24, 2010.

The motion was adopted.

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

Senate Bill 693 – Senators Raskin, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Green Maryland Act of 2010

SB0693/554736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 693
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "products;" in line 7; in line 11, after "activities;" insert "establishing a Maryland Green Purchasing Committee; providing for the membership of the Committee;"; in line 12, strike "Department" and substitute "Committee"; in line 14, after "manual;" insert "requiring the Committee to submit an annual report of its activities and progress on or before a certain date;"; and in line 16, after "claims;" insert "requiring the Committee to develop certain guidelines on or before a certain date;".

AMENDMENT NO. 2

On page 3, in lines 17 and 20, in each instance, strike the brackets; in line 17, strike "**2011**"; and in line 20, strike "**8%**".

On page 4, strike beginning with "**AND**" in line 9 down through "**SECTION**" in line 10.

AMENDMENT NO. 3

On page 5, in line 10, after "**(A)**" insert "**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "COMMITTEE" MEANS THE MARYLAND GREEN PURCHASING COMMITTEE.

(3)";

in the same line, strike "**IN THIS SECTION,**"; in the same line, strike "**ENVIRONMENTALLY**" and substitute "**ENVIRONMENTALLY**"; in line 14, after "**PURPOSE**" insert "**, BASED ON THE RAW MATERIALS, MANUFACTURING, PACKAGING, DISTRIBUTION, USE, REUSE, OPERATION, MAINTENANCE, AND DISPOSAL OF THE GOODS OR SERVICES**"; after line 14, insert:

"**(B) (1) THERE IS A MARYLAND GREEN PURCHASING COMMITTEE.**

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(II) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;

(III) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

(IV) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

(V) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(VI) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(VII) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(VIII) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE; AND

(IX) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND, OR THE CHANCELLOR'S DESIGNEE.

(3) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE, SHALL SERVE AS THE CHAIR OF THE COMMITTEE.";

in lines 15 and 32, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; and strike beginning with "**THE**" in line 15 down through "**ENVIRONMENT,**" in line 16 and substitute "**THE COMMITTEE**".

On page 6, in line 1, strike "**(B)**" and substitute "**(C)**"; in lines 1 and 21, in each instance, strike "**DEPARTMENT OF GENERAL SERVICES**" and substitute "**COMMITTEE**"; in line 14, after "**OPERATIONS;**" insert "**AND**"; strike beginning with "**; AND**" in line 17 down through "**2012**" in line 20; in lines 21 and 25, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(G)**", respectively; and after line 24, insert:

"**(F) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE COMMITTEE'S ACTIVITIES AND THE PROGRESS MADE AS A RESULT OF THE IMPLEMENTATION OF THIS SECTION.**".

AMENDMENT NO. 4

On page 7, in line 3, strike "**(F)**" and substitute "**(H)**"; after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 1, 2011, the Maryland Green Purchasing Committee shall develop green purchasing guidelines to address practices, products, services, and food that reduce negative impacts on human health and the environment. The guidelines shall include consumption changes and a list of contracts that include human health and environmental specifications for at least five prioritized categories of goods or services, as determined by the Committee. The Committee may prioritize categories of goods or services based on financial impacts, impacts on human health and the environment, availability of cost–effective, environmentally preferable alternatives, and the creation of a green economy in Maryland.";

and in line 14, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 719 – Senator Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities

SB0719/224433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 719
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "agreement;" insert "requiring certain dental hygienists to ensure that the supervising dentist is available for consultation with the dental hygienist;"; in line 10, after "manner;" insert "requiring certain dental hygienists to limit dental hygiene tasks and procedures; requiring certain dental hygienists to submit findings of the initial assessment to the supervising dentist for a certain determination; authorizing certain dental hygienists to perform certain services without the supervising dentist on the premises under certain circumstances;"; and in line 11, after "equipment;" insert "requiring the Department of Health and Mental Hygiene to submit a certain report by a certain date to certain committees; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 29, strike "**HOLD**" and substitute "**:**

(I) HOLD";

in the same line, after "**STATE**" insert "**;**

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION;

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE; AND

(IV) ENSURE THAT THE LONG–TERM CARE FACILITY WHERE THE DENTAL HYGIENIST WILL PRACTICE UNDER GENERAL SUPERVISION HAS:

1. A WRITTEN MEDICAL EMERGENCY PLAN IN PLACE;

2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM, AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES; AND

3. ADEQUATE SAFEGUARDS TO PROTECT THE PATIENT'S HEALTH AND SAFETY.

(4) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE SUPERVISING DENTIST SHALL:

(I) HOLD AN ACTIVE GENERAL LICENSE TO PRACTICE DENTISTRY IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION; AND

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE";

in line 30, strike "**(4)**" and substitute "**(5)**"; and in line 31, after "**FACILITY**" insert "**AND PERFORMING AN AUTHORIZED DENTAL HYGIENE SERVICE FOR A PATIENT'S INITIAL APPOINTMENT**".

On page 3, after line 6, insert:

"**(II) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE FOR CONSULTATION WITH THE DENTAL HYGIENIST:**

1. IN PERSON;

2. BY TELEPHONE; OR

3. ELECTRONICALLY;";

in line 7, strike "**(II)**" and substitute "**(III)**"; in line 8, after "**WITH**" insert "**INITIAL**"; in line 10, strike "**(III)**" and substitute "**(IV)**"; in line 12, strike "**AND**"; after line 12, insert:

"**(V) LIMIT DENTAL HYGIENE TASKS AND PROCEDURES TO:**

1. TOOTHBRUSH PROPHYLAXIS;

2. APPLICATION OF FLUORIDE;

3. DENTAL HYGIENE INSTRUCTION;

4. ASSESSMENT OF THE PATIENT'S APPARENT NEED FOR FURTHER EVALUATION BY A DENTIST IN ORDER TO DIAGNOSE THE PRESENCE OF DENTAL DISEASE; AND

5. OTHER DUTIES AS MAY BE DELEGATED, VERBALLY OR IN WRITING, BY THE SUPERVISING DENTIST; AND

(VI) SUBMIT FINDINGS OF THE INITIAL ASSESSMENT TO THE SUPERVISING DENTIST FOR A DETERMINATION OF FUTURE TREATMENT.";

and strike in their entirety line 13 through 18, inclusive, and substitute:

"**(6) A DENTAL HYGIENIST MAY PERFORM SUBSEQUENT AUTHORIZED DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES ONLY IF:**

(I) THE SUPERVISING DENTIST EXAMINES THE PATIENT AND AUTHORIZES IN THE PATIENT'S RECORD A PRESCRIPTION OF SPECIFIC TREATMENT TO BE PROVIDED BY THE DENTAL HYGIENIST;

(II) AN AUTHORIZED TREATMENT IS PROVIDED BY THE DENTAL HYGIENIST AS SOON AS POSSIBLE, BUT NO LATER THAN 7 MONTHS FROM THE DATE THE PATIENT WAS EXAMINED BY THE SUPERVISING DENTIST; AND

(III) UPON EXPIRATION OF A PRESCRIBED TREATMENT, THE SUPERVISING DENTIST IS RESPONSIBLE FOR DETERMINING FUTURE PROTOCOLS FOR THE TREATMENT OF THE PATIENT.".

AMENDMENT NO. 3

On page 3, after line 18, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2013, the Department of Health and Mental Hygiene shall evaluate the use, effectiveness, and impact of this Act, and, in accordance with § 2–1246 of the State Government Article, submit a report of its findings to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.";

in line 19, strike "2." and substitute "3."; in line 20, strike "October" and substitute "July"; and in the same line, after "2010." insert "It shall remain effective for a period of 4 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 904 – Senator Dyson

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Off–Sale License Quota

SB0904/784530/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 904
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Beverages –" insert "Class A"; in line 4, after "of" insert "Class A"; in line 7, strike "the most recent federal census" and substitute "a specified report"; and in the same line, after the semicolon, insert "prohibiting the transfer of a certain license under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 1, after "**(D)**" insert "**(1)**"; in line 2, strike "**(1)**" and substitute "**(I)**"; in the same line, after "**1**" insert "**CLASS A**"; in line 3, strike "**, REGARDLESS OF LICENSE CLASS,**"; in line 5, strike "**(2)**" and substitute "**(II)**"; in the same line, strike "**(1)**" and substitute "**(I)**"; in line 6, strike "**SUBSECTION**" and substitute "**ITEM**"; in line 7, strike "**FEDERAL CENSUS**" and substitute "**ST. MARY'S COUNTY PLANNING COMMISSION ANNUAL REPORT**"; and after line 7, insert:

"**(2) A LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT BE TRANSFERRED FROM ONE ELECTION DISTRICT TO ANOTHER ELECTION DISTRICT UNLESS THE TRANSFER CAN BE MADE WITHOUT EXCEEDING THE LICENSE QUOTA STATED IN ITEM (I) OF THIS PARAGRAPH.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0904/413323/2

BY: Senator Dyson

AMENDMENT TO SENATE BILL 904
(First Reading File Bill)

On page 2, in line 4, strike "**4,000**" and substitute "**1,350**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #27

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

Senate Bill 275 – The President (By Request – Administration) and Senators Pinsky and King

AN ACT concerning

Education – Maryland Longitudinal Data System

SB0275/204033/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 275
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "workforce;" insert "limiting the linkage of certain student and workforce data under the Maryland Longitudinal Data System to a certain period of time;"; in line 9, strike "and duties" and substitute ", duties, and requirements"; in the same line, after "Center;" insert "providing that the Center shall be considered an authorized representative of certain State educational agencies for certain purposes;"; in line 15, after "System" insert "and to transfer certain data to the Maryland Longitudinal Data System in accordance with a certain plan"; in line 16, strike "to provide student data for" and substitute "to transfer certain data to"; in line 17, after "System" insert "in accordance with a certain plan"; in line 18, after "reports;" insert "requiring the Center to adopt certain regulations;"; in the same line, after "terms;" insert "requiring the Governing Board to submit a certain plan to the Governor and the General Assembly on or before a certain date; requiring the Governing Board to brief certain legislative committees on or before a certain date regarding a certain plan; expressing a certain intent of the General Assembly; providing for the termination of a certain provision of this Act;"; and in line 22, strike "24–706" and substitute "24–707".

AMENDMENT NO. 2

On page 2, after line 18, insert:

"**(F) (1) "STUDENT DATA" MEANS DATA RELATING TO STUDENT PERFORMANCE.**

(2) "STUDENT DATA" INCLUDES:

(I) STATE AND NATIONAL ASSESSMENTS;

(II) COURSE–TAKING AND COMPLETION;

(III) GRADE POINT AVERAGE;

(IV) REMEDIATION;

(V) RETENTION;

(VI) DEGREE, DIPLOMA, OR CREDENTIAL ATTAINMENT;

(VII) ENROLLMENT; AND

(VIII) DEMOGRAPHIC DATA.

(3) "STUDENT DATA" DOES NOT INCLUDE:

(I) JUVENILE DELINQUENCY RECORDS;

(II) CRIMINAL AND CINA RECORDS;

(III) MEDICAL AND HEALTH RECORDS; AND

(IV) DISCIPLINE RECORDS.

(G) "WORKFORCE DATA" MEANS DATA RELATING TO:

(1) EMPLOYMENT STATUS;

(2) WAGE INFORMATION;

(3) GEOGRAPHIC LOCATION OF EMPLOYMENT; AND

(4) EMPLOYER INFORMATION.".

On page 2, strike beginning with "**THAT**" in line 24 down through "**2014**" in line 25; in line 27, after the second "**DATA**" insert "**AND WORKFORCE DATA**"; and in line 28, strike "**USERS**" and substitute "**THE CENTER**".

AMENDMENT NO. 3

On page 3, after line 3, insert:

"**(C) THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA FOR THE PURPOSES OF THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE LIMITED TO NO LONGER THAN 5 YEARS FROM THE DATE OF LATEST ATTENDANCE IN ANY EDUCATIONAL INSTITUTION IN THE STATE.**";

in line 4, strike "**(C)**" and substitute "**(D)**"; strike in their entirety lines 6 and 7; in line 8, strike "**(2)**" and substitute "**(1)**"; in line 9, strike "**ACHIEVEMENT**" and substitute "**PERFORMANCE**"; and in line 10, after "**LEVELS**" insert "**; AND**

(2) FACILITATE AND ENABLE THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA";

after line 21, insert:

"**(E) THE CENTER SHALL BE CONSIDERED AN AUTHORIZED REPRESENTATIVE OF THE STATE DEPARTMENT OF EDUCATION AND THE MARYLAND HIGHER EDUCATION COMMISSION UNDER APPLICABLE FEDERAL AND STATE STATUTES FOR PURPOSES OF ACCESSING AND COMPILING STUDENT RECORD DATA FOR RESEARCH PURPOSES.**";

in line 22, strike "**(E)**" and substitute "**(F)**"; and in line 24, strike "**THE DATA**" and substitute "**STUDENT DATA AND WORKFORCE DATA**".

AMENDMENT NO. 4

On page 4, in line 1, after "**EDUCATION;**" insert "**AND**"; in line 3, strike "**AND**"; in line 4, strike "**(VI) THE GOVERNOR'S WORKFORCE INVESTMENT BOARD;**"; in line 14, after "**SECURITY**" insert "**, INCLUDING THE CAPACITY FOR AUDIT TRAILS**"; in the same line, strike "**AND**"; after line 14, insert:

"**(IV) PROVIDING FOR PERFORMANCE OF REGULAR AUDITS FOR COMPLIANCE WITH DATA PRIVACY AND SECURITY STANDARDS; AND**";

in line 15, strike "**(IV)**" and substitute "**(V)**"; in line 17, strike "**PERFORM**" and substitute "**CONDUCT**"; in line 18, strike "**ACHIEVEMENT DATA**" and substitute "**DATA AND WORKFORCE DATA**"; after line 21, insert:

"**(5) CONDUCT RESEARCH RELATING TO:**

(I) THE IMPACT OF STATE AND FEDERAL EDUCATION PROGRAMS;

(II) THE PERFORMANCE OF EDUCATOR PREPARATION PROGRAMS; AND

(III) BEST PRACTICES REGARDING CLASSROOM INSTRUCTION, EDUCATION PROGRAMS AND CURRICULUM, AND SEGMENT ALIGNMENT;";

in lines 22 and 24, strike "**(5)**" and "**(6)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 22, strike "**FACILITATE**" and substitute "**FULFILL INFORMATION AND DATA REQUESTS TO FACILITATE**"; after line 24, insert:

"**(G) (1) DIRECT ACCESS TO DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE RESTRICTED TO AUTHORIZED STAFF OF THE CENTER.**

(2) THE CENTER MAY ONLY USE DE–IDENTIFIED DATA IN THE ANALYSIS, RESEARCH, AND REPORTING CONDUCTED BY THE CENTER.

(3) THE CENTER MAY ONLY USE AGGREGATE DATA IN THE RELEASE OF DATA IN REPORTS AND IN RESPONSE TO DATA REQUESTS.

(4) DATA THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE POPULATION UNDER CONSIDERATION MAY NOT BE REPORTED IN ANY FORM BY THE CENTER.

(5) THE CENTER MAY NOT RELEASE INFORMATION THAT MAY NOT BE DISCLOSED UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.";

and in line 25, strike "**(F)**" and substitute "**(H)**".

AMENDMENT NO. 5

On page 5, strike in their entirety lines 22 and 23, inclusive; after line 23, insert:

"**(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**";

and in line 27, after "**SYSTEMS**" insert "**AND DATA SECURITY**".

AMENDMENT NO. 6

On page 7, strike in their entirety lines 1 through 3, inclusive; after line 3, insert:

"**(6) BEFORE THE INCORPORATION OF ANY INDIVIDUAL DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM:**

(I) CREATE AN INVENTORY OF THE INDIVIDUAL STUDENT DATA:

1. PROPOSED TO BE MAINTAINED IN THE SYSTEM; AND

2. REQUIRED TO BE REPORTED BY STATE AND FEDERAL EDUCATION MANDATES;

(II) DEVELOP AND IMPLEMENT POLICIES TO COMPLY WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND ANY OTHER PRIVACY MEASURES, AS REQUIRED BY LAW OR THE GOVERNING BOARD; AND

(III) DEVELOP A DETAILED DATA SECURITY AND SAFEGUARDING PLAN THAT INCLUDES:

1. AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED ACCESS;

2. PRIVACY COMPLIANCE STANDARDS;

3. PRIVACY AND SECURITY AUDITS;

4. BREACH NOTIFICATION AND PROCEDURES; AND

5. DATA RETENTION AND DISPOSITION POLICIES;

(7) OVERSEE ROUTINE AND ONGOING COMPLIANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES;

(8) ENSURE THAT ANY CONTRACTS THAT GOVERN DATABASES THAT ARE OUTSOURCED TO PRIVATE VENDORS INCLUDE EXPRESS PROVISIONS THAT SAFEGUARD PRIVACY AND SECURITY AND INCLUDE PENALTIES FOR NONCOMPLIANCE;";

in lines 4 and 8, strike "**(7)**" and "**(8)**", respectively, and substitute "**(9)**" and "**(10)**", respectively; and in line 8, after "**FOR**" insert "**THE APPROVAL OF**".

AMENDMENT NO. 7

On page 7, strike in their entirety lines 12 through 20, inclusive; strike in their entirety lines 24 through 27, inclusive; and after line 27, insert:

"**(B) THE REPORT SHALL INCLUDE:**

(1) AN UPDATE ON THE IMPLEMENTATION OF THE MARYLAND LONGITUDINAL DATA SYSTEM AND THE CENTER'S ACTIVITIES;

(2) A LIST OF ALL STUDIES PERFORMED BY THE CENTER DURING THE REPORTING PERIOD;

(3) A LIST OF CURRENTLY WAREHOUSED DATA THAT IS DETERMINED TO BE NO LONGER NECESSARY TO CARRY OUT THE MISSION OF THE CENTER;

(4) ANY PROPOSED OR PLANNED EXPANSION OF DATA MAINTAINED IN THE DATABASE; AND

(5) ANY OTHER RECOMMENDATIONS MADE BY THE GOVERNING BOARD.

24–706.

THE CENTER SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

24–707.

(A) LOCAL EDUCATION AGENCIES, COMMUNITY COLLEGES, PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS, AND STATE AGENCIES SHALL:

(1) MAKE EVERY EFFORT TO COMPLY WITH THE DATA REQUIREMENTS AND IMPLEMENTATION SCHEDULE FOR THE MARYLAND LONGITUDINAL DATA SYSTEM AS SET FORTH BY THE GOVERNING BOARD; AND

(2) TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24–704(G)(6) OF THIS SUBTITLE.

(B) PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE SECONDARY SCHOOLS MAY TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24–704(G)(6) OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That before the incorporation of any individual data in the Maryland Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data Center shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on:

(1) the inventory of individual student data proposed to be maintained in the system; and

(2) the policies of the Center to comply with the federal Family Educational Rights and Privacy Act, and other privacy measures required by law or the Governing Board.

SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 1, 2010, and before the incorporation of any individual data in the Maryland Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data System Center shall submit a data security and safeguarding plan for the Center that considers an opt–out provision to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly. On or before February 1, 2011, the Governing Board shall brief the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding the plan.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that federal or other funds that are not from the General Fund of the State be used first for the funding of the creation and establishment of the Maryland Longitudinal Data System and the Maryland Longitudinal Data System Center.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Longitudinal Data System and the Maryland Longitudinal Data System Center be fully operational on or before December 31, 2014.".

AMENDMENT NO. 8

On page 7, in line 28, strike "2." and substitute "7."; in the same line, after "That" insert "Section 2 of"; and in line 29, after the period insert "It shall remain effective for a period of 1 year and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Section 7 of this Act, this Act shall take effect July 1, 2010.".

The preceding 8 amendments were read only.

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

The motion was adopted.

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

Senate Bill 342 – Senators Frosh, Conway, Forehand, Harrington, Lenett, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

SB0342/114835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 342
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Klausmeier".

AMENDMENT NO. 2

On page 2, in line 8, strike "**FROM**" and substitute "**LOCATED MORE THAN 200 FEET WITHIN A**"; in line 9, strike "**AREAS**" and substitute "**AREA**"; in line 10, strike "**ILLEGAL**"; in the same line, after "**GEAR**" insert "**THAT IS PROHIBITED IN THAT AREA**"; strike beginning with "**AT**" in line 11 down through "**PROHIBITED**" in line 12 and substitute "**OUTSIDE OF A TIME RESTRICTION FOR THE HARVEST OR POSSESSION OF OYSTERS BY MORE THAN 1 HOUR**"; and in line 15, after "**LEASEHOLDER**" insert "**OR LEASEHOLDER'S DESIGNEE**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 635 – Senator Pipkin

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

SB0635/344635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 635
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "providing for the application of certain provisions of this Act;" and substitute "providing for the termination of the terms of certain elected members of the county board; making certain technical corrections;".

AMENDMENT NO. 2

On page 1, in line 24, strike "1978" and substitute "**2010**".

AMENDMENT NO. 3

On page 2, in line 4, strike "1978" and substitute "**2012**"; strike beginning with "6" in line 4 down through "1978;" in line 5 and substitute "**4 YEARS THEREAFTER; AND**"; in line 6, strike "Two" and substitute "**THREE**"; in line 7, strike "1980" and substitute "**2014**"; strike beginning with "6" in line 7 down through "1980;" in line 8 and substitute "**4 YEARS THEREAFTER.**"; and strike beginning with "and" in line 8 down through "1981." in line 11.

AMENDMENT NO. 4

On page 3, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Kent County Board of Education shall expire as follows:

(a) The terms of the two members whose terms are scheduled to expire on December 31, 2010, shall terminate at the end of December 31, 2010, and those members shall be succeeded by:

(1) the member receiving the highest number of votes at the general election in November 2010, who shall serve for a term of 4 years until a successor is elected and qualifies; and

(2) the member receiving the second highest number of votes at the general election in November 2010, who shall serve for a term of 2 years until a successor is elected and qualifies.

(b) The term of the member whose term is scheduled to expire on December 31, 2012, shall terminate at the end of December 31, 2012, and the member elected at the general election in November 2012, shall succeed that member and serve for a term of 4 years until a successor is elected and qualifies.

(c) The terms of the two members whose terms are scheduled to expire on December 31, 2014, shall terminate at the end of December 31, 2014, and the members elected at the general election in November 2014, shall succeed those elected members and serve for a term of 4 years until a successor is elected and qualifies.";

and strike in their entirety lines 14 through 19, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 746 – Senator Colburn

AN ACT concerning

Natural Resources – Land Acquisition – Notification and Approval

SB0746/434036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 746
(First Reading File Bill)

On page 1, strike line 2 in its entirety and substitute "Dorchester County – Land Acquisition – Approval Required"; strike beginning with "requiring" in line 3 down through "circumstances;" in line 5; strike beginning with the second "the" in line 8 down through "and" in line 9; in line 9, after "State" insert "in Dorchester County"; in line 12, strike "1–104(k) and"; and strike in their entirety lines 18 through 24, inclusive.

On page 2, strike in their entirety lines 1 through 4, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 758 – Senators King, Dyson, Forehand, Harrington, Kramer, Lenett, Madaleno, Peters, Pinsky, and Stone

AN ACT concerning

Education – Early Learning Challenge Fund – Application for Grants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 759 – Senators King, Forehand, Harrington, Kramer, Lenett, Madaleno, Peters, Pinsky, Rosapepe, and Stone

AN ACT concerning

Early Child Care and Education Enhancement Program – Annual Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 899 – The President (By Request – Administration)

AN ACT concerning

Education Reform Act of 2010

SB0899/794338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 899
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 9 down through "evaluation" in line 11 and substitute "requiring the State Board of Education to adopt regulations to establish certain standards that include certain provisions; requiring certain employees to be tenured under certain circumstances; authorizing certain local school systems to extend a certain probationary period for certain employees under certain circumstances; requiring certain county boards to establish certain performance evaluation criteria that are mutually agreed upon by certain local school systems and certain exclusive employee representatives for certain teachers and principals based on certain standards; requiring certain performance evaluation criteria to include certain data as a certain component of the evaluation"; strike beginning with "requiring" in line 12 down through "funds" in line 16 and substitute "prohibiting certain performance evaluation criteria from being based solely on certain examinations or assessments; authorizing the use of certain examinations or assessments as one of certain measures; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that may include certain elements; restricting certain use of Race to the Top grant funds for certain purposes; requiring the State Board to adopt certain guidelines to implement a certain program; authorizing the award of certain stipends in certain years to be based on obtainment of National Board Certification"; and in line 16, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, in line 29, strike "(2)" and substitute "**(3)**".

On page 3, in line 13, after "**THE**" insert "**NONTENURED**"; in line 14, strike "**AT THE END OF THE FIRST OR SECOND YEAR, A**" and substitute "**:**

1. **A**";

in line 15, after "**EMPLOYEE**" insert "**TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND INSTRUCTION; AND**";

in the same line, strike "**AND ADDITIONAL**" and substitute:

"**2.** **ADDITIONAL**";

in line 16, after "**PROVIDED**" insert "**TO THE EMPLOYEE**";

after line 16, insert:

"**(3)** **(I)** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN A LOCAL SCHOOL SYSTEM IN THE STATE AND MOVES TO ANOTHER LOCAL SCHOOL SYSTEM IN THE STATE, THAT EMPLOYEE SHALL BE TENURED IF THE EMPLOYEE'S CONTRACT IS RENEWED AFTER 1 YEAR OF PROBATIONARY EMPLOYMENT IN THE LOCAL SCHOOL SYSTEM TO WHICH THE EMPLOYEE RELOCATED IF:**

1. **THE EMPLOYEE'S FINAL EVALUATION IN THE LOCAL SCHOOL SYSTEM FROM WHICH THE EMPLOYEE DEPARTED IS SATISFACTORY OR BETTER; AND**

2. **THERE HAS BEEN NO BREAK IN THE EMPLOYEE'S SERVICE BETWEEN THE TWO SYSTEMS OF LONGER THAN 1 YEAR.**

(II) **A LOCAL SCHOOL SYSTEM MAY EXTEND THE PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE OF EMPLOYMENT IF:**

1. THE EMPLOYEE DOES NOT QUALIFY FOR TENURE AT THE END OF THE FIRST YEAR BASED ON ESTABLISHED PERFORMANCE EVALUATION CRITERIA; AND

2. THE EMPLOYEE DEMONSTRATES A STRONG POTENTIAL FOR IMPROVEMENT.";

in line 17, strike "(3)" and substitute "**(4) (I)**"; and after line 21, insert:

"**(II) 1. THE STATE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR EFFECTIVE MENTORING THAT REQUIRE MONITORING TO BE PROVIDED AT LEAST 90 DAYS IN ADVANCE OF AN ADVERSE ACTION BEING TAKEN AGAINST AN EMPLOYEE THAT RELATES TO INCOMPETENCE OR OTHER INSTRUCTION–RELATED ISSUES.**

2. THE REGULATIONS ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING THAT:

A. IS FOCUSED;

B. IS SYSTEMATIC;

C. IS ONGOING;

D. IS OF HIGH QUALITY;

E. IS GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED;

F. INCLUDES OBSERVATIONS; AND

G. INCLUDES FEEDBACK.".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 22 through 27, inclusive, and substitute:

"**(C)** **(1)** **IN THIS SUBSECTION, "STUDENT GROWTH" MEANS STUDENT PROGRESS ASSESSED BY MULTIPLE MEASURES AND FROM A CLEARLY ARTICULATED BASELINE TO ONE OR MORE POINTS IN TIME.**

(2) **THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS THAT INCLUDE OBSERVATIONS, CLEAR STANDARDS, RIGOR, AND CLAIMS AND EVIDENCE OF OBSERVED INSTRUCTION.**

(3) **A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA FOR CERTIFICATED TEACHERS AND PRINCIPALS IN THE LOCAL SCHOOL SYSTEM BASED ON THE GENERAL STANDARDS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.**

(4) **THE PERFORMANCE EVALUATION CRITERIA DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION:**

(I) **SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND AS ONE OF MULTIPLE MEASURES; AND**

(II) **MAY NOT BE BASED SOLELY ON AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT.**

(5) **AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE MEASURES.**".

AMENDMENT NO. 4

On page 3, in line 30, strike the first "**APPLICATION**" and substitute "**GRANT FUNDS**"; and in the same line, after "**MEANS**" insert "**FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE TO**".

On pages 3 and 4, strike beginning with line 33 on page 3 through line 4 on page 4, inclusive, and substitute:

"(II) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE CATEGORIZED AS TITLE I SCHOOLS OR HAVE A LOCALLY DETERMINED PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICE MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS PARAGRAPH MAY INCLUDE:

A. OFFERING GROUP INCENTIVES IN ORDER TO ATTRACT A CRITICAL MASS OF HIGHLY EFFECTIVE TEACHERS;

B. REQUIRING THE REPLACEMENT OF CURRENT PRINCIPALS WITH HIGHLY EFFECTIVE PRINCIPALS;

C. DETERMINING THE SIZE OF THE STIPEND FROM DATA AND SUCCESSFUL PROGRAMS PROVEN TO WORK; AND

D. BASING STIPENDS ON PROVEN SKILLS OF THE TEACHER OR PRINCIPAL INCLUDING KNOWLEDGE, SKILLS, AND RESPONSIBILITIES.

(III) RACE TO THE TOP GRANT FUNDS MAY BE USED ONLY TO FUND INCENTIVES PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.

(IV) 1. THE STATE BOARD SHALL ADOPT GUIDELINES TO IMPLEMENT THIS PARAGRAPH.

2. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A LOCAL SCHOOL SYSTEM FROM EMPLOYING MORE STRINGENT STANDARDS THAN THE GUIDELINES ADOPTED UNDER THIS SUBPARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That during the 2010 – 2011 and 2011 – 2012 school years, stipends awarded under § 6–306(b)(5) of the Education Article may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.";

and in lines 5 and 9, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 4 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #12

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

House Bill 223 – ~~**Montgomery County Delegation**~~ **Delegates Hixson, Howard, Feldman, Ali, Barkley, Barve, Bronrott, Carr, Dumais, Frick, Gilchrist, Gutierrez, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur, Montgomery, Reznik, Rice, Simmons, Taylor, Waldstreicher, Benson, Boteler, Cane, G. Clagett, Davis, DeBoy, Doory, Frush, Gaines, Glenn, Healey, Hecht, Holmes, Ivey, King, Love, Minnick, Niemann, Pendergrass, Pena–Melnyk, Proctor, Ramirez, Ross, Shewell, Sophocleus, Sossi, Stocksdale, Valderrama, Vaughn, Walker, and Wood**

~~EMERGENCY BILL~~

AN ACT concerning

~~**Montgomery County –**~~ **Maintenance of Effort** ~~**Waiver**~~ **– Penalty**
~~**MC 14–10**~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 310 – Senators Kasemeyer, Currie, DeGrange, Garagiola, Kittleman, Madaleno, McFadden, Middleton, and Munson

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Process and Factors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 374 – Senator Della

AN ACT concerning

Baltimore City – Video Lottery Facility – Local Development Council – Membership

SB0374/849630/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 374
(First Reading File Bill)

On page 2, in line 25, strike "**, INSTEAD OF TWO DELEGATES,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 375 – Senator Della

AN ACT concerning

Video Lottery Facilities – Local Impact Grants – Residential Parking Permit Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 479 – Senator Stoltzfus

AN ACT concerning

State Capital Projects – High Performance Buildings – Green Globes Rating

SB0479/199932/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 479
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "State Capital Projects – High Performance Buildings – Green Globes Rating" and substitute "High Performance Buildings – Green Globes Program"; in line 3, after the first "of" insert "requiring the membership of the Maryland Green Building Council to include certain members under certain circumstances;"; in line 5, after "rating;" insert "providing for the application of this Act;"; in line 6, strike "the construction and renovation of"; in the same line, strike "by the State"; and in line 9, after "3–602.1(a)(2)" insert "and 4–809".

AMENDMENT NO. 2

On page 2, after line 4, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

4–809.

(a) There is a Maryland Green Building Council.

(b) The Council shall include:

(1) the Secretary of General Services, or the Secretary's designee;

(2) the Secretary of Budget and Management, or the Secretary's designee;

(3) the Secretary of the Environment, or the Secretary's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Secretary of Natural Resources, or the Secretary's designee;

(6) the Secretary of Planning, or the Secretary's designee;

(7) the Secretary of Transportation, or the Secretary's designee;

(8) the Director of the Maryland Energy Administration, or the Director's designee;

(9) the Director of the Interagency Committee on Public School Construction, or the Director's designee;

(10) the Chancellor of the University System of Maryland, or the Chancellor's designee; and

(11) **SUBJECT TO SUBSECTION (C) OF THIS SECTION,** six members appointed by the Governor to represent environmental, business, and citizen interests, one of whom has expertise in energy conservation or green building design standards.

(C) FOR MEMBERS APPOINTED UNDER SUBSECTION (B)(11) OF THIS SECTION, THE NUMBER OF MEMBERS WHO ARE ASSOCIATED WITH LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) SHALL EQUAL THE NUMBER OF MEMBERS WHO ARE ASSOCIATED WITH THE GREEN GLOBES PROGRAM.

[(c)**] (D)** (1) The term of a member appointed by the Governor is 2 years.

(2) The terms of appointed members are staggered.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the remainder of that term and until a successor is appointed and qualifies.

(5) The Governor may remove an appointed member for incompetence, misconduct, or failure to perform the duties of the position.

(6) A member appointed by the Governor may not receive compensation, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

[(d)**] (E)** (1) The Governor shall appoint a chair from among the Council members.

(2) The Council may act with an affirmative vote of nine members.

[(e)**] (F)** Staff support to the Council shall be provided by the Department of General Services, with assistance as necessary to be furnished by other involved agencies and units of State government.

[(f)**] (G)** The Maryland Green Building Council shall:

(1) evaluate current high performance building technologies;

(2) provide recommendations concerning the most cost–effective green building technologies that the State might consider requiring in the construction of State facilities, including consideration of the additional cost associated with the various technologies;

(3) provide recommendations concerning how to expand green building in the State; and

(4) develop a list of building types for which green building technologies should not be applied, taking into consideration the operational aspects of facilities evaluated, and the utility of a waiver process where appropriate.

[(g)**] (H)** On or before November 1 of each year, the Council shall report to the Governor and the General Assembly, in accordance with § 2–1246 of the State Government Article, as to recommendations for the implementation plan for a higher performance building program in the State and any progress that has been made during the preceding year.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall apply to an appointment to the Green Building Council by the Governor in accordance with § 4–809(b)(1) of the State Finance and Procurement Article to fill a vacancy due to the expiration of the term of a member of the Council serving as of July 1, 2010.";

and in line 5, strike "2." and substitute"4.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 497 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Retiree Death Benefits

SB0497/829139/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 497
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "repealing a certain benefit that is" and substitute "clarifying that certain death benefits are".

AMENDMENT NO. 2

On page 2, in line 14, strike the bracket; in line 15, after the first "the" insert "**DEATH**"; in the same line, after "payable" insert "**UNDER TITLE 29, SUBTITLE 2, OF THIS ARTICLE**"; in line 16, strike the bracket; in line 17, strike "**(D)**" and substitute "**(E)**"; and strike beginning with "**30**" in line 22 down through "**RETIREE**" in line 23 and substitute "**THE LAST DAY OF THE MONTH OF THE RETIREE'S EFFECTIVE DATE OF RETIREMENT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 498 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions

SB0498/529732/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 498
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike "(3) and" and substitute "(3),"; in the same line, after "23–407(c)(1) and (3)" insert ", and 25–403(a)"; in line 16, strike "and" and substitute a comma; and in the same line, after "23–407(c)(4)(i)" insert ", and 25–403(b)(3)".

AMENDMENT NO. 2

On page 2, in line 20, after "a" insert "**PERMANENT,**"; and in the same line, after "temporary" insert a comma.

On page 3, in line 11, after "a" insert "**PERMANENT,**"; and in the same line, after "temporary" insert a comma.

AMENDMENT NO. 3

On page 3, after line 11, insert:

"25–403.

(a) Except as provided in subsection (h) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if the individual immediately notifies the Board of Trustees:

(1) of the individual's intention to accept the employement; and

(2) of the compensation that the individual will receive.

(b) (3) The reduction under this subsection does not apply to:

(i) an individual who has been retired for 9 years, beginning on January 1, after the date the individual retires;

(ii) an individual whose average final compensation was less than **[**$10,000**] $25,000** and who is reemployed on a **PERMANENT,** temporary**,** or contractual basis;

(iii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit; or

(iv) a retiree of the Correctional Officers' Retirement System who is reemployed on a contractual basis for not more than 4 years by the Division of Corrections, the Division of Pretrial Detention and Services, or the Patuxent Institution in the Department of Public Safety and Correctional Services as a correctional officer in a correctional facility defined in § 1–101 of the Correctional Services Article.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 709 – Senator Kasemeyer

AN ACT concerning

State Retirement and Pension System – Disability Retirement Application – Surviving Beneficiary

SB0709/429330/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 709
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "burden of proof to be on a certain"; and in the same line, after "beneficiary" insert "to submit to the Board of Trustees an affidavit signed by a certain individual".

AMENDMENT NO. 2

On page 3, in lines 3 and 4, strike "**THE DISABILITY APPLICATION**" and substitute "**A PRELIMINARY APPLICATION FOR DISABILITY RETIREMENT OR AN APPLICATION FOR DISABILITY RETIREMENT**"; in line 6, strike "**1 WEEK**" and substitute "**7 DAYS**"; and in line 8, strike "**1 MONTH**" and substitute "**30 DAYS**".

AMENDMENT NO. 3

On page 3, strike beginning with the first "**THE**" in line 16 down through "**MEMBER**" in line 17 and substitute "**IF THE PRELIMINARY APPLICATION FOR DISABILITY RETIREMENT OR THE APPLICATION FOR DISABILITY RETIREMENT WAS SIGNED BY THE DECEASED MEMBER BEFORE THE DEATH OF THE MEMBER**";

and strike in their entirety lines 26 through 28, inclusive, and substitute:

"**(4) IN ORDER FOR THE SIGNATURE TO BE VALID, A SURVIVING BENEFICIARY SHALL SUBMIT TO THE BOARD OF TRUSTEES AN AFFIDAVIT SIGNED BY AN INDIVIDUAL WHO WITNESSED THE DECEASED MEMBER SIGNING THE PRELIMINARY APPLICATION FOR DISABILITY RETIREMENT OR THE APPLICATION FOR DISABILITY RETIREMENT BEFORE THE DEATH OF THE MEMBER.**".

On page 4, in line 12, strike "1 month" and substitute "30 days".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 777 – Senators DeGrange, Kasemeyer, King, Klausmeier, McFadden, Munson, Peters, Pugh, Robey, and Zirkin

AN ACT concerning

Local Government Funds – Redeposit into Insured Accounts

SB0777/349539/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 777
(First Reading File Bill)

On page 3, in line 14, after the first "**THE**" insert "**STATE**"; in line 21, strike "**SERVES**" and substitute "**ACTS**"; in line 24, after "**HELD**" insert "**BY THE STATE FINANCIAL INSTITUTION**"; in line 25, after the first "**OF**" insert "**A**"; and in the same line, after "**BUSINESS**" insert "**DAY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 793 – Senators Garagiola, Forehand, King, and Pugh

AN ACT concerning

State Retirement and Pension System – Investments – Qualified Information Technology, Green Technology, Medical Device Technology, or Bioscience Businesses

SB0793/469530/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 793
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Businesses" insert "– Reporting"; strike beginning with "requiring" in line 5 down through "businesses;" in line 10; in line 12, after "defining" insert "a"; in the same line, strike "terms" and substitute "term"; in line 13 after "to" insert "reporting requirements of"; and in the same line, strike "investing" and substitute "for investments of".

AMENDMENT NO. 2

On page 2, in line 15, strike "**(I)**"; strike beginning with "**THE**" in line 15 down through "**(II)**" in line 17 and substitute a comma; in lines 20, 21, 24, 27, 30, and 31, strike "**1.**", "**A.**", "**B.**", "**C.**", "**2.**", and "**A.**", respectively, and substitute "**(I)**", "**1.**", "**2.**", "**3.**", "**(II)**", and "**1.**", respectively.

On page 3, in lines 1, 2, and 4, strike "**B.**", "**C.**", and "**D.**", respectively, and substitute "**2.**", "**3.**", and "**4.**", respectively; and strike in their entirety lines 6 through 31, inclusive.

On page 4, strike in their entirety lines 1 through 7, inclusive; in line 8, strike "**(4)**" and substitute "**(2)**"; in lines 15 and 16, strike "**BOARD OF TRUSTEES HAS**" and substitute "**SEVERAL SYSTEMS HAVE**"; strike in their entirety lines 18 through 29, inclusive, and substitute:

"**(II) A STATEMENT OF THE AGGREGATE AMOUNT OF ASSETS OF THE SEVERAL SYSTEMS INVESTED IN COMPANIES HEADQUARTERED IN THE STATE BY ALL VENTURE CAPITAL FUNDS IN WHICH THE SEVERAL SYSTEMS HAVE MADE AN INVESTMENT; AND**

(III) A STATEMENT OF THE AGGREGATE AMOUNT OF ASSETS OF THE SEVERAL SYSTEMS INVESTED IN EACH OF THE QUALIFIED INFORMATION TECHNOLOGY, GREEN TECHNOLOGY, MEDICAL DEVICE TECHNOLOGY, OR BIOSCIENCE BUSINESSES BY ALL VENTURE CAPITAL FUNDS IN WHICH THE SEVERAL SYSTEMS HAVE MADE AN INVESTMENT.";

in line 30, strike the second set of brackets; strike beginning with "**EXCEPT**" in line 30 down through "**THE**" in line 31; and in line 34, strike the brackets.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 829 – Senator Madaleno

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Retired Higher Education Faculty

SB0829/789238/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 829

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "who," in line 5 down through "manner," in line 6.

AMENDMENT NO. 2

On page 3, in line 1, after "**COMPENSATION**" insert "**, AS CALCULATED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH,**"; in the same line, strike "**ANNUAL EARNABLE**" and substitute "**FINAL**"; strike beginning with "**DURING**" in line 2 down through "**COMPENSATION**" in line 3 and substitute "**USED TO COMPUTE THE BASIC ALLOWANCE**"; and strike beginning with "**EARNABLE**" in line 5 down through "**RETIRED**" in line 8 and substitute "**COMPENSATION IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES NOT INCLUDE ANY OF THE FOLLOWING EARNINGS THE RETIREE RECEIVED DURING THE PREVIOUS CALENDAR YEAR FROM THE EMPLOYER WITH WHOM THE RETIREE IS REEMPLOYED:**

A. **BONUSES;**

B. **OVERTIME;**

C. **SUMMER SCHOOL SALARIES;**

D. **ADULT EDUCATION SALARY;**

E. **ADDITIONAL TEMPORARY PAYMENTS FROM SPECIAL RESEARCH PROJECTS;**

F. **HONORARIUMS; AND**

G. **VEHICLE STIPENDS**".

AMENDMENT NO. 3

On page 4, in line 12, after "**COMPENSATION**" insert "**, AS CALCULATED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH,**"; in the same line, strike "**ANNUAL EARNABLE**" and substitute "**FINAL**"; strike beginning with "**DURING**" in

line 13 down through "**COMPENSATION**" in line 14 and substitute "**USED TO COMPUTE THE BASIC ALLOWANCE**"; and strike beginning with "**EARNABLE**" in line 16 down through "**RETIRED**" in line 19 and substitute "**COMPENSATION IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES NOT INCLUDE ANY OF THE FOLLOWING EARNINGS THE RETIREE RECEIVED DURING THE PREVIOUS CALENDAR YEAR FROM THE EMPLOYER WITH WHOM THE RETIREE IS REEMPLOYED:**

A. **BONUSES;**

B. **OVERTIME;**

C. **SUMMER SCHOOL SALARIES;**

D. **ADULT EDUCATION SALARY;**

E. **ADDITIONAL TEMPORARY PAYMENTS FROM SPECIAL RESEARCH PROJECTS;**

F. **HONORARIUMS; AND**

G. **VEHICLE STIPENDS**".

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 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR ZIRKIN.

FLOOR AMENDMENT

SB0858/603423/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 858
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "repealing provisions that provide for a direct wine seller's permit;"; in line 19, after "Act;" insert "establishing a direct wine shipper's license to be issued by the Office of the Comptroller; requiring a person to be licensed before the person or the person's agent may engage in shipping wine directly to a personal consumer in the State; requiring an applicant to meet certain qualifications for a license, submit an application and a copy of its current alcoholic beverages license to the Office of the Comptroller, and pay a certain fee; requiring a direct wine shipper to perform certain actions; prohibiting a direct wine shipper from shipping more than a certain amount of wine annually to any one personal consumer or make deliveries on Sunday; requiring a direct wine shipper to meet certain requirements to renew the license; specifying certain requirements for receiving a direct shipment of wine; allowing a shipment of wine to be ordered or purchased through a computer network; authorizing the Office of the Comptroller to adopt certain regulations; prohibiting a person without a license from shipping wine directly to personal consumers in the State; providing a certain penalty;"; in the same line, after the second "that" insert "certain provisions of"; in the same line, strike "applies" and substitute "apply"; in line 21, after "industry;" insert "defining certain terms; making certain technical corrections; altering a certain definition;"; after line 22, insert:

"BY repealing
Article 2B – Alcoholic Beverages

Section 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

and in line 25, after "2–101(x)" insert "; and 7.5–101 through 7.5–111 to be under the new title "Title 7.5. Direct Wine Shipper's License"".

On page 2, in line 5, after "Section" insert "2–101(b)(1)(i),"; in the same line, after "2–205," insert "9–102(a),"; in the same line, strike "and"; in the same line, after "11–511" insert ", and 15–204(b)"; and after line 7, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 5–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–101(f) and 5–201(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, after "That" insert "Section(s) 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit" of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That".

On page 11, after line 33, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

2–101.

(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:

1. $50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;

2. $75 for a public storage permit, a public transportation permit, or an import and export permit;

3. $200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;

4. $400 for a family beer and wine facility permit; and

5. **[**$10**]** **$100** for a direct wine **[**seller's permit**]** **SHIPPER'S LICENSE.**

TITLE 7.5. DIRECT WINE SHIPPER'S LICENSE.

7.5–101.

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

(B) "DIRECT WINE SHIPPER" MEANS THE HOLDER OF A DIRECT WINE SHIPPER'S LICENSE ISSUED UNDER THIS TITLE.

(C) "LICENSE" MEANS A DIRECT WINE SHIPPER'S LICENSE ISSUED BY THE OFFICE OF THE COMPTROLLER.

(D) "WINE" INCLUDES BRANDY THAT IS DISTILLED FROM THE PULPY RESIDUE OF THE WINE PRESS, INCLUDING THE SKINS, PIPS, AND STALKS OF GRAPES.

7.5–102.

A PERSON SHALL BE LICENSED BY THE OFFICE OF THE COMPTROLLER AS A DIRECT WINE SHIPPER BEFORE THE PERSON OR THE PERSON'S AGENT MAY ENGAGE IN SHIPPING WINE DIRECTLY TO A PERSONAL CONSUMER IN THE STATE.

7.5–103.

TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE:

(1) A PERSON LICENSED OUTSIDE THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE;

(2) AN AUTHORIZED BRAND OWNER OF WINE, A UNITED STATES IMPORTER OF WINE, OR A DESIGNATED MARYLAND AGENT OF A BRAND OWNER OR UNITED STATES IMPORTER;

(3) A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE OR A CLASS 4 MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE; OR

(4) A PERSON LICENSED BY THE STATE OR OUTSIDE THE STATE TO ENGAGE IN THE RETAIL SALE OF WINE FOR CONSUMPTION OFF THE PREMISES.

7.5–104.

(A) AN APPLICANT FOR A LICENSE SHALL:

(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES;

(2) PROVIDE TO THE OFFICE OF THE COMPTROLLER A COPY OF THE APPLICANT'S CURRENT ALCOHOLIC BEVERAGES LICENSE; AND

(3) PAY A FEE OF $100.

(B) THE OFFICE OF THE COMPTROLLER SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR A LICENSE.

7.5–105.

(A) A DIRECT WINE SHIPPER SHALL:

(1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A PERSONAL CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS ALCOHOL: SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY";

(2) REPORT MONTHLY TO THE OFFICE OF THE COMPTROLLER THE TOTAL AMOUNT OF WINE, BY TYPE, SHIPPED IN THE STATE, THE PRICE CHARGED, AND THE NAME AND ADDRESS OF EACH PURCHASER;

(3) PAY MONTHLY TO THE OFFICE OF THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO PERSONAL CONSUMERS IN THE STATE, THE AMOUNT OF THE TAXES TO BE CALCULATED AS IF THE SALE WERE MADE AT THE DELIVERY LOCATION;

(4) ALLOW THE OFFICE OF THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT WINE SHIPPER'S RECORDS ON REQUEST; AND

(5) CONSENT TO THE JURISDICTION OF THE OFFICE OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

(B) A DIRECT WINE SHIPPER MAY NOT:

(1) SHIP MORE THAN 24 9–LITER CASES OF WINE ANNUALLY TO ANY ONE PERSONAL CONSUMER; OR

(2) DELIVER WINE ON SUNDAY TO AN ADDRESS IN THE STATE.

7.5–106.

A DIRECT WINE SHIPPER MAY ANNUALLY RENEW ITS LICENSE IF THE DIRECT WINE SHIPPER:

(1) IS OTHERWISE ENTITLED TO BE LICENSED;

(2) PROVIDES TO THE OFFICE OF THE COMPTROLLER A COPY OF ITS CURRENT ALCOHOLIC BEVERAGES LICENSE; AND

(3) PAYS TO THE OFFICE OF THE COMPTROLLER A RENEWAL FEE OF $50.

7.5–107.

(A) TO RECEIVE A DIRECT SHIPMENT OF WINE, A PERSONAL CONSUMER OF THE STATE MUST BE AT LEAST 21 YEARS OLD.

(B) A SHIPMENT OF WINE MAY BE ORDERED OR PURCHASED THROUGH A COMPUTER NETWORK.

(C) A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

7.5–108.

(A) A SHIPMENT MADE IN ACCORDANCE WITH THIS TITLE SHALL BE MADE BY A COMMON CARRIER AND BE ACCOMPANIED BY A SHIPPING LABEL THAT CLEARLY INDICATES THE NAME OF THE DIRECT SHIPPER AND THE NAME AND ADDRESS OF THE RECIPIENT.

(B) TO COMPLETE DELIVERY OF A SHIPMENT, THE COMMON CARRIER SHALL REQUIRE FROM A PERSONAL CONSUMER AT THE ADDRESS LISTED ON THE SHIPPING LABEL:

(1) THE SIGNATURE OF THE PERSONAL CONSUMER; AND

(2) PHOTOGRAPHIC IDENTIFICATION SHOWING THAT THE PERSONAL CONSUMER IS AT LEAST 21 YEARS OLD.

7.5–109.

THE OFFICE OF THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

7.5–110.

A BUSINESS ENTITY WITHOUT A LICENSE MAY NOT SHIP WINE DIRECTLY TO PERSONAL CONSUMERS IN THE STATE.

7.5–111.

A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, **[**and**]** 6–701**, AND TITLE 7.5** of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), and (17), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, or § 12–202 of this article.

15–204.

(b) (1) Provided, that in Montgomery County no person, firm, or corporation shall keep for sale any alcoholic beverage not purchased from the Department of Liquor Control for Montgomery County, provided, however, that

nothing in this subsection shall apply to a holder of a Class F license or a holder of a Class 1 beer, wine and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler's license, who may not sell or deliver any alcoholic beverage in Montgomery County for resale except to a county liquor dispensary.

(2) Notwithstanding paragraph (1) of this subsection:

(i) **1.** A holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit may sell or deliver wine directly to a county liquor dispensary, restaurant, or other retail dealer in Montgomery County; and

[(ii)**]** **2.** A county liquor dispensary, restaurant, or other retail dealer in Montgomery County may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit**; AND**

(II) A HOLDER OF A DIRECT WINE SHIPPER'S LICENSE MAY SHIP WINE DIRECTLY TO A PERSONAL CONSUMER IN MONTGOMERY COUNTY.

Article – Tax – General

5–101.

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

(f) "Direct wine **[**seller"**]** **SHIPPER"** has the meaning stated in Article 2B, § 7.5–101 of the Code.

5–201.

(d) **[**(1)**]** A person who is a direct wine **[**seller**]** **SHIPPER** shall file with the Office of the Comptroller **[**an annual**]** **A MONTHLY** tax return.

[(2) The annual tax return shall be due no later than October 15 of each year covering the previous 12 calendar months ending September 30.**]**".

On page 12, in lines 1, 4, and 10, strike "2.", "3.", and "4.", respectively, and substitute "4.", "5.", and "6.", respectively; in line 1, after "That" insert "Section 2 of"; and in line 9, strike "1" and substitute "2".

The preceding 2 amendments were read only.

Senator Mooney moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2010.

The motion was rejected by a roll call vote as follows:

Affirmative – 7 Negative – 39 (See Roll Call No. 579)

Senator Zirkin moved, duly seconded, to withdraw the Floor Amendments.

The preceding 2 amendments offered by Senator Zirkin were withdrawn by a roll call vote as follows:

The motion was adopted by a roll call vote as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 580)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

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

Senate Bill 340 – Senator Frosh

AN ACT concerning

Estates and Trusts – Maryland International Wills Act

SB0340/368671/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 340
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh and Forehand".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 341 – Senator Frosh

AN ACT concerning

Real Property – Effect of Deed Granting Property from Trust or Estate

SB0341/998477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 341
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "trustee" insert "under certain circumstances"; and in line 7, after "representative" insert "under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 14, strike "**A**" and substitute "**IF EXECUTED BY THE TRUSTEE OR TRUSTEES APPOINTED AND ACTING FOR THE TRUST ON THE EFFECTIVE DATE OF THE DEED, A**"; and in line 27, strike "**A**" and substitute "**IF EXECUTED BY THE PERSON OR PERSONS INDICATED IN ITEM (I) OR (II) OF THIS PARAGRAPH AS APPLICABLE, A**".

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:

Senate Bill 275 – The President (By Request – Administration) and Senators Pinsky and King

AN ACT concerning

Education – Maryland Longitudinal Data System

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (8) AND THE FAVORABLE REPORT.

SB0275/204033/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 275
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "workforce;" insert "limiting the linkage of certain student and workforce data under the Maryland Longitudinal Data System to a certain period of time;"; in line 9, strike "and duties" and substitute ", duties, and requirements"; in the same line, after "Center;" insert "providing that the Center shall be considered an authorized representative of certain State educational agencies for certain purposes;"; in line 15, after "System" insert "and to transfer certain data to the Maryland Longitudinal Data System in accordance with a certain plan"; in line 16, strike "to provide student data for" and substitute "to transfer certain data to"; in line 17, after "System" insert "in accordance with a certain plan"; in line 18, after "reports;" insert "requiring the Center to adopt certain regulations;"; in the same line, after "terms;" insert "requiring the Governing Board to submit a certain plan to the Governor and the General Assembly on or before a certain date; requiring the Governing Board to brief certain legislative committees on or before a certain date regarding a certain plan; expressing a certain intent of the General Assembly; providing for the termination of a certain provision of this Act;"; and in line 22, strike "24–706" and substitute "24–707".

AMENDMENT NO. 2

On page 2, after line 18, insert:

"(F) (1) "STUDENT DATA" MEANS DATA RELATING TO STUDENT PERFORMANCE.

(2) "STUDENT DATA" INCLUDES:

(I) STATE AND NATIONAL ASSESSMENTS;

(II) COURSE–TAKING AND COMPLETION;

(III) GRADE POINT AVERAGE;

(IV) REMEDIATION;

(V) RETENTION;

(VI) DEGREE, DIPLOMA, OR CREDENTIAL ATTAINMENT;

(VII) ENROLLMENT; AND

(VIII) DEMOGRAPHIC DATA.

(3) "STUDENT DATA" DOES NOT INCLUDE:

(I) JUVENILE DELINQUENCY RECORDS;

(II) CRIMINAL AND CINA RECORDS;

(III) MEDICAL AND HEALTH RECORDS; AND

(IV) DISCIPLINE RECORDS.

(G) "WORKFORCE DATA" MEANS DATA RELATING TO:

(1) EMPLOYMENT STATUS;

(2) WAGE INFORMATION;

(3) GEOGRAPHIC LOCATION OF EMPLOYMENT; AND

(4) EMPLOYER INFORMATION.".

On page 2, strike beginning with "**THAT**" in line 24 down through "**2014**" in line 25; in line 27, after the second "**DATA**" insert "**AND WORKFORCE DATA**"; and in line 28, strike "**USERS**" and substitute "**THE CENTER**".

AMENDMENT NO. 3

On page 3, after line 3, insert:

"**(C) THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA FOR THE PURPOSES OF THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE LIMITED TO NO LONGER THAN 5 YEARS FROM THE DATE OF LATEST ATTENDANCE IN ANY EDUCATIONAL INSTITUTION IN THE STATE.**";

in line 4, strike "**(C)**" and substitute "**(D)**"; strike in their entirety lines 6 and 7; in line 8, strike "**(2)**" and substitute "**(1)**"; in line 9, strike "**ACHIEVEMENT**" and substitute "**PERFORMANCE**"; and in line 10, after "**LEVELS**" insert "**; AND**

(2) FACILITATE AND ENABLE THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA";

after line 21, insert:

"**(E) THE CENTER SHALL BE CONSIDERED AN AUTHORIZED REPRESENTATIVE OF THE STATE DEPARTMENT OF EDUCATION AND THE MARYLAND HIGHER EDUCATION COMMISSION UNDER APPLICABLE FEDERAL AND STATE STATUTES FOR PURPOSES OF ACCESSING AND COMPILING STUDENT RECORD DATA FOR RESEARCH PURPOSES.**";

in line 22, strike "**(E)**" and substitute "**(F)**"; and in line 24, strike "**THE DATA**" and substitute "**STUDENT DATA AND WORKFORCE DATA**".

AMENDMENT NO. 4

On page 4, in line 1, after "**EDUCATION;**" insert "**AND**"; in line 3, strike "**AND**"; in line 4, strike "**(VI) THE GOVERNOR'S WORKFORCE INVESTMENT BOARD;**"; in line 14, after "**SECURITY**" insert "**, INCLUDING THE CAPACITY FOR AUDIT TRAILS**"; in the same line, strike "**AND**"; after line 14, insert:

"**(IV) PROVIDING FOR PERFORMANCE OF REGULAR AUDITS FOR COMPLIANCE WITH DATA PRIVACY AND SECURITY STANDARDS; AND**";

in line 15, strike "**(IV)**" and substitute "**(V)**"; in line 17, strike "**PERFORM**" and substitute "**CONDUCT**"; in line 18, strike "**ACHIEVEMENT DATA**" and substitute "**DATA AND WORKFORCE DATA**"; after line 21, insert:

"**(5) CONDUCT RESEARCH RELATING TO:**

(I) THE IMPACT OF STATE AND FEDERAL EDUCATION PROGRAMS;

(II) THE PERFORMANCE OF EDUCATOR PREPARATION PROGRAMS; AND

(III) BEST PRACTICES REGARDING CLASSROOM INSTRUCTION, EDUCATION PROGRAMS AND CURRICULUM, AND SEGMENT ALIGNMENT;";

in lines 22 and 24, strike "**(5)**" and "**(6)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 22, strike "**FACILITATE**" and substitute "**FULFILL INFORMATION AND DATA REQUESTS TO FACILITATE**"; after line 24, insert:

"**(G) (1) DIRECT ACCESS TO DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE RESTRICTED TO AUTHORIZED STAFF OF THE CENTER.**

(2) THE CENTER MAY ONLY USE DE–IDENTIFIED DATA IN THE ANALYSIS, RESEARCH, AND REPORTING CONDUCTED BY THE CENTER.

(3) THE CENTER MAY ONLY USE AGGREGATE DATA IN THE RELEASE OF DATA IN REPORTS AND IN RESPONSE TO DATA REQUESTS.

(4) DATA THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE POPULATION UNDER CONSIDERATION MAY NOT BE REPORTED IN ANY FORM BY THE CENTER.

(5) THE CENTER MAY NOT RELEASE INFORMATION THAT MAY NOT BE DISCLOSED UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.";

and in line 25, strike "**(F)**" and substitute "**(H)**".

AMENDMENT NO. 5

On page 5, strike in their entirety lines 22 and 23, inclusive; after line 23, insert:

"**(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**";

and in line 27, after "**SYSTEMS**" insert "**AND DATA SECURITY**".

AMENDMENT NO. 6

On page 7, strike in their entirety lines 1 through 3, inclusive; after line 3, insert:

"**(6) BEFORE THE INCORPORATION OF ANY INDIVIDUAL DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM:**

(I) CREATE AN INVENTORY OF THE INDIVIDUAL STUDENT DATA:

1. PROPOSED TO BE MAINTAINED IN THE SYSTEM; AND

2. REQUIRED TO BE REPORTED BY STATE AND FEDERAL EDUCATION MANDATES;

(II) DEVELOP AND IMPLEMENT POLICIES TO COMPLY WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND ANY

OTHER PRIVACY MEASURES, AS REQUIRED BY LAW OR THE GOVERNING BOARD; AND

(III) DEVELOP A DETAILED DATA SECURITY AND SAFEGUARDING PLAN THAT INCLUDES:

1. AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED ACCESS;

2. PRIVACY COMPLIANCE STANDARDS;

3. PRIVACY AND SECURITY AUDITS;

4. BREACH NOTIFICATION AND PROCEDURES; AND

5. DATA RETENTION AND DISPOSITION POLICIES;

(7) OVERSEE ROUTINE AND ONGOING COMPLIANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES;

(8) ENSURE THAT ANY CONTRACTS THAT GOVERN DATABASES THAT ARE OUTSOURCED TO PRIVATE VENDORS INCLUDE EXPRESS PROVISIONS THAT SAFEGUARD PRIVACY AND SECURITY AND INCLUDE PENALTIES FOR NONCOMPLIANCE;";

in lines 4 and 8, strike "**(7)**" and "**(8)**", respectively, and substitute "**(9)**" and "**(10)**", respectively; and in line 8, after "**FOR**" insert "**THE APPROVAL OF**".

AMENDMENT NO. 7

On page 7, strike in their entirety lines 12 through 20, inclusive; strike in their entirety lines 24 through 27, inclusive; and after line 27, insert:

"**(B) THE REPORT SHALL INCLUDE:**

(1) AN UPDATE ON THE IMPLEMENTATION OF THE MARYLAND LONGITUDINAL DATA SYSTEM AND THE CENTER'S ACTIVITIES;

(2) A LIST OF ALL STUDIES PERFORMED BY THE CENTER DURING THE REPORTING PERIOD;

(3) A LIST OF CURRENTLY WAREHOUSED DATA THAT IS DETERMINED TO BE NO LONGER NECESSARY TO CARRY OUT THE MISSION OF THE CENTER;

(4) ANY PROPOSED OR PLANNED EXPANSION OF DATA MAINTAINED IN THE DATABASE; AND

(5) ANY OTHER RECOMMENDATIONS MADE BY THE GOVERNING BOARD.

24–706.

THE CENTER SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

24–707.

(A) LOCAL EDUCATION AGENCIES, COMMUNITY COLLEGES, PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS, AND STATE AGENCIES SHALL:

(1) MAKE EVERY EFFORT TO COMPLY WITH THE DATA REQUIREMENTS AND IMPLEMENTATION SCHEDULE FOR THE MARYLAND LONGITUDINAL DATA SYSTEM AS SET FORTH BY THE GOVERNING BOARD; AND

(2) TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24–704(G)(6) OF THIS SUBTITLE.

(B) PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE SECONDARY SCHOOLS MAY TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24–704(G)(6) OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That before the incorporation of any individual data in the Maryland Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data Center shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on:

(1) the inventory of individual student data proposed to be maintained in the system; and

(2) the policies of the Center to comply with the federal Family Educational Rights and Privacy Act, and other privacy measures required by law or the Governing Board.

SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 1, 2010, and before the incorporation of any individual data in the Maryland Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data System Center shall submit a data security and safeguarding plan for the Center that considers an opt–out provision to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly. On or before February 1, 2011, the Governing Board shall brief the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding the plan.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that federal or other funds that are not from the General Fund of the State be used first for the funding of the creation and establishment of the Maryland Longitudinal Data System and the Maryland Longitudinal Data System Center.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Longitudinal Data System and the Maryland Longitudinal Data System Center be fully operational on or before December 31, 2014.”.

AMENDMENT NO. 8

On page 7, in line 28, strike "2." and substitute "7."; in the same line, after "That" insert "Section 2 of"; and in line 29, after the period insert "It shall remain effective for a period of 1 year and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Section 7 of this Act, this Act shall take effect July 1, 2010.".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 847 – Senators Kittleman, Astle, Brinkley, Colburn, Harris, and Jacobs

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

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

Favorable report adopted.

FLOOR AMENDMENT

SB0847/953927/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 847
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "under certain circumstances"; and strike beginning with "providing" in line 5 down through "property;" in line 6.

AMENDMENT NO. 2

On page 2, strike beginning with "**WITH**" in line 27 down through "**ANY**" in line 28, and substitute "**ANY**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

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

Senate Bill 770 – Senator Gladden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings moved the following Bill be re–referred to the Committee on Finance and the Committee on Judicial Proceedings:

Senate Bill 1025 – Senator Garagiola

AN ACT concerning

Vehicle Laws – Required Security – Increase in Minimum Amounts

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #15

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

Senate Bill 66 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Length of Vehicles – Saddle–Mount and Full–Mount Combinations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 324 – Senator Glassman

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

SB0324/378670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 324
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Glassman" and substitute "Senators Glassman, Jacobs, Forehand, and Colburn".

On page 1, strike beginning with "vacate" in line 5 down through "closest" in line 6 and substitute "make a lane change into an available lane not immediately adjacent"; and strike beginning with "ensures" in line 7 down through "personnel" in line 8 and substitute "is safe for certain existing conditions".

AMENDMENT NO. 2

On page 2, strike beginning with "**ON**" in line 19 down through "**VEHICLE**" in line 21 and substitute "**IF PRACTICABLE AND NOT OTHERWISE PROHIBITED, MAKE A LANE CHANGE INTO AN AVAILABLE LANE NOT IMMEDIATELY ADJACENT TO THE EMERGENCY VEHICLE WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS**"; and strike beginning with "**VACATE**" in line 23 down through "**PERSONNEL**" in line 27 and substitute "**MAKE A LANE CHANGE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION, SLOW TO A REASONABLE AND PRUDENT**

SPEED THAT IS SAFE FOR EXISTING WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC CONDITIONS".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 344 – Senator Glassman

AN ACT concerning

Motor Vehicles – Medium Speed Vehicles – Requirements and Prohibitions

SB0344/938076/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 344
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Medium" and substitute "Limited"; in lines 3, 4, 7, and 14, in each instance, strike "medium speed" and substitute "certain"; in lines 3, 4, and 7, in each instance, after "vehicle" insert "with a limited speed capability"; strike beginning with "requiring" in line 9 down through "term;" in line 13; in line 14, after "vehicles" insert "with limited speed capabilities"; in line 17, strike "11–132.1 and"; in line 22, strike "13–403,"; and in the same line, after "15–313" strike the comma.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 27, inclusive.

On page 3, in line 28, strike "**MEDIUM SPEED VEHICLE**" and substitute "**CLASS A (PASSENGER) OR CLASS M (MULTIPURPOSE) VEHICLE THAT HAS A MAXIMUM SPEED CAPABILITY OF MORE THAN 25 MILES PER HOUR BUT LESS THAN 55 MILES PER HOUR**".

On page 4, in line 15, strike "**MEDIUM SPEED VEHICLE**" and substitute "**CLASS A (PASSENGER) OR CLASS M (MULTIPURPOSE) VEHICLE**"; in line 20, strike "**MEDIUM SPEED VEHICLE**" and substitute "**VEHICLE THAT IS DESIGNED WITH A MAXIMUM SPEED OF MORE THAN 25 MILES PER HOUR AND LESS THAN 55 MILES PER HOUR**"; and in line 22, after "**EMBLEM**" insert "**IN ACCORDANCE WITH THIS SECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 564 – Senators Raskin, Astle, Colburn, Conway, Currie, DeGrange, Dyson, Forehand, Frosh, Glassman, Harrington, Jacobs, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pinsky, Pugh, Robey, Simonaire, Stone, and Zirkin

AN ACT concerning

Drunk Driving Elimination Act

SB0564/378373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 564
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "an" in line 20 down through "Program" in line 25 and substitute "Program participation that is required under certain circumstances shall run concurrently to participation ordered by a court".

On page 2, in line 2, strike "and 27–101(j)"; and in line 7, after "Section" insert "27–101(h) and".

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 11 on page 5 through line 32 on page 6, inclusive, and substitute:

"(h) Any person who is convicted of a violation of any of the provisions of § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled, suspended, refused, or revoked"), § 17–107 of this article ("Prohibitions"), or § 17–110 of this article ("Providing false evidence of required security") is subject to:

(1) For a first offense, a fine of not more than $1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than $1,000, or imprisonment for not more than 2 years, or both.".

AMENDMENT NO. 3

On page 5, strike beginning with "**AN**" in line 8 down through "**COURT**" in line 9 and substitute "**IF PROGRAM PARTICIPATION IS REQUIRED UNDER A COURT ORDER AND UNDER THIS SECTION, ARISING OUT OF THE SAME INCIDENT, THE PERIODS OF PARTICIPATION SHALL RUN CONCURRENTLY**".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 602 – Senators Raskin, Brochin, and Pinsky

AN ACT concerning

Vehicle Laws – High Occupancy Vehicle (HOV) Lanes – Use by Plug–In Vehicles

SB0602/598579/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 602
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pinsky" and substitute "Pinsky, Forehand, Gladden, Jacobs, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 2, strike "Vehicle Laws –"; strike beginning with "requiring" in line 4 down through "vehicles" in line 7 and substitute "authorizing the use of a high occupancy vehicle (HOV) lane by certain plug–in vehicles under certain circumstances"; in line 11, strike "Administrator" and substitute "Administration"; in lines 11 and 12, strike "certain reasons" and substitute "a certain purpose"; in line 13, after "Administration" insert "jointly"; in the same line, after "the" insert "Governor and the"; and in lines 15 and 16, strike "the designation of HOV lanes by the State Highway Administration and".

AMENDMENT NO. 3

On page 2, in line 17, after "**CARRYING**" insert "**AT LEAST**"; and in line 19, strike "**4–WHEELED**".

On page 3, in line 4, after "**KILOWATT–HOURS**" insert "**FOR 4–WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT–HOURS FOR 2–WHEELED OR 3–WHEELED MOTOR VEHICLES**".

AMENDMENT NO. 4

On page 3, strike beginning with "**PLACES**" in line 7 down through "**DESIGNATING**" in line 8 and substitute "**DESIGNATES**"; in line 8, strike "**THE**" and substitute "**A**"; strike beginning with "**THE**" in line 9 down through "**THAT**" in line 10; and in line 19, strike "**ADMINISTRATOR**" and substitute "**ADMINISTRATION**".

AMENDMENT NO. 5

On page 3, in line 24, strike "**GENERAL ASSEMBLY**" and substitute "**GOVERNOR AND**"; and in line 25, after "**ARTICLE,**" insert "**THE GENERAL ASSEMBLY**".

AMENDMENT NO. 6

On page 3, in line 29, strike "2" and substitute "3"; and in line 30, strike "2012" and substitute "2013".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 621 – Senator Jacobs

AN ACT concerning

Drunk and Drugged Driving – Evidence – Qualified Medical Person

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for March 24, 2010.

The motion was adopted.

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

Senate Bill 624 – Senators Frosh, Conway, Dyson, Forehand, Mooney, Raskin, and Rosapepe

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

SB0624/988878/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 624
(First Reading File Bill)

On page 2, in line 4, strike "**AND**"; and in line 12, after the bracket insert "**; AND**

(3) HAS A DRIVE MECHANISM OTHER THAN BY PEDALS DIRECTLY ATTACHED TO A DRIVE WHEEL".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1126 – Senator Muse

AN ACT concerning

Criminal Law – Fraud – Fraudulent Misrepresentation Made to a Nonprofit Organization Concerning a Lease or Contract

FOR the purpose of prohibiting a person from making certain fraudulent misrepresentations to a nonprofit organization concerning a certain written contract or lease for certain goods of a certain value; making it a misdemeanor for violating this Act; establishing penalties on conviction of a violation of this Act; providing for restitution; providing that prosecution under this Act does not preclude prosecution for theft; providing for a merger of penalties under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to the crime of making fraudulent misrepresentations to a nonprofit organization concerning a written lease or contract.

BY adding to
Article – Criminal Law
Section 8–409
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 581)

RECESS

At 1:02 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 6:30 P.M. on Tuesday, March 23, 2010.

AFTER RECESS
Annapolis, Maryland
Tuesday, March 23, 2010

At 6:42 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 583)

SPECIAL ORDERS

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

Senate Bill 140 – The President (By Request – Administration)

Budget Bill
(Fiscal Year 2011)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2010 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit E of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 140 – THE BUDGET BILL
AND SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT OF 2010

(See Exhibit F of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit G of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (185) AND THE FAVORABLE REPORT.

Committee amendments 1 through 6 were read and adopted.

Committee amendment 7 was read and adopted.

Committee amendments 8 through 14 were read and adopted.

Committee amendments 16 through 24 were read and adopted.

Committee amendment 15 was read and adopted.

Committee amendments 25 through 36 were read and adopted.

Committee amendments 37 through 48 were read and adopted.

Committee amendments 49 and 50 were adopted by roll call as follows:

Affirmative – 38 Negative – 9 (See Roll Call No. 584)

Committee amendments 58 through 61 were read and adopted.

Committee amendments 64 through 72 were read and adopted.

Committee amendments 62 and 63 were read only.

Senator Harrington moved, duly seconded, to make Amendments 62 and 63 a Special Order for later today.

The motion was adopted.

Committee amendments 73 through 81 were read and adopted.

Committee amendments 83 through 99 were read and adopted.

Committee amendment 82 was adopted by roll call as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 585)

Committee amendments 100 through 109 were read and adopted.

Committee amendments 110 through 118 were read and adopted.

Committee amendment 119 was read only.

Senator Frosh moved, duly seconded, to make Amendment 119 a Special Order for later today.

The motion was adopted.

Committee amendments 120 and 130 were read and adopted by roll call as follows:

Affirmative – 35 Negative – 12 (See Roll Call No. 586)

Committee amendments 121 and 122 were read and adopted.

Committee amendments 123 and 124 were read and adopted.

Committee amendments 125 through 128 were read and adopted.

Committee amendment 129 was read only.

Senator Stoltzfus moved, duly seconded, to make Amendment 129 a Special Order for later today.

The motion was adopted.

Committee amendments 131 and 132 were read and adopted.

Committee amendments 133 through 153 were read and adopted.

Committee amendments 154 through 160 were read and adopted.

Committee amendments 161 through 185 were read and adopted.

Committee amendments 62 and 63 were read and adopted.

Committee amendments 119 and 129 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0140/903420/2

BY: Senator Frosh

AMENDMENT TO SENATE BILL 140, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 135, under:

Heading: UNIVERSITY OF MARYLAND, BALTIMORE

Program: R30B21.00

Entitled: University of Maryland, Baltimore

In line 7 of Committee Amendment No. 119, strike "each law school clinic" and substitute "the Environmental Law Clinic"; in line 8, strike "five" and substitute "two"; and in line 11, after "the" insert "non–privileged".

On page 142, under:

Heading: HIGHER EDUCATION

Program: R75T00.01

Entitled: Support for State Operated Institutions of Higher Education

In line 27 of Committee Amendment No. 129, strike "each law school clinic" and substitute "the Environmental Law Clinic"; in line 29, strike "five" and substitute "two"; and in line 31, after "the" insert "non–privileged".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0140/863529/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 140
(First Reading File Bill – Committee Reprint)

On page 126, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

In line 4, in the General Fund Appropriation, strike "2,735,995,388" and substitute "2,609,914,691".

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

Affirmative – 15 Negative – 32 (See Roll Call No. 587)

FLOOR AMENDMENT

SB0140/783128/1
BY: Senator Jacobs

AMENDMENT TO SENATE BILL 140
(First Reading File Bill – Committee Reprint)

On page 126, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

In line 4, after "Program" insert ", provided that $80,000,000 of this appropriation made for the purpose of the Geographic Cost of Education Index may not be expended for that purpose but instead may be transferred by budget amendment to agency budgets for the purpose of restoring the General Fund furlough salary reductions described in Section 18 of this Act. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund".

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

Affirmative – 12 Negative – 35 (See Roll Call No. 588)

FLOOR AMENDMENT

SB0140/843029/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 140
(First Reading File Bill)

On page 154, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Program: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 13, after "Appropriation" insert ", provided that this appropriation may not be expended until the appointment of two professionals to the Maryland Stem Cell Commission with expertise in the field of biomedical ethics as it relates to religion".

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

Affirmative – 19 Negative – 27 (See Roll Call No. 589)

FLOOR AMENDMENT

SB0140/443624/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 140, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 154, in line 14, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Program: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In Committee Amendment No. 138, in the General Fund Appropriation, strike "6,200,000" and substitute "0".

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

Affirmative – 19 Negative – 28 (See Roll Call No. 590)

FLOOR AMENDMENT

SB0140/913426/1

BY: Senator Reilly

AMENDMENT TO SENATE BILL 140
(First Reading File Bill – Committee Reprint)

On page 154, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Program: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 13, after "Appropriation" insert ", provided that not more than 50% of the appropriation may be devoted to basic research, as defined by the National Institutes of Health as research in which diseases are studied at a molecular or cellular level".

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

Affirmative – 20 Negative – 26 (See Roll Call No. 591)

FLOOR AMENDMENT

SB0140/723924/1
BY: Senator Kittleman

AMENDMENT TO SENATE BILL 140, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 229, after line 37, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That, before January 10, 2011:

(a) No State funds, including any State funds appropriated to any local jurisdiction or municipality, may be expended for development, production, or distribution to the public of promotional or informational materials on behalf of State programs through billboard, magazine, newspaper, electronic, radio, or television media which bear the likeness or voice, or include the name, of a person who has filed a certificate of candidacy for statewide office with the State Board of Elections for an election to occur in calendar year 2010.

(b) Any contracts or agreements authorizing distribution of materials or content subject to subsection (a) of this section or materials or content scheduled to run after a candidate has filed a certificate of candidacy shall be terminated for convenience or otherwise as authorized under the provisions of the State Finance and Procurement Article or otherwise and the materials or content shall be returned to the contracting agency.

(c) This section does not apply to the use of locally derived revenues or to communications of any candidate for statewide office to the media that are directly connected to the performance of the duties of office essential to the protection of public welfare, health, or safety.".

In Committee Amendment No. 185:

On page 229, in line 38, strike "46." and substitute "47.".

On page 230, in line 6, strike "47." and substitute "48.".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0140/143521/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 140, AS AMENDED

(First Reading File Bill – Committee Reprint)

On page 229, after line 37, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Governor's Office of Homeland Security shall submit a written report, subject to § 2–1246 of the State Government Article, to the General Assembly. The report shall include the following information for fiscal 2009, fiscal 2010, and estimated for fiscal 2011:

(1) specific spending for purposes related to homeland security by agency and by funding source;

(2) information on pass–through funding made available to local jurisdictions by jurisdiction and funding sources;

(3) the uses to which these funds have been put at the State level;

(4) restrictions, contingencies, and any applicable expiration dates for funds made available through the federal government; and

(5) a breakdown of the Office of Homeland Security's share of the Governor's Office budget regardless of funding source.".

In Committee Amendment No. 185:

On page 229, in line 38, strike "46." and substitute "47.".

On page 230, in line 6, strike "47." and substitute "48.".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0140/713823/1
BY: Senator Dyson

AMENDMENT TO SENATE BILL 140
(First Reading File Bill – Committee Reprint)

On pages 90 and 91, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

strike beginning with "; or" in line 39 on page 90 down through "health" in line 5 on page 91.

On page 93, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children's Health Program

strike beginning with "; or" in line 8 down through "health" in line 19.

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

Affirmative – 19 Negative – 28 (See Roll Call No. 592)

FLOOR AMENDMENT

SB0140/973920/1
BY: Senator Edwards

AMENDMENT TO SENATE BILL 140, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 153, under:

Heading: DIVISION OF TOURISM, FILM AND THE ARTS

Program: T00G00.03

Entitled: Maryland Tourism Board

In Committee Amendment No. 135, in line 5, strike "$300,000" and substitute "$420,000"; and in line 15, after "US–15" insert ", the Bay Country welcome center on US–301, and the Youghiogheny Overlook welcome center on Interstate 68".

The preceding amendment was read and adopted.

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

The motion was adopted.

Senate Bill 141 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT OF 2010

(See Exhibit H of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (45) AND THE FAVORABLE REPORT.

SB0141/509237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 141
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "altering the calculation of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes;"; in line 5, after "requirements;" insert "altering or repealing certain grant programs;"; in line 13, strike "repealing" and substitute "altering certain inflation adjustments for the calculation of certain State education funding; altering the schedule for the Judicial Compensation Commission to meet to review judicial salaries and pensions and make written recommendations to the

Governor and the General Assembly; requiring the budget bill to include a certain schedule for certain proposed reductions under certain circumstances; altering"; in line 15, after "purposes;" insert "repealing certain grants to certain institutions; specifying the allocation of certain grants between certain institutions; authorizing the use of a certain grant for certain purposes;"; in line 19, after "circumstances;" insert "requiring that an application for a certain death benefit payable to the surviving spouse, child, or estate of certain individuals under certain circumstances be submitted within a certain time period; requiring the Department of Public Safety and Correctional Services under certain circumstances to take certain steps to notify potential recipients of the availability of a certain death benefit; altering the allocation of certain funds; requiring certain local employers to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to establish a certain local contribution rate in a certain manner for certain fiscal years; providing for the manner of payment by certain local employers for certain employer contributions; altering the calculation of certain State payments for certain library employees excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; requiring certain counties and Baltimore City to pay certain employer contributions for certain members of certain systems of the State Retirement and Pension System; requiring certain counties to make certain payments in certain fiscal years; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain local employers or counties under certain circumstances; requiring the Comptroller to pay certain grants to certain local jurisdictions for a certain fiscal year;"; in line 20, after "Fund;" insert "requiring the Comptroller to make a certain distribution to the General Fund;"; in line 22, after "vehicles;" insert "altering the distribution of certain sales and use tax revenue for certain fiscal years;"; strike beginning with the first "repealing" in line 23 down through "coal;" in line 25; strike beginning with "authorizing" in line 27 down through "contingency;" in line 28; and strike beginning with "Maryland" in line 29 down through "2010" in line 30 and substitute "proceeds of certain bonds; repealing a requirement that the Governor provide a plan for repayment of certain monies to a certain fund".

On page 2, strike beginning with "altering" in line 4 down through "year;" in line 6 and substitute "limiting the size of the incoming class at a certain residential education boarding program for at–risk students receiving certain funding;"; in lines 8 and 9, strike "for certain fiscal years" and substitute "; stating the intent of the General Assembly that a certain workgroup review and provide recommendations regarding distribution of local highway user revenues"; in lines 12 and 13, strike "for a

certain fiscal year"; and in line 20, after "purpose;" insert "reducing a certain appropriation for a certain fiscal year; authorizing the Governor to transfer certain funds for use in a certain program for a certain fiscal year; making certain provisions of this Act subject to a certain contingency;".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

after line 32, insert:

"BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–304(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)";

in line 35, after "Section" insert "1–708(c),"; in the same line, after "7–301(f)" insert ", and 13–603(c)"; and in line 40, after "Section" insert "4–214,".

On page 3, strike line 3 in its entirety and substitute:

"Section 5–202(a)(13), 5–205(c)(3), 5–206(f), 16–305(c)(1), 16–512(a), 17–104(a), 23–205(c) and (d), and 23–503(b)(1)";

in line 13, strike "13–1117(a)(1), 13–1118(a)(1),"; after line 26, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202(b)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)";

after line 31, insert:

"BY adding to
Article – State Finance and Procurement
Section 7–114.2
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(g–1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(a) and (b), 21–307(b) and (o), 21–308(a)(1) and (d)(1), and 32–205(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–309.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)";

in line 34, strike "and"; in the same line, after "2–1302.1" insert ", and 2–1302.2"; and in line 39, after "2–606(e)" insert "and (f)".

On page 4, after line 1, insert:

"BY repealing
Article – Transportation
Section 8–403
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)";

in line 4, after "4–321(e)" insert ", 8–402(c), 8–404, 8–405, and 8–407"; after line 6, insert:

"BY adding to

Article – Transportation
Section 8–401(c–1) and 8–403
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)";

On page 4, strike in their entirety lines 7 through 12, inclusive, and substitute:

"BY repealing
Article – Correctional Services
Section 11–308, 11–309, and 11–310(a), (b), and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Education
Section 7–117
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Health – General
Section 13–1117 and 13–1118
Annotated Code of Maryland
(2009 Replacement Volume)";

strike in their entirety lines 18 through 22, inclusive; after line 22, insert:

"BY repealing
Chapter 451 of the Acts of the General Assembly of 2003
Section 5";

and in line 35, strike "25" and substitute "12, 25, 29,".

AMENDMENT NO. 3

On page 8, in line 22, strike the second comma and substitute "**AND**"; strike beginning with "**, AND**" in line 22 down through "**2012**" in line 23; in line 23, strike "**100% OF**"; and in line 24, after "**CREDITED**" insert "**AS FOLLOWS:**

(I) 25% TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(II) 75%".

AMENDMENT NO. 4

On page 8, after line 32, insert:

"4–214.

The Board shall:

(1) set policies for spending money on tourism advertising, written and graphic materials, cooperative and matching promotional programs, and other tourism and travel developmental and promotional activities for the State;

(2) spend money of the Fund to plan, advertise, promote, assist, and develop the tourism and travel industries in the State; and

(3) **[**beginning in fiscal year 2011,**]** provide grants **[**of not less than $2,500,000 in total each fiscal year**]** to destination marketing organizations for the purpose of attracting visitors to the State **OF NOT LESS THAN:**

(I) $2,000,000 IN TOTAL FOR EACH OF FISCAL YEARS 2011 AND 2012; AND

(II) $2,500,000 IN TOTAL FOR FISCAL YEAR 2013 AND FOR EACH FISCAL YEAR THEREAFTER.".

On page 9, in line 4, strike "**$5,000,000**" and substitute "**$4,000,000**".

AMENDMENT NO. 5

On page 10, in lines 21, 22, and 26, in each instance, strike the bracket; strike beginning with "**EACH**" in line 21 down through "**2012,**" in line 22; and in line 22, strike "24%" and substitute "**21.8%**".

On pages 10 and 11, strike beginning with "**$194,407,432**" in line 26 on page 10 down through "**$6,454,091**" in line 13 on page 11.

On page 11, in lines 14 and 19, in each instance, strike the brackets; in line 15, strike "25%" and substitute "**20%**"; in line 20, strike "**22%**" and substitute "**21%**"; in line 24, strike "**5.**" and substitute "**6.**"; in line 25, strike "**24%**" and substitute "**22%**"; in line 30, strike "**6.**" and substitute "**7.**"; and in line 31, strike "**26.5%**" and substitute "**23%**".

On page 12, in line 4, strike "**AND**"; and after line 4, insert:

"**8. IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 24% 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 5, strike "**7.**" and substitute "**9.**"; in the same line, strike "**2016**" and substitute "**2017**"; in line 6, strike "**29%**" and substitute "**25%**"; and after line 11, 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 a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TOTAL STATE OPERATING FUNDS TO BE DISTRIBUTED UNDER THIS SUBSECTION TO THE COMMUNITY COLLEGES FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE $194,407,432.".

AMENDMENT NO. 6

On page 12, in lines 26 and 31, in each instance, strike the bracket; in line 26, strike "13%" and substitute "**9.8%**"; in lines 26, 29, and 32, strike "(3)", "(4)", and "**(III)**", respectively, and substitute "**(III)**", "**(IV)**", and "**(V)**", respectively; in line 29, strike "13.5%" and substitute "**9.2%**"; and in line 32, strike "**8.5%**" and substitute "**10%**".

On page 13, in lines 1, 4, 8, and 12, strike "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively, and substitute "**(VI)**", "**(VII)**","**(VIII)**", and "**(IX)**", respectively; in line 1, strike "**10%**" and substitute "**10.5%**"; in line 5, strike "**11.5%**" and substitute "**11%**"; in line 9, strike "**13.5%**" and substitute "**11.5%**"; in line 13, strike "15.5%" and substitute "**12%**"; strike beginning with "**APPORTIONMENT**" in line 17 down through "**FOR**" in line 18 and substitute "**AID PROVIDED UNDER THIS SUBTITLE SHALL BE $38,445,958, TO BE ALLOCATED AMONG**"; in line 19, strike "**, SHALL BE $30,000,000**" and substitute "**IN PROPORTION TO THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS ENROLLED AT EACH INSTITUTION DURING THE FALL SEMESTER OF THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE AID APPORTIONMENT IS MADE, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION**".

AMENDMENT NO. 7

On page 16, in line 16, strike "2010" and substitute "**2011 AND FISCAL YEAR 2012**"; in line 17, strike "$7,000,000" and substitute "**$6,000,000**"; in line 29, after "(b)" insert "**FOR FISCAL YEAR 2013, THE GOVERNOR SHALL INCLUDE AT LEAST $10,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

(C)";

in the same line, strike "**2011**" and substitute "**2014**"; and in line 30, strike "**$6,000,000**" and substitute "**$13,000,000**".

AMENDMENT NO. 8

On page 8, after line 7, insert:

"Article – Correctional Services

11–304.

(b) (1) With the approval of the Secretary, a county may convert a work release program established under Subtitles 1 and 7 of this title into a center that is subject to this subtitle.

(2) **[**The provisions of § 11–309 of this subtitle do not apply to a work release program that is converted into a center.

(3)**]** The Secretary shall adopt regulations for the conversion of a work release program into a center.".

On page 17, in line 1, strike "**, THE**" and substitute "**:**

1. **THE**";

in line 2, strike "**$1,650,000**" and substitute "**$2,400,000**"; in line 4, after "**SECTION**" insert "**; AND**

2. **THE GRANTS SHALL BE DISTRIBUTED BETWEEN THE STATEWIDE ACADEMIC HEALTH CENTERS AS FOLLOWS:**

A. **$2,007,300 TO THE UNIVERSITY OF MARYLAND MEDICAL GROUP; AND**

B. **$392,700 TO THE JOHN HOPKINS INSTITUTIONS**";

in line 6, strike ", the" and substitute "**:**

1. **THE**";

in the same line, strike "$6,700,000" and substitute "**$13,000,000**"; in line 8, after "section" insert "**; AND**

2. **THE GRANTS SHALL BE DISTRIBUTED ACCORDING TO HISTORICAL ALLOCATIONS BETWEEN THE ACADEMIC HEALTH CENTERS**";

and strike in their entirety lines 9 through 26, inclusive.

On page 25, after line 10, insert:

"SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 11–308, 11–309, and 11–310(a) through (c) of Article – Correctional Services of the Annotated Code of Maryland be repealed.

SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 7–117 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 13–1117 and 13–1118 of Article – Health – General of the Annotated Code of Maryland be repealed.";

and after line 15, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, up to $300,000 of the allocation to the University of Maryland Medical Group under § 13–1116 of the Health – General Article as enacted by this Act may be used to offset a deficit resulting from the termination of the Statewide Academic Health Center Tobacco–Related Diseases Research Grant Program and the Statewide Academic Health Center Network Grant Program under this Act.".

AMENDMENT NO. 9

On page 19, in line 15, strike the brackets; strike beginning with "**FOR**" in line 15 down through "**THE**" in line 16; and in line 17, after "be" insert "**:**

1.".

On page 20, in line 5, after "**$3,000,000**" insert "**FOR EACH OF FISCAL YEARS 2011 AND 2012; AND**

2. $6,000,000 FOR FISCAL YEAR 2013 AND EACH SUBSEQUENT FISCAL YEAR".

AMENDMENT NO. 10

On page 20, in lines 28 and 29, in each instance, strike the bracket.

On page 21, in lines 6 and 9, in each instance, strike the bracket; and in line 7, strike "10%" and substitute "**15%**".

AMENDMENT NO. 11

On page 23, in line 22, strike "**$5,000,000**" and substitute "**$9,100,000**".

On page 24, in line 23, strike "**$17,101,428**" and substitute "**$23,000,000**".

AMENDMENT NO. 12

On page 25, in line 7, strike "**$126,900,000**" and substitute "**$81,900,000**"; and in line 8, strike "**$30,013,000**" and substitute "**$75,013,000**".

AMENDMENT NO. 13

On page 25, strike in their entirety lines 11 through 13, inclusive.

AMENDMENT NO. 14

On page 25, strike in their entirety lines 16 and 17.

On page 41, strike in their entirety lines 32 and 33.

AMENDMENT NO. 15

On page 25, strike in their entirety lines 26 through 31, inclusive.

On page 26, strike in their entirety lines 1 and 2.

On page 27, in line 1, strike "$1,200,000" and substitute "$3,000,000".

On page 27, strike in their entirety lines 17 through 19, inclusive.

On page 30, in line 7, strike "$51,731,321" and substitute "$55,532,294"; in line 14, strike "$822,287" and substitute "$1,783,395"; and in line 15, strike "$790,574" and substitute "$1,051,307".

AMENDMENT NO. 16

On page 31, strike beginning with the colon in line 4 down through "section" in line 5; in line 8, strike "subsection" and substitute "section"; and strike in their entirety lines 11 through 22, inclusive.

AMENDMENT NO. 17

On page 10, after line 6, insert:

"5–206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal year 2011, the following amounts for the following counties:

1. Allegany County $97,791;

2. Anne Arundel County $506,038;

3. Baltimore City $1,387,924;

4. Baltimore County $874,227;

5. Calvert County $38,292;

6. Caroline County $50,074;

7. Carroll County $137,261;

8. Cecil County $96,024;

9. Charles County $50,074;

10. Dorchester County $38,292;

11. Frederick County $182,622;

12. Garrett County $38,292;

13. Harford County $217,379;

14. Howard County $87,776;

15. Kent County $38,292;

16. Montgomery County..... $602,651;

17. Prince George's County..... $1,209,426;

18. Queen Anne's County..... $50,074;

19. St. Mary's County..... $50,074;

20. Somerset County $38,292;

21. Talbot County..... $38,292;

22. Washington County..... $134,904;

23. Wicomico County..... $106,627; and

24. Worcester County..... $38,292;

[(ii) In fiscal year 2012, the following amounts for the following counties:

1. Allegany County..... $166,000;

2. Anne Arundel County $859,000;

3. Baltimore City..... $2,356,000;

4. Baltimore County..... $1,484,000;

5. Calvert County $65,000;

6. Caroline County $85,000;

7. Carroll County..... $233,000;

8. Cecil County $163,000;

9. Charles County..... $85,000;

10. Dorchester County $65,000;

11. Frederick County $310,000;

12. Garrett County $65,000;

13. Harford County $369,000;

14. Howard County $149,000;

15. Kent County $65,000;

16. Montgomery County..... $1,023,000;

17. Prince George's County..... $2,053,000;

18. Queen Anne's County..... $85,000;

19. St. Mary's County..... $85,000;

20. Somerset County $65,000;

21. Talbot County..... $65,000;

22. Washington County..... $229,000;

23. Wicomico County..... $181,000; and

24. Worcester County.....$65,000;**]** and

[(iii)**] (II)** **[**Except as provided in paragraph (3) of this subsection, in**] IN** fiscal year **[**2013**] 2012** and in each fiscal year thereafter, the funding level for the county for the prior fiscal year **[**increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau

of Labor Statistics of the United States Department of Labor, for the second prior fiscal year**]**.

[(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.**]**".

On page 31, in line 26, after "the" insert "proceeds of General Obligation bonds issued under the"; and in the same line, after "2010" insert "or Qualified Zone Academy Bonds issued under Chapter ___ (S.B. 202/H.B. 171) of the Acts of the General Assembly of 2010".

AMENDMENT NO. 18

On page 33, in line 10, after "section." insert:

"SECTION 30. AND BE IT FURTHER ENACTED, That Section(s) 5 of Chapter 451 of the Acts of the General Assembly of 2003 be repealed.".

AMENDMENT NO. 19

On page 32, in line 10, strike "$3,000,000" and substitute "$5,000,000".

AMENDMENT NO. 20

On page 32, strike in their entirety lines 34 through 39, inclusive.

AMENDMENT NO. 21

On page 33, in line 4, strike "$1,000,000" and substitute "$2,000,000".

AMENDMENT NO. 22

On page 33, strike in their entirety lines 11 through 16, inclusive.

AMENDMENT NO. 23

On page 33, in line 33, after "law," insert "and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement,".

On page 36, in line 1, strike "Maryland Economic Adjustment Fund" and substitute "All special funds within the Department of Business and Economic Development"; after line 4, insert:

"(52) Migratory Game Bird Fund;

(53) Deer Stamp Fund;

(54) Wildlife Habitat Incentive Fund;

(55) Fisheries Research and Development Fund;

(56) Strategic Energy Investment Fund;

(57) Criminal Injuries Compensation Fund;

(58) 50% of the interest from the 9–1–1 Trust Fund;";

and in lines 5 and 6, strike "(52)" and "(53)", respectively, and substitute "(59)" and "(60)", respectively.

AMENDMENT NO. 24

On page 24, before line 26, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That Section(s) 8–403 of Article – Transportation of the Annotated Code of Maryland be repealed.";

and in line 26, strike "7." and substitute "10.".

On page 25, in line 10, after "prudent." insert:

"8–401.

(C–1) "ELIGIBLE MUNICIPALITY" MEANS A MUNICIPALITY AUTHORIZED BY LAW TO CONSTRUCT OR MAINTAIN STREETS OR ROADS.

8–402.

(c) (1) **[**During**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR** each fiscal year **[,]:**

(I) 19% OF THE REVENUE CREDITED TO THE ACCOUNT SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE;

(II) 71.5% OF THE REVENUE CREDITED TO THE ACCOUNT MAY BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE; AND

(III) THE BALANCE OF the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City**[**; and**].**

[(2) The balance of the Account may be used as provided in § 3–216 of this article.**]**

(2) FOR FISCAL YEARS 2010 THROUGH 2012, THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:

(I) A PORTION TO THE GENERAL FUND OF THE STATE AS FOLLOWS:

1. 19.6% FOR FISCAL 2010;

2. 22.5% FOR FISCAL YEAR 2011; AND

3. 20.1% FOR FISCAL YEAR 2012;

(II) A PORTION TO BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE, AS FOLLOWS:

1. 70% FOR FISCAL YEAR 2010;

2. 68.6% FOR FISCAL YEAR 2011; AND

3. 71.5% FOR FISCAL YEAR 2012; AND

(III) THE BALANCE TO BE USED TO PAY THE ALLOCATIONS OF HIGHWAY USER REVENUES PROVIDED UNDER THIS SUBTITLE TO THE COUNTIES, MUNICIPALITIES, AND BALTIMORE CITY.

8–403.

(A) SUBJECT TO §§ 3–307 AND 3–308 OF THIS ARTICLE, AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR EACH FISCAL YEAR, FROM THE TOTAL HIGHWAY USER REVENUES:

(1) AN AMOUNT SHALL BE DISTRIBUTED TO BALTIMORE CITY MONTHLY EQUAL TO 8.8% OF TOTAL HIGHWAY USER REVENUES;

(2) AN AMOUNT SHALL BE DISTRIBUTED TO THE COUNTIES AT THE TIMES SPECIFIED IN § 8–407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8–404 OF THIS SUBTITLE, EQUAL TO 0.6% OF TOTAL HIGHWAY USER REVENUES; AND

(3) AN AMOUNT SHALL BE DISTRIBUTED TO THE MUNICIPALITIES AT THE TIMES SPECIFIED IN § 8–407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8–405 OF THIS SUBTITLE, EQUAL TO 0.1% OF TOTAL HIGHWAY USER REVENUES.

(B) (1) FOR FISCAL YEAR 2010:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.5% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.

(2) FOR FISCAL YEAR 2011:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.2% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.6% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

(3) FOR FISCAL YEAR 2012:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 7.8% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

8–404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues [provided for] **TO BE DISTRIBUTED TO THE COUNTIES**

under § 8–403 of this subtitle, [its gross] **THE COUNTY'S** share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county**, NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN AN ELIGIBLE MUNICIPALITY,** bears to the total mileage of county roads in all of the counties**, NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN AN ELIGIBLE MUNICIPALITY**; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county**, NOT INCLUDING MOTOR VEHICLES REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY,** bears to the total number of motor vehicles registered to owners in all the counties**, NOT INCLUDING MOTOR VEHICLES REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY**.

[(c) The allocation of highway user revenues to a county under subsection (b) of this section may not be less than the amount allocated to the county from highway user revenue sources in the fiscal year that began July 1, 1967.

(d) From each county's share of highway user revenues determined under this section, the Administration shall deduct the amount of highway user revenues allocated to any municipality in the county under § 8–405 of this subtitle. The resulting amount is the county's net share of highway user revenues.]

8–405.

[(a) Any municipality authorized by law to construct or maintain streets or roads may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.]

(A) HIGHWAY USER REVENUES SHALL BE ALLOCATED TO THE ELIGIBLE MUNICIPALITIES:

(1) ONE HALF ON A MUNICIPAL ROAD MILEAGE BASIS, AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ONE HALF ON A MOTOR VEHICLE REGISTRATION BASIS, AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

(b) **[**During the fiscal year beginning after a request is made, the**] THE** Administration shall allocate **[**to the**] FOR THE ACCOUNT OF EACH ELIGIBLE** municipality, **[**from the gross share of**] OUT OF THE** highway user revenues **[**allocated under § 8–404**] TO BE DISTRIBUTED TO THE MUNICIPALITIES UNDER § 8–403** of this subtitle **[**to the county within which the municipality is located, its net**] THE ELIGIBLE MUNICIPALITY'S** share **[**of highway user revenues**]**, to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the **ELIGIBLE** municipality bears to the total mileage of county roads **LOCATED** in **[**the county**] ELIGIBLE MUNICIPALITIES IN THE STATE**; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the **ELIGIBLE** municipality bears to the total number of motor vehicles registered to owners having addresses in **[**the county**] ELIGIBLE MUNICIPALITIES IN THE STATE**.

(c) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

8–407.

(a) (1) If a county's **OR MUNICIPALITY'S** road construction, reconstruction, or maintenance is performed by the Administration, the county's **[**net**]** **OR MUNICIPALITY'S** share of highway user revenues shall be credited to the account of the Administration to be spent on warrants of the State Comptroller.

(2) If a county has paid any debt service on bonds or other evidences of obligation issued by a municipality in the county for the construction, reconstruction, or maintenance of roads or streets, an amount sufficient to reimburse the county for these payments shall be paid to the county from the municipality's **[**net**]** share of highway user revenues.

(3) In all other cases, a county's or municipality's **[**net**]** share of highway user revenues shall be paid to or on the order of:

(i) The proper official of the county or municipality designated by local law; or

(ii) If no designation is made, the county or municipality.

(b) Payments of a county's or municipality's **[**net**]** share of highway user revenues shall be made:

(1) At monthly intervals; or

(2) At other appropriate times reasonably requested.".

On pages 36 through 38, strike in their entirety the lines beginning with line 7 on page 36 through line 20 on page 38, inclusive, and substitute:

"SECTION 34. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor by budget amendment partially restore local highway user revenues for fiscal year 2010 that were reduced by actions taken by the Board of Public Works in August 2009, to implement the distributions of highway user revenues for fiscal year 2010 as reflected in § 8–403 of the Transportation Article as enacted by this Act.

SECTION 35. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a working group formed in statute or by order of the President of the Senate or the Speaker of the House looking at transportation funding or local

aid issues shall review and provide recommendations for how local highway user revenues shall be distributed in fiscal year 2013 and thereafter.”.

On page 41, in line 20, strike “25” and substitute “12, 25, 29,”.

AMENDMENT NO. 25

On page 27, after line 29, insert:

“$300,000 of the funds in the State Occupational and Professional Licensing Design Boards’ Fund established under § 2–106.1 of the Business Regulation Article;”.

AMENDMENT NO. 26

On page 4, after line 37, insert:

“Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(a) (1) Subject to subsection (d) of this section, for each fiscal year, the Comptroller shall distribute to a county the amount determined for each county under this section.

(2) The amount a county shall receive under this section in any fiscal year shall be based on the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, from returns filed through **[**August 15**]** **NOVEMBER 1** immediately preceding the applicable fiscal year, as determined by the Comptroller.

(b) (1) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(i) The per capita yield of the county income tax for each county, based on:

1. Unless a county income tax rate of other than 2.54% was in effect, the receipts described in subsection (a)(2) of this section;

2. The population of the county as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. If the county income tax rate is other than 2.54% in the applicable taxable year, the receipts described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect; and

(ii) The per capita statewide yield of the county income tax, based on:

1. The total receipts for county income tax described in subsection (a)(2) of this section for counties with an income tax rate of 2.54% in effect;

2. The State population as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. For counties with an income tax rate of other than 2.54% in effect, the total receipts for county income tax described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect.

(2) If the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(3) A county may not receive a distribution under this subsection if the county tax rate in that county was less than 2.4%:

(i) For the taxable year that ended in the second prior fiscal year; or

(ii) For any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) The Comptroller shall make payments of the additional amounts provided under this section quarterly during the fiscal year for which the payment is made.

(d) For fiscal year 2011 and each subsequent fiscal year, **[**the distribution provided to any county or Baltimore City**]** **IF THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES** under **SUBSECTION (B) OF** this section **[**may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010**]** **EXCEEDS $120,000,000, THE COMPTROLLER SHALL DISTRIBUTE TO EACH COUNTY AN AMOUNT EQUAL TO THE AMOUNT OTHERWISE DETERMINED FOR THE COUNTY UNDER SUBSECTION (B) OF THIS SECTION MULTIPLIED BY A FRACTION:**

(1) THE NUMERATOR OF WHICH IS $120,000,000; AND

(2) THE DENOMINATOR OF WHICH IS THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES FOR THE APPLICABLE FISCAL YEAR UNDER SUBSECTION (B) OF THIS SECTION WITHOUT REGARD TO THIS SUBSECTION.".

AMENDMENT NO. 27

On page 8, after line 29, insert:

"13–603.

(c) The Fund shall be used to pay:

(1) The operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee; and

(2) For **[**fiscal years 2009 and 2010, for**]** major information technology development projects of the Judiciary Department, as the Administrator considers appropriate.".

AMENDMENT NO. 28

On page 21, after line 9, insert:

"**7–114.2.**

WHEN A PROPOSED BUDGET INCLUDES EXPENDITURE REDUCTIONS TO BE APPLIED ACROSS MULTIPLE EXECUTIVE BRANCH AGENCIES, THE BUDGET BILL SHALL INCLUDE A SEPARATE SCHEDULE FOR EACH REDUCTION ALLOCATING THE REDUCTION FOR EACH AGENCY IN A LEVEL OF DETAIL NOT LESS THAN THE 3–DIGIT R*STARS FINANCIAL AGENCY CODE AND BY EACH FUND SOURCE.".

AMENDMENT NO. 29

On page 21, in line 24, after "article." insert:

"Article – State Government

9–20B–05.

(g–1) The proceeds described in subsection (g) of this section from the allowances sold between March 1, 2009, and June 30, **[**2011**] 2012**, shall be allocated as follows:

(1) up to 50% shall be credited to an energy assistance account to be used as described in subsection (g)(1) of this section;

(2) 23% shall be credited to a rate relief account to be allocated as provided in subsection (g)(2) of this section;

(3) at least 17.5% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account to be allocated as provided in subsection (g)(3) of this section;

(4) at least 6.5% shall be credited to a renewable and clean energy programs account to be allocated as provided in subsection (g)(4) of this section; and

(5) up to 3.0%, but not more than $4,000,000, shall be credited to an administrative expense account to be allocated as provided in subsection (g)(5) of this section.".

AMENDMENT NO. 30

On page 26, after line 16, insert:

"$2,500,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article;".

AMENDMENT NO. 31

On page 24, after line 25, insert:

"2–1302.2.

After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, **FOR EACH FISCAL YEAR,** the Comptroller shall pay into the Transportation Trust Fund established under § 3–216 of the Transportation Article**[**:

(1) for each fiscal year beginning before July 1, 2013,**]** 5.3% of the remaining sales and use tax revenue**[**; and

(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue**]**.".

AMENDMENT NO. 32

On page 22, after line 30, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2–606.

(F) (1) ON OR BEFORE JUNE 30, 2011, THE COMPTROLLER SHALL DISTRIBUTE $389,000,000 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION TO THE GENERAL FUND OF THE STATE FOR USE IN FUNDING THE MARYLAND MEDICAID PROGRAM FOR FISCAL YEAR 2011.

(2) IN EACH OF FISCAL YEARS 2021 THROUGH 2026, THE STATE SHALL PAY TO THE LOCAL INCOME TAX RESERVE ACCOUNT $63,833,333 TO

REPAY THE $389,000,000 TRANSFER TO THE GENERAL FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General".

On page 41, after line 31, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect January 1, 2011, contingent on the failure of the federal government to act, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in the State's federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, and if the federal government acts, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in Maryland's federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, Section 5A this Act shall be null and void without the necessity of further action by the General Assembly.".

AMENDMENT NO. 33

On page 41, after line 19, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the special fund appropriation in the fiscal 2010 State budget for program L00A12.10 Marketing and Agricultural Development in the Department of Agriculture is reduced by $700,000. The reduction provided under this section shall be made only to programs supported by funds from the Cigarette Restitution Fund. For fiscal year 2010, the Governor is authorized to transfer $700,000 from the Cigarette Restitution Fund to program M00Q01.03 Medical Care Provider Reimbursements in the Department of Health and Mental Hygiene.".

AMENDMENT NO. 34

On page 30, after line 25, insert:

"$602,800 of the funds in the special fund established under § 11–401 of the Business Regulation Article;".

AMENDMENT NO. 35

On page 20, after line 20, insert:

"Article – Public Safety

1–202.

(b) (1) Subject to subsection (c) of this section and **[**paragraph (2)**]** **PARAGRAPHS (2) AND (3)** of this subsection, a death benefit of $125,000 shall be paid to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties on or after January 1, 2006:

(i) a law enforcement officer;

(ii) a correctional officer;

(iii) a volunteer or career firefighter or rescue squad member;

(iv) a sworn member of the office of State Fire Marshal;

(v) a public safety aviation employee;

(vi) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict; or

(vii) a hazardous material response team employee.

(2) For fiscal year 2009, and for each following fiscal year, the death benefit provided in the prior fiscal year shall be adjusted by any change in the calendar year preceding the fiscal year in the Consumer Price Index (all urban customers – United States city average – all items), as published by the United States Bureau of Labor Statistics.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED WITHIN 3 YEARS AFTER THE DEATH OF THE DECEDENT.

(II) IF THE DECEDENT DIED BEFORE JUNE 1, 2010, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED ON OR BEFORE MAY 31, 2013.

[(3)**] (4)** A death benefit under this subsection is in addition to:

(i) any workers' compensation benefits;

(ii) the proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; and

(iii) the funeral benefit provided under subsection (d) of this section.

(5) ON RECEIVING NOTICE OF THE DEATH OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL TAKE REASONABLE STEPS TO NOTIFY POTENTIAL RECIPIENTS OF THE POTENTIAL DEATH BENEFITS AVAILABLE UNDER THIS SUBSECTION:

(I) WHEN THE DEPARTMENT RECEIVES NOTICE OF THE DEATH; AND

(II) AGAIN 1 YEAR AFTER THE DATE OF THE DEATH, IF AN APPLICATION FOR A DEATH BENEFIT WITH RESPECT TO THE DEATH OF THE DECEDENT HAS NOT BEEN SUBMITTED.".

AMENDMENT NO. 36

On page 13, after line 19, insert:

"23–205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009..... $6.50 per each resident of the area served;

(ii) For fiscal year 2010..... $6.75 per each resident of the area served; **AND**

(iii) For fiscal year 2011 **AND EACH FISCAL YEAR THEREAFTER**..... $6.75 per each resident of the area served**[**;

(iv) For fiscal year 2012.....$7.50 per each resident of the area served; and

(v) for fiscal year 2013 and each fiscal year thereafter.....$8.50 per each resident of the area served**]**.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009.....$1.85 per State resident; **AND**

(ii) For **[**each of fiscal years 2010 and 2011**]** **FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER**.....$1.67 per State resident**[**; and

(iii) For fiscal year 2012 and each fiscal year thereafter.....$1.85 per State resident**]**.

23–503.

(b) (1) **[**Each**]** **FOR EACH FISCAL YEAR, EACH** county public library system that participates in the minimum library program shall be provided **AN AMOUNT EQUAL TO $14.00** for each resident of the county, to be used for operating and capital expenses**[**:

(i) For fiscal year 2009 – $14.00;

(ii) For fiscal year 2010 – $14.00;

(iii) For fiscal year 2011 – $14.00;

(iv) For fiscal year 2012 – $15.00; and

(v) For fiscal year 2013 and each fiscal year thereafter – $16.00**]**.".

AMENDMENT NO. 37

On page 12, after line 11, insert:

"16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% 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 previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% 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;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% 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;

(iv) In fiscal year 2012, not less than an amount equal to **[**66%**]** **63%** 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;

(v) In fiscal year 2013, not less than an amount equal to **[**67%**] 63.5%** 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**]**

(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 64% 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;

(VII) IN FISCAL YEAR 2015, NOT LESS THAN AN AMOUNT EQUAL TO 64.5% 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;

(VIII) IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 65% 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

[(vi)**] (IX)** In fiscal year **[**2014**] 2017** and each fiscal year thereafter, not less than an amount equal to **[**68.5%**] 66%** 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.

(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 a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE TOTAL STATE OPERATING FUND APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE $40,187,695.".

AMENDMENT NO. 38

On page 33, after line 10, insert:

"SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the incoming class in the fall of 2010 at a residential boarding education program for at–risk youth that receives funding under Title 8, Subtitle 7 of the Education Article may not exceed 68 students.".

AMENDMENT NO. 39

On page 21, after line 24, insert:

"Article – State Personnel and Pensions

21–304.

(a) (1) In this section the following words have the meanings indicated.

(2) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS AN AMOUNT BASED ON THE AGGREGATE ANNUAL SALARY PAYABLE BY A LOCAL EMPLOYER TO LOCAL EMPLOYEES, CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR BEFORE THE FISCAL YEAR FOR WHICH A CALCULATION IS MADE UNDER THIS SECTION.

[(2)**] (3)** "Full funding rate" means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection (d)(1) and (2) of this section.

[(3)**] (4)** "Funding ratio for the employees' systems" means the actuarial value of assets for the employees' systems divided by the actuarial accrued liability for the employees' systems.

[(4)**] (5)** "Funding ratio for the teachers' systems" means the actuarial value of assets for the teachers' systems divided by the actuarial accrued liability for the teachers' systems.

(6) "LOCAL EMPLOYEE" MEANS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS:

(I) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

1. A CLERK;

2. A HELPING TEACHER;

3. A PRINCIPAL;

4. A SUPERINTENDENT;

5. A SUPERVISOR; OR

6. A TEACHER;

(II) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(III) A MEMBER OF THE FACULTY OR A PROFESSIONAL OR CLERICAL EMPLOYEE OF A COMMUNITY COLLEGE, OTHER THAN BALTIMORE

CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

(7) "LOCAL EMPLOYER" MEANS:

(I) A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;

(II) A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(III) A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

[(5)**] (8)** "State member" does not include a member on whose behalf a participating governmental unit is required to make an employer contribution under § 21–305 or § 21–306 of this subtitle.

(9) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF EACH LOCAL EMPLOYER.

(b) (1) **[**Each**] SUBJECT TO PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, EACH** fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement

System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) BEGINNING JULY 1, 2011, ON BEHALF OF THE LOCAL EMPLOYEES OF THE LOCAL EMPLOYER, SUBJECT TO § 21–309.1 OF THIS SUBTITLE, EACH LOCAL EMPLOYER SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AS DETERMINED UNDER PARAGRAPH (5) OF THIS SUBSECTION.

(5) FOR EACH LOCAL EMPLOYER, THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES IS THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER MULTIPLIED TIMES:

(I) 1% FOR FISCAL YEAR 2012;

(II) 3% FOR FISCAL YEAR 2013;

(III) 5% FOR EACH OF FISCAL YEARS 2014 AND 2015; AND

(IV) FOR FISCAL YEAR 2016 AND EACH FISCAL YEAR THEREAFTER, THE RATE ESTABLISHED BY THE BOARD OF TRUSTEES UNDER § 21–309.1 OF THIS SUBTITLE.

(6) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES FOR EACH LOCAL EMPLOYER SHALL BE THE OBLIGATION OF THE STATE.

21–307.

(b) **[**(1)**]** For **THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR** a master in chancery or a master in juvenile causes who is eligible for benefits under the Judges' Retirement System, the county where the master serves shall pay to the Judges' Retirement System **[**a portion of**]** the employer contributions required to be paid on behalf of the master **[**as determined under paragraph (2) of this subsection.

(2) The amount payable by a county for a master under this subsection is the product of multiplying:

(i) the sum of the accrued liability contribution rate and the normal contribution rate; and

(ii) the difference between the master's current earnable compensation and the earnable compensation of the master as of January 1, 1989**]**.

(o) **(1)** For the fiscal year beginning July 1, 2009, and each subsequent fiscal year, for a deputy sheriff employed by the Baltimore City Sheriff's Department who is a member of the Law Enforcement Officers' Pension System, Baltimore City shall pay the employer contributions otherwise required to be made by the State on behalf of the **[**members**]** **MEMBER**.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR AN EMPLOYEE OF THE BALTIMORE CITY SHERIFF'S DEPARTMENT WHO IS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM, BALTIMORE CITY SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBER.

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER § 21–304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

(d) (1) (i) The State Superintendent of Schools shall determine the amount that equals the applicable percentage as determined under subparagraph (ii) of this paragraph of the payroll of the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System.

(ii) The applicable percentage under subparagraph (i) of this paragraph is the lesser of:

1. the **DIFFERENCE BETWEEN THE** State's contribution percentage for the Teachers' Retirement System and the Teachers' Pension System **AND THE LOCAL CONTRIBUTION RATE DETERMINED UNDER § 21–309.1 OF THIS SUBTITLE**, as certified by the Board of Trustees; or

2. the percentage of the payroll of its employees that Montgomery County has contributed to the Employees' Retirement System of Montgomery County, as determined by an actuarial valuation.

21–309.1.

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

(2) "LOCAL CONTRIBUTION RATE" MEANS THE RATE TO BE APPLIED TO THE AGGREGATE EARNABLE COMPENSATION OF LOCAL EMPLOYEES TO CALCULATE THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES UNDER § 21–304 OF THIS SUBTITLE.

(3) "LOCAL EMPLOYEE" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

(4) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

(B) (1) (I) ON OR BEFORE DECEMBER 1, 2014, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL ESTABLISH THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR AS PROVIDED IN THIS SUBSECTION.

(II) ON OR BEFORE NOVEMBER 1, 2014, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL PROVIDE LOCAL EMPLOYERS A PRELIMINARY ESTIMATE OF THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR.

(2) FOR EACH FISCAL YEAR, THE LOCAL CONTRIBUTION RATE SHALL BE ESTABLISHED AT THE RATE THAT WHEN ADDED TO THE RATE OF THE

EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW EQUALS ONE–HALF OF THE SUM OF:

(I) THE TEACHERS' SYSTEM CONTRIBUTION RATE FOR THE FISCAL YEAR DETERMINED UNDER § 21–304(F) OF THIS SUBTITLE; AND

(II) THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW.

(C) ON OR BEFORE DECEMBER 1, 2010, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL DETERMINE THE AMOUNTS PAYABLE BY EACH LOCAL EMPLOYER UNDER § 21–304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(D) EACH YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO EACH LOCAL EMPLOYER THE LOCAL CONTRIBUTION RATE AND THE AMOUNTS PAYABLE BY THE LOCAL EMPLOYER UNDER § 21–304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(E) (1) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (D) OF THIS SECTION.

(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.

(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.

(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.

(F) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.

(G) (1) NOTWITHSTANDING § 5–202(D) OF THE EDUCATION ARTICLE, IN FISCAL YEARS 2012 THROUGH 2014 ONLY, A COUNTY THAT DOES NOT MEET THE MAINTENANCE OF EFFORT REQUIREMENT AND DOES NOT RECEIVE A WAIVER SHALL BE REQUIRED TO PAY TO THE COUNTY BOARD OF EDUCATION THE DIFFERENCE BETWEEN THE LOCAL APPROPRIATION TO THE COUNTY SCHOOL OPERATING BUDGET AND THE AMOUNT CERTIFIED BY THE STATE SUPERINTENDENT AS THE REQUIRED LOCAL MAINTENANCE OF EFFORT AMOUNT UNDER § 5–202(D)(1)(II) OF THE EDUCATION ARTICLE.

(2) IF A COUNTY DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SUBSECTION TO THE COUNTY BOARD BY MAY 15 OF THE FISCAL YEAR FOR WHICH THE PAYMENT IS REQUIRED, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT COUNTY FROM THE STATE AND CREDIT IT TO THE COUNTY BOARD OF EDUCATION.".

AMENDMENT NO. 40

On page 9, after line 21, insert:

"5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in item (iii) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year; and

(iii) In **[**fiscal year 2012**]** **EACH OF FISCAL YEARS 2012 THROUGH 2015**:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the

Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.".

On page 10, in line 3, strike "fiscal year 2012" and substitute "**EACH OF FISCAL YEARS 2012 THROUGH 2015**".

AMENDMENT NO. 41

On page 22, in line 19, strike "**$1,000,000**" and substitute "**$500,000**"; in line 21, strike "**AND**"; in line 22, after "**(II)**" insert "**$500,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND**

(III)";

and after line 22, insert:

"**(C) (1) FOR FISCAL YEAR 2011, THE COMPTROLLER SHALL PAY FROM THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION A GRANT TO THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES THAT ARE THE SOURCE OF THE REVENUE ARE LOCATED, TO BE USED BY THE LOCAL JURISDICTIONS ONLY FOR ONE–TIME CAPITAL EXPENDITURES.**

(2) A GRANT UNDER THIS SUBSECTION SHALL BE PAID TO A MUNICIPAL CORPORATION IF THE MACHINES ARE LOCATED IN A MUNICIPAL CORPORATION OR TO A COUNTY IF THE MACHINES ARE NOT LOCATED IN A MUNICIPAL CORPORATION.

(3) THE GRANTS UNDER THIS SUBSECTION SHALL BE PAID TO EACH LOCAL JURISDICTION IN PROPORTION TO THE AMOUNT OF TAX REVENUE DERIVED FROM MACHINES IN EACH JURISDICTION.".

AMENDMENT NO. 42

On page 8, after line 10, insert:

"1–708.

(c) **[**Beginning on September 1, 2009, and**] ON OR AFTER SEPTEMBER 1, 2011, SEPTEMBER 1, 2013, AND** every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.".

AMENDMENT NO. 43

On page 21, before line 25, insert:

"32–205.

(a) For each participating employee who makes contributions under § 32–204 of this subtitle, **TO THE EXTENT FUNDS ARE PROVIDED IN THE STATE BUDGET,** the State **[**shall**] MAY** contribute to the applicable State supplemental plan employer contributions an amount equal to the lesser of the participating employee's contributions or $600 per fiscal year.".

AMENDMENT NO. 44

On page 13, in line 28, after "**FOR**" insert "**OIL–RELATED ACTIVITIES IN**".

On page 14, in line 15, after "**TO**" insert "**OIL–RELATED ACTIVITIES IN**".

On page 22, in line 27, after "**(E)**" insert "**(1)**"; and in line 30, after "**ARTICLE.**" insert:

"**(2) IN EACH OF FISCAL YEARS 2014 THROUGH 2020, THE STATE SHALL PAY TO THE LOCAL INCOME TAX RESERVE ACCOUNT $50,000,000 TO REPAY THE $350,000,000 TRANSFER TO THE EDUCATION TRUST FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**".

On page 26, in line 17, strike "$2,200,000" and substitute "$1,000,000"; and after line 18, insert:

"$1,200,000 of the funds in the Oil Reserve Fund established under § 4–607 of the Environment Article;".

On page 31, in line 29, after "be" insert "transferred from the 9–1–1 Trust Fund to the Department of Information Technology to be".

On page 35, in line 6, strike "Service" and substitute "System".

On page 39, strike in their entirety lines 30 through 33, inclusive.

AMENDMENT NO. 45

On page 23, in line 24, strike "6." and substitute "8.".

On page 25, in lines 14 and 18, strike "9." and "11.", respectively, and substitute "14." and "16.", respectively.

On page 29, in line 13, strike "12." and substitute "17.".

On page 30, in line 4, strike "13." and substitute "18.".

On page 31, in lines 3, 23, 27, 32, and 37, strike "14.", "15.", "16.", "17.", and "18.", respectively, and substitute "19.", "20.", "21.", "22.", and "23.", respectively.

On page 32, in lines 3, 9, 15, 24, and 30, strike "19.", "20.", "21.", "22.", and "23.", respectively, and substitute "24.", "25.", "26.", "27.", and "28.", respectively.

On page 33, in lines 1, 17, and 32, strike "25.", "27.", and "28.", respectively, and substitute "29.", "32.", and "33.", respectively.

On page 38, in lines 21, 29, and 34, strike "31.", "32.", and "33.", respectively, and substitute "36.", "37.", and "38", respectively.

On page 39, in lines 19, 26, and 34, strike "34.", "35.", and "37.", respectively, and substitute "39.", "40.", and "41.", respectively.

On page 41, in lines 20, 22, 28, and 34, strike "38.", "39.", "40.", and "42.", respectively, and substitute "43.", "44.", "45.", and "47.", respectively; in line 29, strike "6, and 28" and substitute "8, and 33"; and in line 34, strike "35" and substitute "40".

On page 42, in line 1, strike "43." and substitute "48.".

Committee amendment 39 was read and adopted by a roll call vote as follows.

Affirmative – 28 Negative – 19 (See Roll Call No. 593)

Committee amendments 1 through 10 were read and adopted.

Committee amendment 11 was read and adopted by a roll call vote as follows:

Affirmative – 43 Negative – 3 (See Roll Call No. 594)

Committee amendments 12 through 15 were read and adopted.

Committee amendment 19 was read and adopted by a roll call vote as follows:

Affirmative – 38 Negative – 9 (See Roll Call No. 595)

Committee amendments 16 through 18 and 20 were read and adopted.

Committee amendments 21 through 25 were read and adopted.

Committee amendments 26 through 30 were read and adopted.

Committee amendment 31 was read and adopted by a roll call vote as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 596)

Committee amendments 32 through 35 were read and adopted.

Committee amendments 36 through 38 and 40 were read and adopted.

Committee amendments 41 through 44 were read and adopted.

Committee amendment 45 was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0141/973122/1
BY: Senator Della

AMENDMENTS TO SENATE BILL 141, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 14, after "years;" insert "requiring the budget books submitted by the Governor in connection with the budget bill to include certain information regarding travel expenses of certain State employees;".

On page 3 of the Budget and Taxation Committee Amendments (SB0141/509237/1), in line 21 of Amendment No. 2, after "7–114.2" insert "and 7–121(a–1)".

AMENDMENT NO. 2

On page 21 of the bill, before line 10, insert:

"7–121.

(A–1) THE BUDGET BOOKS SHALL CONTAIN A SECTION THAT PROVIDES, FOR EACH EXECUTIVE BRANCH DEPARTMENT THAT HAD TRAVEL EXPENDITURES FOR THE LAST FULL FISCAL YEAR IN EXCESS OF $100,000 AT THE DEPARTMENT CODE LEVEL:

(1) THE TOTAL OF ACTUAL TRAVEL EXPENSES FOR THE LAST FULL FISCAL YEAR; AND

(2) FOR EACH TRIP, THE COST, NUMBER OF EMPLOYEES TRAVELING, DESTINATION, AND JUSTIFICATION. ".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0141/803827/2
BY: Senator Della

AMENDMENTS TO SENATE BILL 141, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, after "of" insert "prohibiting certain local governmental units from receiving any aid from the State in certain fiscal years under certain circumstances;".

On page 2 of the bill, after line 22, insert:

"BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 1–111
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 27 of the Budget and Taxation Committee Amendments (SB0141/509237/1), after line 2 of Amendment No. 26, insert:

"**1–111.**

(A) IN THIS SECTION, "LOCAL GOVERNMENTAL UNIT" INCLUDES ANY COUNTY, MUNICIPAL CORPORATION, OTHER POLITICAL SUBDIVISION, OR UNIT OF ANY POLITICAL SUBDIVISION OF THE STATE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR ANY FISCAL YEAR IN WHICH STATE EMPLOYEES DO NOT RECEIVE BONUSES, MERIT INCREASES, OR COST–OF–LIVING ADJUSTMENTS, A LOCAL GOVERNMENTAL UNIT MAY NOT RECEIVE AID FROM THE STATE IF THE LOCAL GOVERNMENTAL UNIT PROVIDES BONUSES, MERIT INCREASES, OR COST–OF–LIVING ADJUSTMENTS FOR THAT FISCAL YEAR TO EMPLOYEES OF THE LOCAL GOVERNMENTAL UNIT.".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 597)

FLOOR AMENDMENT

SB0141/193223/1
BY: Senator Rosapepe

AMENDMENTS TO SENATE BILL 141
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "assessment;" insert "altering the applicability of a certain assessment;".

On page 3, in line 14, after "19–310.1" insert "(a),".

AMENDMENT NO. 2

On page 17, after line 30, insert:

"(a) (1) This section applies to a nursing facility, as defined in § 19–301 of this subtitle, that:

(i) Has **[**45**] 70** or more beds; and

(ii) Operates in the State.

(2) This section does not apply to a nursing home bed in a continuing care retirement community that has obtained a certificate of registration to provide continuing care under Title 10, Subtitle 4 of the Human Services Article.".

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

Affirmative – 10 Negative – 35 (See Roll Call No. 598)

FLOOR AMENDMENT

SB0141/223421/1
BY: Senator Rosapepe

AMENDMENTS TO SENATE BILL 141, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 15 down through "assessment;" in line 16.

On page 3, in line 13, after "13–1015," insert "and"; in the same line, strike the third comma; and strike line 14 in its entirety.

On page 4, strike in their entirety lines 26 through 29, inclusive.

AMENDMENT NO. 2

On pages 17 and 18, strike in their entirety the lines beginning with line 30 on page 17 through line 26 on page 18, inclusive.

On page 40, strike in their entirety lines 1 through 10, inclusive.

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

Affirmative – 10 Negative – 37 (See Roll Call No. 599)

FLOOR AMENDMENT

SB0141/913722/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 141, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 23, after "highway;" insert "altering certain requirements for the percentage of operating costs that must be recovered from certain revenues for certain public transit services;".

On page 4 of the bill, in line 4, after "4–321(e)" insert ", 7–208(b)".

AMENDMENT NO. 2

On page 25 of the bill, after line 10, insert:

"7–208.

(b) (1) For fiscal year **[**2009**] 2011** and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least **[**35**] 50** percent of the total operating costs for:

(i) The Administration's bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.

(2) The Administration shall submit, in accordance with § 2–1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(i) Separate farebox recovery ratios for the prior fiscal year for:

1. Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

2. Commuter bus service provided under contract to the Administration in the Baltimore region; and

3. Maryland Area Rail Commuter (MARC) service provided under contract to the Administration;

(ii) A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection; and

(iii) Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide.".

AMENDMENT NO. 3

On page 19 of the Budget and Taxation Committee Amendments (SB0141/509237/1), in line 13 of Amendment No. 24, strike "**71.5%**" and substitute "**68.6%**".

On page 20 of the Budget and Taxation Committee Amendments, in lines 11 and 12 of Amendment No. 24, strike "**68.6%**" and "**71.5%**", respectively, and substitute "**65.5%**" and "**68.4%**", respectively.

On page 21 of the Budget and Taxation Committee Amendments, in lines 8 and 12 of Amendment No. 24, strike "**0.6%**" and "**0.1%**", respectively, and substitute "**2.8%**" and "**0.8%**", respectively.

On page 22 of the Budget and Taxation Committee Amendments, in lines 6, 8, 15, and 17, strike "**0.6%**", "**0.1%**", "**0.5%**", and "**0.1%**", respectively, and substitute "**3.0%**", "**0.8%**", "**2.9%**", and "**0.8%**", respectively.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 600)

FLOOR AMENDMENT

SB0141/843221/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 141, AS AMENDED

On page 21 of the Budget and Taxation Committee Amendments (SB0141/509237/1), in lines 5, 8, and 12, on Amendment No. 24, strike "**8.8%**", "**0.6%**", and "**0.1%**", respectively, and substitute "**4.4%**", "**3.7%**", and "**1.4%**", respectively.

On page 22 of the Budget and Taxation Committee Amendments, in lines 3, 6, 8, 12, 15, and 17, of Amendment No. 24, strike "**8.2%**", "**0.6%**", "**0.1%**", "**7.8%**", "**0.5%**", and "**0.1%**", respectively, and substitute "**4.1%**", "**3.5%**", "**1.2%**", "**3.9%**", "**3.4%**", and "**1.1%**", respectively.

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

Affirmative – 16 Negative – 31 (See Roll Call No. 601)

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 140 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2011)

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

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 214 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

Labor and Employment – Wage Payment and Collection Law – Definition of Wage

FOR the purpose of clarifying that the definition of "wage" as used in the Wage Payment and Collection Law includes overtime wages; and generally relating to the Wage Payment and Collection Law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–501(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 216 – Delegates Pena–Melnyk, Barnes, Frush, Hecht, Holmes, Kipke, Niemann, F. Turner, V. Turner, Valderrama, ~~and Walker~~ Walker, and Lafferty

AN ACT concerning

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

FOR the purpose of providing for original jurisdiction of the District Court for certain actions; prohibiting a person without authorization from the State Highway Administration from placing or maintaining a sign within the right–of–way of a State highway; providing that a sign placed or maintained in violation of this Act may be removed by the Administration, a law enforcement officer, or certain local governments; authorizing the Administration or certain local governments to collect certain civil penalties and to seek an injunction against violations of this Act; providing for civil penalties for certain violations of this Act; providing that certain provisions of this Act may be enforced only by issuance of a warning for a certain period of time; requiring the Administration and certain local

governments to retain civil penalties collected under certain provisions of this Act; providing that the presence of a sign within a State highway right–of–way is evidence of certain facts; providing for a delayed effective date; and generally relating to the placement and maintenance of unauthorized signs on State highway rights–of–way.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(16) and (17)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 4–401(18)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–605
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 254 – Delegates Schuh and Smigiel

AN ACT concerning

Crimes – Sexual Offenses Against Children – Jessica's Law Enhancement

FOR the purpose of increasing the maximum and mandatory minimum penalties for a person convicted of rape in the second degree of a child under the age of 13 years; increasing the maximum and mandatory minimum penalties for a person convicted of sexual offense in the second degree against a child under the age of 13 years; and generally relating to sexual offenses against children.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–304 and 3–306
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 462 – Delegates Kaiser, McIntosh, ~~and Mizeur~~ Mizeur, Pendergrass, Benson, Costa, Kullen, Montgomery, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Education – Discrimination Prohibited – Protected Classes

FOR the purpose of conforming provisions of law relating to discrimination in the employment of teachers in the public schools in the State to other provisions of State law governing discrimination in employment; and generally relating to protected classes of employees under provisions of law governing discrimination in the employment of teachers in the public schools in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–104
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 636 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

FOR the purpose of authorizing the Department of Natural Resources to suspend for certain periods of time the hunting license or privileges of a person who is convicted of a State or federal hunting violation; requiring the Department to suspend for a certain time period the hunting license or privileges of a person who receives within a certain time period a certain second conviction for a hunting violation; authorizing the Department to order that certain persons not obtain a hunting license for a certain time period; repealing certain provisions of law authorizing the Department to impose a certain fine and certain hunting license suspensions for a conviction for certain hunting violations; authorizing a court to suspend the hunting license of a person convicted of a federal hunting violation and the hunting privileges of a person convicted of a State or federal hunting violation; prohibiting a person whose hunting license is suspended from hunting or performing certain hunting activities anywhere in the State; prohibiting a person whose hunting privileges are suspended from hunting, or performing certain activities related to hunting, in the State; authorizing the Department to adopt regulations to implement this Act; clarifying certain language; defining a certain term; and generally relating to the suspension of hunting licenses and privileges in the State.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–205, 10–423, 10–1101, and 10–1108
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 674 – Delegate Malone

AN ACT concerning

High Occupancy Vehicle (HOV) Lanes – Use by Plug–In Vehicles

FOR the purpose of ~~requiring the State Highway Administration, when designating a portion of a highway as a restricted use High Occupancy Vehicle (HOV) lane, to place traffic control devices indicating that the HOV lane may be used by certain plug–in vehicles~~ authorizing the use of a high occupancy vehicle (HOV) lane by certain plug–in vehicles under certain circumstances; requiring the Motor Vehicle Administration, the State Highway Administration, and the Department of State Police to consult to design a certain permit; ~~authorizing the operator of a plug–in vehicle that has a certain permit affixed to it in accordance with certain guidelines to be in an HOV lane;~~ authorizing the Motor Vehicle Administration to charge a certain fee for issuing a certain permit; authorizing the State Highway Administration to limit the number of permits issued under this Act for a certain purpose; requiring the Motor Vehicle Administration and the State Highway Administration jointly to make a certain report to the Governor and the General Assembly ~~by~~ on or before a certain date each year; defining certain terms; providing for the termination of this Act; and generally relating to ~~the designation of HOV lanes by the State Highway Administration and~~ the use of HOV lanes by plug–in vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–167~~, 21–201(a), and 25–105~~ and 21–201(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 25–108
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 702 – Delegates Stein, Beidle, Glenn, and Lafferty

AN ACT concerning

Common Ownership Communities – Fidelity ~~Insurance or~~ Insurance – Fidelity Bond

FOR the purpose of defining a certain ~~term~~ type of insurance to include a certain type of bond; authorizing certain governing bodies of a cooperative housing corporation, a condominium, or a homeowners association to satisfy the requirement of purchasing fidelity insurance by purchasing a fidelity bond; requiring a copy of a certain fidelity insurance policy or fidelity bond to be included in the books and records kept and made available by or on behalf of certain common ownership communities; making technical changes; and generally relating to fidelity insurance and common ownership communities.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6B–18.6
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–114.1 and 11B–111.6
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 786 – Delegates Healey, Beidle, Bobo, Carr, Frush, Gaines, Glenn, Ivey, Lafferty, Niemann, Ross, ~~and Sossi~~ Sossi, McIntosh, Cane, V. Clagett, Holmes, Hucker, Malone, O'Donnell, Serafini, Shewell, Stein, Stull, and Weir

AN ACT concerning

State Highway Administration – Sidewalk or Bicycle Pathway Construction in Priority Funding Areas

FOR the purpose of requiring the State Highway Administration to categorize in a certain manner and give certain funding priority to sidewalk or bicycle pathway construction projects ~~along urban highways~~ in priority funding areas under certain circumstances; authorizing the State to fund the entire cost of certain sidewalk or bicycle pathway construction projects; altering a certain funding

formula that applies to sidewalk or bicycle pathway construction projects in priority funding areas under certain circumstances; and generally relating to sidewalk or bicycle pathway construction in priority funding areas.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–630
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 825 – Delegates Barkley, Barnes, Davis, Feldman, Harrison, Hecht, Impallaria, King, Kirk, Krysiak, Love, Manno, McHale, Minnick, Schuler, Stifler, Taylor, and Vaughn

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

FOR the purpose of increasing the minimum amounts of required security for the payment of certain claims for bodily injury or death arising from a motor vehicle accident; providing for the application of this Act; providing for a delayed effective date; and generally relating to the minimum required security for motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17–103
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 849 – ~~Delegate Hubbard~~ Delegates Hubbard, Kipke, Benson, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Department of Health and Mental Hygiene – Home– and Community–Based Services Waiver – Denial of Access Prohibited

FOR the purpose of prohibiting the Department of Health and Mental Hygiene from denying an individual access to a home– and community–based services waiver due to lack of funding if, in addition to existing criteria, ~~the individual is eligible~~

~~for a certain number of days of nursing facility services~~ a certain number of days of the individual's nursing facility stay are eligible to be paid for by the Maryland Medical Assistance Program; making a technical correction; and generally relating to the Department of Health and Mental Hygiene and the home– and community–based services waiver.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–137
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 915 – Delegates Jones, Benson, Bohanan, Burns, Cane, Carr, Davis, Gaines, Glenn, Griffith, Harrison, Haynes, Howard, Ivey, Kirk, Levi, Nathan–Pulliam, Oaks, Proctor, Rice, Robinson, Stukes, Taylor, F. Turner, Vallario, and Walker

AN ACT concerning

African American Heritage Preservation Program

FOR the purpose of establishing the African American Heritage Preservation Program in the Maryland Historical Trust to identify and preserve certain buildings, communities, and sites of historical and cultural importance to the African American experience; requiring the Trust to develop and administer the Program in ~~consultation~~ partnership with the Commission on African American History and Culture; authorizing certain entities to submit, on or before a certain date, an application to receive a grant for an African American heritage preservation capital project; requiring that grants to certain grantees under the Program require a certain matching fund; requiring the Trust and Commission to review grant applications ~~before a certain date and make certain recommendations to the Commission~~ and consider certain factors; requiring the Trust and Commission ~~to approve~~, on or before a certain date, to recommend capital projects for funding in the State capital budget and forward the recommendations to the Department of Budget and Management; requiring the Governor to include certain funding in the annual capital budget submission; requiring the Trust and Commission to report to the Governor and General Assembly on or before a certain date; requiring a grantee under the Program to enter into a certain agreement, unless the requirement is waived by the Secretary of Planning; requiring the ~~Trust~~ Secretary, in consultation with the Commission, to adopt certain regulations to implement the Program; providing that certain regulations may not be adopted unless approved by the Board of Public Works; requiring the Trust and Commission, to the extent required by certain regulations, to submit grants recommended under the Program to the Board of Public Works for approval; defining certain terms; stating a certain

intent of the General Assembly; providing for the termination of this Act; and generally relating to a State capital grant program for African American heritage preservation.

BY adding to
Article – State Finance and Procurement
Section 5A–330
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 936 – The Speaker (By Request – Administration) and Delegates Conway, Mathias, Busch, Carter, G. Clagett, Davis, Ivey, Kelly, Minnick, Schuler, Simmons, Valderrama, ~~and Vaughn~~ Vaughn, Frank, Aumann, George, Jennings, McComas, Olszewski, Shank, Smigiel, Stifler, McConkey, Barnes, Conaway, Dumais, Kramer, Rosenberg, Anderson, Dwyer, Levi, Ramirez, Hecht, Bobo, Carr, Frick, Glenn, Hucker, Kullen, Lee, Montgomery, Murphy, Niemann, Rice, and Rudolph

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

FOR the purpose of altering certain requirements relating to the registration of individuals who have committed certain offenses on a certain registry; altering the offenses for which a person can be required to register on a certain registry for committing, attempting to commit, or conspiring to commit; requiring certain persons to register on a certain registry if they have been convicted of certain crimes in certain countries; altering the requirements for registration on a certain registry for a certain person granted probation before judgment; providing that certain requirements for a person to register on a certain registry are to be applied retroactively under certain circumstances; providing for the calculation of a certain term of registration; altering certain requirements for persons under a certain age to register on a certain registry under certain circumstances; requiring a certain person to be included in a certain listing of juvenile sex offenders; specifying that a certain listing of juvenile sex offenders shall be accessible only by law enforcement personnel for law enforcement purposes; requiring a certain person to be removed from a certain listing of juvenile sex offenders at a certain time; establishing that certain individuals who are under the protection of certain witness protection programs are exempt from certain registration requirements; altering certain time periods relating to certain registration, notice, and reporting requirements; requiring certain sex offenders to register in person with ~~a~~ certain local law enforcement ~~unit~~ units within certain time periods; providing that a certain sex offender may be required to provide certain additional information to a certain local law enforcement unit; establishing that a person is a resident for purposes of a

certain offender registry if the person has a home or other place where the person habitually lives located in the State at the time of a certain event; establishing that a certain registrant shall register with a certain supervising authority within a certain period of time after the registrant begins to habitually live in the State; requiring a certain homeless registrant to register in person with a local law enforcement unit within certain time periods; requiring a certain homeless registrant to register with a local law enforcement unit at certain intervals; establishing that certain registration requirements for a homeless registrant are in addition to certain other requirements; requiring a registrant who was homeless and obtains a fixed address to register with a local law enforcement unit within a certain time period; requiring a certain registrant who makes changes in certain identifying information to send a certain notice to a local law enforcement unit within a certain time period; requiring certain notifications by certain registrants to be made by reporting in person; requiring certain registrants to notify a certain local law enforcement unit when the registrant leaves the United States under certain circumstances or temporarily moves; requiring a certain notification to be made in a certain manner; adding to the requirements of a certain registration statement; requiring a certain registrant to provide a digital image instead of a photograph under certain circumstances; requiring a certain registrant to provide a palm print; repealing an exemption from a certain requirement to provide DNA for a certain person convicted of a misdemeanor; altering the terms of registration for certain sex offenders on a certain registry; authorizing ~~certain terms~~ a certain term of registration to be reduced under certain circumstances; requiring a certain notification relating to the registration of a certain sex offender to be sent to certain school superintendents, schools, school principals, police departments, and certain entities relating to children; requiring local law enforcement units to provide certain notifications to the Department of Public Safety and Correctional Services; expanding certain notification requirements relating to the residence of a certain registrant to include ~~the~~ each county where the registrant habitually lives or intends to habitually live; requiring a certain supervising authority to notify ~~the~~ each local law enforcement unit where a registrant resided or habitually lived in the event of a certain escape or recapture; expanding the authority of a local law enforcement unit to notify entities of the location of a certain sex offender to include notifying child care centers issued a certain letter of compliance; providing that the Department is responsible for receiving and distributing certain communications and notifying certain jurisdictions of certain information; prohibiting certain registration information provided to the public from including certain information; altering a certain provision to require the Department to post certain information about a registrant on the Internet; requiring the Department to post on the Internet, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of a sex offender registrant, excluding details that would identify the victim; requiring the Department to provide certain information relating to out–of–state registration status on a certain Internet posting; altering a certain prohibition to provide that a registrant may not fail to provide certain notice, whether written or in person;

requiring the Department, in consultation with the Department of State Police, to adopt certain regulations on or before a certain date; providing that certain provisions of this Act are severable under certain circumstances; making certain conforming changes; defining certain terms; altering certain terms; repealing certain terms; and generally relating to sex offender registration.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701, 11–702, 11–702.1, 11–704 through 11–710, 11–712, 11–713, 11–714, 11–717, 11–718(a), and 11–721 to be under the amended subtitle "Subtitle 7. Sex Offender Registration"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–703
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 11–704.1 and 11–704.2
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 975 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Maryland Transportation Authority – Highways

FOR the purpose of altering and redesignating the definition of "vehicular crossing" for purposes of certain provisions of the Maryland Vehicle Law to include certain highways under the jurisdiction of the Maryland Transportation Authority, thereby applying certain provisions of law to certain highways under the jurisdiction of the Authority and providing that certain powers and authority granted to the Authority are applicable to certain highways under the jurisdiction of the Authority; making conforming changes; and generally relating to highways under the jurisdiction of the Maryland Transportation Authority.

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

Section 7–302(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–127~~, 21–1402, and 21–1403~~
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1401~~, 21–1407, 21–1411, and 21–1413~~ through 21–1411, 21–1413, and 21–1414(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1032 – Delegates Kirk, Harrison, Haynes, King, Love, McHale, Minnick, Stukes, and Vaughn

AN ACT concerning

Motor Fuel ~~Refiner or Supplier~~ Suppliers – Games of Chance ~~– Repeal of Prohibition~~

FOR the purpose of ~~repealing a provision prohibiting a refiner or other supplier of motor fuel to a retail service station from engaging in, sponsoring, promoting, advertising, or otherwise performing or participating in certain games of chance that would be marketed or offered to the public at certain retail service stations; repealing a provision authorizing certain suppliers to participate in certain games of chance sponsored by entities other than certain refiners or suppliers of motor fuel; repealing a provision prohibiting certain suppliers from requiring certain retail station dealers to pay for certain costs~~ authorizing certain suppliers of motor fuel to engage in, sponsor, promote, advertise, or otherwise perform or participate in certain games of chance at certain retail service stations under certain circumstances; providing that certain suppliers authorized to participate in a game of chance may not require a retail service station to participate in the game of chance; providing for the termination of this Act; and generally relating to games of chance and motor fuel ~~refiners or~~ suppliers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 10–502
Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1059 – Delegates Eckardt and Haddaway

AN ACT concerning

Dorchester County – Choptank River – Soft–Shell Clam Harvesting

FOR the purpose of altering the time periods during which and the locations in which soft–shell clam harvesting using certain types of gear is prohibited under certain circumstances in the Dorchester County portion of the Choptank River; making technical corrections; and generally relating to soft–shell clam harvesting in the Dorchester County portion of the Choptank River.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1037 and 4–1038
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–1039
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1151 – Chair, Economic Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles – Minimum Security Requirements

FOR the purpose of establishing specific minimum levels of required security for commercial motor vehicles by conforming Maryland motor carrier requirements to certain federal regulations; authorizing the Motor Vehicle Administration to adopt certain regulations consistent with certain federal regulations; providing for the effective date of this Act; and generally relating to minimum security requirements for motor carriers.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13–920(h) and 17–103(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 25–111.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1244 – Delegates Sossi, Eckardt, Haddaway, James, Rudolph, and Smigiel

AN ACT concerning

Municipal Corporations – Planning Commissions – Meetings

FOR the purpose of requiring that a planning commission appointed by a municipal corporation shall hold ~~certain~~ meetings ~~at the call of the chair of the planning commission or at certain other times determined by the planning commission;~~ quarterly or more often as the planning commission's duties require; authorizing the chairman of a certain planning commission to cancel a certain quarterly meeting under certain circumstances; and generally relating to meetings of planning commissions appointed by municipal corporations.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 3.03
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1298 – Delegates Glenn, Ali, Beidle, Frush, Healey, Holmes, Ivey, Lafferty, Niemann, Serafini, Shewell, Stein, and Walker

EMERGENCY BILL

AN ACT concerning

Real Property – Transfer Fees – Prohibition

FOR the purpose of prohibiting a person who conveys a fee simple interest in real property from recording a covenant for the payment of a transfer fee under certain circumstances; establishing that a covenant that requires a certain payment of a transfer fee is void under certain circumstances; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to the prohibition on transfer fees on real property.

BY adding to
Article – Real Property
Section 10–708
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1303 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Real Property – Recording

FOR the purpose of altering certain procedures for recording certain deeds in Worcester County so as to require that certain deeds granting property within a certain sanitary district operated by the County Commissioners of Worcester County be marked by the county to indicate that certain assessments and charges due to the county have been paid before the deed may be accepted by the Clerk of the Circuit Court for recording; and generally relating to the recordation of property lying in the boundaries of a sanitary district operated by the County Commissioners of Worcester County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104(f)(4)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1309 – Delegates Mathias ~~and Conway~~, Conway, and Elmore

AN ACT concerning

Somerset and Worcester Counties – Liquor Control Boards – Ethics

FOR the purpose of including the Liquor Control Board for Somerset County and the Liquor Control Board for Worcester County in the definition of "executive unit"

as it relates to the Maryland Public Ethics Law to clarify that the Maryland Public Ethics Law applies to both liquor control boards; ~~specifying that the members and employees of both liquor control boards are public officials for certain purposes;~~ and generally relating to the Liquor Control Board for Somerset County and the Liquor Control Board for Worcester County.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–101(b) and 15–102(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–102(m) ~~and 15–103(b)~~
Annotated Code of Maryland
(2009 Replacement Volume)

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

QUORUM CALL

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

(See Roll Call No. 602)

ADJOURNMENT

At 11:28 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Wednesday, March 24, 2010.

Annapolis, Maryland
Wednesday, March 24, 2010
11:00 A.M. Session

The Senate met at 11:11 A.M.

Prayer written by Father Rory Conley, Pastor, St. Mary's Catholic Church, read by Senator Middleton.

(See Exhibit A of Appendix III)

The Journal of March 23, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 605)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 578 – Senator Verna L. Jones and Senator Delores G. Kelley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Evelyn Sample–Oates, 31st North Atlantic Regional Director
Alpha Kappa Alpha Sorority, Incorporated
in recognition of
your leadership and unwavering commitment to education,
organizational development and community building in the
North Atlantic Region and the Sorority's 79th
Conference at the Gaylord National Resort.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 606)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #47

Senate Bill 321 – ~~Senator Stone~~ Senators Stone, Lenett, and Forehand

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

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

Affirmative – 24 Negative – 23 (See Roll Call No. 607)

The Bill was then sent to the House of Delegates.

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

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

Affirmative – 44 Negative – 3 (See Roll Call No. 608)

The Bill was then sent to the House of Delegates.

Senate Bill 560 – Senators Forehand, King, ~~and Madaleno~~ Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

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

Affirmative – 47 Negative – 0 (See Roll Call No. 609)

The Bill was then sent to the House of Delegates.

Senate Bill 678 – Senators Della, Forehand, Lenett, Pinsky, and Raskin

AN ACT concerning

Commercial Law – Credit Services Businesses – Limitation on Fees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 610)

The Bill was then sent to the House of Delegates.

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

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

Affirmative – 34 Negative – 13 (See Roll Call No. 611)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #48

Senate Bill 415 – Senators Mooney, Raskin, Madaleno, Colburn, Currie, Della, Dyson, Forehand, Frosh, Garagiola, Haines, Harrington, Jacobs, Kelley, King, Kittleman, Lenett, Middleton, Munson, Muse, Peters, Pugh, Rosapepe, Simonaire, ~~and Zirkin~~ Zirkin, Conway, Harris, and Reilly

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

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

Affirmative – 47 Negative – 0 (See Roll Call No. 612)

The Bill was then sent to the House of Delegates.

Senate Bill 478 – Senators Kelley, Della, King, Klausmeier, McFadden, Muse, Stone, and Zirkin

AN ACT concerning

Residential Child Care Facilities – Incident Reporting – Interagency Workgroup

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

Affirmative – 47 Negative – 0 (See Roll Call No. 613)

The Bill was then sent to the House of Delegates.

Senate Bill 546 – Senators Peters, Muse, Conway, Currie, Exum, Harrington, Jones, King, Klausmeier, Kramer, Pinsky, Pugh, Robey, and Rosapepe

AN ACT concerning

Procurement – Minority Business Enterprises – Review of Application for Certification and Notice to Applicant

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

Affirmative – 47 Negative – 0 (See Roll Call No. 614)

The Bill was then sent to the House of Delegates.

Senate Bill 576 – Senator Zirkin

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification Requirement – Extension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 615)

The Bill was then sent to the House of Delegates.

Senate Bill 631 – Senator Conway

AN ACT concerning

State Board of Dental Examiners – ~~Materials Containing Mercury~~ Dentists – Use of Dental Amalgam, Mercury, and Amalgam Alloy

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

Affirmative – 47 Negative – 0 (See Roll Call No. 616)

The Bill was then sent to the House of Delegates.

Senate Bill 632 – Senator Conway

AN ACT concerning

Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and Medication Technicians – Changes to Licensure Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 617)

The Bill was then sent to the House of Delegates.

Senate Bill 778 – Senators Raskin, Lenett, ~~and Pinsky~~ Pinsky, and Harrington

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

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

Affirmative – 24 Negative – 23 (See Roll Call No. 618)

The Bill was then sent to the House of Delegates.

Senate Bill 791 – Senator Garagiola

AN ACT concerning

Procurement – Multi–Year Contracts for Renewable Energy – Termination Clauses

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

Affirmative – 35 Negative – 12 (See Roll Call No. 619)

The Bill was then sent to the House of Delegates.

Senate Bill 849 – Senator Harrington

AN ACT concerning

Procurement – Minority Business Enterprise ~~Directory~~ Program – ~~List of Contracts~~ Directory and Report

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

Affirmative – 44 Negative – 3 (See Roll Call No. 620)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #49

Senate Bill 66 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Length of Vehicles – Saddle–Mount and Full–Mount Combinations

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

Affirmative – 45 Negative – 2 (See Roll Call No. 621)

The Bill was then sent to the House of Delegates.

Senate Bill 264 – Senators Muse, Klausmeier, ~~and Colburn~~ Colburn, Harrington, and Lenett

AN ACT concerning

~~State Board of Education – Financial Literacy Curriculum – Graduation Requirement~~
State Department of Education – Personal Financial Literacy State Curriculum

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

Affirmative – 46 Negative – 1 (See Roll Call No. 622)

The Bill was then sent to the House of Delegates.

Senate Bill 288 – Senator Edwards

AN ACT concerning

Maryland Dormant Mineral Interests Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 623)

The Bill was then sent to the House of Delegates.

Senate Bill 324 – ~~Senator Glassman~~ Senators Glassman, Jacobs, Forehand, and Colburn

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

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

Affirmative – 47 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the House of Delegates.

Senate Bill 344 – Senator Glassman

AN ACT concerning

Motor Vehicles – ~~Medium~~ Limited Speed Vehicles – Requirements and Prohibitions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the House of Delegates.

Senate Bill 422 – Senator Colburn

AN ACT concerning

Dorchester County – Choptank River – Soft–Shell Clam Harvesting

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

Affirmative – 47 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the House of Delegates.

Senate Bill 467 – Senators Conway, Madaleno, Colburn, Dyson, Exum, Forehand, Garagiola, Glassman, Harrington, King, Klausmeier, Kramer, Lenett, McFadden, Muse, Pinsky, Raskin, Rosapepe, and Zirkin

AN ACT concerning

Task Force to ~~Incorporate~~ Explore the Incorporation of the Principles of Universal Design for Learning into ~~the Policies, Practices, and Curriculum of~~ the Education Systems in Maryland

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

Affirmative – 47 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the House of Delegates.

Senate Bill 602 – Senators Raskin, Brochin, ~~and Pinsky~~ Pinsky, Forehand, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

~~Vehicle Laws –~~ High Occupancy Vehicle (HOV) Lanes – Use by Plug–In Vehicles

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

Affirmative – 47 Negative – 0 (See Roll Call No. 628)

The Bill was then sent to the House of Delegates.

Senate Bill 624 – Senators Frosh, Conway, Dyson, Forehand, Mooney, Raskin, and Rosapepe

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

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

Affirmative – 47 Negative – 0 (See Roll Call No. 629)

The Bill was then sent to the House of Delegates.

Senate Bill 775 – Senators Kramer, Conway, Currie, Forehand, Harrington, Kelley, Lenett, Muse, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

~~Environment~~ Transportation – Road Salt Management ~~Programs~~ – Best Practices Guidance

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

Affirmative – 47 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #50

Senate Bill 310 – Senators Kasemeyer, Currie, DeGrange, Garagiola, Kittleman, Madaleno, McFadden, Middleton, and Munson

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Process and Factors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the House of Delegates.

Senate Bill 375 – Senator Della

AN ACT concerning

Video Lottery Facilities – Local Impact Grants – Residential Parking Permit Costs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the House of Delegates.

Senate Bill 497 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Retiree Death Benefits

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

Affirmative – 31 Negative – 16 (See Roll Call No. 633)

The Bill was then sent to the House of Delegates.

Senate Bill 635 – Senator Pipkin

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

Senator Pinsky moved, duly seconded, to place **Senate Bill 635** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

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

The motion was adopted.

Senate Bill 693 – Senators Raskin, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Green Maryland Act of 2010

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

Affirmative – 47 Negative – 0 (See Roll Call No. 634)

The Bill was then sent to the House of Delegates.

Senate Bill 709 – Senator Kasemeyer

AN ACT concerning

State Retirement and Pension System – Disability Retirement Application – Surviving Beneficiary

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

Affirmative – 47 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the House of Delegates.

Senate Bill 719 – Senator Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the House of Delegates.

Senate Bill 746 – Senator Colburn

AN ACT concerning

~~**Natural Resources – Land Acquisition – Notification and Approval**~~
Dorchester County – Land Acquisition – Approval Required

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

Affirmative – 47 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the House of Delegates.

Senate Bill 758 – Senators King, Dyson, Forehand, Harrington, Kramer, Lenett, Madaleno, Peters, Pinsky, and Stone

AN ACT concerning

Education – Early Learning Challenge Fund – Application for Grants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 638)

The Bill was then sent to the House of Delegates.

Senate Bill 759 – Senators King, Forehand, Harrington, Kramer, Lenett, Madaleno, Peters, Pinsky, Rosapepe, and Stone

AN ACT concerning

Early Child Care and Education Enhancement Program – Annual Report

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

Affirmative – 47 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the House of Delegates.

Senate Bill 793 – Senators Garagiola, Forehand, King, and Pugh

AN ACT concerning

State Retirement and Pension System – Investments – Qualified Information Technology, Green Technology, Medical Device Technology, or Bioscience Businesses – Reporting

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

Affirmative – 46 Negative – 0 (See Roll Call No. 640)

The Bill was then sent to the House of Delegates.

Senate Bill 904 – Senator Dyson

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Class A Off–Sale License Quota

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

Affirmative – 47 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #51

Senate Bill 275 – The President (By Request – Administration) and Senators Pinsky and King

AN ACT concerning

Education – Maryland Longitudinal Data System

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

Affirmative – 36 Negative – 11 (See Roll Call No. 642)

The Bill was then sent to the House of Delegates.

Senate Bill 340 – ~~Senator Frosh~~ Senators Frosh and Forehand

AN ACT concerning

Estates and Trusts – Maryland International Wills Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 643)

The Bill was then sent to the House of Delegates.

Senate Bill 341 – Senator Frosh

AN ACT concerning

Real Property – Effect of Deed Granting Property from Trust or Estate

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

Affirmative – 47 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the House of Delegates.

Senate Bill 374 – Senator Della

AN ACT concerning

Baltimore City – Video Lottery Facility – Local Development Council – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the House of Delegates.

Senate Bill 479 – Senator Stoltzfus

AN ACT concerning

~~State Capital Projects – High Performance Buildings – Green Globes Rating~~
High Performance Buildings – Green Globes Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the House of Delegates.

Senate Bill 498 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions

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

Affirmative – 46 Negative – 1 (See Roll Call No. 647)

The Bill was then sent to the House of Delegates.

Senate Bill 770 – Senator Gladden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

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

Affirmative – 44 Negative – 2 (See Roll Call No. 648)

The Bill was then sent to the House of Delegates.

Senate Bill 777 – Senators DeGrange, Kasemeyer, King, Klausmeier, McFadden, Munson, Peters, Pugh, Robey, and Zirkin

AN ACT concerning

Local Government Funds – Redeposit into Insured Accounts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the House of Delegates.

Senate Bill 829 – Senator Madaleno

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Retired Higher Education Faculty

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

Affirmative – 46 Negative – 1 (See Roll Call No. 650)

The Bill was then sent to the House of Delegates.

Senate Bill 847 – Senators Kittleman, Astle, Brinkley, Colburn, Harris, and Jacobs

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

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

Affirmative – 47 Negative – 0 (See Roll Call No. 651)

The Bill was then sent to the House of Delegates.

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, ~~Reilly,~~ Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 652)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #52

Senate Bill 140 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2011)

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

Affirmative – 39 Negative – 8 (See Roll Call No. 654)

The Bill was then sent to the House of Delegates.

Senate Bill 141 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

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

Affirmative – 42 Negative – 5 (See Roll Call No. 655)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #3

House Bill 223 – ~~Montgomery County Delegation~~ Delegates Hixson, Howard, Feldman, Ali, Barkley, Barve, Bronrott, Carr, Dumais, Frick, Gilchrist, Gutierrez, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur, Montgomery, Reznik, Rice, Simmons, Taylor, Waldstreicher, Benson, Boteler, Cane, G. Clagett, Davis, DeBoy, Doory, Frush, Gaines, Glenn, Healey, Hecht, Holmes, Ivey, King, Love, Minnick, Niemann, Pendergrass, Pena–Melnyk, Proctor, Ramirez, Ross, Shewell, Sophocleus, Sossi, Stocksdale, Valderrama, Vaughn, Walker, and Wood

~~EMERGENCY BILL~~

AN ACT concerning

~~Montgomery County –~~ Maintenance of Effort ~~Waiver~~ – Penalty ~~MC 14–10~~

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

Affirmative – 44 Negative – 3 (See Roll Call No. 656)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 400 – Senators Pugh, Raskin, Conway, Currie, Forehand, Harrington, Jones, Kelley, Madaleno, McFadden, Miller, Muse, and Peters

AN ACT concerning

No Representation Without Population Act

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

SB0400/924730/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 400
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "creating" insert "a certain congressional districting plan and"; in line 7, after "county" insert "and municipal corporation"; in line 8, after "legislative" insert "and congressional"; and after line 8, insert:

"BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–701
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"Article – Election Law

8–701.

(a) **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE CONGRESSIONAL DISTRICTING PLAN USED TO ELECT THE STATE'S REPRESENTATIVES IN CONGRESS:**

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

(B) The State is divided into eight districts for the election of the State's Representatives in Congress.

[(b)**]** **(C)** (1) The descriptions of congressional districts in this subtitle include the references indicated.

(2) The references to:

(i) election districts and wards are to the geographical boundaries of the election districts and wards as they existed on April 1, 2000; and

(ii) precincts are to the geographical boundaries of the precincts as reviewed and certified by the local boards or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2000 census redistricting data program and as those precinct lines are specifically indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.".

On page 2, in line 17, strike "**A COUNTY'S**" and substitute "**THE**"; and in the same line, after "**BODY**" insert "**OF A COUNTY OR A MUNICIPAL CORPORATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 544 – Senators Harrington, Currie, Frosh, Gladden, Lenett, and Raskin

AN ACT concerning

Public Safety – Regulation of Demolition – Demolition Contractors

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0544/164430/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 544
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the comma and substitute "and"; in line 6, strike ", and, under certain circumstances, a certain plan"; and in line 19, strike "after obtaining a demolition permit".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**(H)**" and substitute "**(G)**"; in line 27, after "**POLICY;**" insert "**AND**"; and in line 30, strike "**; AND**" and substitute a period.

On pages 3 and 4, strike beginning with line 31 on page 3 through line 7 on page 4, inclusive.

On page 4, in line 8, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 3

On page 6, in line 1, strike "**30**" and substitute "**180**"; and strike beginning with "**OBTAINING**" in line 3 down through "**AUTHORITY**" in line 4 and substitute "**BEGINNING DEMOLITION**".

The preceding 3 amendments were read only.

Senator Dyson moved, duly seconded, to make the Bill and Amendments a Special Order for March 25, 2010.

The motion was adopted.

Senate Bill 557 – Senator Pinsky

AN ACT concerning

Education – Alternate Maryland School Assessment – Review and Revision

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

SB0557/234935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 557
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Revision"; in line 3, strike "and revise"; in line 5, after "to" insert "survey certain teachers regarding satisfaction, or lack thereof, of the ALT–MSA, solicit certain recommendations, and"; in line 8, strike "and revision"; in line 14, strike "Students" and substitute "Some students"; and in the same line, after "disabilities" insert "may".

AMENDMENT NO. 2

On page 2, in line 11, strike "and revise"; in line 14, after "shall" insert ":

(1) (i) Survey all teachers of severely disabled students and students who are likely to be impacted by the ALT–MSA regarding satisfaction, or lack thereof, with the ALT–MSA; and

(ii) Solicit recommendations for improvement to the ALT–MSA; and

(2)";

in line 14, strike "consider" and substitute "Consider"; in lines 15, 18, and 20, strike "(1)", "(2)", and "(3)", respectively, and substitute "(i)", "(ii)", and "(iii)", respectively; in line 19, after "subject;" insert "and"; in line 21, strike "; and" and substitute a period; and strike in their entirety lines 22 and 23.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 382 – Senators Conway, Colburn, Dyson, Harrington, Lenett, Miller, and Reilly

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (10) AND THE FAVORABLE REPORT.

SB0382/304139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 382
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "– Wetland Permits and Authorizations" and substitute "– Tidal Wetlands Licenses"; in line 4, after "of" insert "exempting certain licensed marine contractors from certain home improvement contractor licensing requirements; requiring the Department of the Environment to make certain notifications regarding certain wetlands license applications and delineations on or before a certain length of time; requiring the Department to grant, deny, or condition

certain tidal wetlands licenses on or before a certain length of time under certain circumstances; requiring the Department to issue a certain public notice and provide an opportunity to submit certain comments or request a certain hearing under certain circumstances; establishing a Marine Contractors Licensing Board; providing for the membership of the Board;"; in line 5, strike "Department of the Environment" and substitute "Board"; strike beginning with "authorizing" in line 6 down through "duties" in line 7 and substitute "establishing certain powers and duties of the Board"; in line 8, after "the" insert "Board to recommend certain regulations for adoption by the"; in the same line, strike "to adopt certain regulations and" and substitute "of the Environment and to"; in line 9, strike "roster" and substitute "record"; in lines 13, 14, 16, 17, 18, 24, 28, and 30, in each instance, strike "Secretary" and substitute "Board"; in line 19, strike "providing that a license is void under certain circumstances;"; in line 23, after "to" insert "adopt regulations to"; in line 24, after "of" insert "certain"; in line 26, strike "the" and substitute "a"; in line 27, strike "a certain fee" and substitute "certain fees"; and in line 29, strike "a firm" and substitute "an entity".

On page 2, in line 1, strike "Secretary" and substitute "Board"; in line 2, after "deny," insert "refuse to renew,"; in line 5, after "law;" insert "establishing a civil penalty for certain violations; requiring certain penalties that are collected to be paid into the Wetlands and Waterways Program Fund for administration of the Board;"; strike beginning with "requiring" in line 5 down through "association;" in line 16; in line 17, strike "or consult"; in line 18, after "circumstances;" insert "providing that certain property owners are not required to hire a licensed marine contractor under certain circumstances;"; in the same line, after "establishing" insert "a"; in the same line, strike "administrative fines" and substitute "fine"; in lines 18 and 19, strike "or consult"; in line 19, after "required;" insert "establishing a certain notification requirement applicable to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; providing for certain processing times for certain tidal wetlands license applications;"; strike beginning with "and" in line 20 down through "term" in line 21 and substitute "; requiring all marine contractors performing certain services to register with the Department and pay a certain fee on or before a certain date; prohibiting a marine contractor that fails to register from performing or soliciting to perform certain services after a certain date; requiring the Department, for certain initial recommendations of appointments to the Board, to select marine contractors from a certain list"; and strike beginning with the first "and" in line 22 down through "process" in line 23.

AMENDMENT NO. 2

On page 2, after line 23, insert:

"BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–301
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–101(h) through (n) and 16–202
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)";

in line 25, strike "Business Occupations and Professions" and substitute "Environment"; in line 26, strike "22–101 through 22–401" and substitute "16–101(h) and 16–106; and 17–101 through 17–403"; in the same line, strike "22." and substitute "17."; in line 29, strike "2004" and substitute "2007"; and strike in their entirety lines 30 through 44, inclusive.

AMENDMENT NO. 3

On page 3, after line 2, insert:

"Article – Business Regulation

8–301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) Except as otherwise provided in this title, a person must have a subcontractor license or contractor license whenever the person acts as a subcontractor in the State.

(c) Except as otherwise provided in this title, a person must have a salesperson license or contractor license whenever the person sells a home improvement in the State.

(d) This section does not apply to:

(1) an individual who works for a contractor or subcontractor for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air–conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

(ii) currently is licensed in that occupation or profession under State or local law; and

(iii) is:

1. acting only within the scope of that occupation or profession; or

2. installing a central heating or air–conditioning system;

(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article; **[**or**]**

(6) A MARINE CONTRACTOR LICENSED UNDER TITLE 17, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR

[(6)**] (7)** a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.

Article – Environment

16–101.

(h) **"LICENSED MARINE CONTRACTOR" HAS THE MEANING STATED IN TITLE 17, SUBTITLE 3 OF THIS ARTICLE.**

(I) (1) "Pier" means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

[(i)**]** **(J)** "Person" means any natural person, partnership, joint–stock company, unincorporated association or society, the federal government, the State, any unit of the State, a political subdivision, or other corporation of any type.

[(j)**]** **(K)** (1) "Private wetlands" means any land not considered "State wetland" bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth.

(2) "Private wetlands" includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

[(k)**]** **(L)** (1) "Public notice" means the public notice and public informational hearing procedures established in § 5–204(b) through (e) of this article.

(2) "Public notice" does not mean notice as provided for in § 16–303 of this title.

[(l)**]** **(M)** "Regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

[(m)**]** **(N)** "Secretary" means the Secretary of the Environment.

[(n)**]** **(O)** "State wetlands" means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered "private wetland" to the extent of the interest transferred.

16–106.

(A) (1) A PERSON THAT UNDERTAKES OR AUTHORIZES AN ACTIVITY THAT REQUIRES A LICENSE OR PERMIT UNDER THIS TITLE SHALL:

(I) HIRE A LICENSED MARINE CONTRACTOR TO DO THE WORK; OR

(II) BE A LICENSED MARINE CONTRACTOR.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOMEOWNER SHALL BE EXEMPT FROM THE REQUIREMENT TO BE OR TO HIRE A LICENSED MARINE CONTRACTOR UNDER SUBSECTION (A) OF THIS SECTION IF:

(I) THE HOMEOWNER PERFORMS MARINE CONTRACTOR SERVICES ON THE HOMEOWNER'S PROPERTY; AND

(II) THE HOMEOWNER OBTAINS THE NECESSARY TIDAL WETLANDS LICENSES OR PERMITS REQUIRED UNDER THIS TITLE.

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.

(C) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SECTION, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED $10,000 FOR EACH VIOLATION.

(D) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND ESTABLISHED UNDER § 5–203.1 OF THIS ARTICLE, FOR THE ADMINISTRATION OF THE MARINE CONTRACTORS LICENSING BOARD ESTABLISHED UNDER TITLE 17 OF THIS ARTICLE.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS SECTION.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(B) TO APPLY FOR A LICENSE, THE APPLICANT SHALL SUBMIT A DELINEATION OF THE AFFECTED TIDAL WETLANDS AND ALL OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(C) (1) WITHIN 45 DAYS FROM RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE AND WHETHER THE DELINEATION IS CORRECT.

(2) IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT ABOUT THE APPLICATION OR DELINEATION WITHIN 45 DAYS, THE DELINEATION SHALL BE TREATED BY THE DEPARTMENT AS CORRECT, AND THE APPLICATION SHALL BE TREATED AS COMPLETE.

(D) ONCE THE APPLICATION IS COMPLETE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL GRANT, DENY, OR CONDITION A LICENSE WITHIN 45 DAYS IF:

(1) THE APPLICATION IS NOT SUBJECT TO PUBLIC NOTICE AND HEARING REQUIREMENTS UNDER SUBSECTION (G) OF THIS SECTION; OR

(2) THE APPLICATION DOES NOT REQUIRE AN ACTION BY THE BOARD.

(E) (1) ONCE THE APPLICATION IS COMPLETE UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE PUBLIC NOTICE OF AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS OR TO REQUEST A HEARING IN ACCORDANCE WITH § 5–204(B) THROUGH (E) OF THIS ARTICLE.

(2) A HEARING REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD WITHIN 45 DAYS OF THE HEARING REQUEST, UNLESS EXTENUATING CIRCUMSTANCES JUSTIFY AN EXTENSION OF TIME.

(3) THE HEARING THAT MAY BE REQUESTED UNDER THIS SUBSECTION IS NOT A CONTESTED CASE HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

[(b)**] (F)** The Secretary shall assist the Board in determining whether to issue a license to dredge or fill State wetlands. The Secretary shall submit a report indicating whether the license should be granted and, if so, the terms, conditions, and consideration required after consultation with any interested federal, State, and local unit, and after issuing public notice, holding any requested hearing, and taking any evidence the Secretary thinks advisable.

[(c)**] (G)** (1) Upon receipt of a report by the Secretary, the Board shall decide if issuance of the license is in the best interest of the State, taking into account the varying ecological, economic, developmental, recreational, and aesthetic values each application presents. If the Board decides to issue the license, the issuance of the license shall be for consideration and on terms and conditions the Board determines. Every license shall be in writing.

(2) With respect to an application for a license to fill or construct a shore erosion control structure other than riprap on State wetlands, the Board may issue the license without public notice if the fill area is less than 300 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line and if after a site visit the report of the Secretary recommends that the license be granted. The Board may issue a license without public notice where an emergency exists caused by act of God, natural disaster, catastrophe, or other similar natural event when the health, safety, or welfare of the citizens of the State would be jeopardized by a delay caused by time requirements for public notice. However, the license may be granted by the Board only with the concurrence of the Secretary. The Secretary shall provide prompt public

notice of the emergency license issuance and the opportunity to submit written comments or to request a hearing to determine whether the emergency license shall be revoked or made permanent. If a hearing is requested, the hearing shall be scheduled within 30 days of the emergency issuance of the license.

(3) If the report of the Secretary recommends that a license be granted, the Board may issue the license without public notice:

(i) To fill or construct a shore erosion control structure of riprap on State wetlands if the fill area is less than 500 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line;

(ii) To repair or replace a bulkhead for the purpose of shore erosion control where the bulkhead is presently functional, but is deteriorating or damaged, provided that the repair or replacement structure does not extend more than 18 inches channelward of the existing structure. Repair or replacement may include riprap placed along the base of the bulkhead, provided that the riprap shall not extend more than 10 feet channelward of the bulkhead;

(iii) To fill near shore shallow water bottom extending no more than 35 feet channelward of the mean high water line provided the fill area is less than 500 feet in length parallel to the fast land for the purpose of shore erosion control by landscaping and wetland plant establishment;

(iv) To construct or repair a private noncommercial boat ramp provided the ramp does not exceed 12 feet in width and extend more than 30 feet channelward of the mean high water line; or

(v) To maintenance dredge a mooring, private or commercial boat ramp, mobile boat hoist slip, or marine railway when no more than 100 cubic yards of material nor an area greater than 1,500 square feet need to be dredged.

(4) With respect to the maintenance dredging of projects in State wetlands for which a license is to be issued, the license may include provision for periodic maintenance dredging if recommended by the report of the Secretary provided that the maintenance dredging be effected:

(i) Within the area, depth, and in conformity with other limitations contained in the license;

(ii) That no more than 500 cubic yards of material be dredged at each maintenance dredging to restore licensed works;

(iii) That the material from maintenance dredging be deposited upon the designated or other upland site approved by the Secretary; and

(iv) That the Secretary be notified and approve of each maintenance dredging operation.

(5) The provisions for periodic maintenance dredging under paragraph (4) of this subsection shall be effective for no more than 6 years beyond the date of issuance of the license.

(6) If the licensee desires to continue maintenance dredging beyond the expiration date authorized in paragraph (5) of this subsection, the licensee must obtain a new license by submitting an application to the Board for review in accordance with the procedures of this section.

[(d)**]** **(H)** The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; or

(5) Aquaculture activities occurring in Aquaculture Enterprise Zones established under Title 4, Subtitle 11A of the Natural Resources Article under an aquaculture lease issued by the Department of Natural Resources.

[(e)**]** **(I)** (1) The Board may not approve a license or an amendment to a license authorizing the dredge material deposited in the Hart–Miller Island Dredged Material Containment Facility to exceed an elevation of:

(i) 44 feet above the mean low water mark in the north cell; and

(ii) 28 feet above the mean low water mark in the south cell.

(2) On or after January 1, 2010, the Board may not approve a license or an amendment to a license authorizing the deposit of dredge material at the Hart–Miller Dredged Material Containment Facility.".

AMENDMENT NO. 4

On page 3, strike line 3 in its entirety; in line 4, strike "**22.**" and substitute "**17.**"; in line 5, after "**DEFINITIONS**" insert "**; GENERAL PROVISIONS**"; in line 6, strike "**22–101.**" and substitute "**17–101.**"; in line 9, strike "**DEPARTMENT**" and substitute "**BOARD**"; in the same line, strike "**DEPARTMENT OF THE ENVIRONMENT**" and substitute "**MARINE CONTRACTORS LICENSING BOARD**"; in line 10, strike "**FIRM**" and substitute "**ENTITY**"; in line 13, after "**(D)**" insert "**(1)**"; in the same line, after "**A**" insert "**PROFESSIONAL**"; in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; in the same line, after "**TO**" insert "**AN INDIVIDUAL OR ENTITY TO**"; in line 14, strike "**PROVIDE**" and substitute "**PERFORM**"; after line 14, insert:

"**(2) "LICENSE" MEANS A MARINE CONTRACTOR LICENSE.**";

strike beginning with "**A**" in line 15 down through "**STATE**" in line 17 and substitute "**AN INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO PERFORM MARINE CONTRACTOR SERVICES**"; in line 18, strike "**THE**"; in line 19, after "**INSTALLATION,**" insert "**ALTERATION,**"; in the same line, strike "**SALE,**"; in lines 19 and 20, strike "**OF STRUCTURES**" and substitute "**ACTIVITIES**"; in line 20, strike "**THE STATE'S**" and substitute "**, ON, OVER, OR UNDER STATE OR PRIVATE**"; in the same line, strike "**AND NONTIDAL**"; strike beginning with the last comma in line 20 down through "**WHARFS**" in line 24; in line 25, strike "**THE**" and substitute "**:**

(I) DREDGING AND FILLING;

(II) THE CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE OF STRUCTURES, INCLUDING BOATHOUSES, BOAT OR OTHER PERSONAL WATERCRAFT LIFTS OR RAMPS, SLIPS, DOCKS, FLOATING PLATFORMS, MOORINGS, PIERS, PIER ACCESS STRUCTURES, PILINGS, WETLAND OBSERVATION PLATFORMS, WETLAND WALKWAYS, AND WHARFS; AND

(III) THE";

in line 26, after "**INSTALLATION,**" insert "**ALTERATION,**"; in the same line, strike "**SALE,**"; in line 27, strike "**MECHANISMS**" and substitute "**MEASURES**"; in line 28, strike "**AND**"; in line 29, after "**SILLS**" insert "**, MARSH ESTABLISHMENTS, AND BEACH NOURISHMENT OR OTHER SIMILAR PROJECTS**"; and strike line 30 in its entirety.

AMENDMENT NO. 5

On page 3, in line 31, strike "**SECRETARY**" and substitute "**MARINE CONTRACTORS LICENSING BOARD**".

On page 4, in line 1, strike "**22–201.**" and substitute "**17–201.**"; in line 2, before "**SUBJECT**" insert:

"**(A) THERE IS A MARINE CONTRACTORS LICENSING BOARD.**

(B)";

in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; in line 3, strike "**PERSONS**" and substitute "**INDIVIDUALS AND ENTITIES**"; and after line 4, insert:

"**17–202.**

(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) OF THE SEVEN MEMBERS:

(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

(II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES;

(III) THREE SHALL BE LICENSED MARINE CONTRACTORS AND SHALL INCLUDE:

1. ONE FROM ANNE ARUNDEL, CALVERT, CHARLES, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES;

2. ONE FROM BALTIMORE CITY, OR BALTIMORE, CECIL, HARFORD, KENT, OR QUEEN ANNE'S COUNTIES; AND

3. ONE FROM CAROLINE, DORCHESTER, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES; AND

(IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE, WHO REPRESENT DIVERSE INTERESTS, AND SHALL INCLUDE:

1. ONE FROM BALTIMORE CITY, OR ANNE ARUNDEL, BALTIMORE, CALVERT, CHARLES, HARFORD, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES; AND

2. ONE FROM CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES.

(B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTY, OR OTHER SUFFICIENT CAUSE.

17–203.

(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND SECRETARY ANNUALLY.

(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF OFFICERS.

17–204.

(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET.".

AMENDMENT NO. 6

On page 4, in line 5, strike "**22–202.**" and substitute "**17–205.**"; strike beginning with "**IN**" in line 6 down through "**SECRETARY**" in line 7 and substitute "**THE BOARD**"; in line 8, strike "**ADOPT**" and substitute "**RECOMMEND**"; in the same line, after "**REGULATIONS**" insert "**FOR ADOPTION BY THE SECRETARY**"; in the

same line, after "**OUT**" insert "**THE PROVISIONS OF**"; in the same line, after the semicolon insert "**AND**"; strike beginning with "**USE**" in line 9 down through "**MAKE**" in line 11 and substitute "**MAKE**"; strike beginning with "**IN**" in line 13 down through "**SECRETARY**" in line 14 and substitute "**THE BOARD**"; strike beginning with "**ADOPT**" in line 15 down through "**AND**" in line 16 and substitute "**CARRY OUT THE PROVISIONS OF THIS TITLE;**

(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER THIS TITLE; AND";

in line 17, strike "**(2) KEEP**" and substitute "**(3) KEEP**"; in the same line, strike "**ROSTER**" and substitute "**CURRENT RECORD**"; in the same line, strike "**THE**" and substitute "**ALL**"; in lines 17 and 18, strike "**FIRMS WITH LICENSES**" and substitute "**ENTITIES LICENSED**"; in line 18, strike "**ON THE ROSTER**"; in line 19, strike "**THE**" and substitute "**THE**"; in the same line, strike "**FIRMS**" and substitute "**ENTITIES THAT ARE**"; in line 20, strike "**THE LICENSE**" and substitute "**THE**"; in the same line, after "**DATES**" insert "**OF THE LICENSES**"; in line 21, strike "**ANY**" and substitute "**ANY**"; in the same line, strike "**SECRETARY**" and substitute "**BOARD**"; and after line 22, insert:

"**17–206.**

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.

(2) THE FEES IMPOSED BY THE BOARD SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.

(B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO THE WETLANDS AND WATERWAYS PROGRAM FUND UNDER § 5–203.1 OF THIS ARTICLE FOR THE ADMINISTRATION OF THE BOARD.".

AMENDMENT NO. 7

On page 4, in line 23, strike "**MARINE CONTRACTOR LICENSES**" and substitute "**LICENSING**"; in line 24, strike "**22–301.**" and substitute "**17–301.**"; in line 25, strike "**A**" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE,**

A"; in the same line, strike "SECRETARY" and substitute "BOARD"; and in line 26, strike "FIRM" and substitute "ENTITY THAT IS".

On page 5, in line 1, strike "PROVIDE" and substitute "PERFORM"; in line 2, strike "SOLICIT" and substitute "SOLICIT"; in the same line, strike "PROVIDE" and substitute "PERFORM"; in line 4, strike "A FIRM" and substitute "AN ENTITY"; after line 4, insert:

"(C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR THE STATE MAY PERFORM MARINE CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.";

in line 5, strike "22–302." and substitute "17–302."; in line 7, after "SECTION" insert "AND ANY REGULATIONS ADOPTED UNDER THIS SECTION"; in lines 8 and 11, in each instance, strike "A FIRM" and substitute "AN ENTITY"; in lines 8, 9, and 10, in each instance, strike "FIRM" and substitute "ENTITY"; in lines 13 and 18, in each instance, strike "HAVE" and substitute "HAVE"; in line 14, after "CONTRACTOR" insert "OR DEMONSTRATE SIMILAR CONTRACTOR EXPERIENCE"; in line 15, strike "PASS" and substitute "PASS"; strike beginning with "SECRETARY" in line 16 down through "ASSOCIATION" in line 17 and substitute "BOARD"; in line 18, after "NUMBER;" insert "AND"; strike beginning with "BE" in line 19 down through "CARRY" in line 21 and substitute "CARRY"; in line 22, strike "COMMERCIAL" and substitute "COMMERCIAL"; and in line 24, strike "WORKERS'" and substitute "WORKERS'".

AMENDMENT NO. 8

On page 5, in line 26, strike "22–303." and substitute "17–303."; in line 27, strike "AN" and substitute "TO APPLY FOR A LICENSE, AN"; and in the same line, strike "FOR A LICENSE".

On page 6, in lines 1, 2, 5, 13, and 19, in each instance, strike "SECRETARY" and substitute "BOARD"; in lines 1 and 3, in each instance, strike "SUBMIT" and substitute "SUBMIT"; in line 5, strike "PAY" and substitute "PAY"; in the same line, after the second "THE" insert "REQUIRED APPLICATION"; strike beginning with "REQUIRED" in line 5 down through "SECTION" in line 6 and substitute "SET BY THE BOARD"; in lines 7 and 18, in each instance, strike "A FIRM" and substitute "AN

ENTITY"; in line 9, strike "**FIRM'S**" and substitute "**ENTITY'S**"; strike beginning with "**AN**" in line 10 down through "**(C)**" in line 12; in lines 14, 15, 16, and 26, in each instance, strike the first "**THE**" and substitute "**THE**"; in line 20, strike "**A**" and substitute "**A**"; in the same line, strike "**FIRM'S**" and substitute "**ENTITY'S**"; in line 21, strike "**FOR**" and substitute "**FOR**"; in the same line, strike "**FIRM**" and substitute "**ENTITY**"; in line 28, strike "**ANY**" and substitute "**ALL**"; in the same line, strike "**NAME**" and substitute "**NAMES**"; and in line 29, strike "**CONDUCTING THE BUSINESS OF MARINE CONTRACTING**" and substitute "**PERFORMING MARINE CONTRACTOR SERVICES**".

On page 7, in line 1, strike "**AS**" and substitute "**AS**"; in lines 1, 5, 12, 18, 23, 26, and 27, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in line 3, strike "**AN**" and substitute "**AN**"; in line 4, strike "**IF**" and substitute "**IF**"; in lines 4 and 10, in each instance, strike "**A FIRM**" and substitute "**AN ENTITY**"; in lines 4 and 13, in each instance, strike "**FIRM**" and substitute "**ENTITY**"; in lines 5, 8, and 14, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 7, strike "**§ 22–401**" and substitute "**§ 17–403**"; in line 8, strike "**APPLICATION**" and substitute "**INDIVIDUAL SHALL SIGN THE APPLICATION**"; in line 9, strike "**SHALL BE SIGNED,**"; in the same line, strike "**, BY THE INDIVIDUAL**"; strike beginning with the second "**THE**" in line 10 down through "**AS**" in line 11; in line 12, after "**MEMBER**" insert "**OF THE ENTITY SHALL SIGN THE APPLICATION FORM UNDER OATH**"; in line 15, strike "**§ 22–302(C)(5)**" and substitute "**§ 17–302(C)(4)**"; in lines 17 and 22, strike "**22–304.**" and "**22–305.**", respectively, and substitute "**17–304.**" and "**17–305.**", respectively; in line 24, strike "**EACH**" and substitute "**ANY**"; in line 25, strike "**SUBTITLE**" and substitute "**TITLE AND ANY REGULATION ADOPTED UNDER THIS TITLE**"; in line 28, strike the first "**THE**" and substitute "**THE**"; and in line 29, strike "**THE**" and substitute "**THE**".

On page 8, in lines 1, 3, 4, and 5, in each instance, strike the first "**THE**" and substitute "**THE**"; in lines 2, 6, and 13, in each instance, strike "**A FIRM**" and substitute "**AN ENTITY**"; strike in their entirety lines 7 through 11, inclusive; in lines 12, 20, and 28, strike "**22–306.**", "**22–307.**", and "**22–308.**", respectively, and substitute "**17–306.**", "**17–307.**", and "**17–308.**", respectively; in lines 14 and 19, in each instance, strike "**FIRM**" and substitute "**ENTITY**"; in line 15, strike "**EMPLOY**" and substitute "**EMPLOY**"; in line 18, strike "**REPRESENT**" and substitute

"**REPRESENT**"; in line 22, strike "**INCLUDE**" and substitute "**INCLUDE**"; and in line 25, strike "**PROMINENTLY**" and substitute "**PROMINENTLY**".

On page 9, in line 1, strike "**BY REGULATION, THE**" and substitute "**THE**"; in the same line, after "**SHALL**" insert "**ADOPT REGULATIONS TO**"; in line 3, strike "**THE**" and substitute "**A**"; in the same line, after "**SETS**" insert "**, IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**"; in lines 4, 23, 24, and 28, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in line 4, strike "**1 MONTH**" and substitute "**2 MONTHS**"; in line 5, strike "**MAIL**" and substitute "**SEND**"; in the same line, strike "**AT**" and substitute "**, BY FIRST–CLASS MAIL OR ELECTRONICALLY, TO**"; in lines 7 and 8, in each instance, strike "**A**" and substitute "**A**"; in lines 9 and 13, in each instance, strike the first "**THE**" and substitute "**THE**"; in line 10, strike "**THAT THE SECRETARY**" and substitute "**THE DATE BY WHICH THE BOARD**"; in line 11, strike "**AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE**"; in line 14, strike "**A**" and substitute "**BEFORE A LICENSE EXPIRES, THE**"; in line 16, strike "**IS**" and substitute "**IS**"; in line 17, strike "**(I) PAYS TO THE SECRETARY A**" and substitute "**PAYS TO THE BOARD:**

(I) THE REQUIRED";

in the same line, strike "**OF $300**" and substitute "**SET BY THE BOARD**"; in line 18, strike "**PAYS TO THE SECRETARY ANY**" and substitute "**ANY**"; in the same line, after "**FEES;**" insert "**AND**"; in line 19, strike "**SUBMITS**" and substitute "**SUBMITS**"; strike beginning with "**SECRETARY**" in line 19 down through "**AND**" in line 21 and substitute "**BOARD:**

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS ESTABLISHED UNDER § 17–302 OF THIS SUBTITLE;

(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD ACTIONS TAKEN UNDER THIS TITLE; AND";

in line 22, strike "**(4) SUBMITS TO THE SECRETARY A**" and substitute "**(IV) A**"; after line 23, insert:

"**(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING EDUCATION INSTRUCTION COVERING MARINE CONTRACTOR SUBJECT MATTER APPROVED BY THE BOARD.**

(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:

1. OFFERED BY A QUALIFIED INSTRUCTOR; OR

2. CONDUCTED BY AN EDUCATIONAL INSTITUTION APPROVED BY THE BOARD.

(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY CONTINUING EDUCATION COURSE.";

in line 24, strike "**(E)**" and substitute "**(F)**"; in line 26, strike "**22–309.**" and substitute "**17–309.**"; and in line 27, strike "**THAT IS A FIRM**".

On page 10, in line 1, strike "**THE ADDITION OF A BRANCH OFFICE**" and substitute "**IF THE LICENSEE IS AN INDIVIDUAL OR ENTITY, ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS**"; strike beginning with "**ANY**" in line 2 down through "**OFFICE**" in line 3 and substitute "**IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH OFFICE**"; in line 4, strike "**22–310.**" and substitute "**17–310.**"; in line 7, strike "**(B)**" and substitute "**(C)**"; in lines 7, 10, 11, and 17, in each instance, strike "**SECRETARY**" and substitute "**BOARD**"; in line 8, after "**DENY,**" insert "**REFUSE TO RENEW,**"; in line 9, strike "**VIOLATES**" and substitute "**:**

(1) VIOLATES";

in the same line, after "**TITLE**" insert "**OR ANY REGULATION ADOPTED UNDER THIS TITLE;**

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER PERSON;

(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PRACTICING MARINE CONTRACTOR SERVICES;

(5) FAILS TO COMPLY WITH THE TERMS OF A TIDAL WETLANDS AUTHORIZATION ISSUED UNDER § 16–202 OR § 16–307 OF THIS ARTICLE;

(6) VIOLATES ANY PROVISION OF, OR REGULATIONS ADOPTED UNDER, § 16–202 OR § 16–307 OF THIS ARTICLE; OR

(7) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8–1802 OF THE NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:

(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR

(II) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT";

in line 10, after "**(B)**" insert "**THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED MARINE CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(7) OF THIS SECTION.**

(C)";

strike beginning with "**HOLD**" in line 13 down through "**ARTICLE**" in line 14 and substitute "**THE OPPORTUNITY FOR A HEARING BEFORE THE BOARD**"; after line 14, insert:

"**(2)** THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE SHALL BE:

(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR

(II) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL OR ENTITY.";

in line 15, strike "**(2)**" and substitute "**(4)**"; after line 17, insert:

"**(D)** EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS AUTHORIZED UNDER §§ 10–222 AND 10–223 OF THE STATE GOVERNMENT ARTICLE.";

and in line 18, strike "**(C)**" and substitute "**(E)**".

AMENDMENT NO. 9

On page 10, after line 22, insert:

"**17–401.**

AN INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT MARINE CONTRACTOR SERVICES UNLESS THE INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD.

17–402.

UNLESS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,

OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES IN THE STATE.";

in line 23, strike "**22–401.**" and substitute:

"**17–403.**";

in line 24, before "**A**" insert:

"**(A) (1)**";

in the same line, strike "**KNOWINGLY**"; in the same line, after "**TITLE**" insert "**OR ANY REGULATION ADOPTED UNDER THIS TITLE**"; in line 26, strike "**$1,000**" and substitute "**$10,000**"; and after line 26, insert:

"**(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.**

(B) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SUBTITLE, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF THIS TITLE, OR ANY REGULATION ADOPTED UNDER THIS TITLE.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED $10,000 FOR EACH VIOLATION.

(C) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER § 5–203.1 OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.".

On pages 10 through 19, strike in their entirety the lines beginning with line 27 on page 10 through line 14 on page 19, inclusive.

AMENDMENT NO. 10

On page 19, after line 14, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before December 31, 2010, all marine contractors performing marine contractor services in the State or soliciting to perform marine contractor services in the State shall:

(i) Register with the Department of the Environment; and

(ii) Pay a $300 registration fee.

(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2011, unless extended by an action of the Board.

(b) After December 31, 2010, any marine contractor that fails to register with the Department may not perform or solicit to perform marine contractor services in the State and shall be subject to the penalties established in § 17–403 of the Environment Article, as enacted by Section 1 of this Act.

(c) For the initial three licensed marine contractor members required to be appointed to the Marine Contractors Licensing Board in accordance with § 17–202 of the Environment Article, as enacted by Section 1 of this Act, the Department shall select marine contractors from the list of the registrants compiled under subsection (a) of this section for recommendation to the Governor for appointment to the Board.";

and in line 15, strike "2." and substitute "3.".

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0382/454432/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 382, AS AMENDED

On page 13 of the Education, Health, and Environmental Affairs Committee Amendments (SB0382/304139/1), in line 2 of Amendment No. 4, strike "**; GENERAL PROVISIONS**"; in line 6, strike "**(1)**"; and in line 11, strike "**(2)**" through "**LICENSE.**".

The preceding amendment was read and adopted.

Senator Harris moved, duly seconded, to make the Bill a Special Order for March 25, 2010.

The motion was adopted.

Senate Bill 342 – Senators Frosh, Conway, Forehand, Harrington, Lenett, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

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

SB0342/114835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 342
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Klausmeier".

AMENDMENT NO. 2

On page 2, in line 8, strike "**FROM**" and substitute "**LOCATED MORE THAN 200 FEET WITHIN A**"; in line 9, strike "**AREAS**" and substitute "**AREA**"; in line 10, strike "**ILLEGAL**"; in the same line, after "**GEAR**" insert "**THAT IS PROHIBITED IN THAT AREA**"; strike beginning with "**AT**" in line 11 down through "**PROHIBITED**" in line 12 and substitute "**OUTSIDE OF A TIME RESTRICTION FOR THE HARVEST OR POSSESSION OF OYSTERS BY MORE THAN 1 HOUR**"; and in line 15, after "**LEASEHOLDER**" insert "**OR LEASEHOLDER'S DESIGNEE**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 25, 2010.

The motion was adopted.

Senate Bill 899 – The President (By Request – Administration)

AN ACT concerning

Education Reform Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0899/794338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 899
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 9 down through "evaluation" in line 11 and substitute "requiring the State Board of Education to adopt regulations to establish certain standards that include certain provisions; requiring certain employees to be tenured under certain circumstances; authorizing certain local school systems to extend a certain probationary period for certain employees under certain circumstances; requiring certain county boards to establish certain performance evaluation criteria that are mutually agreed upon by certain local school systems and certain exclusive employee representatives for certain teachers and principals based on certain standards; requiring certain performance evaluation criteria to include certain data as a certain component of the evaluation"; strike beginning with "requiring" in line 12 down through "funds" in line 16 and substitute "prohibiting certain performance evaluation criteria from being based solely on certain examinations or assessments; authorizing the use of certain examinations or assessments as one of certain measures; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that may include certain elements; restricting certain use of Race to the Top grant funds for certain purposes; requiring the State Board to adopt certain guidelines to implement a certain program; authorizing the award of certain stipends in certain years to be based on obtainment of National Board Certification"; and in line 16, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, in line 29, strike "(2)" and substitute "**(3)**".

On page 3, in line 13, after "**THE**" insert "**NONTENURED**"; in line 14, strike "**AT THE END OF THE FIRST OR SECOND YEAR, A**" and substitute "**:**

1. A";

in line 15, after "**EMPLOYEE**" insert "**TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND INSTRUCTION; AND**";

in the same line, strike "**AND ADDITIONAL**" and substitute:

"**2. ADDITIONAL**";

in line 16, after "**PROVIDED**" insert "**TO THE EMPLOYEE**";

after line 16, insert:

"**(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN A LOCAL SCHOOL SYSTEM IN THE STATE AND MOVES TO ANOTHER LOCAL SCHOOL SYSTEM IN THE STATE, THAT EMPLOYEE SHALL BE TENURED IF THE EMPLOYEE'S CONTRACT IS RENEWED AFTER 1 YEAR OF PROBATIONARY EMPLOYMENT IN THE LOCAL SCHOOL SYSTEM TO WHICH THE EMPLOYEE RELOCATED IF:**

1. THE EMPLOYEE'S FINAL EVALUATION IN THE LOCAL SCHOOL SYSTEM FROM WHICH THE EMPLOYEE DEPARTED IS SATISFACTORY OR BETTER; AND

2. THERE HAS BEEN NO BREAK IN THE EMPLOYEE'S SERVICE BETWEEN THE TWO SYSTEMS OF LONGER THAN 1 YEAR.

(II) A LOCAL SCHOOL SYSTEM MAY EXTEND THE PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE OF EMPLOYMENT IF:

1. THE EMPLOYEE DOES NOT QUALIFY FOR TENURE AT THE END OF THE FIRST YEAR BASED ON ESTABLISHED PERFORMANCE EVALUATION CRITERIA; AND

2. THE EMPLOYEE DEMONSTRATES A STRONG POTENTIAL FOR IMPROVEMENT.";

in line 17, strike "(3)" and substitute "**(4) (I)**"; and after line 21, insert:

"**(II) 1. THE STATE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR EFFECTIVE MENTORING THAT REQUIRE MONITORING TO BE PROVIDED AT LEAST 90 DAYS IN ADVANCE OF AN ADVERSE ACTION BEING TAKEN AGAINST AN EMPLOYEE THAT RELATES TO INCOMPETENCE OR OTHER INSTRUCTION–RELATED ISSUES.**

2. THE REGULATIONS ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING THAT:

A. IS FOCUSED;

B. IS SYSTEMATIC;

C. IS ONGOING;

D. IS OF HIGH QUALITY;

E. IS GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED;

F. INCLUDES OBSERVATIONS; AND

G. INCLUDES FEEDBACK.".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 22 through 27, inclusive, and substitute:

"**(C) (1) IN THIS SUBSECTION, "STUDENT GROWTH" MEANS STUDENT PROGRESS ASSESSED BY MULTIPLE MEASURES AND FROM A CLEARLY ARTICULATED BASELINE TO ONE OR MORE POINTS IN TIME.**

(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS THAT INCLUDE OBSERVATIONS, CLEAR STANDARDS, RIGOR, AND CLAIMS AND EVIDENCE OF OBSERVED INSTRUCTION.

(3) A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA FOR CERTIFICATED TEACHERS AND PRINCIPALS IN THE LOCAL SCHOOL SYSTEM BASED ON THE GENERAL STANDARDS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(4) THE PERFORMANCE EVALUATION CRITERIA DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

(I) SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND AS ONE OF MULTIPLE MEASURES; AND

(II) MAY NOT BE BASED SOLELY ON AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT.

(5) AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE MEASURES.".

AMENDMENT NO. 4

On page 3, in line 30, strike the first "**APPLICATION**" and substitute "**GRANT FUNDS**"; and in the same line, after "**MEANS**" insert "**FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE TO**".

On pages 3 and 4, strike beginning with line 33 on page 3 through line 4 on page 4, inclusive, and substitute:

"(II) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE CATEGORIZED AS TITLE I SCHOOLS OR HAVE A LOCALLY DETERMINED PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICE MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS PARAGRAPH MAY INCLUDE:

A. OFFERING GROUP INCENTIVES IN ORDER TO ATTRACT A CRITICAL MASS OF HIGHLY EFFECTIVE TEACHERS;

B. REQUIRING THE REPLACEMENT OF CURRENT PRINCIPALS WITH HIGHLY EFFECTIVE PRINCIPALS;

C. DETERMINING THE SIZE OF THE STIPEND FROM DATA AND SUCCESSFUL PROGRAMS PROVEN TO WORK; AND

D. BASING STIPENDS ON PROVEN SKILLS OF THE TEACHER OR PRINCIPAL INCLUDING KNOWLEDGE, SKILLS, AND RESPONSIBILITIES.

(III) RACE TO THE TOP GRANT FUNDS MAY BE USED ONLY TO FUND INCENTIVES PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.

(IV) 1. THE STATE BOARD SHALL ADOPT GUIDELINES TO IMPLEMENT THIS PARAGRAPH.

2. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A LOCAL SCHOOL SYSTEM FROM EMPLOYING MORE STRINGENT STANDARDS THAN THE GUIDELINES ADOPTED UNDER THIS SUBPARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That during the 2010 – 2011 and 2011 – 2012 school years, stipends awarded under § 6–306(b)(5) of the Education Article may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.";

and in lines 5 and 9, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0899/983627/1
BY: Senator Pinsky

AMENDMENT TO SENATE BILL 899, AS AMENDED

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments (SB0899/794338/1), in line 3 from the bottom of Amendment No. 4, strike "**PARAGRAPH**" and substitute "**SUBPARAGRAPH**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0899/873620/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 899, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0899/794338/1), in lines 7 and 8 of Amendment No. 1, strike "that are mutually agreed upon by certain local school systems and" and substitute "after meeting and conferring with".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 13 and 14 of Amendment No. 3, strike "**THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND**" and substitute "**AFTER MEETING AND CONFERRING WITH**".

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

Affirmative – 14 Negative – 33 (See Roll Call No. 657)

FLOOR AMENDMENT

SB0899/653525/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 899, AS AMENDED

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0899/794338/1), strike beginning with "**THAT**" in line 10 of Amendment No. 2 down through "**ISSUES**" in line 13.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 658)

Read the second time and ordered prepared for Third Reading.

Senate Bill 564 – Senators Raskin, Astle, Colburn, Conway, Currie, DeGrange, Dyson, Forehand, Frosh, Glassman, Harrington, Jacobs, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pinsky, Pugh, Robey, Simonaire, Stone, and Zirkin

AN ACT concerning

Drunk Driving Elimination Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0564/378373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 564
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "an" in line 20 down through "Program" in line 25 and substitute "Program participation that is required under certain circumstances shall run concurrently to participation ordered by a court".

On page 2, in line 2, strike "and 27–101(j)"; and in line 7, after "Section" insert "27–101(h) and".

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 11 on page 5 through line 32 on page 6, inclusive, and substitute:

"(h) Any person who is convicted of a violation of any of the provisions of § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled, suspended, refused, or revoked"), § 17–107 of this article ("Prohibitions"), or § 17–110 of this article ("Providing false evidence of required security") is subject to:

(1) For a first offense, a fine of not more than $1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than $1,000, or imprisonment for not more than 2 years, or both.".

AMENDMENT NO. 3

On page 5, strike beginning with "**AN**" in line 8 down through "**COURT**" in line 9 and substitute "**IF PROGRAM PARTICIPATION IS REQUIRED UNDER A COURT ORDER AND UNDER THIS SECTION, ARISING OUT OF THE SAME INCIDENT, THE PERIODS OF PARTICIPATION SHALL RUN CONCURRENTLY**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0564/773126/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 564
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “, or granted probation for,”.

AMENDMENT NO. 2

On page 3, strike beginning with “**, OR**” in line 13 down through “**FOR,**” in line 14.

On page 4, strike beginning with “**, OR**” in line 1 down through “**FOR,**” in line 3.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1127 – Senators Conway and Pugh

AN ACT concerning

Public Health – Sales of Previously Sold Undergarments and Bathing Suits – Prohibited

FOR the purpose of prohibiting retail establishments from selling certain undergarments or bathing suits that have been previously sold and returned to the retail establishment; providing for the application of this Act; providing that a retail establishment that violates this Act is guilty of a misdemeanor and on conviction is subject to a certain penalty; defining certain terms; and generally relating to the prohibition on the sale of previously sold undergarments and bathing suits.

BY adding to
Article – Health – General
Section 18–405
Annotated Code of Maryland
(2009 Replacement Volume)

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

MOTION

Senator Pipkin moved, duly seconded, Shall the Senate request the return of **Senate Bill 321**.

The motion was rejected by a roll call vote as follows:

Affirmative – 19 Negative – 28 (See Roll Call No. 659)

QUORUM CALL

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

(See Roll Call No. 660)

ADJOURNMENT

At 1:08 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 25, 2010.

Annapolis, Maryland
Thursday, March 25, 2010
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Reverend Karen Bunnell, Elkton United Methodist Church, guest of Senator Pipkin.

(See Exhibit A of Appendix III)

The Journal of March 24, 2010 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 662)

Presentation by Senator Roy Dyson in Celebration of Maryland Day

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 73 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Quality Revolving Loan Fund – Use of Funds

FOR the purpose of authorizing the use of the Maryland Water Quality Revolving Loan Fund to provide assistance in the form of forgiveness of principal or other forms of financial assistance, as authorized or required by federal law; and generally relating to the use of revolving loan funds in the Department of the Environment.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 98 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Tidal Fish Licenses – Transfer and Suspension

FOR the purpose of prohibiting a certain temporary transferee of a tidal fish license from using the license or receiving a transfer of a certain license during a certain period of time under certain circumstances; altering the grounds for the suspension or revocation of a tidal fish license; repealing the grounds for a certain authorization; altering the requirements for certain regulations adopted by the Department of Natural Resources relating to the suspension and revocation of a license or authorization; and generally relating to tidal fish licenses issued by the Department of Natural Resources.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(i) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 103 – Delegates Lafferty and Malone

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

FOR the purpose of requiring a copy of a certain notice of termination to be sent to a certain local governing body if the use of land of a mobile home park is to be changed; applying statewide a certain provision that prohibits an application for a land use change of a mobile home park from being approved until certain conditions are met; applying statewide a certain requirement for the contents of a relocation plan for mobile home park residents; requiring the plan to include ~~the payment of~~ a budget reflecting the amount of certain relocation assistance allocated by the mobile home park owner to be given to each park household under certain circumstances; providing that the plan include certain information; providing that a mobile home park owner shall not incur liability and may not be estopped from obtaining possession of certain premises under certain circumstances; prohibiting a relocation plan from including certain conditions under certain circumstances; requiring certain relocation assistance to be paid to residents who will be dislocated when a mobile home park is closed; establishing the method of calculating relocation assistance; establishing conditions under which a mobile home park owner is not required to pay relocation assistance; establishing a time table for paying relocation assistance; providing that, under certain circumstances, a resident may forfeit receiving relocation assistance; establishing that a certain local governing body may provide additional relocation assistance to dislocated residents and that the payments are not the responsibility of the mobile home park owner; and generally relating to plans for dislocated residents in mobile home parks.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8A–202(c)(3) and 8A–1201
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 379 – Delegates Rosenberg, Feldman, and Frick

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

FOR the purpose of requiring certain arbitration organizations to collect, publish, and make available to the public certain information relating to certain binding arbitrations to which a consumer is a party; requiring the information to be reported beginning on a certain day and to be updated at certain intervals thereafter; requiring the information to be made available to the public in a certain manner; providing that the information may be considered in making a certain determination; providing that an arbitration organization is not liable for collecting, publishing, or distributing certain information; providing that failure to comply with certain provisions of this Act may not be the sole reason to refuse to enforce a certain award~~, may constitute an unfair or deceptive trade~~

~~practice under the Maryland Consumer Protection Act under certain circumstances,~~ and may be considered as a factor in making a certain determination about a consumer arbitration agreement; authorizing a consumer ~~or the Attorney General~~ to seek an injunction to prohibit an arbitration organization from taking certain actions; providing that an arbitration organization is liable to a certain person for certain attorney's fees and costs under certain circumstances; providing that a violation of a certain provision of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to consumer arbitrations.

BY adding to
Article – Commercial Law
Section 14–3801 through 14–3805 to be under the new subtitle "Subtitle 38. Transparency in Consumer Arbitrations Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 465 – The Speaker (By Request – Administration) and Delegates Hucker, Anderson, Barve, Benson, Carter, Frick, Frush, Gutierrez, Guzzone, Hixson, Hubbard, Lafferty, Manno, McHale, McIntosh, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Olszewski, Ramirez, Simmons, Tarrant, Taylor, V. Turner, Vaughn, and Waldstreicher

AN ACT concerning

Collective Negotiations by Family Child Care Providers

FOR the purpose of establishing collective bargaining rights for certain family child care providers who participate in the Maryland Child Care Subsidy Program; requiring that there be only one appropriate bargaining unit for certain family child care providers; authorizing providers to designate an exclusive representative; requiring that certain procedures relating to the election and certification of an exclusive representative, collective bargaining process, and bargaining agreements be governed by certain provisions of the collective bargaining law for State employees; prohibiting the State Labor Relations Board from conducting a certain election within a certain period; requiring an exclusive representative to represent all family child care providers, whether or not they are members of the provider organization; providing for the scope of collective bargaining for family child care providers; authorizing collective bargaining negotiations pertaining to family child care providers to include, under certain circumstances, negotiations relating to the right of an employee organization to receive service fees from nonmembers; providing that certain family child care providers are not required to pay certain fees and are required to make certain other payments; specifying that the certification of certain

exclusive representatives under this Act does not prevent provider organizations from appearing before or making proposals to certain State agencies at a public meeting or hearing; prohibiting a provider organization from calling or directing a strike; providing that the provisions of this Act may not alter certain roles and rights of parents with regard to family child care providers; declaring the legislative intent of the General Assembly as it relates to the application of a certain exemption to State and federal antitrust laws; providing for the application and construction of this Act; requiring that a certain provider organization certified as the majority representative in a certain election pursuant to a certain Executive Order shall continue as the exclusive representative of family child care providers without the requirement of an additional election and certification; requiring the Early Learning Programs Section of the Maryland State Department of Education to report to certain committees of the General Assembly on or before a certain date each year through a certain year; defining certain terms; declaring that the provisions of this Act are severable; and generally relating to collective bargaining for family child care providers.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–550(d) and 5–552(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Family Law
Section 5–595 through 5–595.6 to be under the new part "Part XI. Collective Negotiations by Family Child Care Providers"
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 469 – The Speaker (By Request – Administration) and Delegates Rosenberg, Hixson, Doory, Cardin, Bartlett, Frick, Kaiser, Ross, F. Turner, Beidle, Bobo, Bronrott, Carr, DeBoy, Haddaway, Hecht, Levy, Love, Malone, Manno, Mathias, Niemann, Reznik, Shewell, ~~and Stein~~ Stein, Gilchrist, Ivey, Rice, Murphy, Howard, Barve, Walker, Olszewski, and Stukes

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit For Electric Vehicles

FOR the purpose of repealing a certain obsolete credit against the motor vehicle excise tax for certain qualified hybrid vehicles and certain qualified electric vehicles; allowing a credit against the motor vehicle excise tax for certain qualified

plug–in electric drive vehicles for a certain period; transferring certain money from the Strategic Energy Investment Fund to the Transportation Trust Fund in ~~a~~ certain fiscal ~~year~~ years; ~~requiring the Governor to transfer money from the Strategic Energy Investment Fund to the Transportation Trust Fund in certain fiscal years;~~ and generally relating to a motor vehicle excise tax credit for certain qualified plug–in electric drive vehicles.

BY repealing
Article – Transportation
Section 13–815
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 13–815
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 530 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Correctional Officers' Bill of Rights

FOR the purpose of adding St. Mary's County to provisions of law relating to the Correctional Officers' Bill of Rights; and generally relating to the Correctional Officers' Bill of Rights.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–1002
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 534 – Delegates Waldstreicher, Anderson, Barnes, Benson, Carr, Carter, Dumais, Frick, Gilchrist, Gutierrez, Hecht, Hucker, Ivey, Kramer, Lee, Levi, Manno, Mizeur, Pena–Melnyk, Pendergrass, Ramirez, Rosenberg, Ross, Schuler, Simmons, Smigiel, F. Turner, V. Turner, and Valderrama

AN ACT concerning

Domestic Violence – Protective Order – Extension

FOR the purpose of authorizing a ~~court~~ judge to extend the term of a protective order for a certain period of time under certain circumstances; requiring the ~~court~~ judge to provide certain notice and a hearing before extending the term of a protective order; requiring the ~~court~~ judge to consider certain factors in determining the period of extension of a protective order; and generally relating to an extension of a protective order.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–506(i) and (j)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–507
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 590 – Delegates Ross ~~and Ivey~~, Ivey, Bartlett, Murphy, and Rice

~~EMERGENCY BILL~~

AN ACT concerning

Recordation Taxes and State and County Transfer Tax – Debt Forgiven in "Short Sale"

FOR the purpose of clarifying that for the purposes of recordation taxes and the State and county transfer ~~tax~~ taxes, the consideration payable for an instrument of writing to which the tax applies ~~does not include the amount of any debt forgiven or assumed by a person other than the grantee~~ includes only the amount paid or delivered in return for the sale of the property and does not include the amount of any debt forgiven or no longer secured by a mortgage or deed of trust; ~~making this Act an emergency measure;~~ and generally relating to recordation taxes and State and county transfer ~~tax~~ taxes.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–103(a) and 13–203(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property
Section 13–412
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 597 – ~~**Delegates McConkey and Sophocleus**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – School Board Nominating Commission – Membership

FOR the purpose of adding a certain member to the School Board Nominating Commission of Anne Arundel County appointed by a certain association; and generally relating to the membership of the School Board Nominating Commission of Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–110(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 605 – **Delegate Dumais**

AN ACT concerning

Real Property – Wrongful Detainer

FOR the purpose of transferring and clarifying the application of certain provisions of law regarding wrongful detainer of real property; ~~clarifying the application of certain other provisions of law relating to an action for possession;~~ providing that certain provisions of law relating to an action for possession do not apply to an action for wrongful detainer; making certain technical and conforming changes; and generally relating to the applicability of certain provisions of law relating to wrongful possession of property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–402.4 and 14–108.1

Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 606 – Delegates Love, Beidle, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus

AN ACT concerning

Natural Resources – Local Forest Conservation Funds – Use of Money

FOR the purpose of repealing the requirement that, at the end of a certain time period, unused money in a local forest conservation fund be returned to certain persons for certain purposes; and generally relating to the use of money in a local forest conservation fund.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1610
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 686 – Delegates Wood, Bohanan, and O'Donnell

AN ACT concerning

St. Mary's County – Wild Waterfowl Hunting

FOR the purpose of altering certain distances a person must be from shore when hunting wild waterfowl by certain methods in certain waters of St. Mary's County; and generally relating to hunting wild waterfowl in the waters of St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–604(d), 10–605(c), and 10–606(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 698 – Delegates Kelly, Vallario, Kramer, Simmons, and Smigiel

AN ACT concerning

District Court – Mailings – Notice of Dismissal, Nolle Prosequi, or Stet

FOR the purpose of requiring a clerk of the District Court to mail notice of a dismissal, nolle prosequi, or stet of a criminal charge to a defendant and the defendant's attorney under certain circumstances; prohibiting a clerk of the District Court from mailing notice of a dismissal, nolle prosequi, or stet of a criminal charge to a defendant or the defendant's attorney under certain circumstances; and generally relating to certain notices mailed by a clerk of the District Court.

BY adding to
Article – Courts and Judicial Proceedings
Section 2–603(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 710 – Delegates Howard, Ali, Barkley, Barnes, Bartlett, Barve, Beitzel, Bronrott, Cane, Carr, G. Clagett, Davis, DeBoy, Donoghue, Doory, Dumais, Feldman, Frick, Frush, Gaines, George, Gutierrez, Guzzone, Haynes, Healey, Hecht, Hixson, Holmes, Hubbard, Hucker, Ivey, Jameson, Jenkins, Kaiser, Kramer, Krysiak, Kullen, Lafferty, Lee, Levi, Levy, Manno, McHale, McIntosh, Mizeur, Murphy, Niemann, Proctor, Ramirez, Reznik, Rice, Ross, Simmons, Sophocleus, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Waldstreicher, and Walker

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

FOR the purpose of establishing a Blue Ribbon Commission on Maryland Transportation Funding; requiring the Commission to review, evaluate, and make recommendations concerning certain issues; specifying the membership and staffing of the Commission; requiring the Governor to designate the chair of the Commission; prohibiting members of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to submit an interim and final report of its findings and recommendations by certain dates; providing for the termination of this Act; and generally relating to the Blue Ribbon Commission on Maryland Transportation Funding.

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

House Bill 734 – Washington County Delegation

AN ACT concerning

Washington County – Advisory School Design Review Committee

FOR the purpose of codifying certain provisions relating to the Washington County Advisory School Design Review Committee; requiring the Washington County Board of Education to provide a schedule of project milestones to the Committee at the beginning of a certain schematic design stage; altering the timing of certain of the Committee's duties; authorizing the Committee to submit comments to the Washington County Board of Education; requiring the Washington County Board of Education to accept, reject, or modify the Committee's comments during a regularly scheduled public meeting; repealing a certain definition; defining certain terms; repealing a certain termination provision relating to the Committee; and generally relating to the Washington County Advisory School Design Review Committee.

BY adding to
The Public Local Laws of Washington County
Section 2–701(i)
Article 22 – Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

BY repealing
Chapter 598 of the Acts of the General Assembly of 2005
Section 3

BY repealing and reenacting, with amendments,
Chapter 598 of the Acts of the General Assembly of 2005
Section 6

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

House Bill 778 – Delegates Lee, Barkley, Boteler, Bronrott, DeBoy, Dumais, Eckardt, Frick, Glenn, Gutierrez, Healey, Hecht, Howard, Impallaria, Kipke, Kramer, Kullen, Manno, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass, Reznik, Rice, Robinson, Shewell, F. Turner, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Crimes – Unauthorized Computer Access for Sabotage of State Government or Public Utilities

FOR the purpose of prohibiting a person from intentionally and willfully gaining unauthorized access to computer services with the intent to interrupt or impair the functioning of the State government, a service, device, or system related to

the production, transmission, delivery, or storage of electricity or natural gas in the State that is owned, operated, or controlled by a person other than a public service company, or a service provided in the State by a public service company; establishing certain penalties; and generally relating to the unauthorized access of computer services to interrupt or impair the State government or certain public utility services.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–302
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 779 – Delegates Lee, Boteler, Cane, Glenn, Heller, Howard, Kach, Kaiser, Kipke, Montgomery, Pendergrass, and Shewell

AN ACT concerning

Police Training Commission – Additional Minimum Training Requirements

FOR the purpose of requiring the Police Training Commission to expand a certain curriculum and the minimum courses of study of certain police training conducted by certain police training schools to include special training on, attention to, and the study of the exploitation of children, the contact with and treatment of victims of crimes and delinquent acts, the notices, services, support, and rights under State law available to certain victims and victims' representatives, and notification of the rights of victims of identity fraud under federal law; and generally relating to minimum requirements for police training.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–207
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 785 – Delegates Lee, Aumann, Barkley, Boteler, Cane, Frick, Glenn, Heller, Howard, Kach, Kipke, Montgomery, Pendergrass, Shewell, and Stocksdale

AN ACT concerning

Identity Fraud – Uniform Reporting Form

FOR the purpose of requiring the Police Training Commission, in cooperation with the Office of the Attorney General, the Governor's Office of Crime Control and Prevention, and the Federal Trade Commission, to develop a uniform reporting form that makes certain transmitted data available for use by State and local law enforcement agencies by a certain date and that may authorize that certain data may be transmitted to a certain program within the Federal Trade Commission; and generally relating to the reporting of identity fraud.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–207
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 801 – Delegates McHale, Hecht, Bartlett, Hammen, ~~Hecht, and Krysiak~~ Krysiak, Barkley, Beidle, Bobo, Bronrott, Carr, G. Clagett, Doory, Feldman, Frick, George, Glenn, Holmes, Lee, Love, Manno, Mathias, Mizeur, Montgomery, Niemann, Pena–Melnyk, Riley, Stull, Burns, Braveboy, Davis, Haddaway, Harrison, Impallaria, Jameson, King, Minnick, Rudolph, Taylor, Vaughn, and Walkup

AN ACT concerning

Electricity – Net Energy Metering – Credits

FOR the purpose of ~~requiring a certain net metering contract or tariff to credit in a certain manner electricity generated by certain eligible customer–generators calculated at certain rates under certain circumstances;~~ repealing a limitation on the period of time that a certain eligible customer–generator may accrue certain generation credit; repealing a limitation on the time that a certain electric company is required to carry forward a generation credit or a negative kilowatt–hour reading; requiring a certain electric company to carry forward a certain generation credit in a certain manner until certain events occur; repealing a provision relating to the reversion of a certain generation credit to a certain electric company; requiring the amount of generation credit that a certain electric company credits to a certain eligible customer–generator to be calculated ~~at certain rates under certain circumstances~~ in a certain manner; requiring a certain generation credit to appear on an eligible customer–generator's bill in a dollar amount; requiring a certain electric company to reimburse a certain generation credit under certain circumstances; clarifying the manner in which net energy produced or consumed is measured; making technical changes; altering a certain definition; defining a certain term; requiring the Public Service Commission to adopt certain regulations, after taking certain items into consideration, by a certain date; requiring the

Commission to report to certain persons and certain legislative committees on certain matters by a certain date; providing for the effective dates of this Act; and generally relating to net energy metering and payment for accrued generation credit.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 830 – Delegates Kramer, Ali, Barkley, Bates, Bronrott, Carr, Conaway, Dumais, Feldman, Frick, Gutierrez, Hecht, Heller, Hixson, Ivey, Jenkins, Kelly, Lee, Manno, McConkey, Miller, Mizeur, Montgomery, Murphy, Ramirez, Reznik, Rice, Shank, Simmons, Smigiel, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, George, Howard, Kaiser, Myers, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

FOR the purpose of establishing a certain income tax checkoff system for voluntary contributions to the Waiting List Equity Fund to provide certain services for individuals with developmental disabilities; requiring the Comptroller to include a checkoff on the individual income tax return; providing that the income tax checkoff system include a certain statement; requiring the Comptroller to include certain information in each individual income tax return package; requiring the Comptroller to collect and account for contributions made through the checkoff system and to credit the proceeds to the Fund after deducting the amount necessary to administer the checkoff system; providing that the Fund may consist of certain contributions from the income tax checkoff system and certain other money; providing for the application of this Act; and generally relating to an income tax checkoff system for contributions to provide certain services for individuals with developmental disabilities.

BY adding to
Article – Tax – General
Section 2–113 and 10–804(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General

Section 7–205(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7–205(d)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 854 – Delegates Stein, Barkley, Cardin, Manno, and Minnick

AN ACT concerning

Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for Additional Payments

FOR the purpose of requiring each policy of homeowner's, farmowner's, or dwelling insurance issued, sold, or delivered in the State that provides certain coverage for a dwelling or personal property to contain a provision that allows an insured to file a claim for certain additional payments for ~~at least~~ not less than a certain period of time; authorizing a certain insurer to require a certain insured to notify the insurer of the intent to repair or replace certain property within a certain period of time; providing for the application of this Act; providing for a delayed effective date; and generally relating to policies of homeowner's, farmowner's, and dwelling insurance.

BY adding to
Article – Insurance
Section 19–213
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 856 – Montgomery County Delegation

AN ACT concerning

Election Law – Montgomery County Republican and Democratic Party Central ~~Committee~~ Committees – Membership
MC 15–10

FOR the purpose of repealing certain provisions of law specifying the membership of the Montgomery County Republican Party Central Committee; altering the

membership criteria for the Montgomery County Democratic Party Central Committee; requiring certain Democratic Party Central Committee members to be elected in a certain manner and limiting the number of members elected at large that may reside in the same legislative district; making stylistic changes; providing for the application of this Act; and generally relating to the membership of the Montgomery County Republican and Democratic Party Central ~~Committee~~ committees.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 4–202(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 4–203(f)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 857 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting
MC 12–10

FOR the purpose of ~~authorizing the student member of the Montgomery County Board of Education to attend an executive session of the Board of Education that relates to a certain matter;~~ authorizing the student member of the Montgomery County Board of Education to vote on certain matters; and generally relating to the voting rights of the student member of the Montgomery County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–901(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 6–202
Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

House Bill 869 – Delegates V. Clagett, Niemann, Ali, Anderson, Beidle, Bobo, Carr, Frush, Gilchrist, Healey, Hucker, Lafferty, and Sossi

AN ACT concerning

Real Property – Affordable Housing Land Trusts

FOR the purpose of exempting a certain affordable housing land trust agreement from the application of the common law rule against perpetuities; authorizing a certain affordable housing land trust agreement to be recorded in the land records; exempting a certain affordable housing land trust agreement from certain provisions relating to a possibility of reverter and right of entry; exempting a certain affordable housing land trust agreement from certain provisions relating to the creation and redemption of reversionary interests; providing for the applicability of this Act; requiring an affordable housing land trust to register with the State Department of Assessments and Taxation; requiring the Department to maintain an online list of registered affordable housing land trusts; authorizing an affordable housing land trust to conduct certain activities relating to the acquisition, leasing, management, maintenance, and preservation of residential real property under certain circumstances; imposing certain conditions on an affordable housing land trust agreement; providing that the affordable housing land trust agreement and a certain affidavit shall be recorded and indexed in the county land records in a certain manner and accepted for recordation by the clerk without the payment of certain taxes; establishing that a certain recordation terminates a certain right of rescission and provides certain proof that a contract of sale was not rescinded; authorizing an affordable housing land trust to repurchase any interest in or take possession of certain residential property under certain circumstances; requiring a certain seller to execute a certain affidavit concerning certain notification to the affordable housing land trust and the trust's failure to exercise a certain right to repurchase; requiring the recordation of the affidavit; establishing that the recordation of the affidavit provides certain proof that the affordable housing land trust failed to exercise a certain right of repurchase; limiting the reversionary interest of an affordable housing land trust under certain circumstances; requiring a tax assessment of certain affordable housing trust property to be done in a certain manner and to include a certain notation; prohibiting a nonprofit organization from operating an affordable housing land trust under certain circumstances; providing for the transfer of certain property interests under certain circumstances; defining certain terms; and generally relating to affordable housing land trusts.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts
Section 11–102(b)(11) and (12)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
Section 11–102(b)(13)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–102(a), 6–101, 8–110(a), and 8–111.2
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Real Property
Section 14–501 through 14–511 to be under the new subtitle "Subtitle 5. Affordable Housing Land Trusts"
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 891 – Montgomery County Delegation

AN ACT concerning

Montgomery County ~~Department of Economic Development~~ – Investment Authority
MC 18–10

FOR the purpose of authorizing ~~the Montgomery County Department of Economic Development to make a certain investment in a certain company; requiring the investment to be consistent with certain investment guidelines; and generally relating to the investment authority of the Montgomery County Department of Economic Development~~ Montgomery County to make an equity investment through a certain fund in a company that is located in the county or that agrees to relocate their business to the county; providing that the proceeds of an equity investment made under this Act may be used for certain purposes; providing that the county may not acquire an ownership interest exceeding a certain percentage of any enterprise; requiring the terms of an equity investment approved by the county to be set forth in a funding agreement; requiring a funding agreement made in accordance with this Act to prohibit the county from taking certain actions; providing that a funding agreement made in accordance

with this Act may consist of certain agreements or other documents; requiring that notice of each equity investment made by Montgomery County under a certain provision of this Act be posted in a readily accessible and clearly identified location on the Montgomery County government website within a certain number of days after the date on which the county initiates the investment transaction; and generally relating to equity investments by Montgomery County in certain businesses in the county.

~~BY adding to~~
~~Article 95 – Treasurer~~
~~Section 22P~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2009 Supplement)~~

BY adding to
Article – Economic Development
Section 12–401 to be under the new subtitle "Subtitle 4. Montgomery County Equity Investments in Companies Located in the County"
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

House Bill 905 – Delegates Valderrama, Anderson, Carter, Dumais, Rosenberg, Schuler, Simmons, Smigiel, and Waldstreicher

AN ACT concerning

Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions

FOR the purpose of establishing an exception to the prohibition against wearing, carrying, or transporting a handgun for a person who is carrying a certain court order if the handgun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the handgun to the unit in accordance with the court order, and the person transports the handgun directly to the unit; prohibiting a local government from prohibiting a person from transporting a certain firearm, ammunition, or firearm component if the person is carrying a certain court order and, if applicable, the firearm is unloaded, the person notifies a certain law enforcement unit that the person is transporting the firearm, ammunition, or firearm component to the unit in accordance with the court order, and the person transports the firearm, ammunition, or firearm component directly to the unit; authorizing a person who lawfully possesses an assault pistol and who is carrying a certain court order to transport the assault pistol if the assault pistol is unloaded, the person notifies a certain law enforcement unit that the person is transporting the assault pistol to the unit in accordance with the court order, and the person transports the assault pistol

directly to the unit; authorizing a person who lawfully possesses a machine gun and who is carrying a certain court order to transport the machine gun if the machine gun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the machine gun to the unit in accordance with the court order, and the person transports the machine gun directly to the unit; establishing that, notwithstanding any other law, a respondent against whom a certain protective order has been issued and who is carrying the protective order may transport ~~the~~ a firearm if the firearm is unloaded, the ~~person~~ respondent notifies a certain law enforcement unit that the ~~person~~ respondent is transporting the firearm to the unit in accordance with the protective order, and the ~~person~~ respondent transports the firearm directly to the unit; establishing that a respondent who is carrying a certain protective order may transport ~~the~~ a regulated firearm if the regulated firearm is unloaded, the ~~person~~ respondent notifies a certain law enforcement unit that the ~~person~~ respondent is transporting the regulated firearm to the unit in accordance with the protective order, and the ~~person~~ respondent transports the regulated firearm directly to the unit; making stylistic changes; and generally relating to exceptions to the prohibitions on wearing, carrying, or transporting firearms.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–203(a) and 4–209(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–203(b)(7) and (8), 4–303, and 4–402(b)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 4–203(b)(9) and 4–209(b)(3)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(b)(8)
Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 5–133(e)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 981 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit

FOR the purpose of including certain employees of the St. Mary's County Board of Education who do not hold a teaching certificate in a certain bargaining unit; and generally relating to the inclusion of certain employees of the St. Mary's County Board of Education in a certain bargaining unit.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–404
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1062 – Delegates Healey, Ross, Frick, Gaines, Hixson, Howard, Ivey, Stukes, and Walker

AN ACT concerning

Property Tax Credit – Urban Agricultural ~~Activities~~ 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 urban agricultural property; providing for the duration of the credit; authorizing the county or municipal corporation to provide, by law, for the amount of the credit ~~and certain other provisions~~, eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; providing for the repayment of certain tax credits under certain circumstances; defining certain terms; providing for the application of

this Act; and generally relating to a local property tax credit for urban agricultural property.

BY adding to
Article – Tax – Property
Section 9–252
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1094 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than $35,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency–related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

House Bill 1135 – Delegates Ross, Holmes, Levi, ~~and Niemann~~ Niemann, Frick, and Ivey

AN ACT concerning

Property Tax Credit – Grocery Stores – Low–Income Areas

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain grocery stores in certain areas; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit ~~and certain other~~, eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary ~~provisions~~ to carry out the credit; defining certain terms; providing for the application of this Act; and generally relating to a local property tax credit for certain grocery stores in certain areas.

BY adding to
Article – Tax – Property
Section 9–252
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1145 – Delegates Mathias, Cane, Conway, Elmore, ~~and Rudolph~~ Rudolph, Haddaway, and Eckardt

AN ACT concerning

Criminal Law – Salvinorin A and Salvia Divinorum – Distribution to and Possession by Individual Under 21 Years of Age

FOR the purpose of 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; providing for the application of this Act; providing that this Act does not preempt certain local or municipal laws; defining a certain term; making conforming changes; and generally relating to Salvia divinorum.

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 2009 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 2009 Supplement)

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

House Bill 1156 – Delegates Dwyer, Anderson, Barnes, Beidle, Boteler, Bronrott, Carter, Conaway, Costa, Dumais, Eckardt, Frank, Heller, Hubbard, Jennings, Kach, Kelly, Kipke, Kramer, Krebs, Levi, McComas, McConkey, Olszewski, Pena–Melnyk, Riley, Robinson, Rosenberg, Schuh, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Valderrama, Vallario, Waldstreicher, and Wood

AN ACT concerning

Victims' Rights – Fatal Vehicular Accident – Suspension of License

FOR the purpose of authorizing a victim's representative to be present at a certain administrative hearing concerning a fatal vehicular accident; authorizing a victim's representative to make an oral statement or submit a written statement for consideration at a certain administrative hearing concerning a fatal vehicular accident; requiring a law enforcement officer, during the investigation of a fatal vehicular accident, to inform a victim's representative of the right to file a certain request with the Motor Vehicle Administration; requiring certain notice to a victim's representative under certain circumstances; authorizing the Administration to suspend a license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of an individual; providing for certain procedures; defining certain terms; and generally relating to victims' rights and license suspensions concerning certain fatal vehicular accidents.

BY adding to
Article – Transportation
Section 12–206.1 and 16–206(a)(5) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1161 – Delegates Jones, Burns, Busch, Hammen, and Nathan–Pulliam

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – State Hospital Redevelopment

FOR the purpose of authorizing certain counties and municipal corporations to finance the costs of certain public improvements located in or supporting a State hospital redevelopment; authorizing certain counties and municipal corporations to designate special taxing districts, create special funds, and provide for the levy of certain taxes to pay certain costs of infrastructure improvements located in or supporting a State hospital redevelopment; authorizing certain counties and municipal corporations to pledge under an agreement that amounts deposited to a certain special fund be paid over to provide for the payment of certain infrastructure improvement costs; authorizing certain counties and municipal corporations to pledge that certain alternative local tax revenues attributable to a State hospital redevelopment be paid into a certain special fund for certain purposes; altering a certain definition; defining a certain term; and generally relating to certain authorization for certain counties and municipal corporations to finance the

costs of certain public improvements located in or supporting State hospital redevelopment.

BY renumbering
Article – Economic Development
Section 12–201(o), (p), and (q), respectively
to be Section 12–201(p), (q), and (r), respectively
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 23A – Corporations – Municipal
Section 44A(a), (b), (e), and (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(a), (c)(2), (f)(1), and (g)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(b) and (c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 12–201(a)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 12–201(j) and 12–210
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY adding to
Article – Economic Development
Section 12–201(o)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

House Bill 1218 – Delegates Ramirez, Ali, Barnes, Kaiser, Levy, Robinson, and Valderrama

AN ACT concerning

Crimes – Hate Crimes – Use of a Noose or Swastika to Threaten or Intimidate

FOR the purpose of prohibiting a person from affixing, erecting, or placing a noose or swastika on a certain building or real property, without the express permission of the owner, owner's agent, or lawful occupant of the building or property, with the intent to threaten or intimidate any person or group of persons; establishing that a certain penalty applies to a violation of this Act; and generally relating to the use of a noose or swastika to threaten or intimidate a person or group of persons.

BY adding to
Article – Criminal Law
Section 10–305.1
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 1263 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg

AN ACT concerning

Education Reform Act of 2010

FOR the purpose of altering the probationary period of employment of a certificated employee in a ~~public~~ local school system; altering certain procedures related to the probationary period of a certificated employee; requiring a county board of education to evaluate annually a nontenured certificated employee based on established performance evaluation criteria; requiring certain certificated employees to be assigned a mentor and provided certain guidance and instruction and additional professional development under certain circumstances; ~~requiring that a performance evaluation of a certificated teacher or principal in a public school system include certain data as a certain~~

~~component of the evaluation; requiring that a certain component of an evaluation be one of multiple measures; requiring the State Board of Education to adopt regulations to implement certain provisions of this Act; requiring certain classroom teachers and principals working in certain public schools to receive a certain stipend~~ requiring the State Board of Education to adopt regulations establishing standards for effective mentoring; providing that a tenured certificated employee who moves to another local school system in the State shall be tenured in the local school system to which the employee relocates under certain circumstances; authorizing the local school system to which an employee relocates to extend the employee's probationary period under certain circumstances; requiring a county board to establish certain performance evaluation criteria for a certificated teacher or principal under certain conditions; requiring the performance evaluation criteria to include certain measures; requiring the State Board to establish by regulation general standards for teacher and principal performance evaluations, that the performance evaluation criteria include certain measures, and that certain criteria be accounted for in a certain manner; requiring the State Board to establish a certain program to support certain incentives, contingent on the receipt of certain federal funds; defining ~~a certain term~~ certain terms; providing for the application of a certain provision of this Act; and generally relating to the employment of certificated employees in a ~~public~~ local school system.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–202
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 6–306(b)(5)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1294 – Delegates Krysiak and Jones

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Baltimore Metropolitan Council – Eligibility

FOR the purpose of including certain employees of the Baltimore Metropolitan Council in the State Employee and Retiree Health and Welfare Benefits Program; providing that certain service accrued by certain employees of the Baltimore

Metropolitan Council shall be included as part of the employee's State service; requiring the Baltimore Metropolitan Council to pay to the State a certain amount of money based on a certain subsidy; and generally relating to the employees of the Baltimore Metropolitan Council participating in the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–511
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1297 – Delegates Valderrama and Vallario

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Delegation of Contested Claims to Office of Administrative Hearings

FOR the purpose of establishing that a member of the Criminal Injuries Compensation Board is not entitled to compensation or reimbursement to attend a certain hearing; authorizing the Board to adopt regulations for the approval of attorney's fees for representation before the Office of Administrative Hearings; ~~repealing the authority of the Board to hear and determine a certain claim, hold hearings, administer oaths, examine any person under oath, and issue certain subpoenas; authorizing the Board to tentatively determine a certain claim and request certain subpoenas; repealing the authority of the Board to delegate certain power to a certain member or employee;~~ requiring the Board to provide a certain report to a certain claimant and a certain attorney; ~~requiring the Secretary of Public Safety and Correctional Services to delegate the authority to conduct a certain hearing to the Office of Administrative Hearings under certain circumstances and requiring the Office to hold the hearing at a certain location under certain circumstances; altering a certain provision of law to require the Secretary to modify, affirm, or reverse a certain decision within a certain time period under certain circumstances;~~ requiring that a certain claimant and a certain attorney be given a copy of ~~a certain decision~~ certain decisions; authorizing a certain claimant to request a certain de novo final decision by the Office of Administrative Hearings under certain circumstances; requiring the Secretary of Public Safety and Correctional Services, within a certain time period, to delegate a certain case to the Office of Administrative Hearings for a certain de novo determination under certain circumstances; requiring the Office of Administrative Hearings, at a certain time, to promptly schedule a certain matter for proceedings and hold a hearing in a certain county at the election of a certain claimant; authorizing a certain claimant to appeal a certain decision within a certain time period; ~~authorizing the transfer and~~

~~appropriation of certain money in a certain manner to the Office of Administrative Hearings for a certain purpose;~~ providing for the application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–804, 11–805(a)(2), 11–814(b)(1) and (e), and 11–815
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 11–814.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1335 – Delegates Ramirez, Anderson, Kullen, Pendergrass, Simmons, Smigiel, Valderrama, ~~and Vallario~~ Vallario, Hammen, Benson, Costa, Kipke, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Mental Health – Local Correctional Facilities – Incarcerated Individuals with Mental Illness

FOR the purpose of requiring the managing official of a local correctional facility to provide access to a certain amount of medication to certain individuals under certain circumstances; providing that part of a certain supply of medication may be provided by prescription under certain circumstances; establishing immunity from civil liability for certain persons; creating a certain exception; and generally relating to mental health treatment for incarcerated individuals.

~~BY adding to~~
~~Article – Correctional Services~~
~~Section 11–206~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 9–612
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1402 – Delegates Conway, G. Clagett, DeBoy, Bates, Eckardt, Elmore, Haddaway, Mathias, Proctor, Sophocleus, and Wood

AN ACT concerning

Public Safety – Preemployment Polygraph Examinations for Correctional Officer Applicants

FOR the purpose of ~~requiring~~ authorizing the Division of Correction to require an individual to pass a polygraph examination before ~~the individual may be~~ being appointed to serve as a correctional officer in a correctional facility; requiring the Commissioner of Correction to adopt certain regulations governing the administration of polygraph examinations ~~required~~ authorized under this Act; providing an exemption for an applicant for employment as a correctional officer of a State or local correctional facility from a certain prohibition against requiring a polygraph examination as a condition of employment; making stylistic and conforming changes; and generally relating to polygraph examinations for correctional officer applicants.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–215
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1440 – Delegate Barve

AN ACT concerning

Election Law – Campaign Finance Entity – Officers Authorized to Perform Duties of Treasurer

FOR the purpose of repealing the office of subtreasurer of a campaign finance entity; authorizing the chair of a campaign finance entity to make a disbursement for the campaign finance entity; requiring a chair who makes a disbursement to submit a certain report to the treasurer of the campaign finance entity within a

certain number of days after the occurrence of certain events; prohibiting a chair who is a candidate from making a disbursement; and generally relating to officers of a campaign finance entity who are authorized to perform the duties of the treasurer.

BY repealing
Article – Election Law
Section 13–211 and 13–219
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–215 and 13–218
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 1505 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Central Collection Unit – Collection of Debts Owed to the State

FOR the purpose of authorizing the Central Collection Unit in the Department of Budget and Management to certify to the Comptroller and the State Lottery Agency certain debts or claims owed to the State; providing that certain information be provided to the Agency; requiring the Agency to follow certain procedures when a certain debtor wins a certain lottery prize; requiring the Agency to withhold a certain prize under certain circumstances; requiring the Agency to honor certain lottery prize interception requests in a certain order; providing an opportunity for a certain appeal under certain circumstances; providing certain procedures for conducting a certain appeal; authorizing the Secretary of Budget and Management and the Director of the State Lottery Agency to adopt certain regulations; adding to the criteria under which a lottery prize may be assignable; prohibiting certain acts; providing for the application of this Act; and generally relating to the interception of lottery prizes and income tax refunds on behalf of the Central Collection Unit.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–618(c)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–113.1(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–304(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 3–307
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–122(b)(1) and 9–124(b)(6) and (c)(2) and (3)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–918
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

CONCURRENCE CALENDAR #1

AMENDED IN THE HOUSE

Senate Bill 106 – The President (By Request – Administration) and Senators Miller, Currie, Kasemeyer, Astle, Brinkley, Colburn, DeGrange, Forehand, Garagiola, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, and Stone

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

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

SB0106/195565/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 106
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "allowing" in line 10 down through "circumstances;" in line 11; and in line 17, strike "program".

On page 4, in line 9, after "**JOB**" insert "**IN THE STATE**".

AMENDMENT NO. 2

On page 3, in line 22, after "**EMPLOYEE**" insert "**FOR AN INDEFINITE DURATION AND**".

AMENDMENT NO. 3

On page 4, in line 20, strike "**JANUARY 1, 2010,**" and substitute "**THE EFFECTIVE DATE OF CHAPTER ___ (S.B. 106) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2010**".

On page 5, in line 15, strike "**DURING THE 2010 CALENDAR YEAR**" and substitute "**BETWEEN THE EFFECTIVE DATE OF CHAPTER ___ (S.B. 106) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2010 AND DECEMBER 31, 2010**".

On page 7, in line 5, strike "**JANUARY 1, 2010,**" and substitute "**THE EFFECTIVE DATE OF CHAPTER ___ (S.B. 106) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2010**".

On page 9, in line 4, strike "January 1, 2010," and substitute "the effective date of this Act".

AMENDMENT NO. 4

On page 5, in line 9, after "**SECTION,**" insert "**WITHIN 60 DAYS AFTER RECEIVING THE APPLICATION,**".

AMENDMENT NO. 5

On page 6, in line 25, after the second comma insert "**THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT,**"; in line 31, strike the second "**AND**" and substitute a comma; in line 32, strike "**JOBS**" and substitute "**QUALIFIED POSITIONS**"; and in the same line, after "**CERTIFIED**" insert "**, THE TOTAL AMOUNT OF CREDITS CERTIFIED FOR EACH QUALIFIED EMPLOYER, AND THE TOTAL AMOUNT OF CREDITS CERTIFIED**".

AMENDMENT NO. 6

On page 7, in line 32, strike "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, IF**" and substitute "**IF**".

On page 8, in line 14, strike "**REFUND**" and substitute "**CREDIT**"; and in line 15, strike "**SECTION**" and substitute "**SUBTITLE**".

AMENDMENT NO. 7

On page 8, strike beginning with the colon in line 23 down through "**(1)**" in line 24.

On pages 8 and 9, strike beginning with "**; OR**" in line 26 on page 8 down through "**TITLE**" in line 2 on page 9.

The preceding 7 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 663)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 107	The President	Unemployment Insurance – Tax

(Emergency Bill) Deferment, Trust Fund Solvency, and Cost–Neutral Modernization Act

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #14

CONSENT CALENDAR #58

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

BILL NO.	REPORT	SPONSOR	CONTENT
SB 924	FAV	Carroll County Senators	Carroll County – Public Facilities Bonds
SB 925	FAV	Carroll County Senators	Carroll County – Green Building Tax Credit
SB 947	FAV	Sen Edwards	Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility
SB 957	FAV	Sen Miller	Calvert County – Special Taxing Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #15

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

Senate Bill 317 – Senators McFadden, Kasemeyer, Astle, Conway, Currie, DeGrange, Dyson, Exum, Forehand, Frosh, Garagiola, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Stone

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

SB0317/599831/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 317
(First Reading File Bill)

On page 2, after line 28, insert:

"(d) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part III of the State Personnel and Pensions Article.

(2) If the fraction calculated under § 29–412 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's initial allowance on July 1, 2010, is less than 1, the adjustment under § 29–412 of the State Personnel and Pensions Article to the current allowance shall equal $0.00 on July 1, 2010.";

and in lines 29 and 36, strike "(d)" and "(e)", respectively, and substitute "(e)" and "(f)", respectively.

On page 3, in lines 25 and 32, strike "(f)" and "(g)", respectively, and substitute "(g)" and "(h)", respectively.

The preceding amendment was read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 588 – Senator Catherine E. Pugh:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to

Iraqi Women Provincial Council Leaders
in recognition of
their unwavering commitment to the development
of democracy, as well as their dynamic leadership
in the promotion of women's rights.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 664)

Recognition of Women Veterans

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 665)

THE COMMITTEE ON FINANCE REPORT #14

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

Senate Bill 647 – Senator Pugh

AN ACT concerning

Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for Additional Payments

SB0647/297470/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 647
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "at least" and substitute "not less than"; in line 8, after "time;" insert "authorizing a certain insurer to require a certain insured to notify

the insurer of the intent to repair or replace certain property within a certain period of time;"; and in the same line, after "Act;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 1, in line 19, before "**EACH**" insert "**(A)**"; in line 21, after the second "**PROPERTY**" insert "**ON A REPLACEMENT COST BASIS**"; strike beginning with "**ADDITIONAL**" in line 23 down through "**PROPERTY**" in line 24 and substitute "**THE DIFFERENCE BETWEEN THE ACTUAL CASH VALUE AND THE REPLACEMENT COST FOR THE COMPLETED REPAIRS OR REPLACEMENT**"; in line 24, strike "**AT LEAST**" and substitute "**NOT LESS THAN**"; in line 25, strike "**PAYMENT OF ACTUAL CASH VALUE**" and substitute "**THE DATE OF LOSS**"; and after line 25, insert:

"**(B) AN INSURER MAY REQUIRE AN INSURED SEEKING ADDITIONAL PAYMENTS ON A REPLACEMENT COST BASIS TO NOTIFY THE INSURER, WITHIN 180 DAYS AFTER THE DATE OF LOSS, OF THE INSURED'S INTENT TO REPAIR OR REPLACE THE DWELLING OR PERSONAL PROPERTY.**".

On page 2, in lines 3 and 5, in each instance, strike "October 1, 2010" and substitute "January 1, 2011".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 650 – Senator Pipkin

AN ACT concerning

Maryland Transportation Authority – Proposed Toll or Fee Charges – Public Comments

SB0650/937372/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 650
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "receive" in line 5 down through the first "comments" in line 8 and substitute "submit a certain report to the members of the Authority, make the report available to the public in a certain manner at a certain time, and make certain comments available to the members of the Authority on request".

AMENDMENT NO. 2

On page 2, in line 26, strike "**THE**" and substitute "**AT LEAST 10 WORKING DAYS PRIOR TO A VOTE BY THE AUTHORITY TO IMPLEMENT A PROPOSAL TO FIX OR REVISE TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE**"; and strike in their entirety lines 29 through 34, inclusive, and substitute:

"**(I) SUBMIT A REPORT TO THE MEMBERS OF THE AUTHORITY THAT SUMMARIZES THE NATURE OF ANY PUBLIC COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD ESTABLISHED BY THE AUTHORITY;**

(II) MAKE THE REPORT REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH AVAILABLE TO THE PUBLIC ON THE OFFICIAL WEBSITE OF THE AUTHORITY; AND

(III) MAKE THE PUBLIC COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD AVAILABLE TO THE MEMBERS OF THE AUTHORITY ON REQUEST.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 704 – Senators Garagiola and Frosh

AN ACT concerning

Insurance – Coordination of Benefits – Health Insurance and Personal Injury Protection

SB0704/257270/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 704
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Frosh" and substitute ", Frosh, Exum, Kelley, Middleton, and Pugh"; strike the beginning with "providing" in line 4 down through "containing" in line 8 and substitute "authorizing certain health maintenance organization contracts, health insurance policies or contracts, and policies or contracts of nonprofit health service plans to contain"; and in line 10, after "policies" insert "under certain circumstances; prohibiting a motor vehicle liability insurer from making a payment to a health maintenance organization, an insurer, or a nonprofit health service plan unless a certain authorization is provided to the motor vehicle liability insurer".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 35 on page 2 through line 5 on page 3, inclusive, and substitute:

"**(2) SUBJECT TO § 19–507(C)(3) OF THE INSURANCE ARTICLE, A CONTRACT BETWEEN A HEALTH MAINTENANCE ORGANIZATION AND ITS SUBSCRIBERS OR A GROUP OF SUBSCRIBERS MAY CONTAIN A PROVISION THAT REQUIRES PERSONAL INJURY PROTECTION BENEFITS UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY TO BE PAID BEFORE BENEFITS UNDER THE CONTRACT.**".

On page 3, strike in their entirety lines 18 through 24, inclusive, and substitute:

"**(D) SUBJECT TO § 19–507(C)(3) OF THIS ARTICLE, A POLICY OR CONTRACT BETWEEN AN INSURER OR A NONPROFIT HEALTH SERVICE PLAN AND ITS INSURERS OR SUBSCRIBERS OR A GROUP OF INSURED OR SUBSCRIBERS MAY CONTAIN A PROVISION THAT REQUIRES PERSONAL INJURY PROTECTION BENEFITS UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY TO BE PAID BEFORE BENEFITS UNDER THE POLICY OR CONTRACT.**".

On page 4, in line 7, strike "paragraph" and substitute "**PARAGRAPHS**"; in the same line, after "(2)" insert "**AND (3)**"; and after line 17, insert:

"**(3) THE MOTOR VEHICLE LIABILITY INSURER MAY NOT MAKE A PAYMENT TO A HEALTH MAINTENANCE ORGANIZATION, AN INSURER, OR A NONPROFIT HEALTH SERVICE PLAN UNLESS THE HEALTH MAINTENANCE ORGANIZATION, INSURER, OR NONPROFIT HEALTH SERVICE PLAN PROVIDES THE MOTOR VEHICLE LIABILITY INSURER WRITTEN AUTHORIZATION FOR THE PAYMENT FROM THE INSURED.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0704/323928/1

BY: Senator Garagiola

AMENDMENT TO SENATE BILL 704, AS AMENDED

On page 1 of the Finance Committee Amendments (SB0704/257270/1), in the last line of Amendment No. 2, strike "**INSURERS**" and substitute "**INSUREDS**"; and in the same line, strike "**INSURED**" and substitute "**INSUREDS**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 876 – Senator Dyson

AN ACT concerning

St. Mary's County – Certificated Public School Employees – Service or Representation Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 884 – Senators Klausmeier and Stone

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 923 – Carroll County Senators

AN ACT concerning

Carroll County – Homemade Food Sales – County Parks and Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 955 – Senators Exum, Garagiola, Gladden, Kelley, and Peters

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #15

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

Senate Bill 284 – The President (By Request – Administration) and Senators Garagiola, Harrington, Jones, King, Lenett, Madaleno, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Collective Negotiations by Family Child Care Providers

SB0284/737174/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 284
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 14 down through "payments;" in line 19 and substitute "requiring collective bargaining to include negotiations that result in the establishment of a certain fund to protect certain family child care providers under certain circumstances;".

On page 2, in line 1, after "certification;" insert "requiring the Early Learning Programs Section of the Maryland State Department of Education to report to certain

committees of the General Assembly on or before a certain date each year through a certain year;".

AMENDMENT NO. 2

On page 5, strike in their entirety lines 4 through 17, inclusive.

AMENDMENT NO. 3

On page 5, after line 17, insert:

"**(E) (1) COLLECTIVE BARGAINING SHALL INCLUDE NEGOTIATIONS THAT RESULT IN THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF PROTECTING FAMILY CHILD CARE PROVIDERS AGAINST EXTREME HARDSHIP OR LOSS OF LIVELIHOOD RESULTING FROM LATE STATE PAYMENTS.**

(2) THE EXCLUSIVE REPRESENTATIVE SHALL PAY FOR A PORTION OF THE FUND.

(3) THE FUND:

(I) MAY NOT BE A STATE FUND; BUT

(II) SHALL BE ESTABLISHED AND ADMINISTERED IN CONSULTATION WITH THE STATE.

(4) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR FAMILY CHILD CARE PROVIDERS.

(5) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(6) THE FUND SHALL INCLUDE FUNDS SUFFICIENT TO MEET THE REASONABLY FORESEEABLE NEEDS OF THE FAMILY CHILD CARE PROVIDERS.".

AMENDMENT NO. 4

On page 6, after line 28, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 31 of each year through 2013, the Early Learning Programs Section of the Maryland State Department of Education shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the status of the Maryland Child Care Subsidy Program as it relates to family child care providers.

(b) The report shall include:

(1) the number of child care providers and children participating in the Maryland Child Care Subsidy Program;

(2) the number of family child care providers who join the collective bargaining unit established under this Act, and the number of children served by each of the providers;

(3) the number of family child care providers who have used the fund required to be established under § 5–595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, and the terms of eligibility for payments from the fund;

(4) recommendations on how to safeguard the funds in the fund required to be established under § 5–595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, in the event that management of the fund is transferred or the fund is terminated; and

(5) an analysis of any positive or negative trends resulting from the implementation of this Act.";

and in line 29, strike "4." and substitute "5.".

The preceding 4 amendments were read only.

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

The motion was adopted.

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

Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

Favorable report adopted.

FLOOR AMENDMENT

SB0590/553129/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 590
(First Reading File Bill)

On page 19, in line 29, strike "**AND**".

On page 20, in line 2, after "**JUDGMENT;**" insert "**AND**

(VI) IS NOT AN ACTIVE MEMBER OF A LABOR UNION;".

The preceding amendment was read only.

Senator Jacobs moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

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

Senate Bill 886 – Senator Klausmeier

AN ACT concerning

Financial Institutions – Authority to Conduct Savings Promotion Raffles

SB0886/877775/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 886
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Klausmeier" and substitute "Senators Klausmeier and Middleton"; in line 2, after "Institutions –" insert "Credit Unions and Depository Institutions –"; in line 5, after "union;" insert "authorizing a depository institution to conduct a savings promotion raffle for the exclusive benefit of eligible customers of the depository institution;"; in line 6, after "union" insert "and a depository institution"; in line 7, strike "a" and substitute "certain"; in the same line, strike "raffle" and substitute "raffles"; in line 9, after "union" insert "and a certain depository institution"; in line 11, after "terms;" insert "making this Act subject to a certain contingency; requiring the Commissioner to monitor certain federal action and give certain notice to the Department of Legislative Services at a certain time; providing for the termination of this Act under certain circumstances;"; in lines 11 and 12, strike "credit unions and"; and in line 25, after "Section" insert "1–211 and".

AMENDMENT NO. 2

On page 2, in line 16, after "**ARTICLE**" insert "**OR BY A DEPOSITORY INSTITUTION UNDER § 1–211 OF THE FINANCIAL INSTITUTIONS ARTICLE**".

AMENDMENT NO. 3

On page 5, in line 17, after "**(C)**" insert "**(1)**"; after line 20, insert:

"**(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A DEPOSITORY INSTITUTION, AS DEFINED IN § 1–211 OF THE FINANCIAL INSTITUTIONS ARTICLE, MAY CONDUCT A SAVINGS PROMOTION RAFFLE UNDER § 1–211 OF THE FINANCIAL INSTITUTIONS ARTICLE.**";

and after line 21, insert:

"**1–211.**

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

(2) "DEPOSITORY INSTITUTION" MEANS ANY STATE–CHARTERED OR FEDERALLY CHARTERED FINANCIAL INSTITUTION, OTHER–STATE BANK, OR FOREIGN BANK THAT:

(I) IS LOCATED IN THIS STATE OR MAINTAINS A BRANCH IN THIS STATE; AND

(II) IS AUTHORIZED TO MAINTAIN QUALIFYING DEPOSIT ACCOUNTS.

(3) "ELIGIBLE CUSTOMER" MEANS AN INDIVIDUAL CUSTOMER OF A DEPOSITORY INSTITUTION WHO:

(I) MAINTAINS A QUALIFYING DEPOSIT ACCOUNT AT A DEPOSITORY INSTITUTION PARTICIPATING IN A SAVINGS PROMOTION RAFFLE;

(II) IS AN ADULT; AND

(III) IS A RESIDENT OF THIS STATE.

(4) "QUALIFYING DEPOSIT ACCOUNT" MEANS A SAVINGS ACCOUNT, SAVINGS PROGRAM, OR OTHER TIME DEPOSIT OFFERED TO AN ELIGIBLE CUSTOMER FOR A SAVINGS PROMOTION RAFFLE.

(5) "SAVINGS PROMOTION RAFFLE" MEANS A PRIZE–LINKED SAVINGS PRODUCT OFFERED BY A PARTICIPATING DEPOSITORY INSTITUTION TO AN ELIGIBLE CUSTOMER.

(B) (1) A DEPOSITORY INSTITUTION MAY CONDUCT A SAVINGS PROMOTION RAFFLE FOR THE EXCLUSIVE BENEFIT OF ELIGIBLE CUSTOMERS IF:

(I) THE SOLE CONSIDERATION REQUIRED FOR A CHANCE TO WIN A SPECIFIED PRIZE IS THE DEPOSIT OF A MINIMUM SPECIFIED AMOUNT OF MONEY IN A QUALIFYING DEPOSIT ACCOUNT;

(II) EACH TICKET OR ENTRY IN THE SAVINGS PROMOTION RAFFLE HAS AN EQUAL CHANCE OF BEING DRAWN;

(III) THE DEPOSITORY INSTITUTION MAINTAINS BOOKS AND RECORDS RELATING TO THE SAVINGS PROMOTION RAFFLE; AND

(IV) THE SAVINGS PROMOTION RAFFLE WILL NOT:

1. HARM THE DEPOSITORY INSTITUTION'S ABILITY TO OPERATE IN A SAFE AND SOUND MANNER; OR

2. MISLEAD THE DEPOSITORY INSTITUTION'S CUSTOMERS.

(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A SAVINGS PROMOTION RAFFLE CONDUCTED BY A BANKING INSTITUTION MUST BE APPROVED BY THE COMMISSIONER.

(C) EXCEPT AS PREEMPTED BY FEDERAL LAW, THE COMMISSIONER MAY:

(1) EXAMINE THE CONDUCT OF A SAVINGS PROMOTION RAFFLE; AND

(2) ISSUE A CEASE AND DESIST ORDER UNDER § 5–808 OF THIS ARTICLE FOR A VIOLATION OF THIS SECTION.".

AMENDMENT NO. 4

On page 6, after line 27, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010, contingent on depository institutions that are subject to regulation by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, or the Federal Reserve Board being allowed to provide prize–linked savings products such as a savings promotion raffle authorized by this Act. The Commissioner of Financial Regulation shall monitor federal regulatory and legislative action relating to the authorization of depository

institutions to provide prize–linked savings products such as savings promotion raffles, and shall notify the Department of Legislative Services within 30 days after learning that federal action has been taken to allow depository institutions to provide prize–linked products such as a savings promotion raffle authorized by this Act. If notice from the Commissioner is not received by the Department on or before October 1, 2014, this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 28, strike "2." and substitute "3."; and in the same line, after "That" insert ", subject to Section 2 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.

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

Senate Bill 893 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

SB0893/277273/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 893
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 6 down through "System" in line 11 and substitute "subjecting the Maryland Clean Energy Center to the procurement procedures relating to minority business participation"; and in line 15, after "10–809" insert "and 10–814".

On page 2, strike in their entirety lines 1 through 15, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "**EXCEPT**" in line 21 down through "**A**" in line 22 and substitute "**A**"; strike beginning with "**NO**" in line 24 down through "**THE**" in line 26 and substitute "**THE**"; strike in their entirety lines 29 and 30; and after line 30, insert:

"10–814.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Center is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article; and

(2) §§ 10–505 and 10–507 of the State Government Article.

(b) The Center is subject to the Public Information Act.

(c) The Board and the officers and employees of the Center are subject to the Public Ethics Law.

(d) The officers and employees of the Center are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) The Center, its Board, and employees are subject to Title 12, Subtitle 4 **AND TITLE 14, SUBTITLE 3** of the State Finance and Procurement Article.

(f) The Center is a public body under Title 5, Subtitle 4 of this article, the Maryland Industrial Development Financing Authority Act, for purposes of applying for, receiving, and making agreements in connection with:

(1) a loan;

(2) a grant;

(3) insurance; or

(4) any other form of financial assistance.".

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 16 on page 4, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 920 – Senators Kasemeyer and Madaleno

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

SB0920/877474/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 920
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute ", Madaleno, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh"; in line 3, after "of" insert "establishing a Low Intensity Support Services Program in the Developmental Disabilities Administration; requiring low intensity support services to be flexible to meet the needs of individuals or families;"; in the same line, strike "Developmental Disabilities"; in line 6, strike "an individual" and substitute "certain individuals"; in line 7, strike "is" and substitute "are"; and in line 8, after "applications;" insert "authorizing the Department of Health and Mental Hygiene to develop a simplified application process for low intensity support services and to adopt certain regulations;".

AMENDMENT NO. 2

On page 2, in line 11, strike "**ENABLE**" and substitute "**:**

(I) **ENABLE**";

in line 12, after "**CHILD**" insert "**OR AN ADULT**"; in the same line, strike "**OR**" and substitute "**; OR**

(II) SUPPORT";

in line 13, strike "**AT HOME OR**"; after line 15, insert:

"**(B) THERE IS A LOW INTENSITY SUPPORT SERVICES PROGRAM IN THE ADMINISTRATION.**

(C) LOW INTENSITY SUPPORT SERVICES SHALL BE FLEXIBLE TO MEET THE NEEDS OF INDIVIDUALS OR FAMILIES.";

in lines 16, 22, and 28, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(D)**", "**(E) (1)**", and "**(F)**", respectively; in line 16, strike "**PROVIDE UP TO**" and substitute "**ESTABLISH A CAP OF NO LESS THAN**"; in line 17, after the second "**PER**" insert "**FISCAL**"; in line 19, strike "**$3,000**"; in lines 24 and 26, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 27, strike "**OR OTHER ALTERNATIVE FUNDING**" and substitute "**IF THE LOW INTENSITY SUPPORT SERVICES WILL BE PROVIDED TO A MINOR**"; and after line 27, insert:

"**(2) THE DEPARTMENT MAY DEVELOP A SIMPLIFIED APPLICATION PROCESS FOR LOW INTENSITY SUPPORT SERVICES.**".

On pages 2 and 3, strike beginning with the colon in line 29 on page 2 down through "**DEPENDENT**" in line 1 on page 3 and substitute "**DEPENDENT**".

On page 3, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may adopt regulations to implement the Low Intensity Support Services Program established under this Act, including regulations establishing the circumstances under which recipients of low intensity support services will be required to apply for other alternative funding.";

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.

THE COMMITTEE ON FINANCE REPORT #16

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

Senate Bill 593 – Senators Garagiola, King, Pipkin, Colburn, Della, Exum, Forehand, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

SB0593/497670/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 593
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "requiring the Maryland Medical Assistance Program to pay certain rates for certain emergency services;"; in line 6, after "facilities;" insert "altering the circumstances under which the Department of Health and Mental Hygiene must issue a license to a freestanding medical facility;"; in line 7, strike "claims submitted by freestanding medical facilities at"; in line 8, after "Commission" insert "for emergency services provided at certain freestanding medical facilities; repealing certain provisions of law requiring the Maryland Health Care Commission to propose certain regulations; altering certain definitions"; in the same line, after the third "the" insert "Health Services Cost Review"; in line 10, after "Act;" insert "requiring the Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, to conduct a certain study and report the results of its study to certain committees of the General Assembly on or before a certain date; prohibiting freestanding medical facilities from being established after a certain date without a certificate of need issued by the Maryland Health Care Commission; requiring the Maryland Health Care Commission to consider certain

data in establishing certain criteria and standards for issuing a certain certificate of need; requiring the Health Services Cost Review Commission to set certain rates applicable to certain payors for certain emergency services;"; strike in their entirety lines 12 through 16, inclusive; in line 19, after "Section" insert "15–105(d), 19–114,"; in the same line, after "19–211," insert "19–3A–03,"; and after line 21, insert:

"BY repealing
Article – Health – General
Section 19–131
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–201(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"15–105.

(d) (1) The Department shall adopt regulations for the reimbursement of specialty outpatient treatment and diagnostic services rendered to Program recipients at a freestanding clinic owned and operated by a hospital that is under a capitation agreement approved by the Health Services Cost Review Commission.

(2) (i) Except as provided in **[**subparagraph**]** **SUBPARAGRAPHS** (ii) **AND (III)** of this paragraph, the reimbursement rate under paragraph (1) of this subsection shall be set according to Medicare standards and principles for retrospective cost reimbursement as described in 42 C.F.R. Part 413 or on the basis of charges, whichever is less.

(ii) The reimbursement rate for a hospital that has transferred outpatient oncology, diagnostic, rehabilitative, and digestive disease services to an off–site facility prior to January 1, 1999 shall be set according to the rates approved by the Health Services Cost Review Commission if:

1. The transfer of services was due to zoning restrictions at the hospital campus;

2. The off–site facility is surveyed as part of the hospital for purposes of accreditation by the Joint Commission on Accreditation of Healthcare Organizations; and

3. The hospital notifies the Health Services Cost Review Commission in writing by July 1, 1999 that the hospital would like the services provided at the off–site facility subject to Title 19, Subtitle 2 of this article.

(III) THE PROGRAM SHALL PAY THE RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION FOR EMERGENCY SERVICES PROVIDED AT:

1. A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER § 19–3A–07 OF THIS ARTICLE PRIOR TO JANUARY 1, 2008; AND

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

19–114.

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

(b) (1) "Ambulatory surgical facility" means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1–301 of the Health Occupations Article, that:

(i) Has two or more operating rooms;

(ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and

(iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

(i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and

(ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

(c) "Certificate of need" means a certification of public need issued by the Commission under this Part II of this subtitle for a health care project.

(d) (1) "Health care facility" means:

(i) A hospital, as defined in § 19–301 of this title;

(ii) A limited service hospital, as defined in § 19–301 of this title;

(iii) A related institution, as defined in § 19–301 of this title;

(iv) An ambulatory surgical facility;

(v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

(vi) A home health agency, as defined in § 19–401 of this title;

(vii) A hospice, as defined in § 19–901 of this title;

(VIII) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19–3A–01 OF THIS TITLE; and

[(viii)] **(IX)** Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.

(2) "Health care facility" does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:

1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider's subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(iii) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iv) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(v) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

(e) "Health care practitioner" means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(f) "Health service area" means an area of this State that the Governor designates as appropriate for planning and developing of health services.

(g) "Local health planning agency" means the health department of a jurisdiction or a body designated by the local health department to perform health planning functions.

(h) "State health plan" means the State health plan for facilities and services.

[19–131.

(a) On or before July 1, 2008, the Commission, in consultation with the Health Services Cost Review Commission and the Department of Health and Mental Hygiene, shall propose emergency regulations to establish a review process to approve facilities in the State that may seek licensure as a freestanding medical facility, as provided in Subtitle 3A of this title.

(b) The regulations shall include:

(1) A process to identify areas of the State in which a freestanding medical facility could meet health care service delivery needs;

(2) A process for submitting and acting on applications;

(3) Criteria for evaluating and approving applications, including:

(i) Documentation that the proposed freestanding medical facility will meet the licensure requirements of Subtitle 3A of this title;

(ii) The efficiency and effectiveness of the proposed freestanding medical facility in meeting the health care needs of the health planning region;

(iii) The types of equipment and level of staffing specified, in relation to the services the freestanding medical facility proposes to provide; and

(iv) Costs to both public and private payers; and

(4) Appropriate notice and opportunity for a hearing and judicial review, in accordance with the Administrative Procedure Act.

(c) A facility that is approved under this section to seek licensure as a freestanding medical facility shall provide to the Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient–level utilization, of the freestanding medical facility.

(d) A freestanding medical facility pilot project is exempt from the review process in subsections (a) and (b) of this section.**]**";

in line 14, strike "**FREESTANDING MEDICAL FACILITIES AND FREESTANDING**" and substitute "**:**

1. FREESTANDING";

in line 15, strike "**LICENSED**" and substitute "**AUTHORIZED**"; and in the same line, strike the semicolon and substitute "**PRIOR TO JANUARY 1, 2008; AND**

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015;".

On page 3, strike beginning with "**A**" in line 10 down through "**A**" in line 11 and substitute "**:**

(1) A";

in line 12, strike "**ESTABLISHED UNDER § 19–3A–07**" and substitute "**AUTHORIZED UNDER SUBTITLE 3A**"; in the same line, after "**TITLE**" insert "**PRIOR TO JANUARY 1, 2008; AND**

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015";

and after line 12, insert:

"19–3A–03.

(a) The Department shall issue a license to a freestanding medical facility that:

(1) Meets the licensure requirements under this subtitle; and

(2) **[**Receives**] AFTER JULY 1, 2015, RECEIVES A CERTIFICATE OF NEED [**approval**]** from the Maryland Health Care Commission **ISSUED** under **[**the regulations required under § 19–131**] § 19–120** of this title.

(b) A freestanding medical facility that uses in its title or advertising the word "emergency" or other language indicating to the public that medical treatment for immediately life–threatening medical conditions exist at that facility shall be licensed by the Department before it may operate in this State.

(c) Notwithstanding subsection (a)(2) of this section, the Department may not require a freestanding medical facility pilot project to be approved by the Maryland Health Care Commission as a condition of licensure.".

On page 5, strike beginning with "**A**" in line 12 down through "**AT**" in line 15; in line 17, after "**TITLE**" insert "**FOR EMERGENCY SERVICES PROVIDED AT:**

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER THIS SUBTITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015";

in line 19, after "that" insert "emergency"; in the same line, after "by" insert "a"; in the same line, strike "facilities and" and substitute "facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015, and by"; in line 20, after "projects" insert "authorized under § 19–3A–07 of the Health – General Article, as enacted by Section 1 of this Act, prior to January 1, 2008,"; in line 25, strike "freestanding medical facilities and"; in line 28, after "That" insert ":

(a) (1) The Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, shall conduct a study of the effect of the rates established for freestanding medical facility pilot projects by the Health Services Cost Review Commission under § 19–211(c) of the Health – General Article, as enacted by Section 1 of this Act.

(2) The study shall review the effect of the rates for a period of 2 full years after the rates become effective.

(3) On or before December 31, 2014, the Maryland Health Care Commission shall report the results of its study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.

(b) The Maryland Health Care Commission shall consider the data in the report required under subsection (a) of this section and other pertinent data in establishing review criteria and standards for issuing a certificate of need required to establish a freestanding medical facility in the State after July 1, 2015.

(c) After July 1, 2015, a freestanding medical facility may not be established in the State without a certificate of need issued by the Maryland Health Care Commission.

SECTION 5. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective October 1, 2010, for emergency services provided at a freestanding medical facility pilot project described in § 19–3A–07(b)(2) of the Health – General Article, as enacted by Section 1 of this Act, in a manner that does not result in a fiscal impact on the fiscal year 2011 State budget.

SECTION 6. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective July 1, 2011, for emergency services provided at:

(1) a freestanding medical facility other than a freestanding medical facility pilot project; and

(2) a freestanding medical facility pilot project described in § 19–3A–07(b)(1) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That";

and in line 29, strike "July" and substitute "June".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 812 – Senator Lenett

AN ACT concerning

End of Life Health Care Disclosure Act

SB0812/727975/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 812
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "and the availability of hospice care"; strike beginning with "requiring" in line 9 down through "resources;" in line 14; and in line 15, strike "for certain provisions of this Act".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 31 down through "**THE**" in line 32 and substitute "**THE**".

On page 3, strike beginning with the second "**AND**" in line 2 down through the semicolon in line 4; strike beginning with the colon in line 18 down through "**THE**" in line 19 and substitute "**THE**"; and strike beginning with "**AND**" in line 23 down through the semicolon in line 25.

On page 4, in line 3, strike "**(1)**"; strike in their entirety lines 6 through 22, inclusive; in line 23, strike "4." and substitute "3."; in the same line, strike "Sections 1 and 2 of"; and strike in their entirety lines 25 and 26.

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #17

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

Senate Bill 451 – Senators Conway, Currie, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Middleton, Muse, Peters, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

SB0451/107777/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 451
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "investigation" in line 5 down through "enforcement" in line 6; and in line 7, strike "internally or issue a certain order under certain circumstances;" and substitute "informally; requiring the Commissioner to issue an order for a hearing under certain circumstances; requiring the Commissioner to take certain actions if an employee is found to be entitled to restitution;".

AMENDMENT NO. 2

On page 2, in line 8, strike "A" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**"; in line 11, strike "**INVESTIGATION AND ENFORCEMENT PROCEDURES UNDER**" and substitute "**PROVISIONS OF**"; strike beginning with the colon in line 15 down through the second "**SUBTITLE**" in line 18 and substitute "**TRY TO RESOLVE THE ISSUE INFORMALLY**"; after line 18, insert:

"**(4) (I) IF THE COMMISSIONER IS UNABLE TO RESOLVE THE MATTER INFORMALLY, THE COMMISSIONER SHALL ISSUE AN ORDER FOR A HEARING IN ACCORDANCE WITH § 17–221 OF THIS SUBTITLE.**

(II) IF, AT THE CONCLUSION OF A HEARING ORDERED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER DETERMINES THAT THE EMPLOYEE IS ENTITLED TO RESTITUTION UNDER THIS SUBTITLE, THE COMMISSIONER SHALL ISSUE AN ORDER IN ACCORDANCE WITH § 17–221 OF THIS SUBTITLE.

(III) IF AN EMPLOYER OF AN EMPLOYEE FOUND TO BE ENTITLED TO RESTITUTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS NO LONGER WORKING UNDER A CONTRACT WITH A PUBLIC BODY, THE COMMISSIONER MAY ORDER THAT RESTITUTION BE PAID DIRECTLY BY THE EMPLOYER TO THE EMPLOYEE WITHIN A REASONABLE PERIOD OF TIME, AS DETERMINED BY THE COMMISSIONER.";

in line 19, strike "**THE**" and substitute "**AN**"; strike beginning with "**ISSUED**" in line 19 down through "**(3)(II)**" in line 20 and substitute "**TO PAY RESTITUTION TO AN EMPLOYEE UNDER PARAGRAPH (4)(III)**"; and in line 19, strike "**(4)**" 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.

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

Senate Bill 637 – Senators Pipkin and Astle

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

SB0637/437874/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 637
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Astle" and substitute ", Astle, Klausmeier, Exum, and Garagiola"; in line 4, after the first "a" insert "participating"; in the same line, strike "participating" and substitute "continued participation"; in line 5, strike "a new" and substitute "an added"; and in the same line, after "schedule" insert "that contains a lower fee".

AMENDMENT NO. 2

On page 3, in line 2, after the first "**A**" insert "**PARTICIPATING**"; in the same line, strike "**PARTICIPATING**" and substitute "**CONTINUED PARTICIPATION**"; and in line 5, after "**SCHEDULE**" insert "**THAT CONTAINS A LOWER FEE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 643 – Senators Pugh, Currie, Forehand, Harrington, Jones, King, Kramer, Lenett, Madaleno, and Raskin

AN ACT concerning

Telephone Companies and Resellers – Third–Party Vendor Billing

SB0643/557271/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 643
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Exum"; in line 2, strike "Companies and Resellers" and substitute "Bills"; strike beginning with "telephone" in line 3 down through "billing" in line 4 and substitute "third–party vendor or billing agent from submitting charges to a certain telephone company or reseller for third–party vendor billing"; in line 4, strike "a" and substitute "an ordering"; in lines 6 and 7, strike "telephone company or reseller" and substitute "third–party vendor or billing agent"; strike beginning with "requiring" in line 8 down through "circumstances;" in line 17 and substitute "providing that a certain customer is not liable for third–party vendor billing charges unless certain notice has been given to the customer and the customer is provided access to certain information; providing that unless a third–party vendor or billing agent provides a copy of a certain authorization to a certain customer and a certain telephone company or reseller, the customer is not liable for third–party vendor billing charges to the customer, if the customer, in good faith and in a reasonably timely manner, disputes that the charges were authorized; providing that a certain agreement for third–party vendor billing is void and unenforceable under certain circumstances; providing that a certain violation is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;"; and strike in their entirety lines 19 through 24, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxiii)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Commercial Law
Section 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 2 on page 2, inclusive, and substitute:

"Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxiii) Section **[**14–1319 or**] 14–1319,** § 14–1320**, OR § 14–1322** of this article;

14–1322.".

AMENDMENT NO. 3

On page 2, in line 3, after "**(A)**" insert "**(1)**"; in the same line, strike "**SUBTITLE**" and substitute "**SECTION**"; after line 4, insert:

"**(2) "BILLING AGENT" MEANS A PERSON THAT SUBMITS CHARGES FOR PRODUCTS OR SERVICES TO A TELEPHONE COMPANY OR RESELLER ON BEHALF OF THE PERSON SUBMITTING THE CHARGES OR ON BEHALF OF A THIRD–PARTY VENDOR.**";

in lines 5, 7, 9, 10, 12, 14, 16, 17, 19, and 27, strike "**(B)**", "**(C)**", "**(1)**", "**(2)**", "**(3)**", "**(E)**", "**(1)**", "**(2)**", "**(F)**", and "**(B)**", respectively, and substitute "**(3)**", "**(4)**", "**(I)**", "**(II)**", "**(III)**", "**(8)**", "**(I)**", "**(II)**", "**(9) (I)**", and "**(C)**", respectively; in line 8, strike "**A**" and substitute "**AN ORDERING**"; in lines 9 and 12, in each instance, strike "**A**" and

substitute "**A**"; in line 10, strike "**AN**" and substitute "**AN**"; strike line 13 in its entirety and substitute:

"**(5) "ORDERING CUSTOMER" MEANS A CUSTOMER OR ANOTHER PERSON ORDERING SERVICES THAT WILL APPEAR ON THE CUSTOMER'S TELEPHONE BILL.**

(6) "RESELLER" MEANS A PERSON THAT PROVIDES WIRELINE TELEPHONE VOICE SERVICE BY USING THE TRANSMISSION FACILITIES OF ANOTHER PERSON.

(7) "TELEPHONE COMPANY" MEANS A PERSON THAT PROVIDES WIRELINE TELEPHONE VOICE SERVICES.";

in line 14, strike "**SEPARATE FROM**" and substitute "**NOT AFFILIATED WITH**"; in line 16, strike "**PROVIDES**" and substitute "**PROVIDES**"; in line 17, strike "**SEEKS**" and substitute "**SEEKS**"; in line 20, strike "**COMPANY**" and substitute "**COMPANY'S**"; in the same line, after "**SYSTEM**" insert "**, EITHER DIRECTLY OR THROUGH A BILLING AGENT,**"; after line 22, insert:

"**(II) "THIRD–PARTY VENDOR BILLING" DOES NOT INCLUDE BILLING FOR:**

1. PRODUCTS OR SERVICES OFFERED BY, OR BUNDLED WITH THE PRODUCTS OR SERVICES OF, A TELEPHONE COMPANY, A RESELLER, OR AN AFFILIATE OF A TELEPHONE COMPANY OR RESELLER;

2. LONG DISTANCE SERVICES THAT A CUSTOMER INITIATES BY DIALING 1+, 0+, 0–, OR 1010XXX; OR

3. COMMERCIAL MOBILE RADIO SERVICES.";

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

"**(B) UNLESS THE THIRD–PARTY VENDOR OR BILLING AGENT FIRST OBTAINS AN ORDERING CUSTOMER'S EXPRESS AUTHORIZATION, A**

THIRD–PARTY VENDOR OR BILLING AGENT MAY NOT SUBMIT CHARGES TO A TELEPHONE COMPANY OR RESELLER.";

and in line 27, strike "**(A)**" and substitute "**(B)**".

AMENDMENT NO. 4

On page 3, in line 1, strike "**BE**" and substitute "**BE**"; in line 3, strike "**INCLUDE**" and substitute "**INCLUDE**"; in line 4, strike the first "**THE**" and substitute "**THE**"; in lines 6, 8, and 11, in each instance, strike "**THE**" and substitute "**THE**"; in lines 5, 10, and 11, in each instance, before "**CUSTOMER**" insert "**ORDERING**"; in lines 7 and 10, in each instance, strike "**AN**" and substitute "**AN**"; in line 9, strike "**ALL**" and substitute "**ALL**"; in line 12, strike "**QUALIFIED TO AUTHORIZE THIRD–PARTY VENDOR BILLING**" and substitute "**AUTHORIZED TO ORDER SERVICES THAT WILL APPEAR ON THE CUSTOMER'S TELEPHONE BILL**"; in line 13, after "**2.**" insert "**THIRD–PARTY VENDOR BILLING**"; in line 15, strike "**(C) A TELEPHONE COMPANY OR RESELLER**" and substitute "**(D) A THIRD–PARTY VENDOR OR BILLING AGENT**"; and in line 16, strike "**(A)**" and substitute "**(B)**".

AMENDMENT NO. 5

On pages 3 and 4, strike in their entirety the lines beginning with line 18 on page 3 through line 17 on page 4, inclusive.

On page 4, in line 18, strike "**(IV) THE**" and substitute "**(E) A CUSTOMER IS NOT LIABLE FOR THIRD–PARTY VENDOR BILLING CHARGES UNLESS:**

(1) THE CUSTOMER HAS BEEN GIVEN NOTICE THAT THE TELEPHONE COMPANY OR RESELLER MAY ALLOW THIRD–PARTY VENDOR BILLING AND THAT FREE BLOCKING OF CERTAIN THIRD–PARTY VENDOR BILLING MAY BE AVAILABLE TO THE CUSTOMER; AND

(2) THE CUSTOMER IS PROVIDED ACCESS TO:

(I) AN ITEMIZATION OF THE THIRD–PARTY VENDOR BILLING CHARGES IDENTIFYING THEM SEPARATELY FROM OTHER CHARGES; AND

(II) THE";

and in line 19, strike "**; AND**" and substitute "**OR ITS BILLING AGENT.**".

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 20 on page 4 through line 21 on page 5, inclusive, and substitute:

"**(F) UNLESS THE THIRD–PARTY VENDOR OR BILLING AGENT PROVIDES A COPY OF THE AUTHORIZATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO THE CUSTOMER AND TO THE TELEPHONE COMPANY OR RESELLER, A CUSTOMER IS NOT LIABLE FOR THIRD–PARTY VENDOR BILLING CHARGES IF THE CUSTOMER, IN GOOD FAITH AND IN A REASONABLY TIMELY MANNER, BUT NOT OUTSIDE THE TIME PERIOD SPECIFIED IN SUBSECTION (D) OF THIS SECTION, DISPUTES THAT THE CHARGES WERE AUTHORIZED.**

(G) AN AGREEMENT FOR THIRD–PARTY VENDOR BILLING ENTERED INTO BY A TELEPHONE COMPANY OR RESELLER AND A THIRD–PARTY VENDOR OR BILLING AGENT ON OR AFTER OCTOBER 1, 2010, IS VOID AND UNENFORCEABLE TO THE EXTENT THAT IT DOES NOT REQUIRE THE THIRD–PARTY VENDOR TO COMPLY WITH SUBSECTION (B) OF THIS SECTION.

(H) A VIOLATION OF THIS SECTION BY A THIRD–PARTY VENDOR OR BILLING AGENT:

(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THIS ARTICLE; AND

(2) EXCEPT FOR THE PROVISIONS OF § 13–411 OF THIS ARTICLE, IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 723 – Senator Munson

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

SB0723/147774/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "certain" in line 3 down through "purpose" in line 7 and substitute "a contract between certain health insurance carriers and certain clinically integrated organizations to include certain payment provisions; authorizing the Maryland Insurance Commissioner to adopt certain regulations; requiring certain carriers to file a certain contract with the Commissioner; requiring the Commissioner to provide a copy of a certain contract to the executive director of the Maryland Health Care Commission; providing that copies of certain contracts are confidential and privileged, are not subject to certain provisions of law, subpoena, or discovery, and are not admissible in evidence in a certain action"; in line 7, strike "the" and substitute "certain health insurance"; strike beginning with "requiring" in line 10 down through "circumstances" in line 12 and substitute "requiring certain clinically integrated organizations to submit a certain evaluation to the Commission at a certain time; requiring the clinically integrated organizations to discuss the parameters and analytical methods of the evaluation with the Commission before submitting the evaluation; requiring the Commission to submit a summary of the evaluation to certain committees of the General Assembly"; in lines 13 and 14, strike "and managed care organizations"; and in line 18, strike "15–102.8 and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 4, inclusive; in line 15, after "**PLAN;**" insert "**OR**"; strike beginning with the semicolon in line 16 down through "**ARTICLE**" in line 18; strike beginning with "**AN**" in line 19 down through "**TO**" in line 22; in line 23, after "**(1)**" insert "**A JOINT VENTURE BETWEEN A HOSPITAL AND PHYSICIANS THAT:**

(I) HAS RECEIVED AN ADVISORY OPINION FROM THE FEDERAL TRADE COMMISSION OR ITS STAFF; AND

(II) HAS BEEN ESTABLISHED TO:

1.";

in line 25, strike "**(2)**" and substitute "**2.**"; and in line 27, strike "**ALTERNATIVE HEALTH CARE SYSTEM**" and substitute "**JOINT VENTURE**".

AMENDMENT NO. 3

On page 3, in line 2, after "**SERVICES**" insert "**; OR**

(2) A JOINT VENTURE BETWEEN A HOSPITAL AND PHYSICIANS THAT:

(I) IS ACCOUNTABLE FOR TOTAL SPENDING AND QUALITY; AND

(II) THE COMMISSIONER DETERMINES MEETS THE CRITERIA ESTABLISHED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR AN ACCOUNTABLE CARE ORGANIZATION";

in line 6, strike "**(1)**"; strike in their entirety lines 8 through 10, inclusive; in line 14, before "**NOTWITHSTANDING**" insert "**(A)**"; in line 15, strike "**CARRIER MAY**" and substitute "**CONTRACT BETWEEN A CARRIER AND A CLINICALLY INTEGRATED ORGANIZATION MAY INCLUDE A PROVISION TO PAY**"; strike beginning with "**PAY**" in line 16 down through "**MEMBERS**" in line 17; strike beginning with "**PAY**" in line 19 down through "**MEMBERS**" in line 20; after line 22, insert:

"**(B) THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH CARE COMMISSION, MAY ADOPT REGULATIONS SPECIFYING THE TYPES OF PAYMENTS AND INCENTIVES PERMISSIBLE UNDER THIS SECTION.**

(C) (1) A CARRIER SHALL FILE A COPY OF A CONTRACT BETWEEN THE CARRIER AND A CLINICALLY INTEGRATED ORGANIZATION WITH THE COMMISSIONER.

(2) IF THE CONTRACT INCLUDES A PROVISION TO PAY A BONUS OR OTHER INCENTIVE THAT DOES NOT COMPLY WITH § 15–113 OF THIS TITLE, THE COMMISSIONER SHALL PROVIDE A COPY OF THE CONTRACT TO THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE COMMISSION.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COPY OF A CONTRACT FILED WITH THE COMMISSIONER OR PROVIDED BY THE COMMISSIONER TO THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE COMMISSION UNDER THIS SUBSECTION, IS:

(I) CONFIDENTIAL AND PRIVILEGED;

(II) NOT SUBJECT TO:

1. TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE;

2. SUBPOENA; OR

3. DISCOVERY; AND

(III) NOT ADMISSIBLE IN EVIDENCE IN ANY PRIVATE ACTION.";

in line 29, after "**ORGANIZATION**" insert "**SPECIFYING THE TYPE AND PROPOSED USE OF MEDICAL INFORMATION TO BE SHARED**"; and strike in their entirety lines 30 and 31.

AMENDMENT NO. 4

On page 4, in line 1, strike "**(3)**" and substitute "**(2)**"; in lines 11 and 12, in each instance, after "**COVERED**" insert "**MEDICAL**"; and in line 13, after "**ORGANIZATION**" insert "**; AND**

(3) THE CLINICALLY INTEGRATED ORGANIZATION OR THE CARRIER IMPLEMENTS PROCEDURES FOR DISCLOSING TO QUALIFYING

INDIVIDUALS HOW THE CLINICALLY INTEGRATED ORGANIZATION AND THE CARRIER SHARE MEDICAL INFORMATION TO DELIVER MORE COORDINATED, HIGHER QUALITY CARE".

AMENDMENT NO. 5

On page 4, strike in their entirety lines 14 through 22, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) A clinically integrated organization that enters into an agreement authorized under § 15–1802 of the Insurance Article, as enacted by Section 1 of this Act, within 3 years after the date the agreement takes effect, shall submit an evaluation of its clinical integration program to the Maryland Health Care Commission.

(2) Before submitting the evaluation required under this subsection, the clinically integrated organization shall discuss the parameters of the evaluation and its analytical methods with the Commission.

(b) On receipt of the evaluation required under subsection (a) of this section, the Maryland Health Care Commission shall prepare a summary of the evaluation, including any recommendations for legislative action, and, in accordance with § 2–1246 of the State Government Article, submit the summary to the House Health and Government Operations Committee and the Senate Finance Committee.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 726 – Cecil County Senators

AN ACT concerning

Cecil County – Collective Bargaining – Representation of Deputy Sheriffs – Arbitration – Referendum

SB0726/367472/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 726
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety; and strike beginning with "submitting" in line 22 down through "County;" in line 23.

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 3 on page 2 through line 21 on page 7, inclusive.

AMENDMENT NO. 3

On page 12, in line 21, after "**(IV)4I**" insert "**OF THIS PARAGRAPH**"; in line 22, strike "**2010**" and substitute "**2011**"; and in line 25, strike "**2011**" and substitute "**2012**".

AMENDMENT NO. 4

On page 13, strike in their entirety lines 6 through 23, inclusive; in line 24, strike "4." and substitute "2."; and strike beginning with ", subject" in line 24 down through "Act," in line 26.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 855 – The President (By Request – Administration) and Senators Astle, Conway, Forehand, Frosh, Harrington, Kelley, King, Kramer, Lenett, Madaleno, Middleton, Muse, Peters, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Patient Centered Medical Home Program

SB0855/547776/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 855
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Della, Exum, Garagiola, Glassman, Klausmeier, and Pugh"; in line 8, after "organizations" insert "and certain enrollees"; in line 9, after the semicolon insert "requiring the Department to ensure that participation in the Program of managed care organizations and certain enrollees will support certain standards;"; in line 10, after the second "a" insert "certain"; in line 12, after "Commission" insert ", in consultation with the Department, carriers, managed care organizations, and primary care practices,"; in line 15, after "carriers" insert "and managed care organizations"; strike beginning with "the" in line 17 down through "methods" in line 18 and substitute "certain standards to define a certain payment method and a certain methodology"; in line 19, after the semicolon insert "requiring the Commission to conduct certain educational activities and ensure that a participating patient centered medical home provides certain care for a certain purpose;"; in line 23, after "plans," insert "and"; in line 24, strike "organizations, and managed care"; and in line 25, after "Program;" insert "making certain provisions of this Act applicable to health maintenance organizations;".

On page 2, in line 1, after "committees;" insert "requiring the Commission to consult with the Maryland Community Health Resources Commission for a certain purpose; authorizing the Maryland Community Health Resources Commission to provide certain assistance and leverage certain assets for a certain purpose; providing for the termination of this Act;"; in lines 1 and 2, strike "the Maryland Patient Centered Medical Home Program" and substitute "patient centered medical home programs"; in line 11, strike "19–1A–04" and substitute "19–1A–05"; and in line 12, after "Program"" insert "; and 19–706(cccc)".

AMENDMENT NO. 2

On page 2, after line 37, insert:

"WHEREAS, Inconsistent access to health care services and variable quality of care provided to patients have been shown to result in poorer health outcomes and health care disparities; and".

On page 3, in line 6, strike "and will" and substitute a comma; and in line 7, after "costs" insert ", and improve health outcomes for Maryland citizens".

AMENDMENT NO. 3

On page 3, and strike beginning with "**(3)**" in line 21 down through the semicolon in line 23; and in line 24, strike "**(4)**" and substitute "**(3)**".

AMENDMENT NO. 4

On page 4, in line 1, strike "**(1)**"; strike in their entirety lines 3 through 5, inclusive; and in line 11, strike "**PRIVATE**".

AMENDMENT NO. 5

On page 5, in lines 5 and 6, strike "**OR MANAGED CARE ORGANIZATION**" and substitute "**THAT PARTICIPATES IN THE MARYLAND PATIENT CENTERED MEDICAL HOME PROGRAM UNDER TITLE 19, SUBTITLE 1A OF THE HEALTH – GENERAL ARTICLE OR THAT IS AUTHORIZED BY THE COMMISSION TO IMPLEMENT A SINGLE CARRIER PATIENT CENTERED MEDICAL HOME PROGRAM**"; in line 6, after "**WITH**" insert "**THIS ARTICLE, WHERE APPLICABLE, AND TITLE 19, SUBTITLE 7 OF**"; in line 16, strike "**BENEFITS**" and substitute "**BENEFIT**"; after line 17, insert:

"**(E) "MANAGED CARE ORGANIZATION" HAS THE MEANING STATED IN § 15–101 OF THIS ARTICLE.**";

in lines 18 and 26, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively; and in line 19, after "**PROVIDE**" insert "**A**".

AMENDMENT NO. 6

On page 6, in lines 1, 6, and 8, strike "**(G)**", "**(H)**", and "**(I)**", respectively, and substitute "**(H) (1)**", "**(I)**", and "**(J)**", respectively; after line 5, insert:

"**(2) "PROMINENT CARRIER" DOES NOT INCLUDE A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION AS DEFINED IN § 19–713.6 OF THIS TITLE.**";

in line 6, strike the first "**A**" and substitute "**:**

(1) A";

in line 7, after "**CARRIER**" insert "**; OR**

(2) A MEMBER OF A MANAGED CARE ORGANIZATION";

in line 8, strike "**PAYER**" and substitute "**CARRIER**"; strike beginning with "**MEANS**" in line 9 down through "**HOME**" in line 11 and substitute "**HAS THE MEANING STATED IN § 15–1801 OF THE INSURANCE ARTICLE**"; in lines 20 and 21, strike "**OTHER THAN A MEDICAID MANAGED CARE ORGANIZATION**"; in lines 23 and 24, strike "**NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION,**" and substitute "**SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET,**"; in line 24, strike "**MAY**" and substitute "**:**

(I) MAY";

in line 25, strike "**MEDICAID**"; strike beginning with "**AND**" in line 26 down through "**BUDGET**" in line 27 and substitute "**; AND**

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, MAY MANDATE THE PARTICIPATION IN THE MARYLAND PATIENT CENTERED MEDICAL HOME PROGRAM OF MARYLAND MEDICAL ASSISTANCE PROGRAM ENROLLEES.

(4) THE DEPARTMENT SHALL ENSURE THAT PARTICIPATION IN THE MARYLAND PATIENT CENTERED MEDICAL HOME PROGRAM OF MANAGED CARE ORGANIZATIONS AND MARYLAND MEDICAL ASSISTANCE PROGRAM ENROLLEES SHALL SUPPORT THE QUALITY AND EFFICIENCY STANDARDS ESTABLISHED IN THE HEALTHCHOICE PROGRAM";

and in line 29, after "**PROGRAM**" insert "**THAT:**

(1) PAYS AND SHARES MEDICAL INFORMATION WITH A PATIENT CENTERED MEDICAL HOME IN ACCORDANCE WITH § 15–1802 OF THE INSURANCE ARTICLE; AND

(2) CONFORMS WITH THE PRINCIPLES OF THE PATIENT CENTERED MEDICAL HOME AS ADOPTED BY A NATIONAL COALITION OF PHYSICIANS, CARRIERS, PURCHASERS, AND CONSUMERS".

AMENDMENT NO. 7

On page 7, in line 11, after "**PROGRAM**" insert a comma; in the same line, after "**COMMISSION**" insert "**, IN CONSULTATION WITH THE DEPARTMENT, CARRIERS, MANAGED CARE ORGANIZATIONS, AND PRIMARY CARE PRACTICES,**"; in line 15, strike "**THE PAYMENT METHOD TO BE**" and substitute "**GENERAL STANDARDS THAT MAY BE**"; in lines 15 and 19, in each instance, after "**CARRIER**" insert "**OR A MANAGED CARE ORGANIZATION**"; in line 18, strike "**STANDARDS TO BE USED TO DETERMINE**" and substitute "**GENERAL STANDARDS TO GOVERN**"; in line 21, after "**EXPENDITURES**" insert "**THAT ARE ASSOCIATED WITH IMPROVED HEALTH OUTCOMES AND CARE COORDINATION**"; and in lines 28 and 29, in each instance, after "**CARRIERS**" insert "**OR MANAGED CARE ORGANIZATIONS**".

AMENDMENT NO. 8

On page 8, in line 11, strike "**AND**"; in line 13, after "**INDIVIDUALS**" insert "**; AND**

(5) THE USE OF COMPREHENSIVE MEDICATION MANAGEMENT TO IMPROVE CLINICAL OUTCOMES";

and strike beginning with "**IN**" in line 14 down through the comma in line 16 and substitute "**THE GENERAL STANDARDS REQUIRED IN SUBSECTION (B)(2) AND (3) OF THIS SECTION**".

AMENDMENT NO. 9

On page 9, after line 11, insert:

"**(F)** **(1)** **THE COMMISSION SHALL CONDUCT CULTURALLY AND LINGUISTICALLY APPROPRIATE PROVIDER AND PATIENT EDUCATIONAL ACTIVITIES TO INCREASE AWARENESS OF THE POTENTIAL BENEFITS FOR PROVIDERS AND PATIENTS OF PARTICIPATING IN THE MARYLAND PATIENT CENTERED MEDICAL HOME PROGRAM.**

(2) **THE COMMISSION SHALL ENSURE THAT A PARTICIPATING PATIENT CENTERED MEDICAL HOME PROVIDES, ON AN ONGOING BASIS, CULTURALLY AND LINGUISTICALLY APPROPRIATE CARE FOR THE PURPOSE OF REDUCING HEALTH DISPARITIES.**

19–1A–04.";

in line 12, strike "**(F)**"; in the same line, strike "**TO ESTABLISH**" and substitute "**TO:**

(1) **ESTABLISH**";

in line 13, strike "**PROGRAM**" and substitute "**PROGRAM; AND**

(2) **AUTHORIZE A CARRIER TO IMPLEMENT A SINGLE CARRIER PATIENT CENTERED MEDICAL HOME PROGRAM**";

in line 14, strike "**19–1A–04.**" and substitute "**19–1A–05.**"; in line 20, strike "**THE COMMISSION MAY INCLUDE ANY**" and substitute "**A**"; and in line 21, after "**PROGRAM**" insert "**MAY REQUEST TO BE INCLUDED**".

AMENDMENT NO. 10

On page 9, in line 24, after "**CONSIDER**" insert "**, SUBJECT TO BUDGET LIMITATIONS,**"; and strike beginning with "**THE**" in line 24 down through "**EXPENDITURES**" in line 26 and substitute "**IMPROVED CLINICAL CARE PROCESSES, INCREASED ACCESS TO CARE COORDINATION, ADEQUACY OF ENHANCED PAYMENTS TO COVER EXPANDED SERVICES, INCREASED PATIENT SATISFACTION WITH CARE, INCREASED CLINICIAN AND STAFF WORK SATISFACTION, LOWER TOTAL COSTS OF CARE, AND REDUCTIONS IN HEALTH DISPARITIES**".

AMENDMENT NO. 11

On page 9, after line 32, insert:

"19–706.

(CCCC) THE PROVISIONS OF TITLE 15, SUBTITLE 18 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission shall consult with the Maryland Community Health Resources Commission regarding the inclusion of federally qualified health centers and other primary care practices in the Maryland Patient Centered Medical Home Program established by Section 1 of this Act.

(b) The Maryland Community Health Resources Commission, in consultation with the Maryland Health Care Commission, may assist federally qualified health centers and other primary care practices to become patient centered medical homes as defined in § 19–1A–01 of the Health – General Article, as enacted by Section 1 of this Act, and identify ways that Maryland Community Health Resources Commission resources can leverage additional assets to support the participation of federally qualified health centers and other primary care practices in a patient centered medical home program.".

AMENDMENT NO. 12

On page 9, in line 33, strike "2." and substitute "3."; and in line 34, after "2010." insert "It shall remain effective for a period of 5 years and 6 months and, at the end of December 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 900 – Senator Astle

AN ACT concerning

Title Insurers – Required Reserves

SB0900/117375/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 900
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Astle" and substitute "Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh"; in line 3, after the first "of" insert "requiring a title insurer domiciled in the State to have and maintain a certain paid–in capital stock with a fixed nominal or par value in a certain amount as of certain dates; requiring a title insurer domiciled in the State to have and maintain a minimum capital stock in a certain amount as of certain dates;"; in line 6, after "reserves;" insert "prohibiting the release of certain unearned premium reserves under certain circumstances; requiring certain unearned premium reserves to be considered a certain reserve;"; and after line 7, insert:

"BY adding to
Article – Insurance
Section 4–105.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, after line 15 insert:

"**4–105.1.**

(A) NOTWITHSTANDING THE PROVISIONS OF § 4–104 OF THIS SUBTITLE, A TITLE INSURER DOMICILED IN THIS STATE SHALL HAVE AND MAINTAIN PAID–IN CAPITAL STOCK WITH A FIXED NOMINAL OR PAR VALUE IN THE AMOUNT OF:

(1) $500,000 AS OF JULY 1, 2010;

(2) $625,000 AS OF JULY 1, 2011; AND

(3) $750,000 AS OF JULY 1, 2012, AND EACH JULY 1 THEREAFTER.

(B) NOTWITHSTANDING THE PROVISIONS OF § 4–105 OF THIS SUBTITLE, A TITLE INSURER DOMICILED IN THIS STATE SHALL HAVE AND MAINTAIN MINIMUM CAPITAL STOCK IN THE AMOUNT OF:

(1) $500,000 AS OF JULY 1, 2010;

(2) $625,000 AS OF JULY 1, 2011; AND

(3) $750,000 AS OF JULY 1, 2012, AND EACH JULY 1 THEREAFTER.".

On page 2, in line 22, strike "The" and substitute "**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**"; and after line 32, insert:

"**(C) (1) UNEARNED PREMIUM RESERVES MAY NOT BE RELEASED UNDER SUBSECTION (A)(3) OF THIS SECTION TO THE EXTENT THAT THE RELEASE WOULD RESULT IN THE AGGREGATE RESERVE FALLING BELOW THE AMOUNT REQUIRED UNDER THIS SECTION AND § 5–103 OF THIS TITLE.**

(2) ANY AMOUNT OF UNEARNED PREMIUM RESERVES THAT MAY NOT BE RELEASED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED AN UNEARNED PREMIUM RESERVE AND MAY NOT BE CONSIDERED A SUPPLEMENTAL RESERVE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0900/527679/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 900, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after "Reserves" insert ", Capital Stock, and Surplus"; and in line 7, after "reserves" insert ", capital stock, and surplus".

On page 1 of the Finance Committee Amendments (SB0900/117375/1), in line 6 of Amendment No. 1, strike "capital stock" and substitute "surplus"; and in line 13, after "Section" insert "4–104.1 and".

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments, in line 2 of Amendment No. 2, strike "**4–105.1.**" and substitute "**4–104.1.**"; and in line 3, strike "**(A)**".

On page 2 of the Finance Committee Amendments, after line 4 of Amendment No. 2, insert:

"**4–105.1.**";

in line 5, strike "**(B)**"; in line 7, strike "**CAPITAL STOCK**" and substitute "**SURPLUS**"; and in line 15, strike "**(A)(3)**" and substitute "**(A)**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Real Estate Settlements – Disclosures

SB1019/477578/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1019
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before the second "Real" insert "Residential"; in line 3, after the first "a" insert "certain"; in the same line, strike "has a connection with the settlement of" and substitute "offers settlement services in connection with residential"; and in line 5, after "requirements;" insert "altering a certain provision relating to the payment of a commission to a certain person; repealing a certain definition; defining certain terms;".

AMENDMENT NO. 2

On page 1, strike lines 17 and 18; and in line 19, strike "(3)" and substitute "**(2)**".

On page 2, after line 6, insert:

"**(3) "LICENSE" HAS THE MEANING STATED IN § 10–101 OF THE INSURANCE ARTICLE.**

(4) "RESIDENTIAL REAL ESTATE TRANSACTION" MEANS A TRANSACTION INVOLVING A FEDERALLY RELATED MORTGAGE LOAN AS DEFINED IN 12 U.S.C. § 2602 AND 24 C.F.R. 3500.2.

(5) "TITLE INSURANCE PRODUCER" HAS THE MEANING STATED IN § 10–101 OF THE INSURANCE ARTICLE.";

in line 8, strike "an agent" and substitute "**A TITLE INSURANCE PRODUCER**"; strike beginning with "certificate" in line 8 down through "qualification" in line 9 and substitute "**LICENSE**"; in line 13, after "(c)" insert "**(1)**"; after line 15, insert:

"**(2) A PERSON MAY NOT BE CONSIDERED TO BE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION SOLELY BECAUSE THAT PERSON IS A PARTICIPANT IN AN AFFILIATED BUSINESS ARRANGEMENT, AS DEFINED IN 12 U.S.C. § 2602, AND RECEIVES CONSIDERATION AS A RESULT OF THAT PARTICIPATION AS LONG AS THAT PERSON COMPLIES WITH 12 U.S.C. § 2607(C)(4), 24 C.F.R. 3500.15, AND APPENDIX D TO 24 C.F.R. PART 3500.**";

in line 16, strike "**HAS A CONNECTION WITH THE SETTLEMENT OF**" and substitute "**OFFERS SETTLEMENT SERVICES IN CONNECTION WITH RESIDENTIAL**"; and in line 19, after "**3500**" insert "**, AS APPLICABLE,**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1036 – Senator Muse

AN ACT concerning

Commissioner of Financial Regulation – Financial Education Resources Clearinghouse

SB1036/457575/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1036
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Muse" and substitute "Senators Muse, Klausmeier, Exum, Garagiola, Glassman, Middleton, and Pugh"; in lines 4 and 6, in each instance, strike "requiring" and substitute "authorizing"; in line 7, strike "develop and maintain a" and substitute "include on the Commissioner's"; and strike beginning with the second "to" in line 7 down through "public" in line 8 and substitute "certain information on financial education, resources, services, and programs and links to the websites of certain other state or federal agencies and certain nonprofit organizations".

AMENDMENT NO. 2

On page 2, in lines 18 and 21, in each instance, strike "**SHALL**" and substitute "**MAY**"; in line 21, strike "**DEVELOP AND MAINTAIN A**" and substitute "**INCLUDE ON**

THE COMMISSIONER'S"; in lines 21 and 22, strike "**TO MAKE AVAILABLE TO THE PUBLIC INFORMATION**" and substitute "**:**

(1) INFORMATION";

in line 23, after "**PROGRAMS**" insert "**THAT IS PROVIDED TO THE COMMISSIONER FROM OTHER STATE AGENCIES;**

(2) LINKS TO THE WEBSITES OF OTHER STATE OR FEDERAL AGENCIES CONTAINING INFORMATION ON FINANCIAL EDUCATION, RESOURCES, SERVICES, AND PROGRAMS; AND

(3) LINKS TO THE WEBSITES OF NONPROFIT ORGANIZATIONS THAT:

(I) PROMOTE FINANCIAL LITERACY; AND

(II) HAVE PROVIDED TO THE COMMISSIONER WRITTEN CERTIFICATION THAT THE INFORMATION ON, OR AVAILABLE THROUGH, THE NONPROFIT ORGANIZATION'S WEBSITE HAS BEEN REVIEWED AND DETERMINED BY THE NONPROFIT ORGANIZATION TO BE ACCURATE, TO THE BEST OF THE NONPROFIT ORGANIZATION'S KNOWLEDGE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1050 – Senator Kelley

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

SB1050/397478/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1050
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "is the agent" and substitute "provides certain services that may result in issuance of a title insurance contract by or on behalf"; in line 15, after "any" insert "mortgage or"; in the same line, strike "by" and substitute "in a transaction in which"; and in line 16, strike "as the agent" and substitute "acts for or on behalf".

AMENDMENT NO. 2

On page 4, in line 8, strike "**IS THE AGENT**" and substitute "**PROVIDES ESCROW CLOSING OR SETTLEMENT SERVICES THAT MAY RESULT IN THE ISSUANCE OF A TITLE INSURANCE CONTRACT FOR OR ON BEHALF**"; in line 29, strike "**CONDUCT**" and substitute "**CONDUCT, THAT OCCURS WITHIN THE SCOPE OF THE TITLE INSURANCE PRODUCER'S INDEPENDENT CONTRACTOR'S EMPLOYMENT**"; in line 30, strike "**ANY**" and substitute "**WHEN A MORTGAGE OR**"; in the same line, strike "**BY**" and substitute "**IN A TRANSACTION IN WHICH**"; in line 31, after "**CONTRACTOR**" insert "**IS**"; in the same line, strike "**AS THE AGENT**" and substitute "**FOR OR ON BEHALF**"; in line 32, strike "**PRODUCER SHALL INCLUDE ON**" and substitute "**PRODUCER, THERE SHALL BE INCLUDED ON OR WITH**"; and in the same line, after "**RECORDED**" insert "**MORTGAGE OR**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 1067 – Senators Rosapepe, Currie, Exum, Harrington, Miller, Muse, Peters, and Pinsky

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George's County

SB1067/957277/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1067
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike "and"; in line 12, after "Council" insert ", the Prince George's County Executive, and certain committees of the General Assembly"; and in the same line, after "date;" insert "stating certain intent of the General Assembly;".

AMENDMENT NO. 2

On page 2, in line 11, strike "shall" and substitute "may"; and in the same line, strike "contracting for".

On page 3, in line 14, strike "and"; and in the same line, after "Council" insert ", and the Prince George's County Executive, and, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee".

On page 3, after line 14, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that any technical assistance provided by the Maryland Energy Administration under Section 1 of this Act shall be provided with the Maryland Energy Administration's existing resources.";

and in line 15, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #16

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

Senate Bill 17 – Senator Colburn

AN ACT concerning

Criminal Law – Salvia Divinorum and Salvinorin A – Distribution to and Possession by Individual Under 21 Years of Age

SB0017/928478/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 17
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 11, after "date;" insert "providing that this Act does not preempt certain local or municipal laws;".

AMENDMENT NO. 2

On page 2, in line 31, before "**IN**" insert "**(A)**"; and after line 33, insert:

"**(B) THIS PART DOES NOT PREEMPT ANY LOCAL OR MUNICIPAL LAW REGULATING THE USE, POSSESSION, OR DISTRIBUTION OF SALVIA DIVINORUM OR SALVINORIN A.**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 44 – Senator Haines

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

SB0044/198076/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 44
(First Reading File Bill)

On page 1, in the sponsor line, after "Haines" insert "and Senator McFadden (By Request – Baltimore City Administration)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 411 – Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, and Stone

AN ACT concerning

Defense of Dwelling or Place of Business – Civil Immunity

SB0411/708570/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 411
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Forehand, Haines, and Simonaire".

The preceding amendment was read only.

Senator Exum moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

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

Senate Bill 796 – Senators Middleton and Forehand

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

Senator Harrington moved, duly seconded, to make the Bill and Report a Special Order for March 26, 2010.

The motion was adopted.

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

Senate Bill 820 – Senators Forehand, Colburn, Klausmeier, Lenett, and Stone

AN ACT concerning

Police Training Commission – Additional Minimum Training Requirements

SB0820/688975/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 820
(First Reading File Bill)

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

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 REPORT #11

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

Senate Bill 1028 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage of Autism Spectrum Disorders

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

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

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

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

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

Senate Bill 1043 – Senators Stoltzfus and Colburn

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

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

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

Senate Bill 1091 – Senator Mooney

AN ACT concerning

Frederick County – Religious Corporations – Retention of Assets by Local Churches

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

MOTION

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

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 25, 2010

Aviation Commission, Maryland

1. Raymond C. Nichols, Sr. District 38
11801 Porfin Drive
Berlin, MD 21811

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2010

Blind Industries and Services of Maryland, Board of Trustees of

2. Peter L. Gehlbach, M.D., Ph.D. District 7
400 Symphony Circle, Unit 514–I
Hunt Valley, MD 21030

Member of the Board of Trustees of Blind Industries and Services of Maryland; appointed to serve remainder of a term of three years from July 1, 2009

Certified Interior Designers, State Board of

3. Melanie Hartwig–Davis District 47
3201 Belleview Avenue
Cheverly, MD 20785

Member of the State Board of Certified Interior Designers; appointed to serve remainder of a term of three years from July 1, 2007 and a term of three years from July 1, 2010

Dietetic Practice, State Board of

4. Melanie A. Brooks District 12
5142 Morningside Lane
Ellicott City, MD 21043

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2009

Higher Education Labor Relations Board, Maryland

5. Harriet E. Cooperman, Esq. District 30
1743 St. Margaret's Road
Annapolis, MD 21401

Member of the Maryland Higher Education Labor Relations Board; reappointed to serve a term of six years from July 1, 2010

Historic St. Mary's City Commission

6. Thomas Trezise District 99
908 N. Dupont Road
Wilmington, DE 19807

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2008

Injured Workers' Insurance Fund, Board for the

7. Paul V. Gill, Sr. District 44
1107 Haverhill Road
Baltimore, MD 21229

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve remainder of a term of five years from June 1, 2009

Morticians and Funeral Directors, State Board of

8. Keith R. Downey District 38
6984 Amber Fields Court
Salisbury, MD 21804

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2010

9. Michelle H. Huggins District 10
5 Brie Court
Randallstown, MD 21133

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2010

Patuxent Institution Board of Review

10. Archie Curtis Gee, Sr. District 41
903 Stamford Road
Baltimore, MD 21229

Member of the Patuxent Institution Board of Review; appointed to serve a term of four years from March 21, 2010

Patuxent River Commission

11. David G. Bourdon District 29
3891 Plum Point Road
Huntingtown, MD 20639

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

12. Walter R. Boynton District 27
2005 Henry Hutchins Road
Prince Frederick, MD 20678

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

13. F. Hamer Campbell, Jr. District 23
6400 West Vein Road
Bowie, MD 20720

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

14. Mary E. Kilbourne District 23
14706 Willoughby Road
Upper Marlboro, MD 20772

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

15. Barbara Sollner–Webb District 21
17200 Melbourne Drive
Laurel, MD 20707

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 20009

16. Frederick L. Tutman District 23
18600 Queen Ann Road
Upper Marlboro, MD 20774

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

Pharmacy, State Board of

17. Zeno W. St. Cyr, II District 26
601 River Bend Road
Fort Washington, MD 20744

Member of the State Board of Pharmacy; appointed to serve a term of four year from July 1, 2010

Professional Engineers, State Board for

18. David G. Mongan District 5
2341 Elderberry Lane
Reisterstown, MD 21136

Member of the State Board for Professional Engineers; appointed to serve remainder of a term of five years from July 1, 2008

Psychologists, State Board of

19. Jeffrey E. Barnett, Psy.D. District 33
747 Buckeye Court
Millersville, MD 21108

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2010

20. Lydia McCargo–Redd District 11
10217 Harvest Fields Drive
Woodstock, MD 21163

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2010

Real Estate Commission, State

21. Juan Munoz District 16
5405 Tuckerman Lane, Apt. 412
Rockville, MD 20852

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2010

22. Jeff M. Thaler District 38
607 S. Pacific Avenue
Ocean City, MD 21842

Member of the State Real Estate Commission; appointed to serve remainder of a term of four years from June 1, 2007

Rural Legacy Board, Advisory Committee to the

23. Elizabeth E. Jones District 33
412 Polling House Road
Harwood, MD 20776

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2008

Social Work Examiners, State Board of

24. Joyce A. Bell, Ph.D. District 38
10740 Jones Creek Circle
Princess Anne, MD 21853

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2010

Technology Development Corporation Board of Directors, Maryland

25. Bill Anderson District 11
304 Brushwood Drive
Owings Mills, MD 21117

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2008

26. Dorothy E. Brunson District 41
3419 Bancroft Road
Baltimore, MD 21215

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2006

27. Lynn Johnson Langer District 39
11704 Owens Glen Way
North Potomac, MD 20878

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2009

28. Amita Shukla District 16
7111 Woodmont Avenue, Apt. 503
Bethesda, MD 20815

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2009

Waterworks and Waste Systems Operators, State Board of

29. Nancy Hausrath District 1
13610 Scofield Road
Flintstone, MD 21530

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

30. Hiram Tanner District 23
12308 Longwater Drive
Mitchellville, MD 20721

Member of the State Board of Waterworks and Waste Systems Operators; appointed to serve remainder of a term of four years from July 1, 2008

Workforce Corporation Board of Directors, Maryland

31. H. Walter Townsend, III District 23
1504 Pittsfield Lane
Mitchellville, MD 20716

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2011

Statewide Nominees

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

Budget of the State Workers' Compensation Commission, Advisory Committee on the

S–1. Karen L. Ebersole District 2
10138 Garis Shop Road
Hagerstown, MD 21740

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2010

S–2. Michael J. Schreyer, Esq. District 28
8270 Hudson Drive
La Plata, MD 20646

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2010

Lottery Commission, Maryland State

S–3. Matthew Thomas District 27
7810 New Ascot Lane
Clinton, MD 20735

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2010

Morticians and Funeral Directors, State Board of

S–4. W. Henry Green District 30
585 Kevins Drive
Arnold, MD 21012

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2010

Nursing, State Board of

S–5. Meredith S. Levert District 14
24113 Pecan Grove Lane
Gaithersburg, MD 20882

Member of the State Board of Nursing; reappointed to serve a term of four years from July 1, 2010

Optometry, State Board of Examiners in

S–6. Frederick J. Walsh District 11
22 Bellchase Court
Baltimore, MD 21208

Member of the State Board of Examiners in Optometry; reappointed to serve a term of four years from June 1, 2010

Plumbing, State Board of

S–7. Joseph A. Radtka District 33
3 Severndale Road
Severna Park, MD 21146

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2010

S–8. Russell A. Wiebking District 9
2575 Sand Hill Road
Ellicott City, MD 21042

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2010

Police Training Commission

S–9. Bernadette M. DiPino District 38
712 North Surf Road
Ocean City, MD 21842

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2010

Port Commission, Maryland

S–10. Donald C. Fry District 35
2726 Edwin Drive
Bel Air, MD 21015

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2010

S–11. Theodore G. Venetoulis District 11
24 Woodward Lane
Lutherville, MD 21093

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2010

Prevailing Wage Rates, Advisory Council on

S–12. James L. Correll District 11
10 Timber Run Court
Reisterstown, MD 21136

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2010

Psychologists, State Board of

S–13. Myra A. Waters, Ph.D. District 8
4116 Maple Path Circle
Nottingham, MD 21236

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2010

Public Service Commission

S–14. Lawrence Brenner, Esq. District 15
12512 Deoudes Road
Boyds, MD 20841

Member of the Public Service Commission; reappointed to serve a term of five years from July 1, 2010

Racing Commission, State

S–15. John B. Franzone District 42
621 Dunloy Court
Timonium, MD 21093

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2010

S–16. David Hayden District 5
16123 Dark Hollow Road, P.O. Box 68
Upperco, MD 21155

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2010

Real Estate Commission, State

S–17. Marla S. Johnson District 3
2762 Lynn Street
Frederick, MD 21704

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2010

Residential Boarding Education Programs, Board of Trustees of

S–18. Morton P. Fisher, Jr. District 42
2435 Still Forest Road
Baltimore, MD 21208

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2010

Social Work Examiners, State Board of

S–19. Thomas P. Smith District 31
329 W. Riverview Road
Brooklyn, MD 21225

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2010

Technology Development Corporation Board of Directors, Maryland

S–20. W. Winston Chan, Ph.D. District 23
6308 Wood Pointe Drive
Glenn Dale, MD 20769

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2009

S–21. Eugene M. DeLoatch, Ph.D. District 24
2400 Fairhill Drive, P.O.Box 177
Suitland, MD 20752

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

S–22. John H. Lewin, III District 41
4607 Wilmslow Road
Baltimore, MD 21210

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

S–23. Jay A. Steinmetz District 43
213 Paddington Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Tourism Development Board, Maryland

S–24. Khaled M. Said Abdallah District 9
5553 Broadwater Lane
Clarksville, MD 21029

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2010

S–25. Samuel J. Parker, Jr. District 22
5601 57th Avenue
Riverdale, MD 20737

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2010

S–26. Linda Westgate District 11
9417 Lyonswood Drive
Owings Mills, MD 21117

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2010

Waterworks and Waste Systems Operators, State Board of

S–27. Dominic Deludos, Jr. District 6
7119 Crestshire Road
Baltimore, MD 21222

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

S–28. Joseph D. Johnson District 9
2850 Bethany Lane
Ellicott City, MD 21042

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

S–29. William A. Shreve, Sr. District 29
20368 Gilliam Drive
Park Hall, MD 20667

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

S–30. Jerald R. Wheeler District 34
508 Michaelsville Road, P.O. Box 67
Perryman, MD 21130

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

Workforce Corporation Board of Directors, Maryland

S–31. Barbara R. Denman District 22
4318 Tuckerman Street
University Park, MD 20782

Member of the Maryland Workforce Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Local Nominees

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

Harford County Board of Elections

L–1. Maria A. Terry District 34
333 Oak Street
Aberdeen, MD 21001

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

Senator DeGrange moved, duly seconded, to make the Report a Special Order for March 26, 2010.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 556 – Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Prohibitions

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 621 – Senator Jacobs

AN ACT concerning

Drunk and Drugged Driving – Evidence – Qualified Medical Person

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

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

The motion was adopted.

Senate Bill 544 – Senators Harrington, Currie, Frosh, Gladden, Lenett, and Raskin

AN ACT concerning

Public Safety – Regulation of Demolition – Demolition Contractors

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 544
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the comma and substitute "and"; in line 6, strike ", and, under certain circumstances, a certain plan"; and in line 19, strike "after obtaining a demolition permit".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**(H)**" and substitute "**(G)**"; in line 27, after "**POLICY;**" insert "**AND**"; and in line 30, strike "**; AND**" and substitute a period.

On pages 3 and 4, strike beginning with line 31 on page 3 through line 7 on page 4, inclusive.

On page 4, in line 8, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 3

On page 6, in line 1, strike "**30**" and substitute "**180**"; and strike beginning with "**OBTAINING**" in line 3 down through "**AUTHORITY**" in line 4 and substitute "**BEGINNING DEMOLITION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0544/373020/1
BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 544
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after "circumstances;" insert "providing that this Act does not apply in certain counties;".

AMENDMENT NO. 2

On page 3, in line 9, before "**THIS**" insert "**(A)**"; and after line 13, insert:

"**(B) THIS SUBTITLE DOES NOT APPLY IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**".

The preceding 2 amendments were read only.

Senator Dyson moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2010.

The motion was adopted.

Senate Bill 382 – Senators Conway, Colburn, Dyson, Harrington, Lenett, Miller, and Reilly

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

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

FLOOR AMENDMENT

SB0382/853720/1

BY: Senator Reilly

AMENDMENT TO SENATE BILL 382, AS AMENDED
(First Reading File Bill)

On page 13 of the Education, Health, and Environmental Affairs Committee Amendments (SB0382/304139/1), in line 3 from the bottom of Amendment No. 4, strike "**LIFTS OR**".

On page 3 of the bill, after line 29, insert:

"**(3) "MARINE CONTRACTOR SERVICES" DOES NOT INCLUDE THE INSTALLATION OR REPAIR OF BOAT LIFTS.**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 635 – Senator Pipkin

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

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

FLOOR AMENDMENT

SB0635/353228/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 635
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 7, after "Board;" insert "requiring certain members of the Board to be elected in a certain general election;".

AMENDMENT NO. 2

On page 3, in line 20, strike the first "the" and substitute ":

(a) Two members of the Kent County Board of Education shall be elected in the November general election of 2010.

(b) The";

and in lines 22, 25, and 28, strike "(a)", "(1)", and "(2)", respectively, and substitute "(1)", "(i)", and "(ii)", respectively.

On page 4, in lines 1 and 5, strike "(b)" and "(c)", respectively, and substitute "(2)" and "(3)", respectively.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 342 – Senators Frosh, Conway, Forehand, Harrington, Lenett, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

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

SB0342/114835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 342
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Klausmeier".

AMENDMENT NO. 2

On page 2, in line 8, strike "**FROM**" and substitute "**LOCATED MORE THAN 200 FEET WITHIN A**"; in line 9, strike "**AREAS**" and substitute "**AREA**"; in line 10, strike "**ILLEGAL**"; in the same line, after "**GEAR**" insert "**THAT IS PROHIBITED IN THAT AREA**"; strike beginning with "**AT**" in line 11 down through "**PROHIBITED**" in line 12 and substitute "**OUTSIDE OF A TIME RESTRICTION FOR THE HARVEST OR POSSESSION OF OYSTERS BY MORE THAN 1 HOUR**"; and in line 15, after "**LEASEHOLDER**" insert "**OR LEASEHOLDER'S DESIGNEE**".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #17

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

Senate Bill 280 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Exum, Forehand, Garagiola, Harrington, Jacobs, Jones, Kasemeyer, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stone, and Zirkin

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

SB0280/748271/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Haines, and Mooney".

AMENDMENT NO. 2

On page 1, in line 4, after "supervision;" insert "adding certain hearings related to lifetime sexual offender supervision to the list of subsequent proceedings for which the State's Attorney is required to provide a certain notice to a certain victim or victim's representative;"; in line 8, after the first "supervision;" insert "authorizing a sentence for certain persons to include a term of lifetime sexual offender supervision;"; in line 14, after "circumstances;" insert "requiring the sentencing court to order a certain risk assessment under certain circumstances;"; in line 19, strike "authorizing" and substitute "prohibiting"; and in the same line, strike "to deny" and substitute "from denying".

On page 2, in line 10, strike "11–701" and substitute "11–503, 11–701,".

AMENDMENT NO. 3

On page 3, after line 3, insert:

"11–503.

(a) In this section, "subsequent proceeding" includes:

(1) a sentence review under § 8–102 of this article;

(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;

(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;

(4) an appeal to the Court of Special Appeals;

(5) an appeal to the Court of Appeals; **[**and**]**

(6) **A HEARING ON AN ADJUSTMENT OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11–723 OF THIS TITLE OR A HEARING ON A VIOLATION OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION OR A PETITION FOR DISCHARGE FROM SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11–724 OF THIS TITLE; AND**

(7) any other postsentencing court proceeding.

(b) Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State's Attorney shall notify the victim or victim's representative of a subsequent proceeding in accordance with § 11–104(e) of this title if:

(1) before the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submitted to the State's Attorney a written request to be notified of subsequent proceedings; or

(2) after the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submits a notification request form in accordance with § 11–104(d) of this title.

(c) (1) The State's Attorney's office shall:

(i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and

(ii) send an information copy of the notification to the office of the Attorney General.

(2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11–104 of this title, the office of the Attorney General shall:

(i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and

(ii) send an information copy of the notification to the State's Attorney's office.

(d) A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding.".

AMENDMENT NO. 4

On page 7, in line 29, after "**§ 3–305,**" insert "**OR**"; and in the same line, strike "**, OR § 3–307(A)(1) OR (2)**".

On page 8, in line 4, after "**ONCE**" insert "**ARISING OUT OF SEPARATE INCIDENTS**"; after line 6, insert:

"**(B) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A VIOLATION OF § 3–307(A)(1) OR (2) MAY INCLUDE A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION.**";

in line 7, strike "(b)" and substitute "**(C)**"; in line 13, strike "**(C)**" and substitute "**(D)**"; in the same line, strike "**THE**" and substitute "**FOR A SENTENCE THAT INCLUDES A**

TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION, THE"; in line 18, after "**ORDER**" insert "**:**

(I)";

and in line 19, after "**ARTICLE**" insert "**; AND**

(II) FOR A SENTENCE FOR A VIOLATION OF § 3–307(A)(1) OR (2), A RISK ASSESSMENT OF THE PERSON CONDUCTED BY A SEXUAL OFFENDER TREATMENT PROVIDER".

AMENDMENT NO. 5

On page 8, strike beginning with "**AS**" in line 5 down through "**OFFENDER**" in line 6 and substitute "**THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE**".

On page 12, in line 3, after "**MAY**" insert "**NOT**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 335 – Senators Simonaire, Haines, Jacobs, Mooney, and Stone

AN ACT concerning

Criminal Law – "Student Protection Act of 2010"

SB0335/348875/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 335
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Forehand, and Raskin".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 854 – The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, and Stone

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

SB0854/448670/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 854
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Jacobs, Mooney, Raskin, and Simonaire".

AMENDMENT NO. 2

On page 1, in line 2, strike "and" and substitute a comma; in the same line, after "Registration" insert ", and Commitment"; in line 18, strike "a"; and in the same line, strike "unit" and substitute "units".

On page 2, in line 6, strike "a"; in the same line, strike "unit" and substitute "units"; in line 21, strike the first "the" and substitute "each"; in line 23, strike "the" and substitute "each"; in line 30, after "information;" insert "altering a certain provision to require the Department to post certain information about a registrant on the Internet; requiring the Department to post on the Internet, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of a sex offender registrant, excluding details that would

identify the victim;"; in line 33, after "person;" insert "creating a procedure in which a person who has been convicted of a sexually violent offense and who suffers from a certain mental abnormality or personality disorder may be placed in the custody of the Secretary of Health and Mental Hygiene until the person meets certain criteria; establishing that a term of extended parole supervision commences on the expiration of a certain term of commitment to a certain State facility; requiring the Commissioner of Correction of the Department of Public Safety and Correctional Services to give notice to the Attorney General before certain persons who have been convicted of certain sexually violent offenses are released from confinement; requiring the Attorney General to determine if certain persons meet the criteria of sexually violent offenders in need of commitment; establishing certain procedures for determining whether persons are sexually violent offenders in need of commitment; requiring that a review committee of prosecutors and a multidisciplinary team be formed to make recommendations concerning the identification of sexually violent offenders in need of commitment; making the Commissioner and certain other individuals immune from civil liability for acts performed in good faith in carrying out this Act; specifying the criteria for finding a person to be a sexually violent offender in need of commitment; authorizing the Attorney General to petition the circuit court to find probable cause that a certain person is a sexually violent offender in need of commitment; authorizing a court to order a certain person taken into custody if the court determines certain probable cause exists; authorizing a court to conduct a trial under certain circumstances to determine if a certain person is a sexually violent offender in need of commitment; allowing a certain person certain rights at trial; requiring that the standard of proof at a trial to determine whether a person is a sexually violent offender in need of commitment be that of proof beyond a reasonable doubt; requiring that a person who is found to be a sexually violent offender in need of commitment be placed in the custody of the Secretary of Health and Mental Hygiene for control, care, and treatment at a State facility until the mental abnormality or personality disorder of the person has so changed that the person is not likely to engage in a certain act if released; requiring that a certain committed person in a State facility be subject to an annual mental examination and an annual status review hearing; authorizing the court to determine at an annual status review hearing that probable cause exists to believe that the committed person is not likely to engage in certain acts if released; authorizing that a release hearing be held under certain circumstances; establishing the procedures for certain hearings; requiring that the court release a committed person under certain circumstances; providing that certain provisions of this Act have no effect on the operation of certain provisions of the Code;"; in line 36, after "terms;" insert "making certain provisions of this Act subject to

a certain contingency;"; in the same line, after "registration" insert "and commitment"; and in line 40, strike "and 11–721" and substitute "11–721, and 11–723".

On page 3, after line 7, insert:

"BY repealing and reenacting, without amendments,
Article – Health – General
Section 1–101(a), (c), and (k) and 10–101(e) and (h)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 10–636 through 10–646 to be under the new part "Part VI. Sexually Violent Offender in Need of Commitment"
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 3

On page 4, in line 18, after "**(F)**" insert "**(1)**"; and after line 20, insert:

"**(2) "HABITUALLY LIVES" INCLUDES ANY PLACE WHERE A PERSON VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A 30–DAY PERIOD.**".

On page 17, in line 22, strike the first "the" and substitute "**EACH**".

On page 18, in line 1, strike "after"; in line 10, strike "the" and substitute "**A**"; in lines 13 and 35, in each instance, strike the second "**THE**" and substitute "**EACH**"; and in line 19, strike "**THE**" and substitute "**A**".

On page 19, in line 21, strike the second "the" and substitute "**EACH**"; and in lines 24 and 28, in each instance, strike "**THE**" and substitute "**EACH**".

On page 20, in line 1, after the first "**OR**" insert "**A**"; in line 6, strike the first "**THE**" and substitute "**A**"; in line 14, strike "**LOCATION**" and substitute "**LOCATIONS**"; and in lines 19 and 20, strike "address **OR PLACE**" and substitute "**ALL ADDRESSES AND PLACES**".

On page 25, in line 4, strike the second "the" and substitute "**EACH**"; in line 5, after "reside" insert "**OR HABITUALLY LIVE**"; and in line 33, strike the third "the" and substitute "**EACH**".

On page 26, in line 33, strike "**THE**" and substitute "**A**".

On page 27, in line 21, strike the third "the" and substitute "**EACH**"; and in line 27, strike the fourth "the" and substitute "**EACH**".

On page 28, in lines 9 and 35, in each instance, strike "**THE**" and substitute "**A**"; in line 15, strike the first "**THE**" and substitute "**A**"; and in line 31, strike "**LOCATION**" and substitute "**LOCATIONS**".

On page 29, in line 8, strike the first "the" and substitute "**EACH**"; and in line 11, after "**OR**" insert "**A**".

On page 30, in lines 1, 14, and 22, in each instance, strike the first "the" and substitute "**EACH**".

On page 32, in line 2, strike the second "the" and substitute "**EACH**"; in line 10, strike the second "the" and substitute "**A**"; in line 11, strike "**LIVES**" and substitute "**LIVE**"; in line 20, strike the first "**THE**" and substitute "**A**"; and in the same line, strike "**RESIDES**" and substitute "**LIVES**".

AMENDMENT NO. 4

On page 9, in line 3, strike "**OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE**".

AMENDMENT NO. 5

On page 8, strike beginning with the comma in line 34 down through "**ADULT**" in line 35.

On page 10, in line 8, strike "**§ 3–308(B) OR (C),**"; in the same line, strike "**§ 3–324,**" and substitute "**§ 3–314**"; and in line 15, strike "**§ 3–308(B)(1) OR (C),**".

On page 11, in line 6, strike "**§ 3–308,**".

AMENDMENT NO. 6

On page 10, in line 35, strike "**OR**".

On page 11, in line 2, strike "**§ 3–322,**"; and strike beginning with the comma in line 3 down through "**SODOMY;**" in line 4 and substitute "**; OR**

(III) THE COMMON LAW OFFENSE OF SODOMY OR § 3–322 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE WAS COMMITTED WITH FORCE OR THREAT OF FORCE;".

AMENDMENT NO. 7

On page 18, in line 17, strike "**24 HOURS**" and substitute "**3 DAYS**".

AMENDMENT NO. 8

On page 31, in line 22, after "a" insert "**FACTUAL**"; in line 29, strike "may" and substitute "**SHALL**"; in the same line, after "Internet" insert "**:**

(1)";

in line 30, strike ", crime,"; and in the same line, after "information" insert "**; AND**

(2) IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A FACTUAL DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAILS THAT WOULD IDENTIFY THE VICTIM".

AMENDMENT NO. 9

On page 33, after line 5, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–701.

[(i)**] (K)** (1) Except as otherwise provided in this subsection, "release" means any type of release from the custody of a supervising authority.

(2) "Release" means:

(i) release on parole;

(ii) mandatory supervision release;

(iii) release from a correctional facility with no required period of supervision;

(iv) work release;

(v) placement on home detention; **[**and**]**

(vi) the first instance of entry into the community that is part of a supervising authority's graduated release program**; AND**

(VII) RELEASE FROM THE CUSTODY OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

(3) "Release" does not include:

(i) an escape; or

(ii) leave that is granted on an emergency basis.

11–723.

(a) Except where a term of natural life without the possibility of parole is imposed, a sentence for an extended parole supervision offender shall include a term of extended sexual offender parole supervision.

(b) The term of extended sexual offender parole supervision for a defendant sentenced on or after August 1, 2006, shall:

(1) be a minimum of 3 years to a maximum of a term of life; and

(2) commence on the expiration of the later of any term of imprisonment, probation, parole, [or] mandatory supervision**, OR COMMITMENT TO A FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH § 10–641 OF THE HEALTH – GENERAL ARTICLE**.

Article – Health – General

1–101.

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

(c) "Department" means the Department of Health and Mental Hygiene.

(k) "Secretary" means the Secretary of Health and Mental Hygiene.

10–101.

(e) (1) Except as otherwise provided in this title, "facility" means any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

(2) "Facility" does not include a Veterans' Administration hospital.

(h) "State facility" means a facility that is owned or operated by the Department.

10–634. RESERVED.

10–635. RESERVED.

PART VI. SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

10–636.

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

(B) "COMMISSIONER" MEANS THE COMMISSIONER OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(C) "COMMITTED PERSON" MEANS A PERSON WHO HAS BEEN FOUND TO BE A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT UNDER § 10–638 OF THIS SUBTITLE AND HAS BEEN COMMITTED TO A STATE FACILITY.

(D) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION THAT AFFECTS EMOTIONAL OR VOLITIONAL CAPACITY TO PREDISPOSE A PERSON TO COMMIT A SEXUALLY VIOLENT OFFENSE IN A DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.

(E) "PREDATORY ACT" MEANS AN ACT DIRECTED TOWARD:

(1) A STRANGER; OR

(2) AN INDIVIDUAL WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

(F) "SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT" MEANS AN INDIVIDUAL WHO HAS COMMITTED A SEXUALLY VIOLENT OFFENSE AND WHO IS PLACED IN THE CUSTODY OF THE SECRETARY IN ACCORDANCE WITH § 10–643 OF THIS SUBTITLE.

(G) "SEXUALLY VIOLENT OFFENSE" HAS THE MEANING STATED IN § 11–701(L) OF THE CRIMINAL PROCEDURE ARTICLE.

10–637.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE TO THE ATTORNEY GENERAL AT LEAST 90 DAYS BEFORE THE ANTICIPATED RELEASE FROM A CORRECTIONAL FACILITY OF A PERSON WHO HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE.

(B) IF A PERSON IS RETURNED TO A CORRECTIONAL FACILITY FOR NOT MORE THAN 90 DAYS AS A RESULT OF REVOCATION OF POSTRELEASE SUPERVISION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE AS SOON AS PRACTICABLE.

10–638.

A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT IF THE PERSON:

(1) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE; AND

(2) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER, AS DETERMINED UNDER § 10–639 OF THIS SUBTITLE, THAT MAKES THE PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE.

10–639.

(A) THE ATTORNEY GENERAL SHALL DETERMINE WHETHER A PERSON ABOUT WHOM THE COMMISSIONER GIVES NOTICE UNDER § 10–637 OF THIS SUBTITLE MEETS THE CRITERIA OF A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(B) TO MAKE THIS DETERMINATION, THE ATTORNEY GENERAL SHALL RECEIVE RECOMMENDATIONS FROM:

(1) A REVIEW COMMITTEE OF PROSECUTORS, TO BE APPOINTED BY THE ATTORNEY GENERAL; AND

(2) A MULTIDISCIPLINARY TEAM, TO BE APPOINTED BY THE COMMISSIONER FROM REPRESENTATIVES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

10–640.

THE COMMISSIONER, EMPLOYEES AND OFFICIALS OF THE DIVISION OF CORRECTION, MEMBERS AND STAFF OF THE MULTIDISCIPLINARY TEAM AND THE REVIEW COMMITTEE OF PROSECUTORS, AND PERSONS WHO CONTRACT OR VOLUNTEER FOR SERVICES ARE NOT CIVILLY LIABLE FOR ACTS PERFORMED IN GOOD FAITH IN CARRYING OUT THIS PART.

10–641.

(A) WITHIN 75 DAYS AFTER THE ATTORNEY GENERAL RECEIVES WRITTEN NOTICE FROM THE COMMISSIONER UNDER § 10–637 OF THIS SUBTITLE, THE ATTORNEY GENERAL MAY PETITION THE CIRCUIT COURT TO FIND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(B) IF THE COURT FINDS PROBABLE CAUSE EXISTS, THE COURT SHALL:

(1) DIRECT THAT THE PERSON BE TAKEN INTO THE CUSTODY OF THE SECRETARY; AND

(2) CONDUCT A TRIAL WITHIN 60 DAYS AFTER THE DATE OF THE PROBABLE CAUSE HEARING TO DETERMINE THE STATUS OF THE PERSON AS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(C) THE PERSON NAMED IN THE PETITION SHALL BE ENTITLED TO BE REPRESENTED BY COUNSEL, TO PRESENT EVIDENCE, TO CROSS–EXAMINE WITNESSES, AND TO VIEW AND COPY ALL PETITIONS AND REPORTS IN THE COURT FILE.

10–642.

(A) THE RULES OF EVIDENCE SHALL APPLY TO A TRIAL HELD UNDER THIS SECTION.

(B) IF THE PERSON NAMED IN THE PETITION IS INDIGENT, THE COURT SHALL APPOINT COUNSEL.

(C) (1) A PERSON NAMED IN THE PETITION MAY RETAIN AN EXPERT TO PERFORM AN EXAMINATION.

(2) IF A PERSON NAMED IN THE PETITION WISHES TO BE EXAMINED BY AN EXPERT OR OTHER INDIVIDUAL CHOSEN BY THE PERSON, THE EXAMINER SHALL BE ALLOWED TO HAVE REASONABLE ACCESS TO THE PERSON AS WELL AS TO RELEVANT MEDICAL AND PSYCHOLOGICAL RECORDS AND REPORTS.

(3) THE COURT SHALL ASSIST AN INDIGENT PERSON TO OBTAIN AN EXPERT OR OTHER INDIVIDUAL TO PERFORM AN EXAMINATION OR PARTICIPATE IN THE TRIAL ON BEHALF OF THE PERSON IF THE COURT DETERMINES THE SERVICES ARE NECESSARY AND THE REQUESTED COMPENSATION FOR THE SERVICES IS REASONABLE.

(D) THE PERSON NAMED IN THE PETITION, THE ATTORNEY GENERAL, AND THE JUDGE ARE ENTITLED TO DEMAND THAT THE TRIAL BE BEFORE A JURY.

(E) AT A TRIAL UNDER THIS SECTION, THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

10–643.

IF THE COURT OR JURY DETERMINES THAT A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT, THE PERSON SHALL BE PLACED IN THE CUSTODY OF THE SECRETARY FOR CONTROL, CARE, AND TREATMENT AT A STATE FACILITY UNTIL THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE PERSON HAS SO CHANGED THAT THE PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

10–644.

(A) (1) A COMMITTED PERSON IS SUBJECT TO AN ANNUAL MENTAL EXAMINATION IN A STATE FACILITY.

(2) AN OFFICIAL DESIGNATED BY THE PERSON IN CHARGE OF THE STATE FACILITY SHALL COMPLETE A REPORT OF THE MENTAL EXAMINATION AND SHALL FILE A COPY OF THE REPORT WITH THE COURT THAT ORDERED THE COMMITTED PERSON TO A STATE FACILITY UNDER THIS PART.

(B) THE COURT SHALL CONDUCT AN ANNUAL STATUS REVIEW HEARING FOR EACH COMMITTED PERSON.

(C) A COMMITTED PERSON SHALL BE ENTITLED TO PETITION THE COURT FOR DISCHARGE AT THE ANNUAL STATUS REVIEW HEARING OF THE COMMITTED PERSON.

(D) (1) THE SECRETARY SHALL PROVIDE THE COMMITTED PERSON WITH AN ANNUAL WRITTEN NOTICE OF THE RIGHT OF THE COMMITTED PERSON TO PETITION THE COURT FOR RELEASE.

(2) THE SECRETARY SHALL FORWARD THE NOTICE TO THE COURT WITH THE ANNUAL REPORT.

(3) THE COMMITTED PERSON IS ENTITLED TO AN ATTORNEY TO REPRESENT THE COMMITTED PERSON AT THE ANNUAL STATUS REVIEW HEARING, BUT THE COMMITTED PERSON IS NOT ENTITLED TO BE PRESENT AT THE HEARING.

10–645.

(A) (1) THE COURT SHALL SET A RELEASE HEARING IF THE COURT AT THE ANNUAL STATUS REVIEW HEARING DETERMINES THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON HAS CHANGED SO THAT THE

COMMITTED PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

(2) AT THE RELEASE HEARING, THE COMMITTED PERSON IS ENTITLED TO BE PRESENT AND TO USE ALL OF THE PROTECTIONS, INCLUDING THE USE OF EXPERT WITNESSES, THAT WERE AVAILABLE AT THE INITIAL HEARING UNDER § 10–642 OF THIS SUBTITLE.

(3) THE ATTORNEY GENERAL:

(I) SHALL REPRESENT THE STATE AT THE RELEASE HEARING;

(II) MAY REQUEST A JURY TRIAL; AND

(III) MAY REQUEST THAT THE COMMITTED PERSON BE EVALUATED BY EXPERTS CHOSEN BY THE STATE.

(4) THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON REMAINS SO SEVERE AS TO MAKE THE COMMITTED PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

(B) THE COURT SHALL RELEASE A COMMITTED PERSON FROM CUSTODY IF THE COURT FINDS AT A RELEASE HEARING THAT THE STATE HAS NOT PROVEN BEYOND A REASONABLE DOUBT THAT THE COMMITTED PERSON IS NOT SAFE TO BE AT LARGE OR IS LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

10–646.

THIS PART DOES NOT AFFECT THE OPERATION OF TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.";

in line 6, strike "2." and substitute "3."; after line 11, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2011, contingent on the Governor providing full funding for the civil commitment provisions of this Act beginning with the 2012 fiscal year and, if funding is not provided, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 12, strike "3." and substitute "5."; and in the same line, after "That" insert ", except as provided in Section 4 of this Act,".

The preceding 9 Committee amendments were withdrawn.

SB0854/448670/4

BY: Judicial Proceedings Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 854
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Jacobs, Mooney, Raskin, Simonaire, Astle, Conway, Currie, Della, Dyson, Exum, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pugh, and Rosapepe".

AMENDMENT NO. 2

On page 1, in line 2, strike "Criminal Procedure" and substitute "Crimes"; in the same line, strike "and" and substitute a comma; in the same line, after "Registration" insert ", Commitment, and Court Procedures"; in line 3, after the first "of" insert "authorizing a court to admit evidence of a defendant's commission of a certain separate act of sexual misconduct involving a minor in a prosecution for certain sexual offenses involving a minor under certain circumstances; requiring the State's Attorney to disclose to the defendant the State's intent to offer the evidence within a certain time period before the trial unless the court allows disclosure at a later time for good cause shown; specifying the content of the disclosure to the defendant; prohibiting certain evidence from being referred to in a statement to the jury or introduced at trial unless the court first holds a closed hearing and determines that the evidence is admissible; requiring the court to enter an order stating which evidence may be introduced under certain circumstances; authorizing the court to reconsider a ruling

excluding evidence and hold an additional closed hearing if new information is discovered during the trial that may make the evidence admissible;"; strike beginning with "altering" in line 8 down through "judgment" in line 9; in line 14, after "circumstances;" insert "requiring a certain person to be included in a certain listing of juvenile sex offenders; specifying that a certain listing of juvenile sex offenders shall be accessible only by law enforcement personnel for law enforcement purposes; requiring a certain person to be removed from a certain listing of juvenile sex offenders at a certain time;"; in line 18, strike "a"; and in the same line, strike "unit" and substitute "units".

On page 2, in line 6, strike "a"; in the same line, strike "unit" and substitute "units"; in line 21, strike the first "the" and substitute "each"; in line 23, strike "the" and substitute "each"; in line 30, after "information;" insert "altering a certain provision to require the Department to post certain information about a registrant on the Internet; requiring the Department to post on the Internet, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of a sex offender registrant, excluding details that would identify the victim;"; in line 33, after "person;" insert "creating a procedure in which a person who has been convicted of a sexually violent offense and who suffers from a certain mental abnormality or personality disorder may be placed in the custody of the Secretary of Health and Mental Hygiene until the person meets certain criteria; establishing that a term of extended parole supervision commences on the expiration of a certain term of commitment to a certain State facility; requiring the Commissioner of Correction of the Department of Public Safety and Correctional Services to give notice to the Attorney General before certain persons who have been convicted of certain sexually violent offenses are released from confinement; requiring the Attorney General to determine if certain persons meet the criteria of sexually violent offenders in need of commitment; establishing certain procedures for determining whether persons are sexually violent offenders in need of commitment; requiring that a review committee of prosecutors and a multidisciplinary team be formed to make recommendations concerning the identification of sexually violent offenders in need of commitment; making the Commissioner and certain other individuals immune from civil liability for acts performed in good faith in carrying out this Act; specifying the criteria for finding a person to be a sexually violent offender in need of commitment; authorizing the Attorney General to petition the circuit court to find probable cause that a certain person is a sexually violent offender in need of commitment; authorizing a court to order a certain person taken into custody if the court determines certain probable cause exists; authorizing a court to conduct a trial under certain circumstances to determine if a certain person is a sexually violent

offender in need of commitment; allowing a certain person certain rights at trial; requiring that the standard of proof at a trial to determine whether a person is a sexually violent offender in need of commitment be that of proof beyond a reasonable doubt; requiring that a person who is found to be a sexually violent offender in need of commitment be placed in the custody of the Secretary of Health and Mental Hygiene for control, care, and treatment at a State facility until the mental abnormality or personality disorder of the person has so changed that the person is not likely to engage in a certain act if released; requiring that a certain committed person in a State facility be subject to an annual mental examination and an annual status review hearing; authorizing the court to determine at an annual status review hearing that probable cause exists to believe that the committed person is not likely to engage in certain acts if released; authorizing that a release hearing be held under certain circumstances; establishing the procedures for certain hearings; requiring that the court release a committed person under certain circumstances; providing that certain provisions of this Act have no effect on the operation of certain provisions of the Code; providing for the construction and application of certain provisions of this Act;"; in line 36, after "terms;" insert "making certain provisions of this Act subject to a certain contingency;"; in the same line, after "registration" insert ", commitment, and court procedures"; after line 36, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 1–101(g)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 10–916.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)";

in line 39, strike "11–702"; in line 40, strike "and 11–721" and substitute "11–721, and 11–723"; and in line 46, after "Section" insert "11–702 and".

On page 3, after line 7, insert:

"BY repealing and reenacting, without amendments,
Article – Health – General

Section 1–101(a), (c), and (k) and 10–101(e) and (h)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 10–636 through 10–646 to be under the new part "Part VI. Sexually Violent Offender in Need of Commitment"
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 3

On page 4, in line 18, after "**(F)**" insert "**(1)**"; and after line 20, insert:

"**(2) "HABITUALLY LIVES" INCLUDES ANY PLACE WHERE A PERSON VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A 30–DAY PERIOD.**".

On page 17, in line 22, strike the first "the" and substitute "**EACH**".

On page 18, in line 1, strike "after"; in line 10, strike "the" and substitute "**A**"; in lines 13 and 35, in each instance, strike the second "**THE**" and substitute "**EACH**"; and in line 19, strike "**THE**" and substitute "**A**".

On page 19, in line 21, strike the second "the" and substitute "**EACH**"; and in lines 24 and 28, in each instance, strike "**THE**" and substitute "**EACH**".

On page 20, in line 1, after the first "**OR**" insert "**A**"; in line 6, strike the first "**THE**" and substitute "**A**"; in line 14, strike "**LOCATION**" and substitute "**LOCATIONS**"; and in lines 19 and 20, strike "address **OR PLACE**" and substitute "**ALL ADDRESSES AND PLACES**".

On page 25, in line 4, strike the second "the" and substitute "**EACH**"; in line 5, after "reside" insert "**OR HABITUALLY LIVE**"; and in line 33, strike the third "the" and substitute "**EACH**".

On page 26, in line 33, strike "**THE**" and substitute "**A**".

On page 27, in line 21, strike the third "the" and substitute "**EACH**"; and in line 27, strike the fourth "the" and substitute "**EACH**".

On page 28, in lines 9 and 35, in each instance, strike "**THE**" and substitute "**A**"; in line 15, strike the first "**THE**" and substitute "**A**"; and in line 31, strike "**LOCATION**" and substitute "**LOCATIONS**".

On page 29, in line 8, strike the first "the" and substitute "**EACH**"; and in line 11, after "**OR**" insert "**A**".

On page 30, in lines 1, 14, and 22, in each instance, strike the first "the" and substitute "**EACH**".

On page 32, in line 2, strike the second "the" and substitute "**EACH**"; in line 10, strike the second "the" and substitute "**A**"; in line 11, strike "**LIVES**" and substitute "**LIVE**"; in line 20, strike the first "**THE**" and substitute "**A**"; and in the same line, strike "**RESIDES**" and substitute "**LIVES**".

AMENDMENT NO. 4

On page 9, in line 3, strike "**OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE**".

On page 11, strike beginning with "**CONSPIRING**" in line 12 down through "**(5)**" in line 17; and in lines 19, 21, and 28, strike "**(4)**", "**(6)**", and "**(4)**", respectively, and substitute "**(3)**", "**(5)**", and "**(3)**", respectively.

On page 12, in lines 2 and 4, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 8, strike beginning with the comma in line 34 down through "**ADULT**" in line 35.

On page 10, in line 8, strike "**§ 3–308(B) OR (C),**"; in the same line, strike "**§ 3–324,**" and substitute "**§ 3–314,**"; in line 15, strike "**§ 3–308(B)(1) OR (C), § 3–314,**" and substitute "**§ 3–314**".

On page 11, in line 6, strike "**§ 3–308,**".

AMENDMENT NO. 6

On page 10, in line 35, strike "**OR**".

On page 11, in line 2, strike "**§ 3–322,**"; and strike beginning with the comma in line 3 down through "**SODOMY;**" in line 4 and substitute "**; OR**

(III) THE COMMON LAW OFFENSE OF SODOMY OR § 3–322 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE WAS COMMITTED WITH FORCE OR THREAT OF FORCE;".

AMENDMENT NO. 7

On page 18, in line 17, strike "**24 HOURS**" and substitute "**3 DAYS**".

AMENDMENT NO. 8

On page 31, in line 22, after "a" insert "**FACTUAL**"; in line 29, strike "may" and substitute "**SHALL**"; in the same line, after "Internet" insert "**:**

(1)";

in line 30, strike ", crime,"; and in the same line, after "information" insert "**; AND**

(2) IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A FACTUAL DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAILS THAT WOULD IDENTIFY THE VICTIM".

AMENDMENT NO. 9

On page 33, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–701.

[(i)**] (K)** (1) Except as otherwise provided in this subsection, "release" means any type of release from the custody of a supervising authority.

(2) "Release" means:

(i) release on parole;

(ii) mandatory supervision release;

(iii) release from a correctional facility with no required period of supervision;

(iv) work release;

(v) placement on home detention; **[**and**]**

(vi) the first instance of entry into the community that is part of a supervising authority's graduated release program**; AND**

(VII) RELEASE FROM THE CUSTODY OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

(3) "Release" does not include:

(i) an escape; or

(ii) leave that is granted on an emergency basis.

11–723.

(a) Except where a term of natural life without the possibility of parole is imposed, a sentence for an extended parole supervision offender shall include a term of extended sexual offender parole supervision.

(b) The term of extended sexual offender parole supervision for a defendant sentenced on or after August 1, 2006, shall:

(1) be a minimum of 3 years to a maximum of a term of life; and

(2) commence on the expiration of the later of any term of imprisonment, probation, parole, [or] mandatory supervision**, OR COMMITMENT TO A FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH § 10–641 OF THE HEALTH – GENERAL ARTICLE**.

Article – Health – General

1–101.

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

(c) "Department" means the Department of Health and Mental Hygiene.

(k) "Secretary" means the Secretary of Health and Mental Hygiene.

10–101.

(e) (1) Except as otherwise provided in this title, "facility" means any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

(2) "Facility" does not include a Veterans' Administration hospital.

(h) "State facility" means a facility that is owned or operated by the Department.

10–634. RESERVED.

10–635. RESERVED.

PART VI. SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

10–636.

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

(B) "COMMISSIONER" MEANS THE COMMISSIONER OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(C) "COMMITTED PERSON" MEANS A PERSON WHO HAS BEEN FOUND TO BE A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT UNDER § 10–638 OF THIS SUBTITLE AND HAS BEEN COMMITTED TO A STATE FACILITY.

(D) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION THAT AFFECTS EMOTIONAL OR VOLITIONAL CAPACITY TO PREDISPOSE A PERSON TO COMMIT A SEXUALLY VIOLENT OFFENSE IN A DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.

(E) "PREDATORY ACT" MEANS AN ACT DIRECTED TOWARD:

(1) A STRANGER; OR

(2) AN INDIVIDUAL WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

(F) "SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT" MEANS AN INDIVIDUAL WHO HAS COMMITTED A SEXUALLY VIOLENT OFFENSE AND WHO IS PLACED IN THE CUSTODY OF THE SECRETARY IN ACCORDANCE WITH § 10–643 OF THIS SUBTITLE.

(G) "SEXUALLY VIOLENT OFFENSE" HAS THE MEANING STATED IN § 11–701(L) OF THE CRIMINAL PROCEDURE ARTICLE.

10–637.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE TO THE ATTORNEY GENERAL AT LEAST 90 DAYS BEFORE THE ANTICIPATED RELEASE FROM A CORRECTIONAL FACILITY OF A PERSON WHO HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE.

(B) IF A PERSON IS RETURNED TO A CORRECTIONAL FACILITY FOR NOT MORE THAN 90 DAYS AS A RESULT OF REVOCATION OF POSTRELEASE SUPERVISION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE AS SOON AS PRACTICABLE.

10–638.

A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT IF THE PERSON:

(1) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE; AND

(2) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER, AS DETERMINED UNDER § 10–639 OF THIS SUBTITLE, THAT MAKES THE PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE.

10–639.

(A) THE ATTORNEY GENERAL SHALL DETERMINE WHETHER A PERSON ABOUT WHOM THE COMMISSIONER GIVES NOTICE UNDER § 10–637 OF THIS SUBTITLE MEETS THE CRITERIA OF A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(B) TO MAKE THIS DETERMINATION, THE ATTORNEY GENERAL SHALL RECEIVE RECOMMENDATIONS FROM:

(1) A REVIEW COMMITTEE OF PROSECUTORS, TO BE APPOINTED BY THE ATTORNEY GENERAL; AND

(2) A MULTIDISCIPLINARY TEAM, TO BE APPOINTED BY THE COMMISSIONER FROM REPRESENTATIVES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

10–640.

THE COMMISSIONER, EMPLOYEES AND OFFICIALS OF THE DIVISION OF CORRECTION, MEMBERS AND STAFF OF THE MULTIDISCIPLINARY TEAM AND THE REVIEW COMMITTEE OF PROSECUTORS, AND PERSONS WHO CONTRACT OR VOLUNTEER FOR SERVICES ARE NOT CIVILLY LIABLE FOR ACTS PERFORMED IN GOOD FAITH IN CARRYING OUT THIS PART.

10–641.

(A) WITHIN 75 DAYS AFTER THE ATTORNEY GENERAL RECEIVES WRITTEN NOTICE FROM THE COMMISSIONER UNDER § 10–637 OF THIS SUBTITLE, THE ATTORNEY GENERAL MAY PETITION THE CIRCUIT COURT TO FIND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(B) IF THE COURT FINDS PROBABLE CAUSE EXISTS, THE COURT SHALL:

(1) DIRECT THAT THE PERSON BE TAKEN INTO THE CUSTODY OF THE SECRETARY; AND

(2) CONDUCT A TRIAL WITHIN 60 DAYS AFTER THE DATE OF THE PROBABLE CAUSE HEARING TO DETERMINE THE STATUS OF THE PERSON AS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(C) THE PERSON NAMED IN THE PETITION SHALL BE ENTITLED TO BE REPRESENTED BY COUNSEL, TO PRESENT EVIDENCE, TO CROSS–EXAMINE WITNESSES, AND TO VIEW AND COPY ALL PETITIONS AND REPORTS IN THE COURT FILE.

10–642.

(A) THE RULES OF EVIDENCE SHALL APPLY TO A TRIAL HELD UNDER THIS SECTION.

(B) IF THE PERSON NAMED IN THE PETITION IS INDIGENT, THE COURT SHALL APPOINT COUNSEL.

(C) (1) A PERSON NAMED IN THE PETITION MAY RETAIN AN EXPERT TO PERFORM AN EXAMINATION.

(2) IF A PERSON NAMED IN THE PETITION WISHES TO BE EXAMINED BY AN EXPERT OR OTHER INDIVIDUAL CHOSEN BY THE PERSON, THE EXAMINER SHALL BE ALLOWED TO HAVE REASONABLE ACCESS TO THE PERSON AS WELL AS TO RELEVANT MEDICAL AND PSYCHOLOGICAL RECORDS AND REPORTS.

(3) THE COURT SHALL ASSIST AN INDIGENT PERSON TO OBTAIN AN EXPERT OR OTHER INDIVIDUAL TO PERFORM AN EXAMINATION OR PARTICIPATE IN THE TRIAL ON BEHALF OF THE PERSON IF THE COURT DETERMINES THE SERVICES ARE NECESSARY AND THE REQUESTED COMPENSATION FOR THE SERVICES IS REASONABLE.

(D) THE PERSON NAMED IN THE PETITION, THE ATTORNEY GENERAL, AND THE JUDGE ARE ENTITLED TO DEMAND THAT THE TRIAL BE BEFORE A JURY.

(E) AT A TRIAL UNDER THIS SECTION, THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

10–643.

IF THE COURT OR JURY DETERMINES THAT A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT, THE PERSON SHALL BE PLACED IN THE CUSTODY OF THE SECRETARY FOR CONTROL, CARE, AND TREATMENT AT A STATE FACILITY UNTIL THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE PERSON HAS SO CHANGED THAT THE PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

10–644.

(A) (1) A COMMITTED PERSON IS SUBJECT TO AN ANNUAL MENTAL EXAMINATION IN A STATE FACILITY.

(2) AN OFFICIAL DESIGNATED BY THE PERSON IN CHARGE OF THE STATE FACILITY SHALL COMPLETE A REPORT OF THE MENTAL EXAMINATION AND SHALL FILE A COPY OF THE REPORT WITH THE COURT THAT ORDERED THE COMMITTED PERSON TO A STATE FACILITY UNDER THIS PART.

(B) THE COURT SHALL CONDUCT AN ANNUAL STATUS REVIEW HEARING FOR EACH COMMITTED PERSON.

(C) A COMMITTED PERSON SHALL BE ENTITLED TO PETITION THE COURT FOR DISCHARGE AT THE ANNUAL STATUS REVIEW HEARING OF THE COMMITTED PERSON.

(D) (1) THE SECRETARY SHALL PROVIDE THE COMMITTED PERSON WITH AN ANNUAL WRITTEN NOTICE OF THE RIGHT OF THE COMMITTED PERSON TO PETITION THE COURT FOR RELEASE.

(2) THE SECRETARY SHALL FORWARD THE NOTICE TO THE COURT WITH THE ANNUAL REPORT.

(3) THE COMMITTED PERSON IS ENTITLED TO AN ATTORNEY TO REPRESENT THE COMMITTED PERSON AT THE ANNUAL STATUS REVIEW HEARING, BUT THE COMMITTED PERSON IS NOT ENTITLED TO BE PRESENT AT THE HEARING.

10–645.

(A) (1) THE COURT SHALL SET A RELEASE HEARING IF THE COURT AT THE ANNUAL STATUS REVIEW HEARING DETERMINES THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON HAS CHANGED SO THAT THE

COMMITTED PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

(2) AT THE RELEASE HEARING, THE COMMITTED PERSON IS ENTITLED TO BE PRESENT AND TO USE ALL OF THE PROTECTIONS, INCLUDING THE USE OF EXPERT WITNESSES, THAT WERE AVAILABLE AT THE INITIAL HEARING UNDER § 10–642 OF THIS SUBTITLE.

(3) THE ATTORNEY GENERAL:

(I) SHALL REPRESENT THE STATE AT THE RELEASE HEARING;

(II) MAY REQUEST A JURY TRIAL; AND

(III) MAY REQUEST THAT THE COMMITTED PERSON BE EVALUATED BY EXPERTS CHOSEN BY THE STATE.

(4) THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON REMAINS SO SEVERE AS TO MAKE THE COMMITTED PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

(B) THE COURT SHALL RELEASE A COMMITTED PERSON FROM CUSTODY IF THE COURT FINDS AT A RELEASE HEARING THAT THE STATE HAS NOT PROVEN BEYOND A REASONABLE DOUBT THAT THE COMMITTED PERSON IS NOT SAFE TO BE AT LARGE OR IS LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

10–646.

THIS PART DOES NOT AFFECT THE OPERATION OF TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.";

in line 6, strike "2." and substitute "5."; after line 11, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2011, contingent on the Governor providing full funding for the civil commitment provisions of this Act beginning with the 2012 fiscal year and, if funding is not provided, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 12, strike "3." and substitute "7."; and in the same line, after "That" insert ", except as provided in Section 6 of this Act,".

AMENDMENT NO. 10

On page 14, in line 19, strike the bracket; strike beginning with "described" in line 19 down through "subtitle" in line 20 and substitute "**WHO HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE, OR § 3–307(A)(1) OR (2) OR § 3–308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3–301(F)(2) OF THE CRIMINAL LAW ARTICLE**"; in line 30, strike "child sexual" and substitute "**TIER II SEX OFFENDER OR TIER III SEX**".

On page 15, in line 16, strike the bracket; and strike in their entirety lines 18 through 31, inclusive, and substitute:

"**(A) A PERSON SHALL BE INCLUDED IN A LISTING OF JUVENILE SEX OFFENDERS THAT IS MAINTAINED BY THE DEPARTMENT SEPARATELY FROM THE SEX OFFENDER REGISTRY IF:**

(1) THE PERSON HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE, OR § 3–307(A)(1) OR (2) OR § 3–308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3–301(F)(2) OF THE CRIMINAL LAW ARTICLE; AND

(2) THE PERSON WAS A MINOR WHO WAS AT LEAST 13 YEARS OLD AT THE TIME THE DELINQUENT ACT WAS COMMITTED.

(B) THE LISTING OF JUVENILE SEX OFFENDERS SHALL BE ACCESSIBLE ONLY BY LAW ENFORCEMENT PERSONNEL FOR LAW ENFORCEMENT PURPOSES.

(C) WHEN THE JUVENILE COURT'S JURISDICTION OVER A PERSON WHO IS INCLUDED IN THE LISTING OF JUVENILE SEX OFFENDERS TERMINATES UNDER § 3–8A–07 OF THE COURTS ARTICLE, THE PERSON SHALL BE REMOVED FROM THE LISTING.".

AMENDMENT NO. 11

On page 3, after line 9, insert:

"Article – Criminal Law

1–101.

(g) "Minor" means an individual under the age of 18 years.

Article – Courts and Judicial Proceedings

10–916.1.

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

(2) "ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR" MEANS A CONVICTION FOR:

(I) A VIOLATION OF § 3–602 OF THE CRIMINAL LAW ARTICLE;

(II) A VIOLATION OF FORMER ARTICLE 27, § 35C OF THE CODE OCCURRING BEFORE OCTOBER 1, 2002, THAT INVOLVED SEXUAL ABUSE OF A MINOR;

(III) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR; OR

(IV) A VIOLATION OF FEDERAL LAW OR THE LAW OF ANOTHER STATE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ANY OF THE CRIMES SPECIFIED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

(3) "MINOR" HAS THE MEANING STATED IN § 1–101 OF THE CRIMINAL LAW ARTICLE.

(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IN A PROSECUTION FOR A VIOLATION OF § 3–602 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR, EVIDENCE OF THE DEFENDANT'S COMMISSION OF A SEPARATE ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR IS ADMISSIBLE IF THE COURT:

(1) (I) IN A BENCH TRIAL, FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; OR

(II) IN A JURY TRIAL, FINDS THAT A REASONABLE JURY COULD FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; AND

(2) FINDS THAT THE PROBATIVE VALUE OF THE EVIDENCE IS NOT SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE AGAINST THE DEFENDANT.

(C) (1) IF THE STATE INTENDS TO OFFER EVIDENCE UNDER THIS SECTION, THE STATE'S ATTORNEY SHALL DISCLOSE THE EVIDENCE TO THE DEFENDANT AT LEAST 15 DAYS BEFORE THE SCHEDULED DATE OF TRIAL, UNLESS THE COURT ALLOWS DISCLOSURE AT A LATER TIME FOR GOOD CAUSE SHOWN.

(2) THE DISCLOSURE SHALL INCLUDE STATEMENTS OF WITNESSES OR A SUMMARY OF THE SUBSTANCE OF ANY TESTIMONY THAT THE STATE EXPECTS TO OFFER.

(D) (1) EVIDENCE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY NOT BE REFERRED TO IN A STATEMENT TO A JURY OR INTRODUCED IN A TRIAL UNLESS THE COURT FIRST HOLDS A CLOSED HEARING AND DETERMINES THAT THE EVIDENCE IS ADMISSIBLE.

(2) IF THE COURT DETERMINES THAT ALL OR SOME OF THE EVIDENCE IS ADMISSIBLE, THE COURT SHALL ENTER AN ORDER STATING WHICH EVIDENCE MAY BE INTRODUCED.

(3) THE COURT MAY RECONSIDER A RULING EXCLUDING THE EVIDENCE AND HOLD AN ADDITIONAL CLOSED HEARING IF NEW INFORMATION IS DISCOVERED DURING THE COURSE OF THE TRIAL THAT MAY MAKE THE EVIDENCE ADMISSIBLE.

(E) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY OTHER RULE OR PROVISION OF LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

On page 33, before line 6, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any prosecution commenced before the effective date of this Act.".

The preceding 11 Committee amendments were read and adopted.

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for March 26, 2010.

The motion was adopted.

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

Senate Bill 856 – The President (By Request – Administration) and Senators Brochin, Haines, Muse, Robey, and Stone

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

SB0856/408378/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 856
(First Reading File Bill)

On page 4, strike beginning with the second "**AND**" in line 2 down through "**JUDICIARY**" in line 3.

The preceding amendment was read only.

Senator Brinkley moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #18

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

Senate Bill 504 – Senator Gladden

AN ACT concerning

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

Favorable report adopted by a roll call vote as follows:

Affirmative – 24 Negative – 20 (See Roll Call No. 666)

Senator Muse moved, duly seconded, to make the Bill a Special Order for March 26, 2010.

The motion was adopted.

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

Senate Bill 531 – Senators Forehand, Haines, Jacobs, Klausmeier, and Muse

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 654 – Senators Lenett, Gladden, Muse, and Raskin

EMERGENCY BILL

AN ACT concerning

Real Property – Tenants in Foreclosure – Conforming to Federal Law

SB0654/928575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 654
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; strike beginning with "requiring" in line 12 down through "terminated;" in line 13; and in line 14, strike "making this Act an emergency measure" and substitute "providing for the application of this Act".

AMENDMENT NO. 2

On page 4, strike beginning with "**IF**" in line 22 down through "**SALE.**" in line 24.

Strike beginning with "You" in line 26 on page 4, down through "**LEASE**" in line 8 on page 5, and substitute "**MOST RENTERS HAVE THE RIGHT TO CONTINUE**

RENTING THE PROPERTY AFTER IT IS SOLD AT FORECLOSURE. THE FORECLOSURE SALE PURCHASER BECOMES THE NEW LANDLORD.

MOST RENTERS WITH A LEASE FOR A SPECIFIC PERIOD OF TIME HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY UNTIL THE END OF THE LEASE TERM. MOST MONTH–TO–MONTH RENTERS HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY FOR 90 DAYS AFTER RECEIVING A WRITTEN NOTICE TO VACATE FROM THE NEW OWNER.

YOU SHOULD GET LEGAL ADVICE TO DETERMINE IF YOU HAVE THESE RIGHTS".

On page 6, strike beginning with "**IF**" in line 10 down through "**SALE.**" in line 12.

On pages 6 and 7, strike in their entirety the lines beginning with line 19 on page 6 through line 2 on page 7, inclusive, and substitute:

"**MOST RENTERS HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY AFTER IT IS SOLD AT FORECLOSURE. THE FORECLOSURE SALE PURCHASER BECOMES THE NEW LANDLORD.**

MOST RENTERS WITH A LEASE FOR A SPECIFIC PERIOD OF TIME HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY UNTIL THE END OF THE LEASE TERM. MOST MONTH–TO–MONTH RENTERS HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY FOR 90 DAYS AFTER RECEIVING A WRITTEN NOTICE TO VACATE FROM THE NEW OWNER.

YOU SHOULD GET LEGAL ADVICE TO DETERMINE IF YOU HAVE THESE RIGHTS.".

On page 9, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 3

On page 9, strike in their entirety lines 6 through 10, inclusive; and after line 10, 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 foreclosures docketed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 688 – Senator Raskin

AN ACT concerning

Maryland General Corporation Law – Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 690 – Senators Raskin and Frosh

AN ACT concerning

Corporations – B (For–Benefit) Corporation

SB0690/318370/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 690
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "B (For–Benefit)" and substitute "Benefit"; in line 3, strike "B (for–benefit)" and substitute "benefit"; in lines 5, 7, 9, 10, 12, 14, and 18, in each instance, strike "B" and substitute "benefit"; in line 10, after "a" insert "certain general"; in the same line, after "benefit;" insert "authorizing the charter of a benefit corporation to identify as one of the purposes of the benefit corporation the creation of certain specific public benefits;"; in line 11, after "a" insert "certain"; in line 19, after "report;" insert "requiring a benefit corporation to post a certain report on its website or provide a copy of the report under certain circumstances;"; in the same line, strike "for–benefit" and substitute "benefit"; and strike beginning with "B" in line 23 down through "(For–Benefit)" in line 24 and substitute "Benefit".

AMENDMENT NO. 2

On page 2, in line 2, strike "**B (FOR–BENEFIT)**" and substitute "**BENEFIT**"; in line 6, strike "**B**" and substitute "**BENEFIT**"; in lines 7 and 8, in each instance, strike "**FOR–BENEFIT**" and substitute "**BENEFIT**"; and in line 24, strike "**B**" and substitute "**BENEFIT**".

On page 3, in lines 1, 4, 7, 8, 11, 27, 30, and 31, in each instance, strike "**B**" and substitute "**BENEFIT**"; and strike beginning with "**B**" in line 13 down through "**CORPORATION**" in line 14 and substitute "**BENEFIT CORPORATION**".

On page 4, in lines 10, 13, 15, 17, 19, 22, 24, and 29, in each instance, strike "**B**" and substitute "**BENEFIT**".

On page 5, in lines 1, 2, 3, 6, 10, 17, 19, 21, 26, and 29, in each instance, strike "**B**" and substitute "**BENEFIT**".

On page 6, in lines 2, 4, and 9, in each instance, strike "**B**" and substitute "**BENEFIT**".

AMENDMENT NO. 3

On page 2, after line 9, insert:

"**(C) "GENERAL PUBLIC BENEFIT" MEANS A MATERIAL, POSITIVE IMPACT ON SOCIETY AND THE ENVIRONMENT, AS MEASURED BY A THIRD–PARTY STANDARD, THROUGH ACTIVITIES THAT PROMOTE A COMBINATION OF SPECIFIC PUBLIC BENEFITS.**";

strike line 10 in its entirety and substitute:

"**(D) "SPECIFIC PUBLIC BENEFIT" INCLUDES:**";

in line 19, strike "**OR**"; and in line 21, after "**PURPOSE**" insert "**; OR**

(7) THE ACCOMPLISHMENT OF ANY OTHER PARTICULAR BENEFIT FOR SOCIETY OR THE ENVIRONMENT.

(E) "THIRD–PARTY STANDARD" MEANS A STANDARD FOR DEFINING, REPORTING, AND ASSESSING BEST PRACTICES IN CORPORATE SOCIAL AND ENVIRONMENTAL PERFORMANCE THAT:

(1) IS DEVELOPED BY A PERSON OR ENTITY THAT IS INDEPENDENT OF THE BENEFIT CORPORATION; AND

(2) IS TRANSPARENT BECAUSE THE FOLLOWING INFORMATION ABOUT THE STANDARD IS PUBLICLY AVAILABLE OR ACCESSIBLE:

(I) THE FACTORS CONSIDERED WHEN MEASURING THE PERFORMANCE OF A BUSINESS;

(II) THE RELATIVE WEIGHTINGS OF THOSE FACTORS; AND

(III) THE IDENTITY OF THE PERSONS WHO DEVELOPED AND CONTROL CHANGES TO THE STANDARD AND THE PROCESS BY WHICH THOSE CHANGES WERE MADE".

AMENDMENT NO. 4

On page 3, in line 15, strike "**ELECTION**" and substitute "**AMENDMENT**"; strike beginning with "**BY**" in line 16 down through "**GROUP**" in line 25 and substitute "**IN ACCORDANCE WITH TITLE 2, SUBTITLE 6 OF THIS ARTICLE**"; strike beginning with "**ARTICLES**" in line 28 down through "**INCORPORATION**" in line 29 and substitute "**CHARTER**"; in line 31, strike "**THE TERMINATION OF**" and substitute "**AN AMENDMENT TERMINATING A CORPORATION'S**"; and in line 32, strike "**BY THE**

HIGHER OF:" and substitute "**IN ACCORDANCE WITH TITLE 2, SUBTITLE 6 OF THIS ARTICLE.**".

On page 4, strike in their entirety lines 1 through 8, inclusive.

AMENDMENT NO. 5

On page 4, in line 19, after "**(A)**" insert "**(1)**"; in the same line, after "**CREATING A**" insert "**GENERAL**"; after line 20, insert:

"**(2) THE PURPOSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS IN ADDITION TO, AND MAY BE A LIMITATION ON, THE PURPOSES OF THE CORPORATION UNDER § 2–101 OF THIS ARTICLE.**

(B) (1) IN ADDITION TO ITS PURPOSES UNDER § 2–101 OF THIS ARTICLE AND SUBSECTION (A) OF THIS SECTION, THE CHARTER OF A BENEFIT CORPORATION MAY IDENTIFY AS ONE OF THE PURPOSES OF THE BENEFIT CORPORATION THE CREATION OF ONE OR MORE SPECIFIC PUBLIC BENEFITS.

(2) THE IDENTIFICATION IN ITS CHARTER OF A SPECIFIC PUBLIC BENEFIT PURPOSE UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT LIMIT THE OBLIGATION OF A BENEFIT CORPORATION TO CREATE A GENERAL PUBLIC BENEFIT.";

in line 21, strike "**(B)**" and substitute "**(C)**"; in the same line, after "**A**" insert "**GENERAL**"; in the same line, after "**BENEFIT**" insert "**OR SPECIFIC PUBLIC BENEFIT**"; and strike beginning with "**SUBSECTION**" in line 21 down through "**(A)**" in line 22 and substitute "**SUBSECTIONS (A) AND (B)**".

AMENDMENT NO. 6

On page 5, strike beginning with "**IN**" in line 15 down through "**CORPORATION**" in line 16; in line 20, strike "**DESCRIBED IN THE CHARTER OF THE B CORPORATION**"; in line 27, strike "**FOR–BENEFIT**" and substitute "**BENEFIT**"; in line 29, strike "**GENERALLY**"; in line 30, strike the first "**THE**" and substitute "**A GENERAL**"; in the same line, strike "**DESCRIBED IN THE CHARTER**"; in line 31, after the second "**THE**" insert "**GENERAL**"; in the same line, strike the second "**AND**"; and after line 31, insert:

"**(II) THE WAYS IN WHICH THE BENEFIT CORPORATION PURSUED ANY SPECIFIC PUBLIC BENEFIT THAT ITS CHARTER STATES IS THE PURPOSE OF THE BENEFIT CORPORATION TO CREATE AND THE EXTENT TO WHICH THAT SPECIFIC PUBLIC BENEFIT WAS CREATED; AND**".

On page 6, in line 1, strike "**(II)**" and substitute "**(III)**"; strike beginning with "**IDENTIFIED**" in line 5 down through "**CORPORATION**" in line 6 and substitute "**A THIRD–PARTY STANDARD APPLIED CONSISTENTLY WITH THE PRIOR YEAR'S BENEFIT REPORT OR ACCOMPANIED BY AN EXPLANATION OF THE REASONS FOR ANY INCONSISTENT APPLICATION**"; in line 7, strike "**FOR–BENEFIT**" and substitute "**BENEFIT**"; and after line 9, insert:

"**(C) (1) A BENEFIT CORPORATION SHALL POST ITS MOST RECENT BENEFIT REPORT ON THE PUBLIC PORTION OF ITS WEBSITE, IF ANY.**

(2) IF A BENEFIT CORPORATION DOES NOT HAVE A PUBLIC WEBSITE, THE BENEFIT CORPORATION SHALL PROVIDE A COPY OF ITS MOST RECENT BENEFIT REPORT ON DEMAND AND WITHOUT CHARGE TO ANY PERSON WHO REQUESTS A COPY.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 780 – Senator Raskin

AN ACT concerning

Real Property – Affordable Housing Land Trusts

SB0780/658676/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 780

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin, Frosh, Gladden, Forehand, Jacobs, Muse, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 3, after "of" insert "exempting a certain affordable housing land trust agreement from the application of the common law rule against perpetuities;"; in line 15, after "agreement;" insert "providing that the affordable housing land trust agreement and a certain affidavit shall be recorded and indexed in the county land records in a certain manner and accepted for recordation by the clerk without the payment of certain taxes; establishing that a certain recordation terminates a certain right of rescission and provides certain proof that a contract of sale was not rescinded;"; in line 17, after "circumstances;" insert "requiring a certain seller to execute a certain affidavit concerning certain notification to the affordable housing land trust and the trust's failure to exercise a certain right to repurchase; requiring the recordation of the affidavit; establishing that the recordation of the affidavit provides certain proof that the affordable housing land trust failed to exercise a certain right of repurchase;"; in line 19, after "manner" insert "and to include a certain notation"; and after line 23, insert:

"BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 11–102(b)(11) and (12)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
Section 11–102(b)(13)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 3

On page 2, after line 7, insert:

"Article – Estates and Trusts

11–102.

(b) Subject to §§ 4–409 of this article and 11–103 of this subtitle, the common–law rule against perpetuities as now recognized in the State is preserved, but the rule does not apply to the following:

(11) A nondonative property interest as described in § 11–102.1 of this subtitle; **[**or**]**

(12) A trust created under § 14–112 of this article to provide for the care of an animal alive during the lifetime of the settlor**; OR**

(13) AN AFFORDABLE HOUSING LAND TRUST AGREEMENT EXECUTED UNDER TITLE 14, SUBTITLE 5 OF THE REAL PROPERTY ARTICLE.".

On page 4, in line 14, after "**THAT**" insert a colon; in line 15, strike "**PROVIDES**" and substitute "**(1) PROVIDES**"; in line 16, strike "**AND THAT IS**" and substitute "**THROUGH AN AFFORDABLE HOUSING LAND TRUST AGREEMENT; AND**

(2) IS";

and in lines 17 and 20, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

On page 5, after line 16, insert:

"**(G) "NONPROFIT STATUS" MEANS THE RECOGNITION BY THE INTERNAL REVENUE SERVICE THAT AN AFFORDABLE HOUSING LAND TRUST IS EXEMPT FROM TAXATION UNDER § 501(C)(2), (3), OR (4) OF THE INTERNAL REVENUE CODE.**".

On page 7, in line 10, strike "**10–205 OF THIS ARTICLE**" and substitute "**14–506 OF THIS SUBTITLE**"; and in line 14, strike "**10–205 OF THIS ARTICLE**" and substitute "**14–507 OF THIS SUBTITLE**".

AMENDMENT NO. 4

On page 8, in line 10, strike "**INVALID**" and substitute "**VOIDABLE BY THE PURCHASER**"; in line 14, after "**PROPERTY**" insert "**BY THE PURCHASER**"; in line 18, strike "**RECORDED**" and substitute "**:**

(1) RECORDED";

in line 19, after "**LOCATED**" insert "**;**

(2) INDEXED IN THE GRANTOR AND GRANTEE INDICES WITH THE SELLER AS GRANTOR AND THE PURCHASER AS GRANTEE; AND

(3) NOTWITHSTANDING THE FACT THAT A COPY OF THE AFFORDABLE HOUSING LAND TRUST AGREEMENT, RATHER THAN THE ORIGINAL, IS OFFERED FOR RECORD WITH THE AFFIDAVIT, ACCEPTED FOR RECORDING BY THE CLERK WITHOUT PAYMENT OF RECORDATION AND TRANSFER TAXES";

and in line 20, after "**(G)**" insert "**RECORDATION OF A COPY OF THE AFFORDABLE HOUSING LAND TRUST AGREEMENT AND THE AFFIDAVIT:**

(1) TERMINATES THE RIGHT OF RESCISSION; AND

(2) PROVIDES A CONCLUSIVE PRESUMPTION THAT A CONTRACT OF SALE WAS NOT RESCINDED.

(H)".

AMENDMENT NO. 5

On page 9, strike beginning with "**ANY**" in line 4 down through "**TRANSFER**" in line 5 and substitute "**THE RIGHT TO SHARE IN THE PROCEEDS OF THE FIRST SALE TO A PURCHASER FOLLOWING THE FAILURE OF THE LAND TRUST TO EXERCISE ITS RIGHT TO REPURCHASE**"; strike beginning with "**RESTRICTIONS**" in line 15 down through "**AGREEMENT**" in line 16 and substitute "**RIGHTS ESTABLISHED IN THE AFFORDABLE HOUSING LAND TRUST AGREEMENT THAT WOULD OTHERWISE HAVE BEEN ENFORCEABLE BY THE AFFORDABLE HOUSING LAND TRUST**"; after line 16, insert:

"**(3)** **(I) A SELLER WHO SELLS THE SPECIFIED INTEREST IN THE PROPERTY TO A PURCHASER IN AN ARMS–LENGTH THIRD–PARTY TRANSACTION FOR A FAIR MARKET PRICE AFTER THE AFFORDABLE HOUSING LAND TRUST HAS FAILED TO EXERCISE ITS RIGHT TO REPURCHASE SHALL EXECUTE A SIGNED, NOTARIZED AFFIDAVIT ATTESTING TO THE FACT OF THE SELLER'S NOTIFICATION TO THE AFFORDABLE HOUSING LAND TRUST AND THE AFFORDABLE HOUSING LAND TRUST'S FAILURE TO EXERCISE ITS RIGHT TO REPURCHASE.**

(II) THE AFFIDAVIT SHALL BE RECORDED WITH THE DEED TRANSFERRING THE SPECIFIED INTEREST IN THE PROPERTY TO THE PURCHASER IN ACCORDANCE WITH § 14–505(F) OF THIS SUBTITLE.

(III) RECORDATION OF THE AFFIDAVIT UNDER THIS PARAGRAPH PROVIDES A CONCLUSIVE PRESUMPTION OF THE FACT THAT THE AFFORDABLE HOUSING LAND TRUST FAILED TO EXERCISE ITS RIGHT TO REPURCHASE.";

and strike beginning with "**TO**" in line 24 down through "**OBTAINED**" in line 25 and substitute "**UNDER TITLE 14, CHAPTER 300 OF THE MARYLAND RULES**".

On page 10, in line 19, before "**IN**" insert "**(A)**"; and after line 22, insert:

"**(B)** **THE ASSESSMENT SHALL NOTE THAT THE SALE WAS NOT AN ARMS–LENGTH TRANSFER ON THE PROPERTY TAX RECORD.**".

AMENDMENT NO. 6

On page 8, in line 32, strike "**60**" and substitute "**120**".

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 JUDICIAL PROCEEDINGS REPORT #19

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

Senate Bill 97 – Senator Mooney

AN ACT concerning

Public Defender Board of Trustees – Composition

SB0097/168872/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 97
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Mooney" and substitute "Senators Mooney, Muse, Frosh, and Raskin".

AMENDMENT NO. 2

On page 1, in line 2, before "Public" insert "Office of the"; in the same line, before "Board" insert "–"; in the same line, strike "Composition" and substitute "Membership"; strike beginning with "altering" in line 3 down through "Trustees" in line 10 and substitute "repealing the requirement that the Public Defender serve at the pleasure of the Board of Trustees of the Office of the Public Defender; specifying that the Board of Trustees may remove the Public Defender for certain reasons, only on the recommendation of the Board of Trustees; providing that the Public Defender may serve for a certain term; increasing the number of members of the Board of Trustees; altering the method of selection of the members of the Board of Trustees; increasing the number of members of the Board of Trustees who are required to be active attorneys admitted to practice before the Court of Appeals of Maryland; requiring certain members of the Board of Trustees to have certain qualifications; prohibiting certain persons from serving on the Board of Trustees; providing for the staggering of terms of the Board of Trustees; specifying that at the end of a term a member of the Board of Trustees continues to serve until a successor is appointed and qualifies; authorizing the reappointment to the Board of Trustees of a member whose term has expired; providing for the manner of appointing a member to fill a vacancy on the Board of Trustees; increasing the requirements for a quorum of the Board of Trustees; altering the number of members of the Board of Trustees that are required

to make a request in order to call for an additional meeting; requiring that the initial members of the Board of Trustees be appointed on or before a certain date; specifying the terms of the initial members of the Board of Trustees; providing that a member of the Board of Trustees who is serving on the effective date of this Act shall continue to serve until a successor is appointed and qualifies; providing that the Public Defender who is serving on the effective date of this Act may continue to serve for a certain time"; strike beginning with "the" in line 10 down through the second "of" in line 11; and in line 14, after "Section" insert "16–203(a) and".

AMENDMENT NO. 3

On page 1, after line 19, insert:

"16–203.

(a) (1) The head of the Office is the Public Defender.

(2) The Public Defender shall be appointed by **[**and serve at the pleasure of**]** the Board of Trustees.

(3) **BY A VOTE OF AT LEAST SEVEN MEMBERS, THE BOARD OF TRUSTEES MAY REMOVE THE PUBLIC DEFENDER FOR:**

(I) MISCONDUCT IN OFFICE;

(II) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE; OR

(III) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF JUSTICE.

(4) To qualify for appointment as Public Defender, an individual shall be an attorney admitted to practice law in the State by the Court of Appeals of Maryland who has engaged in the practice of law for at least 5 years before appointment.

[(4)**] (5)** The Public Defender shall receive the same salary as a judge of a circuit court.

[(5)**] (6)** The Public Defender may not engage in the private practice of law.

(7) THE PUBLIC DEFENDER SERVES FOR A TERM OF 6 YEARS.";

in line 22, strike "**THE FOLLOWING ELEVEN**" and substitute "**13**"; and in line 23, strike the colon and substitute a period.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 11 on page 2, inclusive.

On page 2, after line 13, insert:

"**(2) NINE MEMBERS OF THE BOARD OF TRUSTEES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE AND SHALL INCLUDE A REPRESENTATIVE OF EACH JUDICIAL CIRCUIT OF THE STATE.**";

in line 14, strike "(2)" and substitute "**(3)**"; in the same line, strike "**AT LEAST NINE**" and substitute "**SIX**"; in the same line, after "Trustees" insert "**APPOINTED BY THE GOVERNOR**"; and strike beginning with "**(D)**" in line 16 down through "**STATE**" in line 21 and substitute:

"**(4) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE.**

(5) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.

(6) ONE MEMBER SHALL BE THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW, OR THE DEAN'S DESIGNEE.

(7) ONE MEMBER SHALL BE THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW, OR THE DEAN'S DESIGNEE.

(8) EACH MEMBER APPOINTED TO THE BOARD OF TRUSTEES SHALL:

(I) HAVE SIGNIFICANT EXPERIENCE IN CRIMINAL DEFENSE OR OTHER MATTERS RELEVANT TO THE WORK OF THE BOARD OF TRUSTEES; OR

(II) HAVE DEMONSTRATED A STRONG COMMITMENT TO QUALITY REPRESENTATION OF INDIGENT DEFENDANTS, INCLUDING JUVENILE RESPONDENTS.

(9) A MEMBER OF THE BOARD OF TRUSTEES MAY NOT BE:

(I) A CURRENT MEMBER OR EMPLOYEE OF:

1. THE JUDICIAL BRANCH; OR

2. A LAW ENFORCEMENT AGENCY IN THE STATE; OR

(II) 1. A STATE'S ATTORNEY OF A COUNTY OR MUNICIPAL CORPORATION OF THE STATE;

2. THE ATTORNEY GENERAL OF MARYLAND; OR

3. THE STATE PROSECUTOR".

AMENDMENT NO. 4

On page 2, in lines 22 and 26, in each instance, strike the bracket; in the same lines, strike "**(E)**" and "**(F)**", respectively; in line 22, strike "a" and substitute "**AN APPOINTED**"; after line 22, insert:

"**(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD OF TRUSTEES ON OCTOBER 1, 2010.**";

in line 23, strike "(2)" and substitute "**(3)**"; and after line 25, insert:

"**(4) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

(5) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO THE BOARD OF TRUSTEES.".

On page 3, in lines 1, 2, and 7, in each instance, strike the bracket; in the same lines, strike "**(G)**", "**(H)**", and "**(I)**", respectively; in line 1, strike "Two"; and in the same line, strike "**SIX**" and substitute "**SEVEN**".

AMENDMENT NO. 5

On page 3, after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the initial members of the Board of Trustees shall be appointed on or before December 31, 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Board of Trustees shall expire as follows:

(1) the members appointed by the Governor representing judicial circuits one through four in 2012;

(2) the members appointed by the Governor representing judicial circuits five through eight in 2013; and

(3) the members appointed by the President of the Senate and the Speaker of the House of Delegates in 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That a member of the Board of Trustees who is serving on the effective date of this Act shall continue to serve until a successor is appointed and qualifies.

SECTION 5. AND BE IT FURTHER ENACTED, That the Public Defender who is serving on the effective date of this Act may continue to serve until 6 years after the effective date of this Act.";

and in line 12, strike "2." and substitute "6.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 330 – Senators Zirkin, Frosh, Mooney, Muse, and Stone

AN ACT concerning

Human Services – Quality Care – Juvenile Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 695 – Senator Haines

AN ACT concerning

Criminal Procedure – Violent Offenders – Parole as Condition for Alcohol or Drug Abuse Treatment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 1050 – Senator Kelley

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

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

SB1050/397478/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1050
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "is the agent" and substitute "provides certain services that may result in issuance of a title insurance contract by or on behalf"; in line 15, after "any" insert "mortgage or"; in the same line, strike "by" and substitute "in a transaction in which"; and in line 16, strike "as the agent" and substitute "acts for or on behalf".

AMENDMENT NO. 2

On page 4, in line 8, strike "**IS THE AGENT**" and substitute "**PROVIDES ESCROW CLOSING OR SETTLEMENT SERVICES THAT MAY RESULT IN THE ISSUANCE OF A TITLE INSURANCE CONTRACT FOR OR ON BEHALF**"; in line 29, strike "**CONDUCT**" and substitute "**CONDUCT, THAT OCCURS WITHIN THE SCOPE OF THE TITLE INSURANCE PRODUCER'S INDEPENDENT CONTRACTOR'S EMPLOYMENT**"; in line 30, strike "**ANY**" and substitute "**WHEN A MORTGAGE OR**"; in the same line, strike "**BY**" and substitute "**IN A TRANSACTION IN WHICH**"; in line 31, after "**CONTRACTOR**" insert "**IS**"; in the same line, strike "**AS THE AGENT**" and substitute "**FOR OR ON BEHALF**"; in line 32, strike "**PRODUCER SHALL INCLUDE ON**" and substitute "**PRODUCER, THERE SHALL BE INCLUDED ON OR WITH**"; and in the same line, after "**RECORDED**" insert "**MORTGAGE OR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 342 – Senators Frosh, Conway, Forehand, Harrington, Lenett, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

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

SB0342/114835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 342
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Klausmeier".

AMENDMENT NO. 2

On page 2, in line 8, strike "**FROM**" and substitute "**LOCATED MORE THAN 200 FEET WITHIN A**"; in line 9, strike "**AREAS**" and substitute "**AREA**"; in line 10, strike "**ILLEGAL**"; in the same line, after "**GEAR**" insert "**THAT IS PROHIBITED IN THAT AREA**"; strike beginning with "**AT**" in line 11 down through "**PROHIBITED**" in line 12 and substitute "**OUTSIDE OF A TIME RESTRICTION FOR THE HARVEST OR POSSESSION OF OYSTERS BY MORE THAN 1 HOUR**"; and in line 15, after "**LEASEHOLDER**" insert "**OR LEASEHOLDER'S DESIGNEE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0342/943429/1

BY: Senator Stoltzfus

AMENDMENT TO SENATE BILL 342, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0342/114835/1), in lines 5 and 6 of Amendment No. 2, strike "**OR POSSESSION**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0342/153728/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 342
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Oyster Poaching – Hearing" and substitute "Oysters – Poaching and Designation of Oyster Sanctuaries"; and in line 12, after "circumstances;" insert "prohibiting the Department from designating a new oyster sanctuary in State waters before a certain date;".

AMENDMENT NO. 2

On page 3, after line 2, insert:

"SECTION 2. BE IT FURTHER ENACTED, That the Department of Natural Resources may not designate a new oyster sanctuary in State waters before October 1, 2011.";

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

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 29, 2010.

The motion was rejected by a roll call vote as follows:

Affirmative – 21 Negative – 23 (See Roll Call No. 667)

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0342/403029/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 342
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Oyster Poaching – Hearing" and substitute "Oysters – Hearing for Poaching and Designation of Sanctuaries"; in line 12, after "circumstances;" insert "prohibiting the Department from designating a new oyster sanctuary in State waters before a certain date;"; in the same line, strike the second "and" and substitute a comma; and in line 13, after "revocation" insert ", and designation of oyster sanctuaries".

AMENDMENT NO. 2

On page 3, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources may not designate a new oyster sanctuary in State waters before April 1, 2011.";

in line 3, strike "2." and substitute "3."; and in line 4, strike "October" and substitute "June".

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

Affirmative – 27 Negative – 16 (See Roll Call No. 668)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 669)

ADJOURNMENT

At 1:07 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Friday, March 26, 2010, in memory of Army Sergeant Anthony A. Paci.

Annapolis, Maryland
Friday, March 26, 2010
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by Reverend Monsignor Stuart Swetland, Mount St. Mary's University, guest of Senator Mooney.

(See Exhibit A of Appendix III)

The Journal of March 25, 2010 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Conway, Kelley, and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 679)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 680)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 26	Sen. Miller	Maryland Constitutional Convention – Sense of the Voters
SB 469 (Emergency Bill)	The President	Annual Curative Bill
SB 470 (Emergency Bill)	The President	Annual Corrective Bill

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 60 – ~~Delegate Smigiel~~ Delegates Smigiel, Ramirez, Vallario, Barnes, Levi, and Walker

AN ACT concerning

Criminal Procedure – Violation by Child Sexual Offender of Pretrial or Posttrial Release No Contact Order ~~– Expedited Hearing~~ ("Alexis's Law")

FOR the purpose of authorizing ~~an alleged victim, a pretrial services representative, or a State's Attorney to request an expedited hearing before a certain District Court or circuit court judge if the alleged victim alleges that the defendant has violated a certain condition of pretrial or posttrial release; requiring a court to issue a bench warrant and schedule a certain expedited hearing under certain circumstances; requiring a certain hearing to be held within a certain period of time; authorizing a court to revoke or continue a defendant's release under certain circumstances;~~ a police officer to arrest a person without a warrant if the police officer has probable cause to believe that the person has violated a condition of pretrial or posttrial release; prohibiting a person charged with committing a certain sexual crime against a victim who is a minor from violating a certain condition of pretrial or posttrial release; establishing a penalty for a violation of certain conditions of pretrial or posttrial release; and generally relating to violations of conditions of pretrial and posttrial release.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Criminal Procedure
Section ~~5–201(a) and 5–213~~ 2–203
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 128 – ~~Delegate Rosenberg~~ Delegates Rosenberg, Anderson, and Dumais

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

FOR the purpose of limiting to a person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime the authority to file a petition for writ of actual innocence under certain circumstances; requiring a certain person who files a petition for writ of actual innocence to notify the State of the filing in a certain manner; authorizing the State to file a response to a petition for writ of actual innocence within a certain period of time; requiring that the victim or victim's representative be notified of a hearing on a petition for writ of actual innocence before the hearing is held; establishing that a victim or victim's representative has the right to attend a hearing on a petition for writ of actual innocence; repealing a provision of law authorizing the court to dismiss a certain petition without a hearing if the court finds that the petition fails to state a claim; authorizing the State or a certain petitioner to appeal a certain order to the Court of Special Appeals within a certain time period; requiring an appeal under this Act to follow the form and procedure set by the Maryland Rules; authorizing the court to stay an order and set bail under certain circumstances; authorizing the Court of Special Appeals to affirm, modify, or reverse an order or remand a case for further proceedings under certain circumstances; making this Act an emergency measure; and generally relating to a petition for writ of actual innocence.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–301
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 211 – ~~Delegate Morhaim~~ Delegates Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

FOR the purpose of requiring a complaint filed with the State Open Meetings Law Compliance Board to be filed within a certain time period; requiring that notice

of a meeting of a public body include the date the notice is posted; altering certain notice requirements; requiring a public body to give notice of a meeting by certain methods under certain circumstances; authorizing a public body to give notice of a meeting by certain additional methods; repealing certain requirements related to notice of a meeting of a public body; and generally relating to notice and complaints under the Open Meetings Act.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–502.5(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–502.5(b) and 10–506
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 345 – Delegate Hucker

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

FOR the purpose of authorizing the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations under certain circumstances; requiring the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations under certain circumstances; and generally relating to recommendations and advice regarding State designations.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1007
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 348 – Delegates Pena–Melnyk, Barnes, Frush, Healey, and Ross

AN ACT concerning

~~Public Institutions of Higher Education~~ Public Senior Higher Education Institutions – New Design and Substantial Exterior Modification – Notice ~~and Consultation~~

FOR the purpose of requiring certain institutions of higher education to make certain efforts to provide certain notice to ~~and consult with certain communities~~ certain persons and local governing bodies under certain circumstances; and generally relating to providing notice ~~and consulting with communities before designing a new structure or substantially modifying the exterior of an existing structure~~ regarding the new design or substantial exterior modification of structures at institutions of higher education.

BY adding to
Article – Education
Section 15–113
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 405 – Chair, Economic Matters Committee (By Request – Departmental – Workers' Compensation Commission)

AN ACT concerning

Workers' Compensation – Covered Employees and Employers – Corporate or Limited Liability Company Officer

FOR the purpose of authorizing an officer of a close corporation, as defined under the laws of the jurisdiction where the corporation is incorporated, to elect to be exempt from workers' compensation coverage; clarifying that members of certain limited liability companies may elect to be exempt from workers' compensation coverage; limiting the number of officers of a close corporation who may elect to be exempt from workers' compensation coverage; requiring the State Workers' Compensation Commission to adopt certain regulations; and generally relating to exemptions from workers' compensation coverage requirements.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–206
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 417 – Delegates Rosenberg, Cardin, ~~and Haynes~~ Haynes, and Conaway

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe different qualifications for judges of the Orphans' Court for Baltimore City; requiring judges of the Orphans' Court for Baltimore City to have been admitted to practice law in this State and be members in good standing of the Maryland Bar; making certain technical changes; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article IV – Judiciary Department
Section 40

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

House Bill 456 – Delegates Ramirez, Barnes, Anderson, Carr, Dumais, Levi, Niemann, Schuler, Simmons, Vaughn, and Waldstreicher

AN ACT concerning

~~Mortgage Foreclosure Bankruptcy Exemption~~
Homestead Exemption – Bankruptcy

FOR the purpose of authorizing an individual to claim a certain exemption in a certain bankruptcy proceeding; providing that the exemption may be for a certain amount in an individual's interest in owner–occupied, residential real property; prohibiting an individual from claiming the exemption under certain conditions; ~~limiting the exemption to apply to claims by unsecured creditors;~~ prohibiting both a husband and wife from claiming the exemption in the same proceeding; ~~making conforming changes;~~ making a clarifying change; providing for the application of this Act; and generally relating to debtor exemptions in bankruptcy proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 11–504
Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

House Bill 484 – Delegates Elliott, Aumann, Bartlett, Bates, Beidle, Beitzel, Boteler, Bromwell, Cardin, Dwyer, Eckardt, Elmore, Frush, George, Haddaway, Healey, Heller, Hubbard, Impallaria, Jenkins, Kach, King, Kipke, Krebs, Levy, Love, Mathias, McDonough, Minnick, Morhaim, Murphy, Myers, Olszewski, Schuh, Shank, Shewell, Sossi, Stein, Stocksdale, Stukes, Stull, Waldstreicher, Walker, ~~and Wood~~ Wood, Barve, Doory, Frick, Gilchrist, Hixson, Howard, Ivey, Kaiser, Rice, Ross, and F. Turner

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Small Business Property

FOR the purpose of requiring the governing body of a county or the governing body of a municipal corporation to provide a semiannual payment schedule for State, county, municipal corporation, and special taxing district property taxes on certain real property; defining a certain term; providing for the application of this Act; and generally relating to a semiannual property tax payment schedule for certain real property.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 10–204.3
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 494 – Delegates Hubbard, Costa, King, Kirk, Kullen, Levy, Love, Minnick, Montgomery, Oaks, and Stein

AN ACT concerning

~~Infant Formula and Baby Food~~ Food and Cosmetics – Auction Sales – Prohibition – Exception

FOR the purpose of prohibiting a person from selling certain infant formula and baby food at any auction sale unless the person makes a certain notification; authorizing the Secretary of Health and Mental Hygiene to make certain inspections; prohibiting a person from selling certain infant formula and baby food at an auction sale under certain circumstances; exempting the sale of certain items at a charity auction from a certain prohibition under certain

circumstances; and generally relating to auction sales of certain ~~infant formula and baby food~~ food and cosmetics.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–1110
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–1206
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 501 – Delegate Hammen (Chair, Health and Government Operations Committee) and Delegate V. Turner

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Dental Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; authorizing the solicitation of nominations for certain Board vacancies to be sent by electronic mail; expanding the grounds for discipline for a dentist and dental hygienist; altering certain defined terms; renaming and expanding the services of a certain committee to certain dental professionals; making technical changes; requiring the Board to report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Dental Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–202(b), 4–315(a)(30) and (31) and (b)(16) and (17), 4–501.1, 4–508, and 4–702
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 4–315(a)(32) and (b)(18)

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(16)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 531 – Delegates Reznik, Morhaim, and Pena–Melnyk

AN ACT concerning

Task Force to Study the Procurement of Health, Education, and Social Services by State Agencies – Extension

FOR the purpose of altering the membership of the Task Force to Study the Procurement of Health and Social Services by State Agencies; altering the appointment process for certain members of the Task Force; altering the staffing requirements for the Task Force; expanding the scope of the Task Force to include education and renaming the Task Force; extending certain reporting and termination provisions relating to the Task Force; and generally relating to the Task Force to Study the Procurement of Health, Education, and Social Services by State Agencies.

BY repealing and reenacting, with amendments,
Chapter 438 of the Acts of the General Assembly of 2008
Section 1 and 2

BY repealing and reenacting, with amendments,
Chapter 439 of the Acts of the General Assembly of 2008
Section 1 and 2

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

House Bill 646 – Delegates Reznik, Barkley, Bronrott, Montgomery, Rice, Rosenberg, ~~and Shewell~~ Shewell, Benson, Costa, Donoghue, Hammen,

Hubbard, Kipke, Kullen, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and V. Turner

AN ACT concerning

Angel's Law – Foster Care and Child Care – ~~Cordless~~ Window Coverings

FOR the purpose of requiring new and replacement window coverings on or after a certain date to be cordless in foster homes, family day care homes, and child care centers; requiring certain existing window coverings to meet certain minimum standards in foster homes, family day care homes, and child care centers; authorizing the appropriate agency to require the replacement of certain window coverings under certain circumstances; requiring the Social Services Administration to adopt certain regulations relating to ~~cordless~~ window coverings for foster homes; requiring the State Department of Education to adopt certain regulations relating to ~~cordless~~ window coverings for family day care homes; requiring the State Superintendant of Schools to adopt certain regulations relating to ~~cordless~~ window coverings for child care centers; defining certain terms; and generally relating to ~~cordless~~ window coverings for foster homes, family day care homes, and child care centers.

BY adding to
Article – Family Law
Section 5–505 and 5–573(b)(11)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(j), 5–551(c)(1), and 5–573(b)(9) and (10)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–551(a) and (b) and 5–573(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 693 – Delegates Hubbard, Bromwell, Frush, Kullen, Morhaim, Schuh, ~~and Stein~~ Stein, Montgomery, Nathan–Pulliam, Pena–Melnyk, Reznik, Riley, and V. Turner

AN ACT concerning

Health and Human Services Referral Board – 2–1–1 Maryland – Modifications

FOR the purpose of requiring a certain agency or organization to be approved by 2–1–1 Maryland in order to provide 2–1–1 services in the State; providing that 2–1–1 Maryland may approve no more than a certain number of call centers to provide 2–1–1 services; requiring 2–1–1 Maryland to consider certain criteria when approving a 2–1–1 service provider; requiring certain units of the State to consult with 2–1–1 Maryland under certain circumstances; altering the membership of the Health and Human Services Referral Board; providing for the appointment of members of the Board when a vacancy occurs; providing that a member of the Board may not serve more than two consecutive full terms; authorizing the Board to make a certain determination regarding Board meetings and to adopt certain rules; providing that a majority of Board members constitutes a quorum for a certain purpose; authorizing the Board to elect certain officers; providing that members of the Board serve without compensation but are entitled to a certain reimbursement; requiring the composition of the Board as to the race and gender of its members to reflect the composition of the population of the State; altering the duties of the Board; defining certain terms; repealing a certain definition; requiring a certain call center to align with 2–1–1 Maryland on or before a certain date under certain circumstances; and generally relating to the Health and Human Services Referral Board.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–1201 through 24–1205
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 24–1203
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 711 – Delegates Healey and Lafferty

~~EMERGENCY BILL~~

AN ACT concerning

Real Property – Tenants in Foreclosure – Conforming to Federal Law

FOR the purpose of providing that an immediate successor in interest who has acquired legal title to certain residential property pursuant to a foreclosure

shall assume the interest subject to the provision of a certain notice to vacate and certain rights of a certain bona fide tenant; establishing the circumstances under which a lease or tenancy shall be considered bona fide; authorizing termination of a lease if the purchaser will occupy the property as the purchaser's primary residence; establishing certain requirements for a notice to vacate; providing for the construction of a certain provision of this Act; altering the contents of certain notices required to be sent to occupants of certain residential property in foreclosure; ~~requiring a certain notice to be sent to certain persons if a foreclosure action is dismissed, withdrawn, or terminated;~~ defining a certain term; ~~making this Act an emergency measure~~ providing for the application of this Act; and generally relating to tenants in foreclosure.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.6 and 7–105.9
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 803 – Delegates Rudolph ~~and Kullen~~, Kullen, Benson, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Krebs, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – High Deductible Plans and Limited Benefit Plans for Uninsured Individuals – Pilot Project

FOR the purpose of authorizing ~~a nonprofit health service plan~~ carriers to limit the issuance of a certain high deductible health plan to certain uninsured individuals who are residents of the State under certain circumstances; authorizing ~~a nonprofit health service plan~~ carriers to issue a certain limited benefit health insurance contract to certain uninsured individuals who are residents of the State under certain circumstances; requiring a limited benefit health insurance contract to comply with certain requirements applicable to a certain health benefit plan and to comply with certain provisions of law; requiring ~~a nonprofit health service plan~~ carriers to make a certain disclosure about a certain limited benefit health insurance contract in a certain manner; requiring the Maryland Insurance Administration, in consultation with ~~a certain nonprofit health service plan~~ certain carriers, to report certain information to the Governor and certain legislative committees on or before a certain date; requiring the Administration to monitor certain federal legislation and, under certain circumstances, to notify the Department of Legislative Services within a certain number of days after the date a certain requirement becomes effective; providing that this Act shall be abrogated and of no further

force and effect on a certain date under certain circumstances; defining certain terms; providing for the applicability of this Act; providing for the termination of this Act, subject to a certain provision of this Act; and generally relating to high deductible health plans and limited benefit health insurance contracts offered by ~~nonprofit health service plans~~ carriers to certain uninsured individuals ~~who are residents of certain counties~~ through a certain pilot project.

BY adding to
Article – Insurance
Section ~~14–128~~ 15–1107
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 811 – Delegates Dumais, Conway, DeBoy, Malone, and Mathias

AN ACT concerning

~~Child Abuse and Neglect – Mandatory Reporting – Children in Contact with~~
Child Protection – Reporting of Children Living with or in the Regular Presence of Registered Child Sexual Offenders

FOR the purpose of ~~requiring certain professionals~~ authorizing an individual to notify the local department of social services or the appropriate law enforcement agency if the ~~professionals have~~ individual has reason to believe that a ~~child is at substantial risk of child abuse or neglect because the child's~~ parent, guardian, or caregiver allows ~~the~~ a child to reside with or ~~regularly associate with~~ be in the regular presence of a certain individual; providing for the manner of reporting; describing the information that is to be included in a certain report; providing for the receipt and investigation of a certain report; ~~providing certain exceptions; establishing certain reporting procedures;~~ requiring the Secretary of Human Resources to adopt certain regulations; ~~establishing certain investigation procedures;~~ requiring the local department and the appropriate law enforcement agency to take certain actions ~~after completion of an investigation; providing for expungement of certain reports;~~ within a certain time period after receiving a certain report; requiring an investigation to be completed within a certain time period; requiring the local department to take certain actions as part of an investigation; providing certain immunity for certain persons who make or participate in making certain reports; and generally relating to ~~reports and investigations concerning children at substantial risk of child abuse or neglect~~ reporting of children living with or in the regular presence of certain persons.

BY adding to
Article – Family Law
Section ~~5–705.2~~ 5–704.1 and 5–706.2

Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~5–707(b) and~~ 5–708
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 892 – ~~Delegate Niemann~~ Delegates Niemann, Ross, Barnes, Benson, Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Ivey, Levi, Pena–Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vallario, Vaughn, and Walker

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

FOR the purpose of providing that the homestead property tax credit applies to any State, county, or municipal corporation property tax~~, including~~ and certain taxes imposed ~~by a county for a bicounty commission and certain taxes imposed for special taxing districts;~~ for certain bicounty commissions; specifying the applicable homestead credit percentage for certain taxes imposed for certain bicounty commissions; defining a certain term; providing for the application and construction of certain laws relating to certain taxes imposed for certain bicounty commissions; providing for the application of this Act; and generally relating to the homestead property tax credit and property taxes imposed for certain bicounty commissions.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–105(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property
Section 9–105(a)(9)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~9–105(b)~~ 9–105(b), (e)(2), and (g)
Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

House Bill 923 – Delegates Levi, Benson, Haynes, Howard, Nathan–Pulliam, Oaks, Pena–Melnyk, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, Valderrama, ~~and Vaughn~~ Vaughn, Hubbard, Kullen, Montgomery, Morhaim, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Procurement – Minority Business Enterprises – Review of Application for Certification and Notice to Applicant

FOR the purpose of requiring the Board of Public Works to adopt regulations that require the agency designated to certify minority business enterprises to complete its review and provide notice of its decision to the applicant~~, absent extenuating circumstances,~~ within a certain period of time; authorizing the agency to extend a certain notification requirement for a certain period of time if the agency provides the applicant with a certain notice and explanation; and generally relating to review and notice concerning an application for certification as a minority business enterprise.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–303
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 927 – Delegates Nathan–Pulliam, Griffith, Benson, Howard, Kach, Morhaim, Oaks, Pena–Melnyk, Reznik, Robinson, Tarrant, and V. Turner

AN ACT concerning

State Board of Social Work Examiners – Out–of–State Applicants – Licensure

FOR the purpose of exempting certain applicants for licensure as a certain social worker or a certain social worker–clinical from certain requirements under certain circumstances; requiring certain applicants to meet certain requirements, hold certain licensure or registration, have passed certain examinations, and have performed certain practice over a certain period of time; repealing the requirement that the State Board of Social Work Examiners waive certain examination requirements under certain circumstances; and

generally relating to the licensure of out–of–state applicants for licensure as a certified social worker or a certified social worker–clinical.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 19–302(a) and (g)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–302(d) and (e)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 19–302.1
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health Occupations
Section 19–305
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 978 – Harford County Delegation

AN ACT concerning

Harford County Board of Education – Student Member – Voting Rights

FOR the purpose of providing that the student member of the Harford County Board of Education has certain voting rights; prohibiting the student member from voting on certain matters; altering certain procedures for the election of the student member; requiring the Harford County Regional Association of Student Councils to conduct a certain nominating convention; altering the qualifications of the student member; providing for the reimbursement of certain expenses of the student member under certain circumstances; and generally relating to the voting rights of the student member of the Harford County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education

Section 3–6A–01 and 3–6A–04
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 988 – Delegate George

AN ACT concerning

Department of Natural Resources – Regulation of For–Hire Water Carriers

FOR the purpose of requiring the Department of Natural Resources to require for–hire water carriers to show certain proof that the water carriers hold a certain insurance policy or bond in accordance with a certain regulation before vessel registration; authorizing the Department to adopt certain regulations; altering a certain definition to exclude for–hire water carriers from regulation by the Public Service Commission; establishing the intent of this Act to transfer the regulatory authority over for–hire water carriers from the Public Service Commission to the Department; encouraging the Department to adopt certain regulations; defining a certain term; and generally relating to the regulation of for–hire water carriers.

BY adding to
Article – Natural Resources
Section 8–744
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 1–101(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 990 – Delegates Olszewski, Cardin, DeBoy, Frick, and Shewell

AN ACT concerning

Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles

FOR the purpose of authorizing a credit union, subject to the approval of the Commissioner of Financial Regulation, to conduct a savings promotion raffle for the exclusive benefit of eligible members of the credit union; specifying the conditions under which a credit union may conduct a savings promotion raffle; exempting a savings promotion raffle from certain provisions of law relating to the award of prizes by chance; authorizing the Commissioner to take certain actions relating to a savings promotion raffle; authorizing a certain credit union to conduct a savings promotion raffle notwithstanding any other provision of the Criminal Law Article; defining certain terms; and generally relating to credit unions and savings promotion raffles.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–305
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–106
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Financial Institutions
Section 6–716
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1044 – Delegates Bronrott, Ali, Aumann, Barkley, Barnes, Bartlett, Barve, Beidle, Beitzel, Bobo, Cardin, Carr, G. Clagett, Conway, Dumais, Eckardt, Feldman, Frick, Frush, Gaines, Griffith, Gutierrez, Guzzone, Hammen, Haynes, Healey, Hecht, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, Kipke, Krysiak, Lafferty, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Ross, Stein, Taylor, F. Turner, and V. Turner

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

FOR the purpose of making the High Performance Buildings Act applicable to community college capital projects that receive State funds; 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; making this Act applicable to certain capital projects that have not initiated a certain Request for Proposal on or before a certain date; making a technical correction; 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 2009 Supplement)

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

House Bill 1050 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Maryland Health Insurance Plan – Plan Options – Governmental Third Party Payers

FOR the purpose of authorizing the Board of Directors for the Maryland Health Insurance Plan to establish a certain Plan option for certain Plan members whose premiums are paid by certain governmental units; authorizing the Board to include certain amounts in setting premium rates and cost–sharing arrangements for the Plan option, subject to a certain limitation; authorizing the Board to limit the eligibility of certain members of the Plan to the Plan option; authorizing the Board to limit or eliminate the availability to certain members of the Plan of a certain premium subsidy; defining a certain term; and generally relating to the Maryland Health Insurance Plan.

BY adding to
Article – Insurance
Section 14–505(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1064 – ~~Delegate Hubbard~~ Delegates Hubbard, Montgomery, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Check

FOR the purpose of requiring applicants for a license to practice psychology to submit to a certain criminal history records check; requiring applicants to submit fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward certain information to the State Board of Examiners of Psychologists and to certain applicants; providing that certain information is confidential and may be used only for certain purposes; authorizing certain subjects to contest the contents of certain statements; requiring applicants for licensure to submit certain evidence to the Board; requiring the Board to consider certain facts and circumstances in determining whether to grant a license; prohibiting the Board from issuing certain licenses if certain criminal history record information has not been received; authorizing the Board to deny certain applicants a license for failure to submit to a certain criminal history records check; and generally relating to criminal history records checks and the State Board of Examiners of Psychologists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–302, 18–303, 18–306, and 18–313
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 18–302.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1123 – Delegates Holmes, Ali, Healey, and Niemann

AN ACT concerning

Real Property – Mobile Home Parks – Resident and Park Owner Rights

FOR the purpose of requiring a mobile home park owner to maintain security deposits in certain accounts of certain financial institutions; imposing certain requirements for the accounts; prohibiting security deposits under mobile home park resident leases from being attached by certain creditors under certain

circumstances; imposing certain requirements for the return and withholding of security deposits under certain circumstances; requiring certain rent escrow procedures to be followed in certain actions between a mobile home park owner and a resident; authorizing a court to grant certain relief to a mobile home park owner if certain service was made on a resident under certain circumstances; providing that acceptance of certain payments by a mobile home park owner is not a waiver of certain rights; providing that when a mobile home park owner consents to a certain resident remaining on the premises, the resident becomes a month–to–month resident under certain circumstances; providing that a tenant holding over with consent retains certain rights; providing for the distribution of certain payments under certain circumstances; ~~establishing certain procedures to be followed in wrongful detainer actions between a mobile home park owner and a resident;~~ authorizing a mobile home park owner to bring an action for summary ejectment against a deceased resident under certain circumstances; ~~defining a certain term;~~ making stylistic changes; and generally relating to mobile home park owners' and residents' rights.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8A–1001, 8A–1702, and 8A–1703
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Real Property
Section 8A–1503~~,~~ and 8A–1704~~, and 8A–1705~~
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1136 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Supervision and Reorganization

FOR the purpose of requiring certain trust companies to pledge certain securities or deliver a certain surety bond to the Commissioner of Financial Regulation to defray the costs of a certain receivership; ~~authorizing~~ requiring the Commissioner to determine the amount of the securities or surety bond, subject to ~~a~~ certain maximum ~~amount~~ amounts; authorizing the Commissioner or a certain receiver to reduce the pledged securities or surety bond to cash to pay certain costs under certain circumstances; requiring certain securities pledged by a nondepository trust company to be held at a certain institution or bank; authorizing the Commissioner to specify the types of securities that may be

pledged; establishing that certain fees are the responsibility of a nondepository trust company; providing that securities pledged by a nondepository trust company may not be assets relied on by the nondepository trust company for a certain purpose; requiring any income earned on certain securities to be paid to the nondepository trust company; requiring a certain surety bond to be issued by a certain bonding company and in a certain form; establishing procedures for the conversion of a federal mutual savings bank to a Maryland–chartered savings bank; requiring the Commissioner to charge and collect certain fees for a conversion of a federal mutual savings bank into a savings bank under certain provisions of this Act; authorizing the Commissioner to take possession of a nondepository trust company if the Commissioner determines that ~~a certain emergency exists~~ the nondepository trust company is insolvent; providing that certain expenses of the Commissioner that are court approved and related to the Commissioner's possession of a nondepository trust company shall be paid from the assets of the nondepository trust company ~~and~~, the proceeds of the sale of certain ~~bonds~~ securities, or ~~payment on~~ the recovery against a certain surety bond; providing that certain proceeds of a sale of pledged securities shall be an asset of a nondepository trust company; authorizing ~~the Commissioner~~ a certain receiver to appoint certain individuals and retain certain officers and employees as needed to carry out the receivership of a nondepository trust company, and requiring that the salaries and certain other expenses of those individuals, officers, and employees be paid ~~out of the funds~~ from the assets of the ~~trust~~ nondepository trust company, ~~as well as~~ the proceeds of the sale of certain ~~bonds~~ securities, or ~~payment on~~ the recovery against a certain surety bond; defining certain terms; and generally relating to the supervision of certain trust companies and the reorganization of certain savings banks.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–108(a)(4), 3–101, 5–101, and 5–606
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Financial Institutions
Section 3–211.1, 4–701.1, 5–602.1, and 5–604.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 5–601 and 5–602
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1137 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Educational Requirements for Examination and Licensure

FOR the purpose of altering the educational requirements for an applicant for a license to practice certified public accountancy to take the examination to be a certain number of semester hours or their equivalent and the possession of a baccalaureate or higher degree; maintaining the educational requirements for a license to practice certified public accountancy at a certain number of semester hours or their equivalent and the possession of a baccalaureate or higher degree; and generally relating to the educational requirements for examination and licensure as a certified public accountant.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–303 and 2–305
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1141 – Delegate Dumais

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

FOR the purpose of requiring a director of a local department of social services or the Secretary of Human Resources to disclose certain information concerning child abuse and neglect under certain circumstances; altering the circumstances under which certain information concerning child abuse and neglect is required to be disclosed; requiring the State's Attorney to notify the local director or the Secretary within a certain period of time after the conclusion of a certain investigation or prosecution under certain circumstances; requiring the local director or the Secretary to make a certain disclosure within a certain period of time after notification by the State's Attorney; repealing a requirement that the Secretary consult with a certain law enforcement agency before disclosing certain information concerning child abuse and neglect; requiring the local director or the Secretary to disclose certain information; prohibiting the local director and the Secretary from disclosing the names of certain individuals; and

generally relating to the disclosure of information concerning child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–203
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

House Bill 1152 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commissioner of Financial Regulation – Applicant and Staff Criminal Background Checks

FOR the purpose of requiring the Commissioner of Financial Regulation to apply to the Criminal Justice Information System Central Repository for a State and national criminal history records check for each applicant for employment with the Commissioner; authorizing the Commissioner to apply to the Central Repository for a State and national criminal history records check for each employee of the Commissioner; requiring the Commissioner to submit certain fingerprints and fees as part of the application for the criminal history records check; requiring the Central Repository to forward certain information to the applicant or employee and the Commissioner; requiring that the information obtained by the Central Repository be confidential and used only for certain purposes; prohibiting the information obtained by the Central Repository from being redisseminated; authorizing certain individuals to contest the contents of certain statements; requiring the Commissioner to consider certain factors in considering certain convictions as they relate to the individual's qualifications for employment with the Commissioner; defining certain terms; and generally relating to criminal history records checks for applicants for employment with and employees of the Commissioner of Financial Regulation.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–104
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1191 – Delegates McIntosh, Bobo, Cane, Carr, V. Clagett, Glenn, Healey, Holmes, Lafferty, Niemann, Shewell, Sossi, and Stein

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

FOR the purpose of providing that a certain person who receives a citation for a certain offense related to unlawfully taking oysters may have a certain license revoked under certain circumstances; establishing certain grounds for the revocation of a certain license; requiring the Department of Natural Resources to hold a certain hearing under certain circumstances in accordance with the Administrative Procedure Act; requiring the Department to revoke a person's license to catch oysters under certain circumstances; authorizing certain aggrieved persons to obtain judicial review of a certain decision; prohibiting a certain person from using or receiving a certain license under certain circumstances; and generally relating to unlawfully taking oysters and license revocation.

BY adding to
Article – Natural Resources
Section 4–1210
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1202 – Delegate Stein

AN ACT concerning

Business Regulation – Franchises – Copies of Documents to Franchisees

FOR the purpose of prohibiting a franchisor from selling a franchise in the State without first giving a prospective franchisee a copy of the offering prospectus and a copy of each proposed agreement that relates to the sale of the franchise at the earlier of: a certain period of time before the execution of a certain binding agreement, a certain period of time before payment of certain consideration, or at the prospective franchisee's reasonable request to receive a copy of the offering prospectus; and generally relating to providing copies of certain documents to franchisees.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 14–223
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1206 – Delegates Frick, Barkley, Barve, Bobo, Bronrott, Cardin, Carr, G. Clagett, Doory, Dumais, Feldman, Frush, George, Hecht, Hixson, Howard, Kramer, Lee, Miller, Mizeur, Montgomery, Morhaim, Murphy, Niemann, Olszewski, Reznik, Rice, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Commercial Law – Consumer Protection – Refund Anticipation Loans and Checks

FOR the purpose of prohibiting certain persons from soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check or facilitating the making of a refund anticipation loan or refund anticipation check under certain circumstances; requiring a facilitator of a refund anticipation loan or refund anticipation check to display a certain schedule of fees in a certain manner; requiring the schedule to contain certain information and disclosures; prohibiting a facilitator from charging certain fees; requiring a facilitator to make certain written and oral disclosures to certain consumers at a certain time and in a certain manner; requiring the annual percentage rate for a refund anticipation loan to be calculated using certain guidelines; prohibiting a facilitator from taking certain actions relating to a refund anticipation loan or refund anticipation check; providing that, under certain circumstances, a certain provision of this Act does not prohibit a charge or fee from being imposed by a facilitator; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing certain additional penalties for a willful failure to comply with this Act; defining certain terms; and generally relating to refund anticipation loans and refund anticipation checks.

BY adding to
Article – Commercial Law
Section 14–3801 through 14–3807 to be under the new subtitle "Subtitle 38. Refund Anticipation Loans and Checks"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1219 – Allegany County Delegation

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

FOR the purpose of authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property formerly designated and operated as a certain hospital; providing for a certain limitation on the tax credit; authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to provide, by law, for ~~certain provisions relating to the property tax~~ the amount of the credit, eligibility criteria for the credit, regulations and procedures, and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to property tax credits for certain property formerly designated and operated as a certain hospital in Allegany County.

BY adding to
Article – Tax – Property
Section 9–302(l)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1222 – Delegates Ramirez, Rosenberg, Anderson, Dumais, and Levi

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

FOR the purpose of ~~transferring certain responsibilities relating to the assessment of a certain supervision fee from the Parole Commission to the Division of Parole and Probation; repealing a requirement that the Division of Parole and Probation investigate requests for a certain exemption under certain circumstances; requiring the Division to conduct a certain examination of a supervisee at certain times for certain purposes;~~ authorizing the Division of Parole and Probation to recommend to the Parole Commission that a certain supervisee be exempt wholly or partly from a certain fee; defining a certain term; making conforming changes; and generally relating to fees paid by individuals supervised by the Division of Parole and Probation.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1226 – ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

FOR the purpose of establishing a Low Intensity Support Services Program in the Developmental Disabilities Administration; requiring low intensity support services to be flexible to meet the needs of individuals or families; requiring the ~~Developmental Disabilities~~ Administration to provide a certain level of funding for low intensity support services for certain individuals on a certain basis; authorizing the Administration to waive the cap on funding for low intensity support services; providing that ~~an individual~~ certain individuals seeking low intensity support services ~~is~~ are not required to submit or complete certain applications; authorizing the Department of Health and Mental Hygiene to develop a simplified application process for low intensity support services and to adopt certain regulations; requiring the Administration to deliver low intensity support services in a certain manner; defining a certain term; and generally relating to the Developmental Disabilities Administration and low intensity support services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7–403(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 7–717 to be under the new part "Part V. Low Intensity Support Services"
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1267 – Delegate Niemann

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

FOR the purpose of prohibiting certain persons from purchasing more than a certain number of items of plastic secondary packaging for a certain purpose; requiring certain persons that purchase certain plastic secondary packaging to make a certain record of each transaction in which a person sells a certain number of items of plastic secondary packaging; requiring certain purchasers to verify the identity of certain sellers in a certain manner; requiring certain purchasers to keep certain records of certain transactions; requiring certain records to be kept for a certain period of time; providing that a person that violates this Act is guilty of a misdemeanor and subject to a certain fine; defining a certain term; and generally relating to the purchase of plastic secondary packaging.

BY adding to
Article – Business Regulation
Section 19–308
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1295 – Delegates Krysiak, Jameson, Kirk, McHale, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

FOR the purpose of increasing the amount of assessments that the Workers' Compensation Commission imposes against uninsured employers and directs as payment into the Uninsured Employers' Fund; and generally relating to assessments imposed on employers that have failed to secure workers' compensation insurance.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–1005
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1323 – ~~Delegate Jennings~~ Delegates Jennings, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Rudolph, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Civil Air Patrol Leave Act of 2010

FOR the purpose of establishing a certain leave policy for members of the Civil Air Patrol; providing that an employer may not take certain actions against certain employees; requiring employers to provide a certain number of days of a certain leave for certain employees; requiring a certain employee to provide certain notices to an employer; permitting an employer to require a certain certification; allowing an employee to maintain certain leave; allowing an employer to provide a certain paid leave; requiring an employer to restore an employee to a certain position after use of a certain leave except in certain circumstances; prohibiting use of a certain leave while using other certain grants of leave; allowing negotiation between an employer and employee regarding payment of certain benefits during a certain leave; disallowing the loss of certain benefits that accrued at a certain time; maintaining the current obligations of an employer under a certain agreement or benefit plan; providing that a certain agreement or employee plan entered into after a certain date may not diminish the use of a certain leave; providing that this Act does not diminish certain rights of certain employees; authorizing an employee to take certain legal actions to enforce this Act; defining certain terms; and generally relating to leave taken by members of the Civil Air Patrol.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–703
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Labor and Employment
Section 3–1001 through 3–1007 to be under the new subtitle "Subtitle 10. Civil Air Patrol Leave"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1470 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

FOR the purpose of providing that a title insurance producer independent contractor who ~~is the agent~~ provides certain services that may result in issuance of a title insurance contract by or on behalf of a title insurance producer is not required to file a certain fidelity bond, surety bond, or letter of credit with the Maryland Insurance Commissioner under certain circumstances; prohibiting a title insurance producer from using or accepting the services of a title insurance producer independent contractor unless the title insurance producer independent contractor is covered under the title insurance producer's fidelity bond and surety bond or letter of credit; providing that a title insurance producer that uses the services of a title insurance producer independent contractor is the legal principal of the title insurance producer independent contractor and is liable for certain actions of the title insurance producer independent contractor; requiring any mortgage or deed of trust executed ~~by~~ in a transaction in which a title insurance producer independent contractor ~~as the agent~~ acts for or on behalf of a title insurance producer to include certain information; requiring the Maryland Insurance Commissioner to conduct a certain study, adopt certain regulations, examine a certain rate review and approval process, and report certain information to certain committees of the General Assembly; requiring the Maryland Insurance Administration and the Department of Labor, Licensing, and Regulation to develop a certain document and make it available on their websites, adopt certain regulations, share certain information, and report certain information to certain committees of the General Assembly; altering a certain definition; and generally relating to title insurers and title insurance producers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–101(a) and 10–121(e), (g), and (k)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–101(j), 10–121(n), and 10–121.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 10–121(n)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

SPECIAL ORDERS

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

Senate Bill 796 – Senators Middleton and Forehand

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

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

Favorable report adopted.

FLOOR AMENDMENT

SB0796/493029/1

BY: Senator Harrington

AMENDMENTS TO SENATE BILL 796
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 7 down through "purposes;" in line 10; in line 16, after "centers;" insert "requiring the State Board of Victim Services, in a certain fiscal year, to make a certain grant from the State Victims of Crime Fund to each county government that intends to establish a child advocacy center or needs assistance in keeping an existing child advocacy center open; requiring the State Board of Victim Services to make a certain report on or before a certain date;"; and in line 20, strike "11–916, 11–919, and".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 26 on page 1 through line 4 on page 3, inclusive.

On page 4, after line 20, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) In fiscal year 2012, the State Board of Victim Services shall approve a grant of $20,833 from the State Victims of Crime Fund to each county government that:

(1) intends to establish a child advocacy center; or

(2) demonstrates a financial need for assistance in keeping an existing child advocacy center open.

(b) On or before December 15, 2010, the State Board of Victim Services shall report to the Senate Budget and Taxation Committee and the House Judicial Proceedings Committee, in accordance with § 2–1246 of the State Government Article, on the amount of revenue that would be needed to expand the purposes of the State Victims of Crime Fund to include supporting child advocacy centers in the State while continuing to fully support the current purposes of the Fund.";

and in line 21, strike "2." and substitute "3.".

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

Affirmative – 23 Negative – 21 (See Roll Call No. 681)

Read the second time and ordered prepared for Third Reading.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 25, 2010

Aviation Commission, Maryland

1. Raymond C. Nichols, Sr. District 38
11801 Porfin Drive
Berlin, MD 21811

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2010

Blind Industries and Services of Maryland, Board of Trustees of

2. Peter L. Gehlbach, M.D., Ph.D. District 7
400 Symphony Circle, Unit 514–I
Hunt Valley, MD 21030

Member of the Board of Trustees of Blind Industries and Services of Maryland; appointed to serve remainder of a term of three years from July 1, 2009

Certified Interior Designers, State Board of

3. Melanie Hartwig–Davis District 47
3201 Belleview Avenue
Cheverly, MD 20785

Member of the State Board of Certified Interior Designers; appointed to serve remainder of a term of three years from July 1, 2007 and a term of three years from July 1, 2010

Dietetic Practice, State Board of

4. Melanie A. Brooks District 12
5142 Morningside Lane
Ellicott City, MD 21043

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2009

Higher Education Labor Relations Board, Maryland

5. Harriet E. Cooperman, Esq. District 30
1743 St. Margaret's Road
Annapolis, MD 21401

Member of the Maryland Higher Education Labor Relations Board; reappointed to serve a term of six years from July 1, 2010

Historic St. Mary's City Commission

6. Thomas Trezise District 99
908 N. Dupont Road
Wilmington, DE 19807

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2008

Injured Workers' Insurance Fund, Board for the

7. Paul V. Gill, Sr. District 44
1107 Haverhill Road
Baltimore, MD 21229

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve remainder of a term of five years from June 1, 2009

Morticians and Funeral Directors, State Board of

8. Keith R. Downey District 38
6984 Amber Fields Court
Salisbury, MD 21804

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2010

9. Michelle H. Huggins District 10
5 Brie Court
Randallstown, MD 21133

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2010

Patuxent Institution Board of Review

10. Archie Curtis Gee, Sr. District 41
903 Stamford Road
Baltimore, MD 21229

Member of the Patuxent Institution Board of Review; appointed to serve a term of four years from March 21, 2010

Patuxent River Commission

11. David G. Bourdon District 29
3891 Plum Point Road
Huntingtown, MD 20639

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

12. Walter R. Boynton District 27
2005 Henry Hutchins Road
Prince Frederick, MD 20678

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

13. F. Hamer Campbell, Jr. District 23
6400 West Vein Road
Bowie, MD 20720

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

14. Mary E. Kilbourne District 23
14706 Willoughby Road
Upper Marlboro, MD 20772

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

15. Barbara Sollner–Webb District 21
17200 Melbourne Drive
Laurel, MD 20707

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 20009

16. Frederick L. Tutman District 23
18600 Queen Ann Road
Upper Marlboro, MD 20774

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

Pharmacy, State Board of

17. Zeno W. St. Cyr, II District 26
601 River Bend Road
Fort Washington, MD 20744

Member of the State Board of Pharmacy; appointed to serve a term of four year from July 1, 2010

Professional Engineers, State Board for

18. David G. Mongan District 5
2341 Elderberry Lane
Reisterstown, MD 21136

Member of the State Board for Professional Engineers; appointed to serve remainder of a term of five years from July 1, 2008

Psychologists, State Board of

19. Jeffrey E. Barnett, Psy.D. District 33
747 Buckeye Court
Millersville, MD 21108

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2010

20. Lydia McCargo–Redd District 11
10217 Harvest Fields Drive
Woodstock, MD 21163

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2010

Real Estate Commission, State

21. Juan Munoz District 16
5405 Tuckerman Lane, Apt. 412
Rockville, MD 20852

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2010

22. Jeff M. Thaler District 38
607 S. Pacific Avenue
Ocean City, MD 21842

Member of the State Real Estate Commission; appointed to serve remainder of a term of four years from June 1, 2007

Rural Legacy Board, Advisory Committee to the

23. Elizabeth E. Jones District 33
412 Polling House Road
Harwood, MD 20776

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2008

Social Work Examiners, State Board of

24. Joyce A. Bell, Ph.D. District 38
10740 Jones Creek Circle
Princess Anne, MD 21853

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2010

Technology Development Corporation Board of Directors, Maryland

25. Bill Anderson District 11
304 Brushwood Drive
Owings Mills, MD 21117

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2008

26. Dorothy E. Brunson District 41
3419 Bancroft Road
Baltimore, MD 21215

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2006

27. Lynn Johnson Langer District 39
11704 Owens Glen Way
North Potomac, MD 20878

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2009

28. Amita Shukla District 16
7111 Woodmont Avenue, Apt. 503
Bethesda, MD 20815

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2009

Waterworks and Waste Systems Operators, State Board of

29. Nancy Hausrath District 1
13610 Scofield Road
Flintstone, MD 21530

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

30. Hiram Tanner District 23
12308 Longwater Drive
Mitchellville, MD 20721

Member of the State Board of Waterworks and Waste Systems Operators; appointed to serve remainder of a term of four years from July 1, 2008

Workforce Corporation Board of Directors, Maryland

31. H. Walter Townsend, III District 23
1504 Pittsfield Lane
Mitchellville, MD 20716

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2011

Statewide Nominees

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

Budget of the State Workers' Compensation Commission, Advisory Committee on the

S–1. Karen L. Ebersole District 2
10138 Garis Shop Road
Hagerstown, MD 21740

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2010

S–2. Michael J. Schreyer, Esq. District 28
8270 Hudson Drive
La Plata, MD 20646

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2010

Lottery Commission, Maryland State

S–3. Matthew Thomas District 27
7810 New Ascot Lane
Clinton, MD 20735

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2010

Morticians and Funeral Directors, State Board of

S–4. W. Henry Green District 30
585 Kevins Drive
Arnold, MD 21012

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2010

Nursing, State Board of

S–5. Meredith S. Levert District 14
24113 Pecan Grove Lane
Gaithersburg, MD 20882

Member of the State Board of Nursing; reappointed to serve a term of four years from July 1, 2010

Optometry, State Board of Examiners in

S–6. Frederick J. Walsh District 11
22 Bellchase Court
Baltimore, MD 21208

Member of the State Board of Examiners in Optometry; reappointed to serve a term of four years from June 1, 2010

Plumbing, State Board of

S–7. Joseph A. Radtka District 33
3 Severndale Road
Severna Park, MD 21146

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2010

S–8. Russell A. Wiebking District 9
2575 Sand Hill Road
Ellicott City, MD 21042

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2010

Police Training Commission

S–9. Bernadette M. DiPino District 38
712 North Surf Road
Ocean City, MD 21842

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2010

Port Commission, Maryland

S–10. Donald C. Fry District 35
2726 Edwin Drive
Bel Air, MD 21015

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2010

S–11. Theodore G. Venetoulis District 11
24 Woodward Lane
Lutherville, MD 21093

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2010

Prevailing Wage Rates, Advisory Council on

S–12. James L. Correll District 11
10 Timber Run Court
Reisterstown, MD 21136

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2010

Psychologists, State Board of

S–13. Myra A. Waters, Ph.D. District 8
4116 Maple Path Circle
Nottingham, MD 21236

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2010

Public Service Commission

S–14. Lawrence Brenner, Esq. District 15
12512 Deoudes Road
Boyds, MD 20841

Member of the Public Service Commission; reappointed to serve a term of five years from July 1, 2010

Racing Commission, State

S–15. John B. Franzone District 42
621 Dunloy Court
Timonium, MD 21093

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2010

S–16. David Hayden District 5
16123 Dark Hollow Road, P.O. Box 68
Upperco, MD 21155

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2010

Real Estate Commission, State

S–17. Marla S. Johnson District 3
2762 Lynn Street
Frederick, MD 21704

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2010

Residential Boarding Education Programs, Board of Trustees of

S–18. Morton P. Fisher, Jr. District 42
2435 Still Forest Road
Baltimore, MD 21208

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2010

Social Work Examiners, State Board of

S–19. Thomas P. Smith District 31
329 W. Riverview Road
Brooklyn, MD 21225

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2010

Technology Development Corporation Board of Directors, Maryland

S–20. W. Winston Chan, Ph.D. District 23
6308 Wood Pointe Drive
Glenn Dale, MD 20769

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2009

S–21. Eugene M. DeLoatch, Ph.D. District 24
2400 Fairhill Drive, P.O. Box 177
Suitland, MD 20752

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

S–22. John H. Lewin, III District 41
4607 Wilmslow Road
Baltimore, MD 21210

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

S–23. Jay A. Steinmetz District 43
213 Paddington Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Tourism Development Board, Maryland

S–24. Khaled M. Said Abdallah District 9
5553 Broadwater Lane
Clarksville, MD 21029

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2010

S–25. Samuel J. Parker, Jr. District 22
5601 57th Avenue
Riverdale, MD 20737

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2010

S–26. Linda Westgate District 11
9417 Lyonswood Drive
Owings Mills, MD 21117

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2010

Waterworks and Waste Systems Operators, State Board of

S–27. Dominic Deludos, Jr. District 6
7119 Crestshire Road
Baltimore, MD 21222

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

S–28. Joseph D. Johnson District 9
2850 Bethany Lane
Ellicott City, MD 21042

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

S–29. William A. Shreve, Sr. District 29
20368 Gilliam Drive
Park Hall, MD 20667

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

S–30. Jerald R. Wheeler District 34
508 Michaelsville Road, P.O. Box 67
Perryman, MD 21130

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2010

Workforce Corporation Board of Directors, Maryland

S–31. Barbara R. Denman District 22
4318 Tuckerman Street
University Park, MD 20782

Member of the Maryland Workforce Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Local Nominees

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

Harford County Board of Elections

L–1. Maria A. Terry District 34
333 Oak Street
Aberdeen, MD 21001

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

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 682)

Senate Bill 544 – Senators Harrington, Currie, Frosh, Gladden, Lenett, and Raskin

AN ACT concerning

Public Safety – Regulation of Demolition – Demolition Contractors

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR STOLTZFUS.

FLOOR AMENDMENT

SB0544/373020/1

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 544
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after "circumstances;" insert "providing that this Act does not apply in certain counties;".

AMENDMENT NO. 2

On page 3, in line 9, before "**THIS**" insert "**(A)**"; and after line 13, insert:

"**(B)** **THIS SUBTITLE DOES NOT APPLY IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**".

The preceding 2 amendments were read only.

Senator Dyson moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senate Bill 854 – The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, and Stone

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

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

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

The motion was adopted.

Senate Bill 504 – Senator Gladden

AN ACT concerning

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

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

Senator Harrington moved, duly seconded, to make the Bill a Special Order for March 29, 2010.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 683)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #53

Senate Bill 400 – Senators Pugh, Raskin, Conway, Currie, Forehand, Harrington, Jones, Kelley, Madaleno, McFadden, Miller, Muse, and Peters

AN ACT concerning

No Representation Without Population Act

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

Affirmative – 34 Negative – 10 (See Roll Call No. 684)

The Bill was then sent to the House of Delegates.

Senate Bill 557 – Senator Pinsky

AN ACT concerning

Education – Alternate Maryland School Assessment – Review ~~and Revision~~

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

Affirmative – 43 Negative – 1 (See Roll Call No. 685)

The Bill was then sent to the House of Delegates.

Senate Bill 564 – Senators Raskin, Astle, Colburn, Conway, Currie, DeGrange, Dyson, Forehand, Frosh, Glassman, Harrington, Jacobs, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pinsky, Pugh, Robey, Simonaire, Stone, and Zirkin

AN ACT concerning

Drunk Driving Elimination Act

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

Affirmative – 44 Negative – 0 (See Roll Call No. 686)

The Bill was then sent to the House of Delegates.

Senate Bill 899 – The President (By Request – Administration)

AN ACT concerning

Education Reform Act of 2010

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

Affirmative – 44 Negative – 0 (See Roll Call No. 687)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #54
CONSENT CALENDAR #7

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 924	Carroll Co. Senators	Carroll County – Public Facilities Bonds	B&T
SB 925	Carroll Co. Senators	Carroll County – Green Building Tax Credit	B&T
SB 947	Sen. Edwards	Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility	B&T
SB 957	Sen. Miller	Calvert County – Special Taxing Districts	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 7 were read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 688)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #55

Senate Bill 647 – Senator Pugh

AN ACT concerning

Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for Additional Payments

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

Affirmative – 44 Negative – 0 (See Roll Call No. 689)

The Bill was then sent to the House of Delegates.

Senate Bill 650 – Senator Pipkin

AN ACT concerning

Maryland Transportation Authority – Proposed Toll or Fee Charges – Public Comments

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

Affirmative – 44 Negative – 0 (See Roll Call No. 690)

The Bill was then sent to the House of Delegates.

Senate Bill 704 – Senators Garagiola ~~and Frosh~~, Frosh, Exum, Kelley, Middleton, and Pugh

AN ACT concerning

Insurance – Coordination of Benefits – Health Insurance and Personal Injury Protection

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

Affirmative – 44 Negative – 0 (See Roll Call No. 691)

The Bill was then sent to the House of Delegates.

Senate Bill 876 – Senator Dyson

AN ACT concerning

St. Mary's County – Certificated Public School Employees – Service or Representation Fee

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

Affirmative – 40 Negative – 4 (See Roll Call No. 692)

The Bill was then sent to the House of Delegates.

Senate Bill 884 – Senators Klausmeier and Stone

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

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

Affirmative – 40 Negative – 4 (See Roll Call No. 693)

The Bill was then sent to the House of Delegates.

Senate Bill 886 – ~~Senator Klausmeier~~ Senators Klausmeier and Middleton

AN ACT concerning

Financial Institutions – Credit Unions and Depository Institutions – Authority to Conduct Savings Promotion Raffles

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

Affirmative – 43 Negative – 0 (See Roll Call No. 694)

The Bill was then sent to the House of Delegates.

Senate Bill 893 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

Affirmative – 42 Negative – 2 (See Roll Call No. 695)

The Bill was then sent to the House of Delegates.

Senate Bill 920 – Senators Kasemeyer ~~and Madaleno~~, Madaleno, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

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

Affirmative – 44 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the House of Delegates.

Senate Bill 923 – Carroll County Senators

AN ACT concerning

Carroll County – Homemade Food Sales – County Parks and Facilities

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

Affirmative – 44 Negative – 0 (See Roll Call No. 697)

The Bill was then sent to the House of Delegates.

Senate Bill 955 – Senators Exum, Garagiola, Gladden, Kelley, and Peters

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

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

Affirmative – 44 Negative – 0 (See Roll Call No. 698)

The Bill was then sent to the House of Delegates.

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

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

Affirmative – 44 Negative – 0 (See Roll Call No. 699)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #56

Senate Bill 451 – Senators Conway, Currie, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Middleton, Muse, Peters, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

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

Affirmative – 29 Negative – 15 (See Roll Call No. 700)

The Bill was then sent to the House of Delegates.

Senate Bill 637 – Senators Pipkin ~~and Astle~~, Astle, Klausmeier, Exum, and Garagiola

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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

Affirmative – 44 Negative – 0 (See Roll Call No. 701)

The Bill was then sent to the House of Delegates.

Senate Bill 643 – Senators Pugh, Currie, Forehand, Harrington, Jones, King, Kramer, Lenett, Madaleno, ~~and Raskin~~ Raskin, and Exum

AN ACT concerning

Telephone ~~Companies and Resellers~~ Bills – Third–Party Vendor Billing

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

Affirmative – 44 Negative – 0 (See Roll Call No. 702)

The Bill was then sent to the House of Delegates.

Senate Bill 723 – Senator Munson

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

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

Affirmative – 44 Negative – 0 (See Roll Call No. 703)

The Bill was then sent to the House of Delegates.

Senate Bill 726 – Cecil County Senators

AN ACT concerning

Cecil County – Collective Bargaining – Representation of Deputy Sheriffs ~~– Arbitration – Referendum~~

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

Affirmative – 40 Negative – 3 (See Roll Call No. 704)

The Bill was then sent to the House of Delegates.

Senate Bill 855 – The President (By Request – Administration) and Senators Astle, Conway, Forehand, Frosh, Harrington, Kelley, King, Kramer, Lenett, Madaleno, Middleton, Muse, Peters, Pinsky, Raskin, ~~and Rosapepe~~ Rosapepe, Della, Exum, Garagiola, Glassman, Klausmeier, and Pugh

AN ACT concerning

Patient Centered Medical Home Program

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

Affirmative – 43 Negative – 0 (See Roll Call No. 705)

The Bill was then sent to the House of Delegates.

Senate Bill 900 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Title Insurers – Required Reserves, Capital Stock, and Surplus

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

Affirmative – 44 Negative – 0 (See Roll Call No. 706)

The Bill was then sent to the House of Delegates.

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Residential Real Estate Settlements – Disclosures

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

Affirmative – 44 Negative – 0 (See Roll Call No. 707)

The Bill was then sent to the House of Delegates.

Senate Bill 1036 – ~~Senator Muse~~ Senators Muse, Klausmeier, Exum, Garagiola, Glassman, Middleton, and Pugh

AN ACT concerning

Commissioner of Financial Regulation – Financial Education Resources Clearinghouse

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

Affirmative – 44 Negative – 0 (See Roll Call No. 708)

The Bill was then sent to the House of Delegates.

Senate Bill 1067 – Senators Rosapepe, Currie, Exum, Harrington, Miller, Muse, Peters, and Pinsky

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George's County

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

Affirmative – 43 Negative – 0 (See Roll Call No. 709)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #57

Senate Bill 97 – ~~**Senator Mooney**~~ **Senators Mooney, Muse, Frosh, and Raskin**

AN ACT concerning

Office of the Public Defender – Board of Trustees – ~~Composition~~ Membership

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

Affirmative – 43 Negative – 0 (See Roll Call No. 710)

The Bill was then sent to the House of Delegates.

Senate Bill 280 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Exum, Forehand, Garagiola, Harrington, Jacobs, Jones, Kasemeyer, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Haines, and Mooney

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

Senator Pipkin moved, duly seconded, to place **Senate Bill 280** back on second reading for the purpose of adding amendments.

The motion was rejected by a roll call vote as follows:

Affirmative – 12 Negative – 30 (See Roll Call No. 711)

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

Affirmative – 42 Negative – 0 (See Roll Call No. 712)

The Bill was then sent to the House of Delegates.

Senate Bill 330 – Senators Zirkin, Frosh, Mooney, Muse, and Stone

AN ACT concerning

Human Services – Quality Care – Juvenile Facilities

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

Affirmative – 42 Negative – 2 (See Roll Call No. 713)

The Bill was then sent to the House of Delegates.

Senate Bill 335 – Senators Simonaire, Haines, Jacobs, Mooney, ~~and Stone~~ Stone, Brochin, Forehand, and Raskin

AN ACT concerning

Criminal Law – "Student Protection Act of 2010"

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

Affirmative – 44 Negative – 0 (See Roll Call No. 714)

The Bill was then sent to the House of Delegates.

Senate Bill 531 – Senators Forehand, Haines, Jacobs, Klausmeier, and Muse

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

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

Affirmative – 44 Negative – 0 (See Roll Call No. 715)

The Bill was then sent to the House of Delegates.

Senate Bill 688 – Senator Raskin

AN ACT concerning

Maryland General Corporation Law – Miscellaneous Provisions

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

Affirmative – 43 Negative – 0 (See Roll Call No. 716)

The Bill was then sent to the House of Delegates.

Senate Bill 690 – Senators Raskin and Frosh

AN ACT concerning

Corporations – ~~B (For-Benefit)~~ Benefit Corporation

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

Affirmative – 44 Negative – 0 (See Roll Call No. 717)

The Bill was then sent to the House of Delegates.

Senate Bill 695 – Senator Haines

AN ACT concerning

Criminal Procedure – Violent Offenders – Parole as Condition for Alcohol or Drug Abuse Treatment

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

Affirmative – 44 Negative – 0 (See Roll Call No. 718)

The Bill was then sent to the House of Delegates.

Senate Bill 780 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Forehand, Jacobs, Muse, Simonaire, and Stone

AN ACT concerning

Real Property – Affordable Housing Land Trusts

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

Affirmative – 44 Negative – 0 (See Roll Call No. 719)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #58

Senate Bill 44 – Senator Haines and Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

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

Affirmative – 40 Negative – 4 (See Roll Call No. 720)

The Bill was then sent to the House of Delegates.

Senate Bill 342 – Senators Frosh, Conway, Forehand, Harrington, Lenett, Pinsky, Raskin, ~~and Rosapepe~~ Rosapepe, and Klausmeier

AN ACT concerning

Natural Resources – ~~Oyster Poaching – Hearing~~ Oysters – Hearing for Poaching and Designation of Sanctuaries

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

Affirmative – 44 Negative – 0 (See Roll Call No. 721)

The Bill was then sent to the House of Delegates.

Senate Bill 382 – Senators Conway, Colburn, Dyson, Harrington, Lenett, Miller, and Reilly

AN ACT concerning

Marine Contractors – Licensure and Regulation ~~– Wetland Permits and Authorizations~~ – Tidal Wetlands Licenses

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

Affirmative – 37 Negative – 7 (See Roll Call No. 722)

The Bill was then sent to the House of Delegates.

Senate Bill 556 – Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Prohibitions

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

Affirmative – 44 Negative – 0 (See Roll Call No. 723)

The Bill was then sent to the House of Delegates.

Senate Bill 635 – Senator Pipkin

SECOND PRINTING

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

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

Affirmative – 44 Negative – 0 (See Roll Call No. 724)

The Bill was then sent to the House of Delegates.

Senate Bill 820 – Senators Forehand, Colburn, Klausmeier, Lenett, ~~and Stone~~ Stone, Jacobs, and Simonaire

AN ACT concerning

Police Training Commission – Additional Minimum Training Requirements

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

Affirmative – 44 Negative – 0 (See Roll Call No. 725)

The Bill was then sent to the House of Delegates.

Senate Bill 1050 – Senator Kelley

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

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

Affirmative – 44 Negative – 0 (See Roll Call No. 726)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 317 – Senators McFadden, Kasemeyer, Astle, Conway, Currie, DeGrange, Dyson, Exum, Forehand, Frosh, Garagiola, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Stone

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

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

SB0317/599831/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 317
(First Reading File Bill)

On page 2, after line 28, insert:

"(d) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part III of the State Personnel and Pensions Article.

(2) If the fraction calculated under § 29–412 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's initial allowance on July 1, 2010, is less than 1, the adjustment under § 29–412 of the State Personnel and Pensions Article to the current allowance shall equal $0.00 on July 1, 2010.";

and in lines 29 and 36, strike "(d)" and "(e)", respectively, and substitute "(e)" and "(f)", respectively.

On page 3, in lines 25 and 32, strike "(f)" and "(g)", respectively, and substitute "(g)" and "(h)", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0317/313525/2

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 317
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, in line 20, after "enacted." insert "It shall remain effective through June 30, 2011, and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 284 – The President (By Request – Administration) and Senators Garagiola, Harrington, Jones, King, Lenett, Madaleno, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Collective Negotiations by Family Child Care Providers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDEMENTS (4) AND THE FAVORABLE REPORT.

SB0284/737174/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 284
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 14 down through "payments;" in line 19 and substitute "requiring collective bargaining to include

negotiations that result in the establishment of a certain fund to protect certain family child care providers under certain circumstances;".

On page 2, in line 1, after "certification;" insert "requiring the Early Learning Programs Section of the Maryland State Department of Education to report to certain committees of the General Assembly on or before a certain date each year through a certain year;".

AMENDMENT NO. 2

On page 5, strike in their entirety lines 4 through 17, inclusive.

AMENDMENT NO. 3

On page 5, after line 17, insert:

"**(E) (1) COLLECTIVE BARGAINING SHALL INCLUDE NEGOTIATIONS THAT RESULT IN THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF PROTECTING FAMILY CHILD CARE PROVIDERS AGAINST EXTREME HARDSHIP OR LOSS OF LIVELIHOOD RESULTING FROM LATE STATE PAYMENTS.**

(2) THE EXCLUSIVE REPRESENTATIVE SHALL PAY FOR A PORTION OF THE FUND.

(3) THE FUND:

(I) MAY NOT BE A STATE FUND; BUT

(II) SHALL BE ESTABLISHED AND ADMINISTERED IN CONSULTATION WITH THE STATE.

(4) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR FAMILY CHILD CARE PROVIDERS.

(5) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(6) THE FUND SHALL INCLUDE FUNDS SUFFICIENT TO MEET THE REASONABLY FORESEEABLE NEEDS OF THE FAMILY CHILD CARE PROVIDERS.".

AMENDMENT NO. 4

On page 6, after line 28, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 31 of each year through 2013, the Early Learning Programs Section of the Maryland State Department of Education shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the status of the Maryland Child Care Subsidy Program as it relates to family child care providers.

(b) The report shall include:

(1) the number of child care providers and children participating in the Maryland Child Care Subsidy Program;

(2) the number of family child care providers who join the collective bargaining unit established under this Act, and the number of children served by each of the providers;

(3) the number of family child care providers who have used the fund required to be established under § 5–595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, and the terms of eligibility for payments from the fund;

(4) recommendations on how to safeguard the funds in the fund required to be established under § 5–595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, in the event that management of the fund is transferred or the fund is terminated; and

(5) an analysis of any positive or negative trends resulting from the implementation of this Act.";

and in line 29, strike "4." and substitute "5.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

STATUS OF BILL: QUESTION IS ON THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR JACOBS.

FLOOR AMENDMENT

SB0590/553129/1
BY: Senator Jacobs

AMENDMENT TO SENATE BILL 590
(First Reading File Bill)

On page 19, in line 29, strike "**AND**".

On page 20, in line 2, after "**JUDGMENT;**" insert "**AND**

(VI) IS NOT AN ACTIVE MEMBER OF A LABOR UNION;".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0590/873827/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "representative" insert "for certain public school employees"; in lines 11 and 24, in each instance, strike "a" and substitute "certain"; in lines 11, 14, and 24, in each instance, strike "employer" and substitute "employers"; in line 14, strike the first "a" and substitute "certain"; strike beginning with "repealing" in line 18 down through "regarding" in line 19 and substitute "providing a certain process to be followed for"; and in line 19, after "in" insert "certain".

On page 2, in line 2, after "between" insert "certain"; in line 3, after "requiring" insert "certain"; in line 10, after "involving" insert "certain"; in line 19, after "changes;" insert "making certain conforming changes;"; in line 23, after "6–405(f)," insert "6–404(b) and (c), 6–407(c),"; in the same line, strike "6–408" and substitute "6–408(d)"; in the same line, after "6–501," insert "and"; in the same line, strike ", 6–510, and 6–511"; and in line 28, strike "6–408.1" and substitute "6–4A–01 through 6–4A–12 to be under the new subtitle "Subtitle 4A. Organization of Certificated Employees of Appointed County Boards"; 6–5A–01 through 6–5A–13 to be under the new subtitle "Subtitle 5A. Organizations of Noncertificated Employees of Appointed County Boards"".

AMENDMENT NO. 2

On page 3, in lines 6 and 11, in each instance, strike "**4**" and substitute "**4A**"; in lines 6 and 11, in each instance, strike "**5**" and substitute "**5A**"; strike lines 16 and 17; in line 18, strike "**(C)**" and substitute "(b)"; strike beginning with "or" in line 19 down through "City" in line 20; in line 23, strike the brackets; and in the same line, strike "**(D)**".

On page 4, in lines 3, 7, 29, and 30, in each instance, strike the brackets; in lines 3 and 30, strike "**(E)**" and "**(F)**", respectively; strike beginning with "or" in line 4 down through "City," in line 5; in line 7, strike "**6–408(C)**"; strike in their entirety lines 15 through 19, inclusive; in line 29, strike "**6–501(I)**"; and in lines 30 and 31, strike "or the Baltimore City Board of School Commissioners" and substitute "**THAT IS ELECTED OR HAS A COMBINATION OF ELECTED AND APPOINTED MEMBERS**".

On page 5, in lines 2 and 9, in each instance, strike the brackets; in line 4, strike "or individuals of equivalent status in Baltimore City"; strike beginning with the second comma in line 15 down through "made" in line 17; after line 24, insert:

"6–404.

(b) [(1)] Except as provided in paragraph (2) of this subsection, 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.

[(2) In Baltimore County, the public school employer may designate a separate unit comprised of all registered nurses employed by the county in elementary schools or special schools.]

(c) [(1)] Except as provided in paragraph (2) of this subsection, there may not be more than two units in a county.

[(2) In Baltimore County, there may not be more than three units, provided that one unit consists of elementary and special school nurses and one unit consists of employees whose position requires an administrative and supervisory certificate and supervisory noncertificated employees as defined under § 6–501(h) of this title.]

6–407.

(c) (1) In Montgomery County, Prince George's County, [Baltimore County, Baltimore City,] and Howard County, the public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee, to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) The service or representation fee may not exceed the annual dues of the members of the organization.

(3) An employee who is a substitute teacher and who works on a short–term day–to–day basis is not required to pay a service or representation fee.

(4) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined in paragraph (2) of this subsection to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of such payment.

[(5) (i) In Baltimore County, the provisions of this subsection shall apply only to employees who are hired on or after July 1, 1997.

(ii) The provisions of this paragraph apply if an agency or representation fee is negotiated in Baltimore County.

(iii) 1. Subject to the provisions of subsubparagraph 2 of this subparagraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold harmless the Board of Education of Baltimore County against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

2. The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(iv) The employee organization designated as the exclusive representative shall submit to the board an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the representation fee is calculated based on the audit.

(v) 1. The agency or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including the handling of grievances, and other activities, as required under this section.

2. Any political activities of the employee organization designated as the exclusive representative may not be financed by the funds collected from the agency or representation fee.]

(6) In Montgomery County, an employee who is a home or hospital teacher and who works on a short–term day–to–day basis is not required to pay a service or representation fee.

[(f) In Anne Arundel County:

(1) The public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold harmless the Anne Arundel County Board of Education against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(ii) The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(3) The employee organization designated as the exclusive representative shall submit to the Anne Arundel County Board of Education an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the service or representation fee is calculated based on the audit.

(4) (i) The service or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including grievances, and other activities under this section.

(ii) Political activities of the employee organization designated as the exclusive representative may not be financed with the funds collected from the service or representation fee.

(5) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined under paragraph (1) of this subsection to a nonreligious, nonunion charity or to another charitable organization that is mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of the payment.

(6) Any negotiated agreement that includes a representation fee also shall contain a provision that requires that an amount of revenue equal to 25% of the annual representation fees collected and maintained by the local bargaining representative be designated for professional development for represented educators.

(7) This subsection shall apply only to employees who are hired on or after October 1, 2004.**]**";

and after line 25, insert:

"(d) (7) Notwithstanding any other provision of this subtitle, the public school employer shall make the final determination as to matters that have been the subject of negotiation, but this final determination is subject to the other provisions of this article concerning the fiscal relationship between the public school employer and the county commissioners**[**,**]** **AND** county council**[**, and Mayor and City Council of Baltimore City**]**.".

On pages 5 through 11, strike the lines beginning with line 26 on page 5 through line 18 on page 11, inclusive.

On page 11, strike lines 21 and 22; in line 23, strike "**(C)**" and substitute "(b)"; in line 27, strike the brackets; and in the same line, strike "**(D)**".

On page 12, in lines 1, 5, 7, 17, 18, and 22, in each instance, strike the brackets; in lines 1, 5, 7, 18, and 22, strike "**(E)**", "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively; in line 17, strike "**6–510(C)**"; in line 18, strike "(1)"; in line 18, strike "the" and substitute "**A**"; in lines 18 and 19, strike "in each county" and substitute "of education that is elected or has a combination of elected and appointed members"; and strike in their entirety lines 20 and 21.

On pages 12 through 19, strike the lines beginning with line 25 on page 12 through line 9 on page 19, inclusive.

On page 19, after line 9, insert:

"**SUBTITLE 4A. ORGANIZATIONS OF CERTIFICATED EMPLOYEES OF APPOINTED COUNTY BOARDS.**

6–4A–01.

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

(B) "BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.

(C) "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.

(D) (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.

(E) (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(C) OF THIS SUBTITLE.

(2) 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.

(F) "PUBLIC SCHOOL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION THAT IS APPOINTED OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

6–4A–02.

(A) PUBLIC SCHOOL EMPLOYEES MAY FORM, JOIN, AND PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS OF THEIR OWN CHOICE FOR THE PURPOSE OF BEING REPRESENTED ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

(B) AN EMPLOYEE ORGANIZATION MAY ESTABLISH REASONABLE:

(1) RESTRICTIONS AS TO WHO MAY JOIN; AND

(2) PROVISIONS FOR THE DISMISSAL OF INDIVIDUALS FROM MEMBERSHIP.

6–4A–03.

A PUBLIC SCHOOL EMPLOYEE MAY REFUSE TO JOIN OR PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS.

6–4A–04.

(A) EACH 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) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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.

(2) IN BALTIMORE COUNTY, THE PUBLIC SCHOOL EMPLOYER MAY DESIGNATE A SEPARATE UNIT COMPRISED OF ALL REGISTERED NURSES EMPLOYED BY THE COUNTY IN ELEMENTARY SCHOOLS OR SPECIAL SCHOOLS.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THERE MAY NOT BE MORE THAN TWO UNITS IN A COUNTY.

(2) IN BALTIMORE COUNTY, THERE MAY NOT BE MORE THAN THREE UNITS, PROVIDED THAT ONE UNIT CONSISTS OF ELEMENTARY AND SPECIAL SCHOOL NURSES AND ONE UNIT CONSISTS OF EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE AND SUPERVISORY CERTIFICATE AND SUPERVISORY NONCERTIFICATED EMPLOYEES AS DEFINED UNDER § 6–5A–01(H) OF THIS TITLE.

(D) ALL ELIGIBLE PUBLIC SCHOOL EMPLOYEES SHALL:

(1) BE INCLUDED IN ONE OF THESE UNITS; AND

(2) HAVE THE RIGHTS GRANTED IN THIS SUBTITLE.

6–4A–05.

(A) THE DESIGNATION OF AN EMPLOYEE ORGANIZATION AS AN EXCLUSIVE REPRESENTATIVE SHALL BE MADE AS PROVIDED IN THIS SECTION.

(B) IF AN EMPLOYEE ORGANIZATION CERTIFIES TO THE PUBLIC SCHOOL EMPLOYER THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 30 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN A SPECIFIED UNIT IN A COUNTY AS OF JUNE 1 OF THE YEAR IN WHICH CERTIFICATION IS MADE, THIS CERTIFICATION IS A REQUEST FOR RECOGNITION AS EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN THE COUNTY.

(C) IF ANOTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT AS OF THE SAME JUNE 1, AN ELECTION SHALL BE HELD IN WHICH THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:

(1) ONE OF THE EMPLOYEE ORGANIZATIONS AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT; OR

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(D) IF NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT, ON THE REQUEST OF THE EMPLOYEE ORGANIZATION UNDER SUBSECTION (B) OF THIS SECTION, AN ELECTION SHALL BE HELD AND THE BALLOT SHALL OFFER A CHOICE BETWEEN:

(1) EXCLUSIVE REPRESENTATION BY THE ORGANIZATION; AND

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(E) THE PUBLIC SCHOOL EMPLOYER SHALL DESIGNATE THE EMPLOYEE ORGANIZATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN A COUNTY IF:

(1) NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT;

(2) THE EMPLOYEE ORGANIZATION DOES NOT REQUEST AN ELECTION UNDER SUBSECTION (D) OF THIS SECTION; AND

(3) THE EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF THE MAJORITY OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(F) (1) THE BOARD SHALL ADOPT RULES AND REGULATIONS FOR:

(I) VERIFYING THE NUMBER OF CERTIFICATED EMPLOYEES OF THE PUBLIC SCHOOL EMPLOYER OR INDIVIDUALS OF EQUIVALENT STATUS IN BALTIMORE CITY WHO ARE MEMBERS IN GOOD

STANDING OF AN EMPLOYEE ORGANIZATION ON THE DATE OF THE CERTIFICATION OR WHO HAVE SIGNED A PETITION UNDER THIS SECTION; AND

(II) HOLDING ELECTIONS UNDER THIS SECTION AND THE CERTIFICATION OF THEIR RESULTS.

(2) THE BOARD SHALL PROVIDE FOR SUPERVISION OF THESE ELECTIONS.

(3) THE ELECTIONS SHALL BE HELD:

(I) IN EACH SCHOOL FACILITY WHERE PUBLIC EMPLOYEES ARE ASSIGNED ON A REGULARLY SCHEDULED SCHOOL DAY;

(II) IN A MANNER ASSURING THE SECRECY OF THE BALLOT; AND

(III) ON A REGULAR WORKING DAY FOR PUBLIC SCHOOL EMPLOYEES, BETWEEN JUNE 1 AND JUNE 15, INCLUSIVE, EXCEPT IN BALTIMORE CITY WHERE THE ELECTIONS SHALL BE HELD BETWEEN NOVEMBER 1 AND NOVEMBER 15 FOLLOWING THE DATE ON WHICH CERTIFICATION OF REQUIRED MEMBERSHIP ENROLLMENT IS MADE.

(4) IN ANY ELECTION HELD UNDER THIS SECTION, THE EMPLOYEE ORGANIZATION THAT RECEIVES THE LARGEST NUMBER OF VOTES CAST IN A UNIT SHALL BE DECLARED TO BE THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT. IF THE LARGEST NUMBER OF VOTES IN THE ELECTION IS CAST NOT TO HAVE EXCLUSIVE REPRESENTATION, A REPRESENTATIVE MAY NOT BE DESIGNATED FOR THE UNIT.

(5) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE ANY ASSISTANCE REQUIRED IN HOLDING THE ELECTIONS.

6–4A–06.

(A) (1) THE DESIGNATION OF AN EXCLUSIVE REPRESENTATIVE SHALL BE FOR AT LEAST 2 YEARS.

(2) AFTER THIS INITIAL PERIOD, THE ORGANIZATION SHALL BE THE EXCLUSIVE REPRESENTATIVE UNTIL ANOTHER ELECTION IS HELD.

(B) (1) AN ELECTION AFTER THE INITIAL PERIOD OF REPRESENTATION MAY BE HELD:

(I) ONLY AFTER THE END OF THE 2–YEAR PERIOD; AND

(II) ON PETITION SIGNED BY MORE THAN 20 PERCENT OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT OF THE COUNTY.

(2) THIS ELECTION SHALL BE HELD IN THE SAME MANNER AS PROVIDED IN § 6–4A–05 OF THIS SUBTITLE.

(3) ALL SIGNATURES ON A PETITION REQUESTING AN ELECTION SHALL BE OBTAINED WITHIN 90 DAYS BEFORE THE ELECTION DATE.

6–4A–07.

(A) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL BE THE NEGOTIATING AGENT OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(B) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL REPRESENT ALL EMPLOYEES IN THE UNIT FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE EMPLOYEES ARE MEMBERS OF THE EMPLOYEE ORGANIZATION.

(C) (1) IN BALTIMORE COUNTY AND BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR REPRESENTATION FEE, TO BE CHARGED NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS,

CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES AS ARE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE SERVICE OR REPRESENTATION FEE MAY NOT EXCEED THE ANNUAL DUES OF THE MEMBERS OF THE ORGANIZATION.

(3) AN EMPLOYEE WHO IS A SUBSTITUTE TEACHER AND WHO WORKS ON A SHORT–TERM DAY–TO–DAY BASIS IS NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE.

(4) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:

(I) NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED IN PARAGRAPH (2) OF THIS SUBSECTION TO A NONRELIGIOUS, NONUNION CHARITY OR TO SUCH OTHER CHARITABLE ORGANIZATION AS MAY BE MUTUALLY AGREED UPON BY THE EMPLOYEE AND THE EXCLUSIVE REPRESENTATIVE, AND WHO FURNISHES TO THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF SUCH PAYMENT.

(5) (I) IN BALTIMORE COUNTY, THE PROVISIONS OF THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER JULY 1, 1997.

(II) THE PROVISIONS OF THIS PARAGRAPH APPLY IF AN AGENCY OR REPRESENTATION FEE IS NEGOTIATED IN BALTIMORE COUNTY.

(III) 1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE BOARD OF EDUCATION OF BALTIMORE COUNTY AGAINST ANY AND ALL CLAIMS, DEMANDS,

SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD OF EDUCATION OF BALTIMORE COUNTY FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

2. THE BOARD OF EDUCATION OF BALTIMORE COUNTY SHALL RETAIN WITHOUT CHARGE TO THE BOARD OF EDUCATION OF BALTIMORE COUNTY THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD OF EDUCATION OF BALTIMORE COUNTY FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(IV) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE BOARD OF EDUCATION OF BALTIMORE COUNTY AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(V) 1. THE AGENCY OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING THE HANDLING OF GRIEVANCES, AND OTHER ACTIVITIES, AS REQUIRED UNDER THIS SECTION.

2. ANY POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED BY THE FUNDS COLLECTED FROM THE AGENCY OR REPRESENTATION FEE.

(F) IN ANNE ARUNDEL COUNTY:

(1) THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE

FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR REPRESENTATION FEE TO BE CHARGED NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES AS ARE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(2) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(II) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL RETAIN WITHOUT CHARGE TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(3) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE SERVICE OR REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(4) (I) THE SERVICE OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES UNDER THIS SECTION.

(II) POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED WITH THE FUNDS COLLECTED FROM THE SERVICE OR REPRESENTATION FEE.

(5) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:

(I) NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO A NONRELIGIOUS, NONUNION CHARITY OR TO ANOTHER CHARITABLE ORGANIZATION THAT IS MUTUALLY AGREED UPON BY THE EMPLOYEE AND THE EXCLUSIVE REPRESENTATIVE, AND WHO FURNISHES TO THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF THE PAYMENT.

(6) ANY NEGOTIATED AGREEMENT THAT INCLUDES A REPRESENTATION FEE ALSO SHALL CONTAIN A PROVISION THAT REQUIRES THAT AN AMOUNT OF REVENUE EQUAL TO 25% OF THE ANNUAL REPRESENTATION FEES COLLECTED AND MAINTAINED BY THE LOCAL BARGAINING REPRESENTATIVE BE DESIGNATED FOR PROFESSIONAL DEVELOPMENT FOR REPRESENTED EDUCATORS.

(7) THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER OCTOBER 1, 2004.

6–4A–08.

(A) WHEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION NEGOTIATE UNDER THIS SECTION, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL:

(1) CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES;

(2) HONOR AND ADMINISTER EXISTING AGREEMENTS;

(3) MAKE EVERY REASONABLE EFFORT TO CONCLUDE NEGOTIATIONS WITH A FINAL WRITTEN AGREEMENT IN A TIMELY MANNER; AND

(4) REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT OF THE NEGOTIATIONS.

(B) THE AGREEMENTS MAY PROVIDE FOR BINDING ARBITRATION OF THE GRIEVANCES ARISING UNDER THE AGREEMENT THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO ARBITRATION.

(C) (1) ON REQUEST A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES SHALL MEET AND NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS, INCLUDING PROCEDURES REGARDING EMPLOYEE TRANSFERS AND ASSIGNMENTS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES MAY NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON OTHER MATTERS THAT ARE MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(3) A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE THE SCHOOL CALENDAR, THE MAXIMUM NUMBER OF STUDENTS ASSIGNED TO A CLASS, OR ANY MATTER THAT IS PRECLUDED BY APPLICABLE STATUTORY LAW.

(4) A MATTER THAT IS NOT SUBJECT TO NEGOTIATION UNDER PARAGRAPH (2) OF THIS SUBSECTION BECAUSE IT HAS NOT BEEN MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION MAY NOT BE RAISED IN ANY ACTION TAKEN TO RESOLVE AN IMPASSE UNDER SUBSECTION (E) OF THIS SECTION.

(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, A PERMISSIVE, OR AN ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PARTY IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST, THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIVING THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE TEACHERS OR EMPLOYEES.

(D) THE DESIGNATION OF REPRESENTATIVES BY THE EMPLOYER UNDER THIS SECTION DOES NOT PREVENT THE DESIGNATED EMPLOYEE ORGANIZATION FROM APPEARING BEFORE OR MAKING PROPOSALS TO THE PUBLIC SCHOOL EMPLOYER AT A PUBLIC MEETING OR HEARING.

(E) (1) IF, ON THE REQUEST OF EITHER PARTY, THE BOARD DETERMINES FROM THE FACTS THAT AN IMPASSE IS REACHED IN NEGOTIATIONS BETWEEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS AN EXCLUSIVE NEGOTIATING AGENT, THE BOARD SHALL WITHIN 10 CALENDAR DAYS:

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION OF EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM

THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD IS SUBJECT TO THE OTHER PROVISIONS OF THIS ARTICLE CONCERNING THE FISCAL RELATIONSHIP BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY COMMISSIONERS, COUNTY COUNCIL, AND MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

6–4A–09.

IF A FISCAL AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER SHALL RENEGOTIATE THE FUNDS ALLOCATED FOR THESE PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION BEFORE THE PUBLIC

SCHOOL EMPLOYER MAKES A FINAL DETERMINATION IN ACCORDANCE WITH A TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD.

6–4A–10.

A PUBLIC SCHOOL EMPLOYER AND EMPLOYEE ORGANIZATION MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST ANY PUBLIC SCHOOL EMPLOYEE BECAUSE OF THE EXERCISE OF HIS RIGHTS UNDER §§ 6–4A–02 AND 6–4A–03 OF THIS SUBTITLE.

6–4A–11.

(A) AN EMPLOYEE ORGANIZATION MAY NOT CALL OR DIRECT A STRIKE.

(B) (1) ANY EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL HAVE ITS DESIGNATION AS EXCLUSIVE REPRESENTATIVE REVOKED BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION AND ANY OTHER EMPLOYEE ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION IS INELIGIBLE TO BE DESIGNATED AS EXCLUSIVE REPRESENTATIVE FOR A PERIOD OF 2 YEARS AFTER THE VIOLATION.

(2) IF AN EMPLOYEE ORGANIZATION VIOLATES ANY PROVISION OF THIS SECTION, THE PUBLIC SCHOOL EMPLOYER SHALL STOP MAKING PAYROLL DEDUCTIONS FOR DUES OF THE ORGANIZATION FOR 1 YEAR AFTER THE VIOLATION.

6–4A–12.

(A) THIS SUBTITLE DOES NOT SUPERSEDE ANY OTHER PROVISION OF THE CODE OR THE RULES AND REGULATIONS OF PUBLIC SCHOOL EMPLOYERS THAT ESTABLISH AND REGULATE TENURE.

(B) THIS SUBTITLE DOES NOT MAKE THE STATE LABOR LAWS IN TITLES 3 AND 7 OF THE LABOR AND EMPLOYMENT ARTICLE APPLY TO PUBLIC SCHOOL EMPLOYMENT.

SUBTITLE 5A. ORGANIZATIONS OF NONCERTIFICATED EMPLOYEES OF APPOINTED COUNTY BOARDS.

6–5A–01.

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

(B) "BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.

(C) "CONFIDENTIAL EMPLOYEE" INCLUDES AN INDIVIDUAL WHOSE EMPLOYMENT RESPONSIBILITIES REQUIRE KNOWLEDGE OF THE PUBLIC SCHOOL EMPLOYER'S POSTURE IN THE COLLECTIVE NEGOTIATION PROCESS, AS DETERMINED BY THE PUBLIC SCHOOL EMPLOYER IN NEGOTIATIONS WITH AN EMPLOYEE ORGANIZATION THAT REQUESTS NEGOTIATION ON THIS ISSUE.

(D) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION THAT:

(1) INCLUDES NONCERTIFICATED EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER; AND

(2) HAS AS ONE OF ITS MAIN PURPOSES THE REPRESENTATION OF THE EMPLOYEES IN THEIR RELATIONS WITH THAT PUBLIC SCHOOL EMPLOYER.

(E) "MANAGEMENT PERSONNEL" INCLUDES AN INDIVIDUAL WHO IS ENGAGED MAINLY IN EXECUTIVE AND MANAGERIAL FUNCTIONS, AS DETERMINED BY THE PUBLIC SCHOOL EMPLOYER IN NEGOTIATION WITH AN EMPLOYEE ORGANIZATION THAT REQUESTS NEGOTIATION ON THIS ISSUE.

(F) (1) "PUBLIC SCHOOL EMPLOYEE" MEANS A NONCERTIFICATED INDIVIDUAL WHO IS EMPLOYED FOR AT LEAST 9 MONTHS A YEAR ON A FULL–TIME BASIS BY A PUBLIC SCHOOL EMPLOYER.

(2) "PUBLIC SCHOOL EMPLOYEE" INCLUDES A NONCERTIFICATED EMPLOYEE IN BALTIMORE CITY NOTWITHSTANDING THAT THE NONCERTIFICATED EMPLOYEE DOES NOT WORK FOR AT LEAST 9 MONTHS A YEAR ON A FULL–TIME BASIS.

(3) "PUBLIC SCHOOL EMPLOYEE" DOES NOT INCLUDE:

(I) MANAGEMENT PERSONNEL;

(II) A CONFIDENTIAL EMPLOYEE; OR

(III) ANY INDIVIDUAL DESIGNATED BY THE PUBLIC SCHOOL EMPLOYER TO ACT IN A NEGOTIATING CAPACITY AS PROVIDED IN § 6–5A–10 OF THIS SUBTITLE.

(G) (1) "PUBLIC SCHOOL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION THAT IS APPOINTED.

(2) "PUBLIC SCHOOL EMPLOYER" INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

(H) "SUPERVISORY EMPLOYEE" INCLUDES ANY INDIVIDUAL WHO RESPONSIBLY DIRECTS THE WORK OF OTHER EMPLOYEES, AS DETERMINED BY THE PUBLIC SCHOOL EMPLOYER IN NEGOTIATION WITH AN EMPLOYEE ORGANIZATION THAT REQUESTS NEGOTIATION ON THIS ISSUE.

6–5A–02.

(A) PUBLIC SCHOOL EMPLOYEES MAY FORM, JOIN, AND PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS OF THEIR OWN CHOICE FOR THE PURPOSE OF BEING REPRESENTED ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

(B) AN EMPLOYEE ORGANIZATION MAY ESTABLISH REASONABLE RESTRICTIONS AS TO WHO MAY JOIN AND REASONABLE PROVISIONS FOR THE DISMISSAL OF INDIVIDUALS FROM MEMBERSHIP, EXCEPT THAT THESE

RESTRICTIONS AND PROVISIONS MAY NOT DISCRIMINATE WITH REGARD TO THE TERMS OR CONDITIONS OF MEMBERSHIP BECAUSE OF RACE, COLOR, MARITAL STATUS, CREED, SEX, AGE, OR NATIONAL ORIGIN.

6–5A–03.

(A) A PUBLIC SCHOOL EMPLOYEE MAY REFUSE TO JOIN OR PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS.

(B) (1) IN ANNE ARUNDEL COUNTY AND BALTIMORE COUNTY, THE COUNTY BOARD, WITH RESPECT TO NONCERTIFICATED EMPLOYEES, MAY NEGOTIATE A STRUCTURE OF REASONABLE SERVICE FEES TO BE CHARGED NONMEMBERS FOR REPRESENTATION IN NEGOTIATIONS AND GRIEVANCE MATTERS BY EMPLOYEE ORGANIZATIONS.

(2) IN ANNE ARUNDEL COUNTY, IF THE COUNTY BOARD NEGOTIATES A STRUCTURE OF FEES AS AUTHORIZED UNDER THIS SUBSECTION:

(I) EACH PARTY SHALL:

1. CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES; AND

2. REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT OF THE NEGOTIATIONS; AND

(II) NEITHER PARTY IS REQUIRED TO AGREE TO ANY PROPOSAL OR TO MAKE ANY CONCESSION.

(3) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY IF AN AGENCY OR REPRESENTATION FEE IS NEGOTIATED IN BALTIMORE COUNTY.

(II) 1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE BOARD OF

EDUCATION OF BALTIMORE COUNTY AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

2. THE BOARD SHALL RETAIN WITHOUT CHARGE TO THE BOARD THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(III) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE BOARD AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(IV) 1. THE AGENCY OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING THE HANDLING OF GRIEVANCES, AND OTHER ACTIVITIES AS REQUIRED UNDER § 6–5A–09 OF THIS SUBTITLE; AND

2. ANY POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED BY THE FUNDS COLLECTED FROM THE AGENCY OR REPRESENTATION FEE.

(E) IN BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER SHALL NEGOTIATE WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR REPRESENTATION FEE TO BE CHARGED TO NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS IN THE SAME

MANNER THAT ANY SUCH FEE WAS PERMITTED UNDER LAW AND BARGAINED FOR PRIOR TO JANUARY 1, 1997.

6–5A–04.

(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, 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) EXCEPT AS PROVIDED IN PARAGRAPH (3) 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 § 6–4A–04(C)(2) OF THIS TITLE.

(4) 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.

6–5A–05.

(A) THE DESIGNATION OF AN EMPLOYEE ORGANIZATION AS AN EXCLUSIVE REPRESENTATIVE SHALL BE MADE AS PROVIDED IN THIS SECTION.

(B) IF AN EMPLOYEE ORGANIZATION CERTIFIES TO THE PUBLIC SCHOOL EMPLOYER THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 30 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN A SPECIFIED UNIT IN A COUNTY AS OF JUNE 1 OF THE YEAR IN WHICH CERTIFICATION IS MADE, THIS CERTIFICATION IS A REQUEST FOR RECOGNITION AS EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN THE COUNTY.

(C) IF ANOTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT AS OF THE SAME JUNE 1, AN ELECTION SHALL BE HELD IN WHICH THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:

(1) ONE OF THE EMPLOYEE ORGANIZATIONS AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT; OR

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(D) IF NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT, ON THE REQUEST OF THE EMPLOYEE ORGANIZATION UNDER SUBSECTION (B) OF THIS SECTION, AN ELECTION SHALL BE HELD AND THE BALLOT SHALL OFFER A CHOICE BETWEEN:

(1) EXCLUSIVE REPRESENTATION BY THE ORGANIZATION; AND

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(E) THE PUBLIC SCHOOL EMPLOYER SHALL DESIGNATE THE EMPLOYEE ORGANIZATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN A COUNTY IF:

(1) NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT;

(2) THE EMPLOYEE ORGANIZATION DOES NOT REQUEST AN ELECTION UNDER SUBSECTION (D) OF THIS SECTION; AND

(3) THE EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF THE MAJORITY OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(F) (1) THE BOARD SHALL ADOPT RULES AND REGULATIONS FOR:

(I) VERIFYING THE NUMBER OF PUBLIC SCHOOL EMPLOYEES WHO ARE MEMBERS IN GOOD STANDING OF AN EMPLOYEE ORGANIZATION ON THE DATE OF THE CERTIFICATION OR WHO HAVE SIGNED A PETITION UNDER THIS SECTION; AND

(II) HOLDING ELECTIONS UNDER THIS SECTION AND THE CERTIFICATION OF THEIR RESULTS.

(2) THE BOARD SHALL PROVIDE FOR SUPERVISION OF THESE ELECTIONS.

(3) THE ELECTIONS SHALL BE HELD:

(I) IN EACH SCHOOL FACILITY WHERE PUBLIC SCHOOL EMPLOYEES ARE ASSIGNED ON A REGULARLY SCHEDULED SCHOOL DAY;

(II) IN A MANNER ASSURING THE SECRECY OF THE BALLOT; AND

(III) ON A REGULAR WORKING DAY FOR PUBLIC SCHOOL EMPLOYEES, BETWEEN JUNE 1 AND JUNE 15, INCLUSIVE.

(4) IN ALL ELECTIONS HELD UNDER THIS SECTION, THE EMPLOYEE ORGANIZATION THAT RECEIVES A MAJORITY OF THE VOTES CAST IN A UNIT SHALL BE DECLARED TO BE THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT. IF A MAJORITY OF THE VOTES IN THE ELECTION ARE CAST NOT TO HAVE EXCLUSIVE REPRESENTATION, A REPRESENTATIVE MAY NOT BE DESIGNATED FOR THE UNIT.

(5) THE TWO CHOICES ON THE BALLOT THAT RECEIVE THE MOST VOTES SHALL BE PLACED ON A BALLOT FOR A RUNOFF ELECTION THAT SHALL BE HELD IN THE SAME MANNER AS THE ORIGINAL ELECTION IF:

(I) MORE THAN ONE EMPLOYEE ORGANIZATION IS ON THE BALLOT;

(II) NO EMPLOYEE ORGANIZATION OBTAINS A MAJORITY OF THE VOTES; AND

(III) A MAJORITY OF THE VOTES IS NOT FOR "NOT TO HAVE EXCLUSIVE REPRESENTATION".

(6) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE ANY ASSISTANCE REQUIRED IN CONDUCTING THE ELECTIONS.

6–5A–06.

(A) (1) THE DESIGNATION OF AN EXCLUSIVE REPRESENTATIVE SHALL BE FOR AT LEAST 2 YEARS.

(2) AFTER THIS INITIAL PERIOD, THE ORGANIZATION SHALL BE THE EXCLUSIVE REPRESENTATIVE UNTIL ANOTHER ELECTION IS HELD.

(B) (1) AN ELECTION AFTER THE INITIAL PERIOD OF REPRESENTATION MAY BE HELD:

(I) ONLY AFTER THE END OF THE 2–YEAR PERIOD; AND

(II) ON PETITION SIGNED BY MORE THAN 20 PERCENT OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT OF THE COUNTY.

(2) THIS ELECTION SHALL BE HELD IN THE SAME MANNER AS PROVIDED IN § 6–5A–05 OF THIS SUBTITLE.

(3) ALL SIGNATURES ON A PETITION REQUESTING AN ELECTION SHALL BE OBTAINED WITHIN 90 DAYS BEFORE THE ELECTION DATE.

6–5A–07.

(A) EMPLOYEE ORGANIZATIONS RECOGNIZED BY THE PUBLIC SCHOOL EMPLOYER AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN A SPECIFIED UNIT ON JULY 1, 1978 SHALL CONTINUE TO BE THE EXCLUSIVE REPRESENTATIVE:

(1) FOR THE REST OF THE 2–YEAR INITIAL PERIOD AS PROVIDED BY § 6–5A–06 OF THIS SUBTITLE; AND

(2) BEYOND THE 2–YEAR PERIOD UNTIL ANOTHER ELECTION IS HELD AS PROVIDED UNDER § 6–5A–06 OF THIS SUBTITLE.

(B) ANY COLLECTIVE NEGOTIATION AGREEMENT THAT HAS BEEN ENTERED INTO BY AN EXCLUSIVE REPRESENTATIVE AND A PUBLIC EMPLOYER AS OF JULY 1, 1978 SHALL CONTINUE IN EFFECT FOR THE TERM OF THE AGREEMENT.

6–5A–08.

(A) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL BE THE NEGOTIATING AGENT OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(B) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL REPRESENT ALL EMPLOYEES IN THE UNIT FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE EMPLOYEES ARE MEMBERS OF THE EMPLOYEE ORGANIZATION.

(C) ALL PUBLIC SCHOOL EMPLOYEES HAVE THE RIGHTS GRANTED UNDER THIS SUBTITLE.

6–5A–09.

(A) WHEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION NEGOTIATE UNDER THIS SECTION, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL:

(1) CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES;

(2) HONOR AND ADMINISTER EXISTING AGREEMENTS;

(3) MAKE EVERY REASONABLE EFFORT TO CONCLUDE NEGOTIATIONS WITH A FINAL WRITTEN AGREEMENT IN A TIMELY MANNER; AND

(4) REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT OF THE NEGOTIATIONS.

(B) THE AGREEMENTS MAY PROVIDE FOR BINDING ARBITRATION OF THE GRIEVANCES ARISING UNDER THE AGREEMENT THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO ARBITRATION.

(C) (1) ON REQUEST, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES SHALL MEET AND NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS, INCLUDING THE DISCIPLINE AND DISCHARGE OF AN EMPLOYEE FOR JUST CAUSE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES MAY NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON OTHER MATTERS THAT ARE MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(3) A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE THE SCHOOL CALENDAR, THE MAXIMUM NUMBER OF STUDENTS ASSIGNED TO A CLASS, OR ANY MATTER THAT IS PRECLUDED BY APPLICABLE STATUTORY LAW.

(4) A MATTER THAT IS NOT SUBJECT TO NEGOTIATION UNDER PARAGRAPH (2) OF THIS SUBSECTION BECAUSE IT HAS NOT BEEN MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION MAY NOT BE RAISED IN ANY ACTION TAKEN TO RESOLVE AN IMPASSE UNDER SUBSECTION (E) OF THIS SECTION.

(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, A PERMISSIVE, OR AN ILLEGAL TOPIC OF BARGAINING, EITHER

PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PUBLIC SCHOOL EMPLOYER OR EMPLOYEE ORGANIZATION IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST, THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC AT ISSUE IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF THE WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIPT OF THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE EMPLOYEES.

(D) THE DESIGNATION OF REPRESENTATIVES BY THE EMPLOYER UNDER THIS SECTION DOES NOT PREVENT AN EMPLOYEE ORGANIZATION FROM APPEARING BEFORE OR MAKING PROPOSALS TO THE PUBLIC SCHOOL EMPLOYER AT A PUBLIC MEETING OR HEARING.

(E) (1) IF, ON THE REQUEST OF EITHER PARTY, THE BOARD DETERMINES FROM THE FACTS THAT AN IMPASSE IS REACHED IN NEGOTIATIONS BETWEEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS AN EXCLUSIVE NEGOTIATING AGENT, THE BOARD SHALL WITHIN 10 CALENDAR DAYS:

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION OF EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD IS SUBJECT TO THE OTHER PROVISIONS OF THIS ARTICLE CONCERNING THE FISCAL RELATIONSHIP BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY COMMISSIONERS AND COUNTY COUNCIL.

6–5A–10.

IF THE FISCAL AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER SHALL RENEGOTIATE THE FUNDS ALLOCATED FOR THESE PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION BEFORE THE PUBLIC SCHOOL EMPLOYER MAKES A FINAL DETERMINATION IN ACCORDANCE WITH THE TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD.

6–5A–11.

A PUBLIC SCHOOL EMPLOYER AND EMPLOYEE ORGANIZATION MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST ANY PUBLIC SCHOOL EMPLOYEE BECAUSE OF THE EXERCISE OF HIS RIGHTS UNDER §§ 6–5A–02 AND 6–5A–03 OF THIS SUBTITLE.

6–5A–12.

(A) AN EMPLOYEE ORGANIZATION MAY NOT CALL OR DIRECT A STRIKE.

(B) (1) ANY EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL HAVE ITS DESIGNATION AS EXCLUSIVE REPRESENTATIVE REVOKED BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION AND ANY OTHER EMPLOYEE ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION IS INELIGIBLE TO BE DESIGNATED AS EXCLUSIVE REPRESENTATIVE FOR A PERIOD OF 2 YEARS AFTER THE VIOLATION.

(2) IF AN EMPLOYEE ORGANIZATION VIOLATES ANY PROVISION OF THIS SECTION, THE PUBLIC SCHOOL EMPLOYER SHALL STOP MAKING PAYROLL DEDUCTIONS FOR DUES OF THE ORGANIZATION FOR 1 YEAR AFTER THE VIOLATION.

6–5A–13.

THIS SUBTITLE DOES NOT MAKE THE STATE LABOR LAWS IN TITLES 3 AND 7 OF THE LABOR AND EMPLOYMENT ARTICLE APPLY TO PUBLIC SCHOOL EMPLOYMENT.".

On page 21, in lines 17 and 26, in each instance, strike "**4**" and substitute "**4A**"; and in the same lines, strike "**5**" and substitute "**5A**".

The preceding 2 amendments were read only.

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

The motion was adopted.

Senate Bill 593 – Senators Garagiola, King, Pipkin, Colburn, Della, Exum, Forehand, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

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

SB0593/497670/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 593
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "requiring the Maryland Medical Assistance Program to pay certain rates for certain emergency services;"; in line 6, after "facilities;" insert "altering the circumstances under which the Department of Health and Mental Hygiene must issue a license to a freestanding medical facility;"; in line 7, strike "claims submitted by freestanding medical facilities at"; in line 8, after "Commission" insert "for emergency services provided at certain freestanding medical facilities; repealing certain provisions of law requiring the Maryland Health Care Commission to propose certain regulations; altering certain definitions"; in the same line, after the third "the" insert "Health Services Cost Review"; in line 10, after "Act;" insert "requiring the Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, to conduct a certain study and report the results of its study to certain committees of the General Assembly on or before a certain date; prohibiting freestanding medical facilities from being established after a certain date without a certificate of need issued by the Maryland Health Care Commission; requiring the Maryland Health Care Commission to consider certain data in establishing certain criteria and standards for issuing a certain certificate of need; requiring the Health Services Cost Review Commission to set certain rates applicable to certain payors for certain emergency services;"; strike in their entirety lines 12 through 16, inclusive; in line 19, after "Section" insert "15–105(d), 19–114,"; in the same line, after "19–211," insert "19–3A–03,"; and after line 21, insert:

"BY repealing
Article – Health – General
Section 19–131
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General
Section 19–201(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"15–105.

(d) (1) The Department shall adopt regulations for the reimbursement of specialty outpatient treatment and diagnostic services rendered to Program recipients at a freestanding clinic owned and operated by a hospital that is under a capitation agreement approved by the Health Services Cost Review Commission.

(2) (i) Except as provided in **[**subparagraph**]** **SUBPARAGRAPHS** (ii) **AND (III)** of this paragraph, the reimbursement rate under paragraph (1) of this subsection shall be set according to Medicare standards and principles for retrospective cost reimbursement as described in 42 C.F.R. Part 413 or on the basis of charges, whichever is less.

(ii) The reimbursement rate for a hospital that has transferred outpatient oncology, diagnostic, rehabilitative, and digestive disease services to an off–site facility prior to January 1, 1999 shall be set according to the rates approved by the Health Services Cost Review Commission if:

1. The transfer of services was due to zoning restrictions at the hospital campus;

2. The off–site facility is surveyed as part of the hospital for purposes of accreditation by the Joint Commission on Accreditation of Healthcare Organizations; and

3. The hospital notifies the Health Services Cost Review Commission in writing by July 1, 1999 that the hospital would like the services provided at the off–site facility subject to Title 19, Subtitle 2 of this article.

(III) THE PROGRAM SHALL PAY THE RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION FOR EMERGENCY SERVICES PROVIDED AT:

1. A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER § 19–3A–07 OF THIS ARTICLE PRIOR TO JANUARY 1, 2008; AND

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

19–114.

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

(b) (1) "Ambulatory surgical facility" means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1–301 of the Health Occupations Article, that:

(i) Has two or more operating rooms;

(ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and

(iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

(i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and

(ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

(c) "Certificate of need" means a certification of public need issued by the Commission under this Part II of this subtitle for a health care project.

(d) (1) "Health care facility" means:

(i) A hospital, as defined in § 19–301 of this title;

(ii) A limited service hospital, as defined in § 19–301 of this title;

(iii) A related institution, as defined in § 19–301 of this title;

(iv) An ambulatory surgical facility;

(v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

(vi) A home health agency, as defined in § 19–401 of this title;

(vii) A hospice, as defined in § 19–901 of this title;

(VIII) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19–3A–01 OF THIS TITLE; and

[(viii)**] (IX)** Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.

(2) "Health care facility" does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care

constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:

1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider's subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(iii) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iv) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(v) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

(e) "Health care practitioner" means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(f) "Health service area" means an area of this State that the Governor designates as appropriate for planning and developing of health services.

(g) "Local health planning agency" means the health department of a jurisdiction or a body designated by the local health department to perform health planning functions.

(h) "State health plan" means the State health plan for facilities and services.

[19–131.

(a) On or before July 1, 2008, the Commission, in consultation with the Health Services Cost Review Commission and the Department of Health and Mental Hygiene, shall propose emergency regulations to establish a review process to approve facilities in the State that may seek licensure as a freestanding medical facility, as provided in Subtitle 3A of this title.

(b) The regulations shall include:

(1) A process to identify areas of the State in which a freestanding medical facility could meet health care service delivery needs;

(2) A process for submitting and acting on applications;

(3) Criteria for evaluating and approving applications, including:

(i) Documentation that the proposed freestanding medical facility will meet the licensure requirements of Subtitle 3A of this title;

(ii) The efficiency and effectiveness of the proposed freestanding medical facility in meeting the health care needs of the health planning region;

(iii) The types of equipment and level of staffing specified, in relation to the services the freestanding medical facility proposes to provide; and

(iv) Costs to both public and private payers; and

(4) Appropriate notice and opportunity for a hearing and judicial review, in accordance with the Administrative Procedure Act.

(c) A facility that is approved under this section to seek licensure as a freestanding medical facility shall provide to the Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient–level utilization, of the freestanding medical facility.

(d) A freestanding medical facility pilot project is exempt from the review process in subsections (a) and (b) of this section.**]**";

in line 14, strike "**FREESTANDING MEDICAL FACILITIES AND FREESTANDING**" and substitute "**:**

1. FREESTANDING";

in line 15, strike "**LICENSED**" and substitute "**AUTHORIZED**"; and in the same line, strike the semicolon and substitute "**PRIOR TO JANUARY 1, 2008; AND**

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015;".

On page 3, strike beginning with "**A**" in line 10 down through "**A**" in line 11 and substitute "**:**

(1) A";

in line 12, strike "**ESTABLISHED UNDER § 19–3A–07**" and substitute "**AUTHORIZED UNDER SUBTITLE 3A**"; in the same line, after "**TITLE**" insert "**PRIOR TO JANUARY 1, 2008; AND**

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015";

and after line 12, insert:

"19–3A–03.

(a) The Department shall issue a license to a freestanding medical facility that:

(1) Meets the licensure requirements under this subtitle; and

(2) **[**Receives**] AFTER JULY 1, 2015, RECEIVES A CERTIFICATE OF NEED [**approval**]** from the Maryland Health Care Commission **ISSUED** under **[**the regulations required under § 19–131**] § 19–120** of this title.

(b) A freestanding medical facility that uses in its title or advertising the word "emergency" or other language indicating to the public that medical treatment for immediately life–threatening medical conditions exist at that facility shall be licensed by the Department before it may operate in this State.

(c) Notwithstanding subsection (a)(2) of this section, the Department may not require a freestanding medical facility pilot project to be approved by the Maryland Health Care Commission as a condition of licensure.".

On page 5, strike beginning with "**A**" in line 12 down through "**AT**" in line 15; in line 17, after "**TITLE**" insert "**FOR EMERGENCY SERVICES PROVIDED AT:**

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER THIS SUBTITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015";

in line 19, after "that" insert "emergency"; in the same line, after "by" insert "a"; in the same line, strike "facilities and" and substitute "facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015, and by"; in line 20, after "projects" insert "authorized under § 19–3A–07 of the Health – General Article, as enacted by Section 1 of this Act, prior to January 1, 2008,"; in line 25, strike "freestanding medical facilities and"; in line 28, after "That" insert ":

(a) (1) The Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, shall conduct a study of the effect of the rates established for freestanding medical facility pilot projects by the Health Services

Cost Review Commission under § 19–211(c) of the Health – General Article, as enacted by Section 1 of this Act.

(2) The study shall review the effect of the rates for a period of 2 full years after the rates become effective.

(3) On or before December 31, 2014, the Maryland Health Care Commission shall report the results of its study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.

(b) The Maryland Health Care Commission shall consider the data in the report required under subsection (a) of this section and other pertinent data in establishing review criteria and standards for issuing a certificate of need required to establish a freestanding medical facility in the State after July 1, 2015.

(c) After July 1, 2015, a freestanding medical facility may not be established in the State without a certificate of need issued by the Maryland Health Care Commission.

SECTION 5. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective October 1, 2010, for emergency services provided at a freestanding medical facility pilot project described in § 19–3A–07(b)(2) of the Health – General Article, as enacted by Section 1 of this Act, in a manner that does not result in a fiscal impact on the fiscal year 2011 State budget.

SECTION 6. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective July 1, 2011, for emergency services provided at:

(1) a freestanding medical facility other than a freestanding medical facility pilot project; and

(2) a freestanding medical facility pilot project described in § 19–3A–07(b)(1) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That";

and in line 29, strike "July" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 812 – Senator Lenett

AN ACT concerning

End of Life Health Care Disclosure Act

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

SB0812/727975/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 812
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "and the availability of hospice care"; strike beginning with "requiring" in line 9 down through "resources;" in line 14; and in line 15, strike "for certain provisions of this Act".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 31 down through "**THE**" in line 32 and substitute "**THE**".

On page 3, strike beginning with the second "**AND**" in line 2 down through the semicolon in line 4; strike beginning with the colon in line 18 down through "**THE**" in line 19 and substitute "**THE**"; and strike beginning with "**AND**" in line 23 down through the semicolon in line 25.

On page 4, in line 3, strike "**(1)**"; strike in their entirety lines 6 through 22, inclusive; in line 23, strike "4." and substitute "3."; in the same line, strike "Sections 1 and 2 of"; and strike in their entirety lines 25 and 26.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 17 – Senator Colburn

AN ACT concerning

Criminal Law – Salvia Divinorum and Salvinorin A – Distribution to and Possession by Individual Under 21 Years of Age

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

SB0017/928478/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 17
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 11, after "date;" insert "providing that this Act does not preempt certain local or municipal laws;".

AMENDMENT NO. 2

On page 2, in line 31, before "**IN**" insert "**(A)**"; and after line 33, insert:

"**(B) THIS PART DOES NOT PREEMPT ANY LOCAL OR MUNICIPAL LAW REGULATING THE USE, POSSESSION, OR DISTRIBUTION OF SALVIA DIVINORUM OR SALVINORIN A.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 411 – Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, and Stone

AN ACT concerning

Defense of Dwelling or Place of Business – Civil Immunity

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

SB0411/708570/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 411
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Forehand, Haines, and Simonaire".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 856 – The President (By Request – Administration) and Senators Brochin, Haines, Muse, Robey, and Stone

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

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

SB0856/408378/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 856
(First Reading File Bill)

On page 4, strike beginning with the second "**AND**" in line 2 down through "**JUDICIARY**" in line 3.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0856/953720/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 856
(First Reading File Bill)

On page 4, line 32, after "teams" insert "**; AND**

(8) CONSIDER WAYS TO INCREASE COOPERATION AMONG STATES WITH REGARD TO SEXUAL OFFENDER REGISTRATION AND MONITORING".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0856/753325/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 856
(First Reading File Bill)

On page 4, in line 32, after "teams" insert "**; AND**

(8) CONSIDER OPTIONS FOR PROHIBITING SEXUAL OFFENDERS FROM LIVING WITHIN A CERTAIN DISTANCE OF A SCHOOL, CHURCH, OR OTHER PLACE WHERE CHILDREN CONGREGATE".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 654 – Senators Lenett, Gladden, Muse, and Raskin

EMERGENCY BILL

AN ACT concerning

Real Property – Tenants in Foreclosure – Conforming to Federal Law

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0654/928575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 654
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; strike beginning with "requiring" in line 12 down through "terminated;" in line 13; and in line 14, strike "making this Act an emergency measure" and substitute "providing for the application of this Act".

AMENDMENT NO. 2

On page 4, strike beginning with "**IF**" in line 22 down through "**SALE.**" in line 24.

Strike beginning with "You" in line 26 on page 4, down through "**LEASE**" in line 8 on page 5, and substitute "**MOST RENTERS HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY AFTER IT IS SOLD AT FORECLOSURE. THE FORECLOSURE SALE PURCHASER BECOMES THE NEW LANDLORD.**

MOST RENTERS WITH A LEASE FOR A SPECIFIC PERIOD OF TIME HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY UNTIL THE END OF THE LEASE TERM. MOST MONTH–TO–MONTH RENTERS HAVE THE RIGHT TO

CONTINUE RENTING THE PROPERTY FOR 90 DAYS AFTER RECEIVING A WRITTEN NOTICE TO VACATE FROM THE NEW OWNER.

YOU SHOULD GET LEGAL ADVICE TO DETERMINE IF YOU HAVE THESE RIGHTS".

On page 6, strike beginning with "**IF**" in line 10 down through "**SALE.**" in line 12.

On pages 6 and 7, strike in their entirety the lines beginning with line 19 on page 6 through line 2 on page 7, inclusive, and substitute:

"**MOST RENTERS HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY AFTER IT IS SOLD AT FORECLOSURE. THE FORECLOSURE SALE PURCHASER BECOMES THE NEW LANDLORD.**

MOST RENTERS WITH A LEASE FOR A SPECIFIC PERIOD OF TIME HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY UNTIL THE END OF THE LEASE TERM. MOST MONTH–TO–MONTH RENTERS HAVE THE RIGHT TO CONTINUE RENTING THE PROPERTY FOR 90 DAYS AFTER RECEIVING A WRITTEN NOTICE TO VACATE FROM THE NEW OWNER.

YOU SHOULD GET LEGAL ADVICE TO DETERMINE IF YOU HAVE THESE RIGHTS.".

On page 9, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 3

On page 9, strike in their entirety lines 6 through 10, inclusive; and after line 10, 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 foreclosures docketed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 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.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1294 – Delegates Krysiak and Jones

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Baltimore Metropolitan Council – Eligibility

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #28

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

Senate Bill 536 – Senators Muse, Brochin, Conway, Exum, Harrington, Jones, King, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Peters, Pinsky, Pugh, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

State Board of Education – Student Member – Full Voting Rights Act

SB0536/694635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 536
(First Reading File Bill)

On page 1, in line 20, strike the bracket.

On page 2, in line 2, after "personnel;" insert "**OR**"; strike line 3 in its entirety; in line 4, strike "(iii)" and substitute "**(II)**"; and in line 5, strike the bracket.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

SB0914/114238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 914
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, strike "30" and substitute "**24**"; in line 7, strike "**36**" and substitute "**30**"; in line 11, strike "adjusted for inflation as determined by the Department annually by regulation" and substitute "**THAT IS 20% LOWER THAN THE RATE SET UNDER ITEM (2)(II) OF THIS SUBSECTION**"; and in lines 14 and 15, strike "**THAT IS 20% HIGHER THAN THE RATE SET UNDER ITEM (2)(I) OF THIS SUBSECTION**" and substitute "**ADJUSTED FOR INFLATION AS DETERMINED BY THE DEPARTMENT ANNUALLY BY REGULATION**".

AMENDMENT NO. 2

On page 2, strike beginning with "**LEAST**" in line 24 down through "section" in line 25 and substitute "**A RATE THAT IS 20% LOWER THAN THE RATES**

ESTABLISHED UNDER ITEM (II) OF THIS PARAGRAPH"; and strike beginning with "**20%**" in line 27 down through "**PARAGRAPH**" in line 28 and substitute "**AT LEAST THE SAME AS THE RATES ESTABLISHED FOR THE STATE FOREST CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 958 – Senator Miller

AN ACT concerning

Calvert County – Noise Control Ordinance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 966 – Senators Pugh, Harrington, Lenett, Madaleno, McFadden, Muse, and Raskin

AN ACT concerning

Education – High School Diploma by Examination

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 975 – Senator Dyson

AN ACT concerning

Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat

SB0975/744433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 975
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "requiring the Task Force to designate a chair from among its members" and substitute "designating a chair of the Task Force".

AMENDMENT NO. 2

On page 2, strike beginning with the first "the" in line 1 down through "(6)" in line 3; in line 4, strike "and"; after line 4, insert:

"(6) a citizen from Calvert County, appointed by the Calvert County Board of County Commissioners;

(7) a citizen from Cecil County, appointed by the Cecil County Board of County Commissioners;

(8) a citizen from Kent County, appointed by the Kent County Board of County Commissioners; and";

in line 5, strike "(7)" and substitute "(9)"; in line 9, strike "Department of Legislative Services and the"; and in line 10, strike "jointly".

AMENDMENT NO. 3

On page 2, strike beginning with the first "Task" in line 7 down through "members" in line 8 and substitute "Secretary of Natural Resources, or the Secretary's designee, shall serve as chair of the Task Force".

AMENDMENT NO. 4

On page 3, in line 6, after "areas" insert ", while ensuring conservation of the endangered Puritan tiger beetle".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1020 – Senator Dyson

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

SB1020/494833/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1020
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 8, after "Beetle;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 18 and 19 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 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1084 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

SB1084/514935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1084
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Conway" and substitute "Senators Conway and Harrington"; in line 8, strike "and certain deadlines by which"; in line 18, strike "(e)(2) and (6)" and substitute "(e)(6)"; and in line 23, after "11–206(e)(1)" insert "and (2)".

AMENDMENT NO. 2

On page 2, strike beginning with "**THROUGH**" in line 8 down through "**EVIDENCE**" in line 10; in line 19, after "**FOR**" insert "**:**

(I)";

in the same line, strike "**THE**" and substitute "**THE**"; in line 20, after "**PROPOSAL**" insert "**; AND**

(II) THE REVIEW OF OBJECTIONS RECEIVED BY THE COMMISSION IN ACCORDANCE WITH A DELIBERATIVE FACT–FINDING PROCESS, INCLUDING RECEIVING WITNESS TESTIMONY AND THE WEIGHING OF EVIDENCE";

in line 22, strike the brackets; and in the same line, strike "**90**".

On page 3, in line 6, strike the brackets; and strike beginning with "**THAT**" in line 6 down through "**ESTABLISH**" in line 10.

On page 4, in line 18, strike the brackets; and in the same line, strike "**60**".

The preceding 2 amendments were read only.

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

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 854 – The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, and Stone

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

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

Favorable report adopted.

FLOOR AMENDMENT

SB0854/678573/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 854, AS AMENDED

On page 6 of the Judicial Proceedings Committee Amendments (SB0854/448670/4), in line 4 of Amendment No. 5, strike "**§ 3–314,**" and substitute "**§ 3–324,**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0854/613525/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 854, AS AMENDED

AMENDMENT NO. 1

On page 3 of the Judicial Proceedings Committee Amendments (SB0854/448670/4), in line 17 of Amendment No. 2, before "making" insert "requiring certain funds to be distributed to counties for a certain purpose;".

AMENDMENT NO. 2

On page 17 of the Judicial Proceedings Committee Amendments, in line 17 of Amendment No. 9, after "That" insert "any money received by the State from the federal government as a result of Maryland's compliance with the federal Sex Offender Registration and Notification Act shall be divided equally among all counties in the State, including Baltimore City, for the purpose of funding the implementation of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That";

and in lines 22 and 23, strike "7." and "6", respectively, and substitute "8." and "7", respectively.

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0854/893929/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 854
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, after "period;" insert "requiring a certain sexual offender registrant who establishes a new electronic mail address, computer log–in or screen name or identity, instant–message identity, or electronic chat room identity to provide written notice to the sexual offender registry of the new information within a certain period after establishing the new address, name, or identity;"; and in line 33, after "person" insert "; prohibiting a certain person required to register as a sexual offender from knowingly failing to provide any information required to be included in a registration statement".

AMENDMENT NO. 2

On page 20, after line 15, insert:

"**(J) A REGISTRANT WHO ESTABLISHES A NEW ELECTRONIC MAIL ADDRESS, COMPUTER LOG–IN OR SCREEN NAME OR IDENTITY, INSTANT–MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY SHALL SEND WRITTEN NOTICE OF THE NEW INFORMATION TO THE STATE REGISTRY WITHIN 3 DAYS AFTER THE ELECTRONIC MAIL ADDRESS, COMPUTER LOG–IN OR SCREEN NAME OR IDENTITY, INSTANT–MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY IS ESTABLISHED.**".

AMENDMENT NO. 3

On page 32, in line 28, after "subtitle," insert "**KNOWINGLY FAIL TO PROVIDE ANY INFORMATION REQUIRED TO BE INCLUDED IN A REGISTRATION STATEMENT DESCRIBED IN § 11–706 OF THIS SUBTITLE,**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #29

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

Senate Bill 834 – Senator Currie

AN ACT concerning

Base Realignment and Closure – Public Charter Schools Located on a Federal Military Base

SB0834/324936/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 834
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Currie" and substitute "Senators Currie and Miller"; and strike beginning with "authorizing" in line 5 down through "circumstances" in line 7 and substitute "authorizing the State Board of Education to grant a certain waiver under certain circumstances; requiring certain public charter schools to admit certain students on a certain basis, subject to a certain requirement".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 22 through 25, inclusive; and after line 25, insert:

"**(A) THE STATE BOARD MAY GRANT A WAIVER FROM § 9–102(3) OF THIS TITLE TO A PUBLIC CHARTER SCHOOL IF THE PUBLIC CHARTER SCHOOL:**

(1) IS LOCATED ON PROPERTY WITHIN A FEDERAL MILITARY BASE IN THE STATE; AND

(2) WILL ADMIT STUDENTS WITH PARENTS WHO ARE NOT ASSIGNED TO THE BASE TO AT LEAST 30% OF ITS TOTAL AVAILABLE SPACE.

(B) IF A PUBLIC CHARTER SCHOOL IS GRANTED A WAIVER UNDER SUBSECTION (A) OF THIS SECTION, SUBJECT TO THE REQUIREMENT SET FORTH IN SUBSECTION (A)(2) OF THIS SECTION, THE PUBLIC CHARTER SCHOOL SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #20

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

Senate Bill 761 – Senators Pugh, Forehand, and Kramer

AN ACT concerning

Mental Health – Local Correctional Facilities – Incarcerated Individuals with Mental Illness

SB0761/588074/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 761
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 10 through 14, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 9–612
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 22 on page 2, inclusive, and substitute:

"9–612.

(a) The Department **OR THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL FACILITY** shall provide an inmate who has been sentenced to a term of incarceration in the Division of Correction **OR A TERM OF AT LEAST 60 DAYS IN A LOCAL CORRECTIONAL FACILITY** and who has been diagnosed with a mental illness with access to a 30–day supply of medication for the mental illness on the release of the inmate.

(b) **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO PRETRIAL INMATES.**

(C) Part of the 30–day supply of medication provided under subsection (a) of this section may be provided by prescription if the inmate is provided sufficient medication on release that enables the inmate to remain medication–compliant until additional medication becomes available from filling the prescription.

[(c)**] (D)** This section shall apply only if a treating physician determines that:

(1) the released inmate's possession of medication in the quantity prescribed is in the best interest of the inmate; and

(2) possession of the prescribed medication will not constitute a danger to the released inmate.

[(d)**] (E)** The Department, an employee of the Department, **A LOCAL CORRECTIONAL FACILITY, AN EMPLOYEE OF A LOCAL CORRECTIONAL FACILITY,** or an agent of the Department **OR LOCAL CORRECTIONAL FACILITY**, including a physician or corporate entity providing medical services to inmates on behalf of the Department **OR LOCAL CORRECTIONAL FACILITY**, may not be held liable under this section for issuing medication or a prescription for medication to an inmate on the inmate's release notwithstanding that the released inmate:

(1) is no longer under the care or supervision of the prescribing physician; and

(2) may be without medical supervision for the period during which the medication has been administered.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #16

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

Senate Bill 221 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset Repeal

SB0221/839639/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 221
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Extension"; in line 3, strike "repealing" and substitute "extending"; and in line 5, after "disabilities;" insert "establishing a Task Force to Study Tax Credits that Provide Incentives to Hire Employees; providing for the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation as a member; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to study certain issues; requiring the Task Force to report its findings to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act;".

AMENDMENT NO. 2

On page 2, in lines 6, 7, 9, 12, 14, 17, 23, 24, 26, 29, 31, and 34, in each instance, strike the bracket; in lines 7, 12, 24, and 29, in each instance, strike "2013" and substitute "**2014**"; in lines 9, 15, 26, and 32, in each instance, strike "2010" and substitute "**2011**"; and in lines 15 and 32, in each instance, strike "12" and substitute "**13**".

AMENDMENT NO. 3

On page 2, after line 34, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Tax Credits that Provide Incentives to Hire Employees.

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

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Comptroller, or the Comptroller's designee;

(4) the Secretary of Business and Economic Development, or the Secretary's designee;

(5) the Secretary of Disabilities, or the Secretary's designee;

(6) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee; and

(7) the Secretary of Human Resources, or the Secretary's designee.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Labor, Licensing, and Regulation, in consultation with the Governor's Office of StateStat, 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) determine the number of jobs created by Maryland tax credits that provide incentives to hire employees; and

(2) make recommendations regarding simplifying the application process for tax credits that provide incentives to hire employees.

(g) On or before December 31, 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.";

in line 35, strike "2." and substitute "3."; and in line 36, after "2010." insert "Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 882 – Senators Edwards and Miller

AN ACT concerning

Gaming – Video Lottery Terminals

SB0882/369831/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 882
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "County;" insert "altering the distribution of certain proceeds to a video lottery facility in Allegany County under certain circumstances;"; in line 19, after "circumstances;" insert "repealing the authority for the Commission to issue a certain racing license for a certain track in Allegany County; making certain provisions of this Act subject to a certain contingency;"; and in the same line, strike "a certain term" and substitute "certain terms".

On page 2, after line 4, insert:

"BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–510
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 16, in line 29, strike "to" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, TO**".

On page 17, after line 9, insert:

"**(B) FOR A LOCATION IN ALLEGANY COUNTY, THE COMPTROLLER SHALL PAY TO THE VIDEO LOTTERY OPERATION LICENSEE, ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE PERCENTAGE STATED IN THE ACCEPTED APPLICATION FOR THE LOCATION:**

(1) (I) NOT TO EXCEED 35.5% FOR 5 YEARS, IF THE APPLICANT FOR A VIDEO LOTTERY OPERATION LICENSE AGREES TO PURCHASE THE ROCKY GAP LODGE AND RESORT; AND

(II) NOT TO EXCEED 33% AFTER THE 5–YEAR PERIOD UNDER ITEM (I) OF THIS PARAGRAPH; OR

(2) NOT TO EXCEED 33% IF THE VIDEO LOTTERY OPERATION AWARDEE DOES NOT PURCHASE THE ROCKY GAP LODGE AND RESORT.";

and in line 10, strike "(b)" and substitute "**(C)**".

AMENDMENT NO. 3

On page 25, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Business Regulation

11–510.

(a) Except as provided in subsection (b) of this section, the Commission may not issue a license, or award racing days, for racing at a mile track.

(b) The Commission may issue a license and award racing days only to:

(1) the Maryland Jockey Club of Baltimore City, Inc.; **AND**

(2) the Laurel Racing Assoc., Inc.**[**; and

(3) one other racing association for racing at a track located in Allegany County that is owned and operated by the racing association.**]**

SECTION 3. AND BE IT FURTHER ENACTED, That, Section 2 of this Act shall take effect contingent on the purchase of the Rocky Gap Lodge and Resort, located in Allegany County, by a video lottery operation licensee, and if a video lottery operation license awardee does not agree to purchase the Rocky Gap Lodge and Resort, this Act shall be null and void without the necessity of further action by the General Assembly.";

and in line 3, strike "2." and substitute "4."; and in the same line, after "That" insert ", except as provided in Section 3 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

STATUS OF BILL: QUESTION IS ON THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR BRINKLEY.

FLOOR AMENDMENT

SB0590/873827/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "representative" insert "for certain public school employees"; in lines 11 and 24, in each instance, strike "a" and substitute "certain"; in lines 11, 14, and 24, in each instance, strike "employer" and substitute "employers"; in line 14, strike the first "a" and substitute "certain"; strike beginning with "repealing" in line 18 down through "regarding" in line 19 and substitute "providing a certain process to be followed for"; and in line 19, after "in" insert "certain".

On page 2, in line 2, after "between" insert "certain"; in line 3, after "requiring" insert "certain"; in line 10, after "involving" insert "certain"; in line 19, after "changes;"

insert "making certain conforming changes;"; in line 23, after "6–405(f)," insert "6–404(b) and (c), 6–407(c),"; in the same line, strike "6–408" and substitute "6–408(d)"; in the same line, after "6–501," insert "and"; in the same line, strike ", 6–510, and 6–511"; and in line 28, strike "6–408.1" and substitute "6–4A–01 through 6–4A–12 to be under the new subtitle "Subtitle 4A. Organization of Certificated Employees of Appointed County Boards"; 6–5A–01 through 6–5A–13 to be under the new subtitle "Subtitle 5A. Organizations of Noncertificated Employees of Appointed County Boards"".

AMENDMENT NO. 2

On page 3, in lines 6 and 11, in each instance, strike "**4**" and substitute "**4A**"; in lines 6 and 11, in each instance, strike "**5**" and substitute "**5A**"; strike lines 16 and 17; in line 18, strike "**(C)**" and substitute "(b)"; strike beginning with "or" in line 19 down through "City" in line 20; in line 23, strike the brackets; and in the same line, strike "**(D)**".

On page 4, in lines 3, 7, 29, and 30, in each instance, strike the brackets; in lines 3 and 30, strike "**(E)**" and "**(F)**", respectively; strike beginning with "or" in line 4 down through "City," in line 5; in line 7, strike "**6–408(C)**"; strike in their entirety lines 15 through 19, inclusive; in line 29, strike "**6–501(I)**"; and in lines 30 and 31, strike "or the Baltimore City Board of School Commissioners" and substitute "**THAT IS ELECTED OR HAS A COMBINATION OF ELECTED AND APPOINTED MEMBERS**".

On page 5, in lines 2 and 9, in each instance, strike the brackets; in line 4, strike "or individuals of equivalent status in Baltimore City"; strike beginning with the second comma in line 15 down through "made" in line 17; after line 24, insert:

"6–404.

(b) **[**(1)**]** Except as provided in paragraph (2) of this subsection, 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.

[(2) In Baltimore County, the public school employer may designate a separate unit comprised of all registered nurses employed by the county in elementary schools or special schools.**]**

(c) [(1)] Except as provided in paragraph (2) of this subsection, there may not be more than two units in a county.

[(2) In Baltimore County, there may not be more than three units, provided that one unit consists of elementary and special school nurses and one unit consists of employees whose position requires an administrative and supervisory certificate and supervisory noncertificated employees as defined under § 6–501(h) of this title.]

6–407.

(c) (1) In Montgomery County, Prince George's County, [Baltimore County, Baltimore City,] and Howard County, the public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee, to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) The service or representation fee may not exceed the annual dues of the members of the organization.

(3) An employee who is a substitute teacher and who works on a short–term day–to–day basis is not required to pay a service or representation fee.

(4) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined in paragraph (2) of this subsection to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of such payment.

[(5) (i) In Baltimore County, the provisions of this subsection shall apply only to employees who are hired on or after July 1, 1997.

(ii) The provisions of this paragraph apply if an agency or representation fee is negotiated in Baltimore County.

(iii) 1. Subject to the provisions of subsubparagraph 2 of this subparagraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold harmless the Board of Education of Baltimore County against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

2. The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(iv) The employee organization designated as the exclusive representative shall submit to the board an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the representation fee is calculated based on the audit.

(v) 1. The agency or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including the handling of grievances, and other activities, as required under this section.

2. Any political activities of the employee organization designated as the exclusive representative may not be financed by the funds collected from the agency or representation fee.**]**

(6) In Montgomery County, an employee who is a home or hospital teacher and who works on a short–term day–to–day basis is not required to pay a service or representation fee.

[(f) In Anne Arundel County:

(1) The public school employer may negotiate with the employee organization designated as the exclusive representative for the public school

employees in a unit, a reasonable service or representation fee to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold harmless the Anne Arundel County Board of Education against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(ii) The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(3) The employee organization designated as the exclusive representative shall submit to the Anne Arundel County Board of Education an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the service or representation fee is calculated based on the audit.

(4) (i) The service or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including grievances, and other activities under this section.

(ii) Political activities of the employee organization designated as the exclusive representative may not be financed with the funds collected from the service or representation fee.

(5) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined under paragraph (1) of this subsection to a nonreligious, nonunion charity or to another

charitable organization that is mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of the payment.

(6) Any negotiated agreement that includes a representation fee also shall contain a provision that requires that an amount of revenue equal to 25% of the annual representation fees collected and maintained by the local bargaining representative be designated for professional development for represented educators.

(7) This subsection shall apply only to employees who are hired on or after October 1, 2004.**]**";

and after line 25, insert:

"(d) (7) Notwithstanding any other provision of this subtitle, the public school employer shall make the final determination as to matters that have been the subject of negotiation, but this final determination is subject to the other provisions of this article concerning the fiscal relationship between the public school employer and the county commissioners**[**,**]** **AND** county council**[**, and Mayor and City Council of Baltimore City**]**.".

On pages 5 through 11, strike the lines beginning with line 26 on page 5 through line 18 on page 11, inclusive.

On page 11, strike lines 21 and 22; in line 23, strike "**(C)**" and substitute "(b)"; in line 27, strike the brackets; and in the same line, strike "**(D)**".

On page 12, in lines 1, 5, 7, 17, 18, and 22, in each instance, strike the brackets; in lines 1, 5, 7, 18, and 22, strike "**(E)**", "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively; in line 17, strike "**6–510(C)**"; in line 18, strike "(1)"; in line 18, strike "the" and substitute "**A**"; in lines 18 and 19, strike "in each county" and substitute "of education that is elected or has a combination of elected and appointed members"; and strike in their entirety lines 20 and 21.

On pages 12 through 19, strike the lines beginning with line 25 on page 12 through line 9 on page 19, inclusive.

On page 19, after line 9, insert:

"SUBTITLE 4A. ORGANIZATIONS OF CERTIFICATED EMPLOYEES OF APPOINTED COUNTY BOARDS.

6–4A–01.

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

(B) "BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.

(C) "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.

(D) (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.

(E) (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(C) OF THIS SUBTITLE.

(2) 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.

(F) "PUBLIC SCHOOL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION THAT IS APPOINTED OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

6–4A–02.

(A) PUBLIC SCHOOL EMPLOYEES MAY FORM, JOIN, AND PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS OF THEIR OWN CHOICE FOR THE PURPOSE OF BEING REPRESENTED ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

(B) AN EMPLOYEE ORGANIZATION MAY ESTABLISH REASONABLE:

(1) RESTRICTIONS AS TO WHO MAY JOIN; AND

(2) PROVISIONS FOR THE DISMISSAL OF INDIVIDUALS FROM MEMBERSHIP.

6–4A–03.

A PUBLIC SCHOOL EMPLOYEE MAY REFUSE TO JOIN OR PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS.

6–4A–04.

(A) EACH 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) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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.

(2) IN BALTIMORE COUNTY, THE PUBLIC SCHOOL EMPLOYER MAY DESIGNATE A SEPARATE UNIT COMPRISED OF ALL REGISTERED NURSES EMPLOYED BY THE COUNTY IN ELEMENTARY SCHOOLS OR SPECIAL SCHOOLS.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THERE MAY NOT BE MORE THAN TWO UNITS IN A COUNTY.

(2) IN BALTIMORE COUNTY, THERE MAY NOT BE MORE THAN THREE UNITS, PROVIDED THAT ONE UNIT CONSISTS OF ELEMENTARY AND SPECIAL SCHOOL NURSES AND ONE UNIT CONSISTS OF EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE AND SUPERVISORY CERTIFICATE AND SUPERVISORY NONCERTIFICATED EMPLOYEES AS DEFINED UNDER § 6–5A–01(H) OF THIS TITLE.

(D) ALL ELIGIBLE PUBLIC SCHOOL EMPLOYEES SHALL:

(1) BE INCLUDED IN ONE OF THESE UNITS; AND

(2) HAVE THE RIGHTS GRANTED IN THIS SUBTITLE.

6–4A–05.

(A) THE DESIGNATION OF AN EMPLOYEE ORGANIZATION AS AN EXCLUSIVE REPRESENTATIVE SHALL BE MADE AS PROVIDED IN THIS SECTION.

(B) IF AN EMPLOYEE ORGANIZATION CERTIFIES TO THE PUBLIC SCHOOL EMPLOYER THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 30 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN A SPECIFIED UNIT IN A COUNTY AS OF JUNE 1 OF THE YEAR IN WHICH CERTIFICATION IS MADE, THIS CERTIFICATION IS A REQUEST FOR RECOGNITION AS EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN THE COUNTY.

(C) IF ANOTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT AS OF THE SAME JUNE 1, AN ELECTION SHALL BE HELD IN WHICH THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:

(1) ONE OF THE EMPLOYEE ORGANIZATIONS AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT; OR

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(D) IF NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT, ON THE REQUEST OF THE EMPLOYEE ORGANIZATION UNDER SUBSECTION (B) OF THIS SECTION, AN ELECTION SHALL BE HELD AND THE BALLOT SHALL OFFER A CHOICE BETWEEN:

(1) EXCLUSIVE REPRESENTATION BY THE ORGANIZATION; AND

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(E) THE PUBLIC SCHOOL EMPLOYER SHALL DESIGNATE THE EMPLOYEE ORGANIZATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN A COUNTY IF:

(1) NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT;

(2) THE EMPLOYEE ORGANIZATION DOES NOT REQUEST AN ELECTION UNDER SUBSECTION (D) OF THIS SECTION; AND

(3) THE EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF THE MAJORITY OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(F) (1) THE BOARD SHALL ADOPT RULES AND REGULATIONS FOR:

(I) VERIFYING THE NUMBER OF CERTIFICATED EMPLOYEES OF THE PUBLIC SCHOOL EMPLOYER OR INDIVIDUALS OF EQUIVALENT STATUS IN BALTIMORE CITY WHO ARE MEMBERS IN GOOD STANDING OF AN EMPLOYEE ORGANIZATION ON THE DATE OF THE CERTIFICATION OR WHO HAVE SIGNED A PETITION UNDER THIS SECTION; AND

(II) HOLDING ELECTIONS UNDER THIS SECTION AND THE CERTIFICATION OF THEIR RESULTS.

(2) THE BOARD SHALL PROVIDE FOR SUPERVISION OF THESE ELECTIONS.

(3) THE ELECTIONS SHALL BE HELD:

(I) IN EACH SCHOOL FACILITY WHERE PUBLIC EMPLOYEES ARE ASSIGNED ON A REGULARLY SCHEDULED SCHOOL DAY;

(II) IN A MANNER ASSURING THE SECRECY OF THE BALLOT; AND

(III) ON A REGULAR WORKING DAY FOR PUBLIC SCHOOL EMPLOYEES, BETWEEN JUNE 1 AND JUNE 15, INCLUSIVE, EXCEPT IN BALTIMORE CITY WHERE THE ELECTIONS SHALL BE HELD BETWEEN NOVEMBER 1 AND NOVEMBER 15 FOLLOWING THE DATE ON WHICH CERTIFICATION OF REQUIRED MEMBERSHIP ENROLLMENT IS MADE.

(4) IN ANY ELECTION HELD UNDER THIS SECTION, THE EMPLOYEE ORGANIZATION THAT RECEIVES THE LARGEST NUMBER OF VOTES CAST IN A UNIT SHALL BE DECLARED TO BE THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT. IF THE LARGEST NUMBER OF VOTES IN THE ELECTION IS CAST NOT TO HAVE EXCLUSIVE REPRESENTATION, A REPRESENTATIVE MAY NOT BE DESIGNATED FOR THE UNIT.

(5) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE ANY ASSISTANCE REQUIRED IN HOLDING THE ELECTIONS.

6–4A–06.

(A) (1) THE DESIGNATION OF AN EXCLUSIVE REPRESENTATIVE SHALL BE FOR AT LEAST 2 YEARS.

(2) AFTER THIS INITIAL PERIOD, THE ORGANIZATION SHALL BE THE EXCLUSIVE REPRESENTATIVE UNTIL ANOTHER ELECTION IS HELD.

(B) (1) AN ELECTION AFTER THE INITIAL PERIOD OF REPRESENTATION MAY BE HELD:

(I) ONLY AFTER THE END OF THE 2–YEAR PERIOD; AND

(II) ON PETITION SIGNED BY MORE THAN 20 PERCENT OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT OF THE COUNTY.

(2) THIS ELECTION SHALL BE HELD IN THE SAME MANNER AS PROVIDED IN § 6–4A–05 OF THIS SUBTITLE.

(3) ALL SIGNATURES ON A PETITION REQUESTING AN ELECTION SHALL BE OBTAINED WITHIN 90 DAYS BEFORE THE ELECTION DATE.

6–4A–07.

(A) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL BE THE NEGOTIATING AGENT OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(B) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL REPRESENT ALL EMPLOYEES IN THE UNIT FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE EMPLOYEES ARE MEMBERS OF THE EMPLOYEE ORGANIZATION.

(C) (1) IN BALTIMORE COUNTY AND BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR REPRESENTATION FEE, TO BE CHARGED NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES AS ARE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE SERVICE OR REPRESENTATION FEE MAY NOT EXCEED THE ANNUAL DUES OF THE MEMBERS OF THE ORGANIZATION.

(3) AN EMPLOYEE WHO IS A SUBSTITUTE TEACHER AND WHO WORKS ON A SHORT–TERM DAY–TO–DAY BASIS IS NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE.

(4) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:

(I) NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED IN PARAGRAPH (2) OF THIS SUBSECTION TO A NONRELIGIOUS, NONUNION CHARITY OR TO SUCH OTHER CHARITABLE ORGANIZATION AS MAY BE MUTUALLY AGREED UPON BY THE EMPLOYEE AND THE EXCLUSIVE REPRESENTATIVE, AND WHO FURNISHES TO THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF SUCH PAYMENT.

(5) (I) IN BALTIMORE COUNTY, THE PROVISIONS OF THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER JULY 1, 1997.

(II) THE PROVISIONS OF THIS PARAGRAPH APPLY IF AN AGENCY OR REPRESENTATION FEE IS NEGOTIATED IN BALTIMORE COUNTY.

(III) 1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE BOARD OF EDUCATION OF BALTIMORE COUNTY AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD OF EDUCATION OF BALTIMORE COUNTY FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

2. THE BOARD OF EDUCATION OF BALTIMORE COUNTY SHALL RETAIN WITHOUT CHARGE TO THE BOARD OF EDUCATION OF BALTIMORE COUNTY THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD OF EDUCATION OF BALTIMORE COUNTY FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(IV) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE BOARD OF EDUCATION OF BALTIMORE COUNTY AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(V) 1. THE AGENCY OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING THE HANDLING OF GRIEVANCES, AND OTHER ACTIVITIES, AS REQUIRED UNDER THIS SECTION.

2. ANY POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED BY THE FUNDS COLLECTED FROM THE AGENCY OR REPRESENTATION FEE.

(F) IN ANNE ARUNDEL COUNTY:

(1) THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR REPRESENTATION FEE TO BE CHARGED NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES AS ARE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(2) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION FOR THE

PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(II) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL RETAIN WITHOUT CHARGE TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(3) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE SERVICE OR REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(4) (I) THE SERVICE OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES UNDER THIS SECTION.

(II) POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED WITH THE FUNDS COLLECTED FROM THE SERVICE OR REPRESENTATION FEE.

(5) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:

(I) NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO A NONRELIGIOUS, NONUNION CHARITY OR TO ANOTHER CHARITABLE ORGANIZATION THAT IS MUTUALLY AGREED UPON BY THE EMPLOYEE AND THE EXCLUSIVE REPRESENTATIVE, AND WHO FURNISHES TO THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF THE PAYMENT.

(6) ANY NEGOTIATED AGREEMENT THAT INCLUDES A REPRESENTATION FEE ALSO SHALL CONTAIN A PROVISION THAT REQUIRES THAT AN AMOUNT OF REVENUE EQUAL TO 25% OF THE ANNUAL REPRESENTATION FEES COLLECTED AND MAINTAINED BY THE LOCAL BARGAINING REPRESENTATIVE BE DESIGNATED FOR PROFESSIONAL DEVELOPMENT FOR REPRESENTED EDUCATORS.

(7) THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER OCTOBER 1, 2004.

6–4A–08.

(A) WHEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION NEGOTIATE UNDER THIS SECTION, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL:

(1) CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES;

(2) HONOR AND ADMINISTER EXISTING AGREEMENTS;

(3) MAKE EVERY REASONABLE EFFORT TO CONCLUDE NEGOTIATIONS WITH A FINAL WRITTEN AGREEMENT IN A TIMELY MANNER; AND

(4) REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT OF THE NEGOTIATIONS.

(B) THE AGREEMENTS MAY PROVIDE FOR BINDING ARBITRATION OF THE GRIEVANCES ARISING UNDER THE AGREEMENT THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO ARBITRATION.

(C) (1) ON REQUEST A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES SHALL MEET AND NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS, INCLUDING PROCEDURES REGARDING EMPLOYEE TRANSFERS AND ASSIGNMENTS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES MAY NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON OTHER MATTERS THAT ARE MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(3) A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE THE SCHOOL CALENDAR, THE MAXIMUM NUMBER OF STUDENTS ASSIGNED TO A CLASS, OR ANY MATTER THAT IS PRECLUDED BY APPLICABLE STATUTORY LAW.

(4) A MATTER THAT IS NOT SUBJECT TO NEGOTIATION UNDER PARAGRAPH (2) OF THIS SUBSECTION BECAUSE IT HAS NOT BEEN MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION MAY NOT BE RAISED IN ANY ACTION TAKEN TO RESOLVE AN IMPASSE UNDER SUBSECTION (E) OF THIS SECTION.

(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, A PERMISSIVE, OR AN ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PARTY IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST, THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIVING THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE TEACHERS OR EMPLOYEES.

(D) THE DESIGNATION OF REPRESENTATIVES BY THE EMPLOYER UNDER THIS SECTION DOES NOT PREVENT THE DESIGNATED EMPLOYEE ORGANIZATION FROM APPEARING BEFORE OR MAKING PROPOSALS TO THE PUBLIC SCHOOL EMPLOYER AT A PUBLIC MEETING OR HEARING.

(E) (1) IF, ON THE REQUEST OF EITHER PARTY, THE BOARD DETERMINES FROM THE FACTS THAT AN IMPASSE IS REACHED IN NEGOTIATIONS BETWEEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS AN EXCLUSIVE NEGOTIATING AGENT, THE BOARD SHALL WITHIN 10 CALENDAR DAYS:

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION OF EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE

PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD IS SUBJECT TO THE OTHER PROVISIONS OF THIS ARTICLE CONCERNING THE FISCAL RELATIONSHIP BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY COMMISSIONERS, COUNTY COUNCIL, AND MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

6–4A–09.

IF A FISCAL AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER SHALL RENEGOTIATE THE FUNDS ALLOCATED FOR THESE PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION BEFORE THE PUBLIC SCHOOL EMPLOYER MAKES A FINAL DETERMINATION IN ACCORDANCE WITH A TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD.

6–4A–10.

A PUBLIC SCHOOL EMPLOYER AND EMPLOYEE ORGANIZATION MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST ANY PUBLIC SCHOOL EMPLOYEE BECAUSE OF THE EXERCISE OF HIS RIGHTS UNDER §§ 6–4A–02 AND 6–4A–03 OF THIS SUBTITLE.

6–4A–11.

(A) AN EMPLOYEE ORGANIZATION MAY NOT CALL OR DIRECT A STRIKE.

(B) (1) ANY EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL HAVE ITS DESIGNATION AS EXCLUSIVE REPRESENTATIVE REVOKED BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION AND ANY OTHER EMPLOYEE ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION IS INELIGIBLE TO BE DESIGNATED AS EXCLUSIVE REPRESENTATIVE FOR A PERIOD OF 2 YEARS AFTER THE VIOLATION.

(2) IF AN EMPLOYEE ORGANIZATION VIOLATES ANY PROVISION OF THIS SECTION, THE PUBLIC SCHOOL EMPLOYER SHALL STOP MAKING PAYROLL DEDUCTIONS FOR DUES OF THE ORGANIZATION FOR 1 YEAR AFTER THE VIOLATION.

6–4A–12.

(A) THIS SUBTITLE DOES NOT SUPERSEDE ANY OTHER PROVISION OF THE CODE OR THE RULES AND REGULATIONS OF PUBLIC SCHOOL EMPLOYERS THAT ESTABLISH AND REGULATE TENURE.

(B) THIS SUBTITLE DOES NOT MAKE THE STATE LABOR LAWS IN TITLES 3 AND 7 OF THE LABOR AND EMPLOYMENT ARTICLE APPLY TO PUBLIC SCHOOL EMPLOYMENT.

SUBTITLE 5A. ORGANIZATIONS OF NONCERTIFICATED EMPLOYEES OF APPOINTED COUNTY BOARDS.

6–5A–01.

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

(B) "BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.

(C) "CONFIDENTIAL EMPLOYEE" INCLUDES AN INDIVIDUAL WHOSE EMPLOYMENT RESPONSIBILITIES REQUIRE KNOWLEDGE OF THE PUBLIC SCHOOL EMPLOYER'S POSTURE IN THE COLLECTIVE NEGOTIATION PROCESS, AS DETERMINED BY THE PUBLIC SCHOOL EMPLOYER IN NEGOTIATIONS WITH AN EMPLOYEE ORGANIZATION THAT REQUESTS NEGOTIATION ON THIS ISSUE.

(D) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION THAT:

(1) INCLUDES NONCERTIFICATED EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER; AND

(2) HAS AS ONE OF ITS MAIN PURPOSES THE REPRESENTATION OF THE EMPLOYEES IN THEIR RELATIONS WITH THAT PUBLIC SCHOOL EMPLOYER.

(E) "MANAGEMENT PERSONNEL" INCLUDES AN INDIVIDUAL WHO IS ENGAGED MAINLY IN EXECUTIVE AND MANAGERIAL FUNCTIONS, AS DETERMINED BY THE PUBLIC SCHOOL EMPLOYER IN NEGOTIATION WITH AN EMPLOYEE ORGANIZATION THAT REQUESTS NEGOTIATION ON THIS ISSUE.

(F) (1) "PUBLIC SCHOOL EMPLOYEE" MEANS A NONCERTIFICATED INDIVIDUAL WHO IS EMPLOYED FOR AT LEAST 9 MONTHS A YEAR ON A FULL–TIME BASIS BY A PUBLIC SCHOOL EMPLOYER.

(2) "PUBLIC SCHOOL EMPLOYEE" INCLUDES A NONCERTIFICATED EMPLOYEE IN BALTIMORE CITY NOTWITHSTANDING THAT THE NONCERTIFICATED EMPLOYEE DOES NOT WORK FOR AT LEAST 9 MONTHS A YEAR ON A FULL–TIME BASIS.

(3) "PUBLIC SCHOOL EMPLOYEE" DOES NOT INCLUDE:

(I) MANAGEMENT PERSONNEL;

(II) A CONFIDENTIAL EMPLOYEE; OR

(III) ANY INDIVIDUAL DESIGNATED BY THE PUBLIC SCHOOL EMPLOYER TO ACT IN A NEGOTIATING CAPACITY AS PROVIDED IN § 6–5A–10 OF THIS SUBTITLE.

(G) (1) "PUBLIC SCHOOL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION THAT IS APPOINTED.

(2) "PUBLIC SCHOOL EMPLOYER" INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

(H) "SUPERVISORY EMPLOYEE" INCLUDES ANY INDIVIDUAL WHO RESPONSIBLY DIRECTS THE WORK OF OTHER EMPLOYEES, AS DETERMINED BY THE PUBLIC SCHOOL EMPLOYER IN NEGOTIATION WITH AN EMPLOYEE ORGANIZATION THAT REQUESTS NEGOTIATION ON THIS ISSUE.

6–5A–02.

(A) PUBLIC SCHOOL EMPLOYEES MAY FORM, JOIN, AND PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS OF THEIR OWN CHOICE FOR THE PURPOSE OF BEING REPRESENTED ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

(B) AN EMPLOYEE ORGANIZATION MAY ESTABLISH REASONABLE RESTRICTIONS AS TO WHO MAY JOIN AND REASONABLE PROVISIONS FOR THE DISMISSAL OF INDIVIDUALS FROM MEMBERSHIP, EXCEPT THAT THESE RESTRICTIONS AND PROVISIONS MAY NOT DISCRIMINATE WITH REGARD TO THE TERMS OR CONDITIONS OF MEMBERSHIP BECAUSE OF RACE, COLOR, MARITAL STATUS, CREED, SEX, AGE, OR NATIONAL ORIGIN.

6–5A–03.

(A) A PUBLIC SCHOOL EMPLOYEE MAY REFUSE TO JOIN OR PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS.

(B) (1) IN ANNE ARUNDEL COUNTY AND BALTIMORE COUNTY, THE COUNTY BOARD, WITH RESPECT TO NONCERTIFICATED EMPLOYEES, MAY

NEGOTIATE A STRUCTURE OF REASONABLE SERVICE FEES TO BE CHARGED NONMEMBERS FOR REPRESENTATION IN NEGOTIATIONS AND GRIEVANCE MATTERS BY EMPLOYEE ORGANIZATIONS.

(2) IN ANNE ARUNDEL COUNTY, IF THE COUNTY BOARD NEGOTIATES A STRUCTURE OF FEES AS AUTHORIZED UNDER THIS SUBSECTION:

(I) EACH PARTY SHALL:

1. CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES; AND

2. REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT OF THE NEGOTIATIONS; AND

(II) NEITHER PARTY IS REQUIRED TO AGREE TO ANY PROPOSAL OR TO MAKE ANY CONCESSION.

(3) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY IF AN AGENCY OR REPRESENTATION FEE IS NEGOTIATED IN BALTIMORE COUNTY.

(II) 1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE BOARD OF EDUCATION OF BALTIMORE COUNTY AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

2. THE BOARD SHALL RETAIN WITHOUT CHARGE TO THE BOARD THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE

AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(III) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE BOARD AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(IV) 1. THE AGENCY OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING THE HANDLING OF GRIEVANCES, AND OTHER ACTIVITIES AS REQUIRED UNDER § 6–5A–09 OF THIS SUBTITLE; AND

2. ANY POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED BY THE FUNDS COLLECTED FROM THE AGENCY OR REPRESENTATION FEE.

(E) IN BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER SHALL NEGOTIATE WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR REPRESENTATION FEE TO BE CHARGED TO NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS IN THE SAME MANNER THAT ANY SUCH FEE WAS PERMITTED UNDER LAW AND BARGAINED FOR PRIOR TO JANUARY 1, 1997.

6–5A–04.

(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, 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) EXCEPT AS PROVIDED IN PARAGRAPH (3) 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 § 6–4A–04(C)(2) OF THIS TITLE.

(4) 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.

6–5A–05.

(A) THE DESIGNATION OF AN EMPLOYEE ORGANIZATION AS AN EXCLUSIVE REPRESENTATIVE SHALL BE MADE AS PROVIDED IN THIS SECTION.

(B) IF AN EMPLOYEE ORGANIZATION CERTIFIES TO THE PUBLIC SCHOOL EMPLOYER THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 30 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN A SPECIFIED UNIT IN A COUNTY AS OF JUNE 1 OF THE YEAR IN WHICH CERTIFICATION IS MADE, THIS CERTIFICATION IS A REQUEST FOR RECOGNITION AS EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN THE COUNTY.

(C) IF ANOTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT AS OF THE SAME JUNE 1, AN ELECTION SHALL BE HELD IN WHICH THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:

(1) ONE OF THE EMPLOYEE ORGANIZATIONS AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT; OR

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(D) IF NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT, ON THE REQUEST OF THE EMPLOYEE ORGANIZATION UNDER SUBSECTION (B) OF THIS SECTION, AN ELECTION SHALL BE HELD AND THE BALLOT SHALL OFFER A CHOICE BETWEEN:

(1) EXCLUSIVE REPRESENTATION BY THE ORGANIZATION; AND

(2) NOT TO HAVE EXCLUSIVE REPRESENTATION.

(E) THE PUBLIC SCHOOL EMPLOYER SHALL DESIGNATE THE EMPLOYEE ORGANIZATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE SPECIFIED UNIT IN A COUNTY IF:

(1) NO OTHER EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF AT LEAST 10 PERCENT OF THE TOTAL NUMBER OF PUBLIC SCHOOL EMPLOYEES IN THE UNIT;

(2) THE EMPLOYEE ORGANIZATION DOES NOT REQUEST AN ELECTION UNDER SUBSECTION (D) OF THIS SECTION; AND

(3) THE EMPLOYEE ORGANIZATION CERTIFIES THAT IT HAS A MEMBERSHIP ENROLLMENT OF THE MAJORITY OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(F) (1) THE BOARD SHALL ADOPT RULES AND REGULATIONS FOR:

(I) VERIFYING THE NUMBER OF PUBLIC SCHOOL EMPLOYEES WHO ARE MEMBERS IN GOOD STANDING OF AN EMPLOYEE ORGANIZATION ON THE DATE OF THE CERTIFICATION OR WHO HAVE SIGNED A PETITION UNDER THIS SECTION; AND

(II) HOLDING ELECTIONS UNDER THIS SECTION AND THE CERTIFICATION OF THEIR RESULTS.

(2) THE BOARD SHALL PROVIDE FOR SUPERVISION OF THESE ELECTIONS.

(3) THE ELECTIONS SHALL BE HELD:

(I) IN EACH SCHOOL FACILITY WHERE PUBLIC SCHOOL EMPLOYEES ARE ASSIGNED ON A REGULARLY SCHEDULED SCHOOL DAY;

(II) IN A MANNER ASSURING THE SECRECY OF THE BALLOT; AND

(III) ON A REGULAR WORKING DAY FOR PUBLIC SCHOOL EMPLOYEES, BETWEEN JUNE 1 AND JUNE 15, INCLUSIVE.

(4) IN ALL ELECTIONS HELD UNDER THIS SECTION, THE EMPLOYEE ORGANIZATION THAT RECEIVES A MAJORITY OF THE VOTES CAST IN A UNIT SHALL BE DECLARED TO BE THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT. IF A MAJORITY OF THE VOTES IN THE ELECTION ARE CAST NOT TO HAVE EXCLUSIVE REPRESENTATION, A REPRESENTATIVE MAY NOT BE DESIGNATED FOR THE UNIT.

(5) THE TWO CHOICES ON THE BALLOT THAT RECEIVE THE MOST VOTES SHALL BE PLACED ON A BALLOT FOR A RUNOFF ELECTION THAT SHALL BE HELD IN THE SAME MANNER AS THE ORIGINAL ELECTION IF:

(I) MORE THAN ONE EMPLOYEE ORGANIZATION IS ON THE BALLOT;

(II) NO EMPLOYEE ORGANIZATION OBTAINS A MAJORITY OF THE VOTES; AND

(III) A MAJORITY OF THE VOTES IS NOT FOR "NOT TO HAVE EXCLUSIVE REPRESENTATION".

(6) THE PUBLIC SCHOOL EMPLOYER SHALL PROVIDE ANY ASSISTANCE REQUIRED IN CONDUCTING THE ELECTIONS.

6–5A–06.

(A) (1) THE DESIGNATION OF AN EXCLUSIVE REPRESENTATIVE SHALL BE FOR AT LEAST 2 YEARS.

(2) AFTER THIS INITIAL PERIOD, THE ORGANIZATION SHALL BE THE EXCLUSIVE REPRESENTATIVE UNTIL ANOTHER ELECTION IS HELD.

(B) (1) AN ELECTION AFTER THE INITIAL PERIOD OF REPRESENTATION MAY BE HELD:

(I) ONLY AFTER THE END OF THE 2–YEAR PERIOD; AND

(II) ON PETITION SIGNED BY MORE THAN 20 PERCENT OF THE PUBLIC SCHOOL EMPLOYEES IN THE UNIT OF THE COUNTY.

(2) THIS ELECTION SHALL BE HELD IN THE SAME MANNER AS PROVIDED IN § 6–5A–05 OF THIS SUBTITLE.

(3) ALL SIGNATURES ON A PETITION REQUESTING AN ELECTION SHALL BE OBTAINED WITHIN 90 DAYS BEFORE THE ELECTION DATE.

6–5A–07.

(A) EMPLOYEE ORGANIZATIONS RECOGNIZED BY THE PUBLIC SCHOOL EMPLOYER AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC SCHOOL EMPLOYEES IN A SPECIFIED UNIT ON JULY 1, 1978 SHALL CONTINUE TO BE THE EXCLUSIVE REPRESENTATIVE:

(1) FOR THE REST OF THE 2–YEAR INITIAL PERIOD AS PROVIDED BY § 6–5A–06 OF THIS SUBTITLE; AND

(2) BEYOND THE 2–YEAR PERIOD UNTIL ANOTHER ELECTION IS HELD AS PROVIDED UNDER § 6–5A–06 OF THIS SUBTITLE.

(B) ANY COLLECTIVE NEGOTIATION AGREEMENT THAT HAS BEEN ENTERED INTO BY AN EXCLUSIVE REPRESENTATIVE AND A PUBLIC EMPLOYER AS OF JULY 1, 1978 SHALL CONTINUE IN EFFECT FOR THE TERM OF THE AGREEMENT.

6–5A–08.

(A) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL BE THE NEGOTIATING AGENT OF ALL PUBLIC SCHOOL EMPLOYEES IN THE UNIT IN THE COUNTY.

(B) AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE SHALL REPRESENT ALL EMPLOYEES IN THE UNIT FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE EMPLOYEES ARE MEMBERS OF THE EMPLOYEE ORGANIZATION.

(C) ALL PUBLIC SCHOOL EMPLOYEES HAVE THE RIGHTS GRANTED UNDER THIS SUBTITLE.

6–5A–09.

(A) WHEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION NEGOTIATE UNDER THIS SECTION, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL:

(1) CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES;

(2) HONOR AND ADMINISTER EXISTING AGREEMENTS;

(3) MAKE EVERY REASONABLE EFFORT TO CONCLUDE NEGOTIATIONS WITH A FINAL WRITTEN AGREEMENT IN A TIMELY MANNER; AND

(4) REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT OF THE NEGOTIATIONS.

(B) THE AGREEMENTS MAY PROVIDE FOR BINDING ARBITRATION OF THE GRIEVANCES ARISING UNDER THE AGREEMENT THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO ARBITRATION.

(C) (1) ON REQUEST, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES SHALL MEET AND NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS

DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS, INCLUDING THE DISCIPLINE AND DISCHARGE OF AN EMPLOYEE FOR JUST CAUSE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES MAY NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON OTHER MATTERS THAT ARE MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(3) A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE THE SCHOOL CALENDAR, THE MAXIMUM NUMBER OF STUDENTS ASSIGNED TO A CLASS, OR ANY MATTER THAT IS PRECLUDED BY APPLICABLE STATUTORY LAW.

(4) A MATTER THAT IS NOT SUBJECT TO NEGOTIATION UNDER PARAGRAPH (2) OF THIS SUBSECTION BECAUSE IT HAS NOT BEEN MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION MAY NOT BE RAISED IN ANY ACTION TAKEN TO RESOLVE AN IMPASSE UNDER SUBSECTION (E) OF THIS SECTION.

(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, A PERMISSIVE, OR AN ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PUBLIC SCHOOL EMPLOYER OR EMPLOYEE ORGANIZATION IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST, THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC AT ISSUE IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF THE WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIPT OF THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE EMPLOYEES.

(D) THE DESIGNATION OF REPRESENTATIVES BY THE EMPLOYER UNDER THIS SECTION DOES NOT PREVENT AN EMPLOYEE ORGANIZATION FROM APPEARING BEFORE OR MAKING PROPOSALS TO THE PUBLIC SCHOOL EMPLOYER AT A PUBLIC MEETING OR HEARING.

(E) (1) IF, ON THE REQUEST OF EITHER PARTY, THE BOARD DETERMINES FROM THE FACTS THAT AN IMPASSE IS REACHED IN NEGOTIATIONS BETWEEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS AN EXCLUSIVE NEGOTIATING AGENT, THE BOARD SHALL WITHIN 10 CALENDAR DAYS:

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION OF EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD IS SUBJECT TO THE OTHER PROVISIONS OF THIS ARTICLE CONCERNING THE FISCAL RELATIONSHIP BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY COMMISSIONERS AND COUNTY COUNCIL.

6–5A–10.

IF THE FISCAL AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER SHALL RENEGOTIATE THE FUNDS ALLOCATED FOR THESE PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION BEFORE THE PUBLIC SCHOOL EMPLOYER MAKES A FINAL DETERMINATION IN ACCORDANCE WITH THE TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD.

6–5A–11.

A PUBLIC SCHOOL EMPLOYER AND EMPLOYEE ORGANIZATION MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST ANY PUBLIC SCHOOL EMPLOYEE BECAUSE OF THE EXERCISE OF HIS RIGHTS UNDER §§ 6–5A–02 AND 6–5A–03 OF THIS SUBTITLE.

6–5A–12.

(A) AN EMPLOYEE ORGANIZATION MAY NOT CALL OR DIRECT A STRIKE.

(B) (1) ANY EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL HAVE ITS DESIGNATION AS EXCLUSIVE REPRESENTATIVE REVOKED BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION AND ANY

OTHER EMPLOYEE ORGANIZATION THAT VIOLATES ANY PROVISION OF THIS SECTION IS INELIGIBLE TO BE DESIGNATED AS EXCLUSIVE REPRESENTATIVE FOR A PERIOD OF 2 YEARS AFTER THE VIOLATION.

(2) IF AN EMPLOYEE ORGANIZATION VIOLATES ANY PROVISION OF THIS SECTION, THE PUBLIC SCHOOL EMPLOYER SHALL STOP MAKING PAYROLL DEDUCTIONS FOR DUES OF THE ORGANIZATION FOR 1 YEAR AFTER THE VIOLATION.

6–5A–13.

THIS SUBTITLE DOES NOT MAKE THE STATE LABOR LAWS IN TITLES 3 AND 7 OF THE LABOR AND EMPLOYMENT ARTICLE APPLY TO PUBLIC SCHOOL EMPLOYMENT.".

On page 21, in lines 17 and 26, in each instance, strike "**4**" and substitute "**4A**"; and in the same lines, strike "**5**" and substitute "**5A**".

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

Affirmative – 11 Negative – 33 (See Roll Call No. 727)

FLOOR AMENDMENT

SB0590/803223/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 590
(First Reading File Bill)

On page 22, in line 16, strike "**MAY**" and substitute "**SHALL**"; and strike beginning with the comma in line 17 down through "**BOARD**" in line 18.

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

Affirmative – 11 Negative – 34 (See Roll Call No. 728)

FLOOR AMENDMENT

SB0590/533723/1

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "including" in line 13 down through "request;" in line 15.

AMENDMENT NO. 2

On page 6, strike beginning with "**, INCLUDING**" in line 16 down through "**ASSIGNMENTS**" in line 17.

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

Affirmative – 11 Negative – 34 (See Roll Call No. 729)

FLOOR AMENDMENT

SB0590/333529/1
BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "policies;" insert "prohibiting certain regulations, guidelines, and policies from conflicting with certain authority of the Maryland State Board of Education;".

AMENDMENT NO. 2

On page 7, in line 24, strike "**THE**" and substitute "**A. SUBJECT TO SUBSUBPARAGRAPH B OF THIS SUBPARAGRAPH, THE**"; and after line 26, insert:

"**B. THE REGULATIONS, GUIDELINES, AND POLICIES ADOPTED UNDER SUBSUBPARAGRAPH A OF THIS SUBPARAGRAPH MAY NOT**

CONFLICT WITH THE REGULATIONS, POLICIES, AND GUIDELINES ADOPTED BY THE STATE BOARD.".

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

Affirmative – 11 Negative – 34 (See Roll Call No. 730)

FLOOR AMENDMENT

SB0590/483723/1

BY: Senator Reilly

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "policies;" insert "requiring the Public School Labor Relations Board and the State Board of Education to jointly develop a certain balancing test;".

AMENDMENT NO. 2

On page 7, in line 28, after "**BOARD**" insert "**AND THE STATE BOARD JOINTLY**"; in the same line, after the second "**THE**" insert "**DIRECT**"; in line 29, strike "**SCHOOL SYSTEM AS A WHOLE**" and substitute "**TEACHERS OR EMPLOYEES**"; and in line 30, strike "**TEACHERS OR EMPLOYEES**" and substitute "**STUDENTS, SCHOOL SYSTEM AS A WHOLE, AND PUBLIC INTEREST**".

On page 10, in line 7, strike the first comma and substitute "**AND**"; and in lines 7 and 8, strike "**, AND THE MEDIATOR**".

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

Affirmative – 12 Negative – 33 (See Roll Call No. 731)

Read the second time and ordered prepared for Third Reading.

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

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

SB0914/114238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 914
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, strike "30" and substitute "**24**"; in line 7, strike "**36**" and substitute "**30**"; in line 11, strike "adjusted for inflation as determined by the Department annually by regulation" and substitute "**THAT IS 20% LOWER THAN THE RATE SET UNDER ITEM (2)(II) OF THIS SUBSECTION**"; and in lines 14 and 15, strike "**THAT IS 20% HIGHER THAN THE RATE SET UNDER ITEM (2)(I) OF THIS SUBSECTION**" and substitute "**ADJUSTED FOR INFLATION AS DETERMINED BY THE DEPARTMENT ANNUALLY BY REGULATION**".

AMENDMENT NO. 2

On page 2, strike beginning with "**LEAST**" in line 24 down through "section" in line 25 and substitute "**A RATE THAT IS 20% LOWER THAN THE RATES ESTABLISHED UNDER ITEM (II) OF THIS PARAGRAPH**"; and strike beginning with "**20%**" in line 27 down through "**PARAGRAPH**" in line 28 and substitute "**AT LEAST THE SAME AS THE RATES ESTABLISHED FOR THE STATE FOREST CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0914/353921/1

BY: Senator Forehand

AMENDMENT TO SENATE BILL 914

(First Reading File Bill)

On page 2, in line 22, strike "The" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; in lines 23 and 26, strike "**(I)**" and "**(II)**", respectively, and substitute "**A.**" and "**B.**", respectively; and after line 28, insert:

"**(II) IF THE LOCAL AUTHORITY ESTABLISHES A RATE FOR PROJECTS THAT IS HIGHER THAN THE MINIMUM RATE SET UNDER SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY ESTABLISH A RATE FOR PROJECTS INSIDE OF A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN THE RATE ESTABLISHED FOR PROJECTS OUTSIDE OF A PRIORITY FUNDING AREA.**".

The preceding amendment was withdrawn.

Read the second time and ordered prepared for Third Reading.

Senate Bill 621 – Senator Jacobs

AN ACT concerning

Drunk and Drugged Driving – Evidence – Qualified Medical Person

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

Senator Raskin moved, duly seconded, to make the Bill and Report a Special Order for March 29, 2010.

The motion was adopted.

RECONSIDERATION

Senator Middleton moved, duly seconded, to place **Senate Bill 593** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0593/533822/2

BY: Senator Middleton

AMENDMENT TO SENATE BILL 593, AS AMENDED

On page 11 of the Finance Committee Amendments (SB0593/497670/1), in line 3 of Amendment No. 2, strike "After July 1, 2015, a" and substitute "An additional"; in line 4, after "issued" insert "after July 1, 2015,"; and in lines 15 and 16, strike "other than a freestanding medical facility pilot project" and substitute "licensed prior to July 1, 2007".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 732)

RECESS

At 12:41 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 3:00 P.M. on Monday, March 29, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 26, 2010
Calendar Day: Monday, March 29, 2010

At 3:11 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 734)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 378 – Delegates Kaiser, Ali, Barkley, Barnes, Bates, Bobo, Bronrott, Carr, Feldman, Frick, Frush, Gilchrist, Gutierrez, Hecht, Holmes, Howard, Hubbard, Hucker, Ivey, Jennings, Jones, Lafferty, Lee, Manno, Montgomery, Morhaim, Murphy, Olszewski, Pena–Melnyk, Reznik, Rice, Riley, Rosenberg, Ross, Schuler, Simmons, Stukes, ~~and Walker~~ Walker, and Kramer

AN ACT concerning

Election Law – ~~Ballot Issue Committee – Additional~~ Campaign Finance ~~Report~~ Reports

FOR the purpose of requiring a ballot issue committee to file a campaign finance report on or before a certain date preceding a general election; exempting a certain campaign finance entity of a candidate for election to the central committee of a political party from the requirement to file a certain affidavit or campaign finance report on certain dates; and generally relating to the filing of ~~an additional~~ campaign finance ~~report by a ballot issue committee~~ reports.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–305 and 13–309

Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 566 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Community Association Property Management Services – Registration
PG 419–10

FOR the purpose of requiring, in Prince George's County, that the Office of Community Relations establish a certain registry of entities providing certain community association management services for condominiums, homeowners associations, or cooperative housing corporations located in the county; requiring certain entities to register with the registry; requiring an entity to register annually by a certain date and pay a certain fee; requiring the Office to provide the registration form and collect a certain fee; requiring the annual fee to be a certain amount; requiring certain information to be included in the registration form; authorizing the Office to make certain information available to the public under certain conditions; making a willful violation of this Act a misdemeanor subject on conviction to a certain penalty; defining certain terms; providing for the application of this Act; and generally relating to the registration of entities providing community association property management services in Prince George's County.

BY adding to
Article – Real Property
Section 14–130
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 816 – Delegates Cardin, Dumais, Hixson, Kaiser, Rice, ~~and Ross~~ Ross, George, and Shank

AN ACT concerning

~~Election Law – Voter Qualifications –~~ Honorable Lorraine M. Sheehan Act to Protect Voting Rights for Individuals Under Guardianship for Mental Disability

FOR the purpose of ~~repealing the disqualification of individuals under guardianship for mental disability from voting;~~ providing that an individual under guardianship for mental disability is not qualified to be a registered voter if a certain court has made a certain finding concerning the individual's desire to participate in the voting process; and generally relating to voter qualifications.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 860 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Tenant Credit Check Restriction Act
MC 4–10

FOR the purpose of ~~prohibiting~~ authorizing the owner or landlord of rental housing ~~from conducting~~ to conduct a credit check of a tenant applicant who qualifies for a certain monthly housing assistance payment from the Housing Opportunities Commission of Montgomery County under certain circumstances; prohibiting an owner or landlord of rental housing from rejecting a tenant applicant on certain grounds; defining a certain term; and generally relating to tenant credit checks in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 16–101(a), (d), and (e) and 16–108
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

BY adding to
Article – Housing and Community Development
Section 16–501 and 16–502 to be under the new subtitle "Subtitle 5. Housing Choice Voucher Program"
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

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

House Bill 907 – Delegates Valderrama, G. Clagett, Frank, Jennings, Kramer, Ramirez, Schuler, and Waldstreicher

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

FOR the purpose of altering the time period after which a person may not seek damages incurred as a result of an error in a land survey; providing for the application of this Act; and generally relating to the limitation of actions against land surveyors.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–112
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 963 – Delegates G. Clagett, Benson, DeBoy, Hecht, Heller, Shewell, Sossi, and Stocksdale

AN ACT concerning

Child Support Enforcement – Interception of Abandoned Property

FOR the purpose of adding certain abandoned property to certain provisions of law requiring the State Comptroller to withhold the amount of certain child support arrearages from certain payments due to certain obligors and to forward the amount withheld to the Child Support Enforcement Administration; and generally relating to collection of child support arrearages.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–113.2
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 973 – Delegates Aumann, Bates, Beitzel, Bronrott, Burns, Frank, Gaines, Gutierrez, Haynes, Howard, Jennings, Kach, Lafferty, McComas, Morhaim, Nathan–Pulliam, Olszewski, Pena–Melnyk, Shank, Shewell, Sossi, Stein, Stocksdale, Stukes, Weir, and Wood

AN ACT concerning

Public Schools – Maryland Youth Crisis Hotline – Distribution of Information

FOR the purpose of requiring each county board of education to provide certain students with the telephone number of the Maryland Youth Crisis Hotline in certain ways; ~~requiring certain schools to hold a certain school assembly at a certain time each year; requiring certain students and school personnel to attend a certain school assembly; requiring certain schools to send certain information about the Maryland Youth Crisis Hotline to the parents or guardians of certain students at a certain time each year;~~ providing that a county board is not required to reprint or reissue certain documents in use on the effective date of this Act in order to comply with this Act; and generally relating to the distribution of information about the Maryland Youth Crisis Hotline in public schools.

BY adding to
Article – Education
Section 7–430
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1016 – Delegates Jones and DeBoy

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

FOR the purpose of requiring the Board of Education of Baltimore County to negotiate certain fees with certain employee organizations representing certain certificated and noncertificated employees to be charged to certain nonmembers for certain representation; providing for the application of a certain provision of this Act; and generally relating to collective bargaining and representation fees for certain certificated and noncertificated school personnel in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–504
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1076 – Delegate Feldman

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

FOR the purpose of authorizing a credit grantor that makes a certain installment loan secured by a lien on a motor vehicle to a consumer borrower to require the consumer borrower to pay a balloon payment at maturity of the installment loan <u>if the loan exceeds a certain amount</u>; and generally relating to installment loans secured by a lien on a motor vehicle.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–1003
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

<u>Read the first time and referred to the Committee on Finance.</u>

House Bill 1109 – Caroline County Delegation

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

FOR the purpose of establishing in Caroline County that an unpaid Bay Restoration Fee is a lien against the property on which the wastewater facility, onsite sewage disposal system, or holding tank is located; requiring a notice of lien to be recorded in the land records of Caroline County; and generally relating to the Bay Restoration Fee.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

<u>Read the first time and referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Judicial Proceedings.</u>

House Bill 1399 – ~~Delegate Lafferty~~ <u>Delegates Lafferty and Stein</u>

AN ACT concerning

Residential Mortgage Loans – Required Notice of Housing Counseling Programs and Services

FOR the purpose of repealing certain provisions of Maryland lending laws that require a lender or credit grantor to provide a borrower with certain information regarding home buyer education or housing counseling in connection with certain high interest or high fee mortgage loans; requiring a lender, under certain circumstances, to provide to a borrower a certain written notice regarding home buyer education or housing counseling in connection with a certain mortgage loan; requiring the Department of Housing and Community Development to provide and maintain certain information; prohibiting a lender from closing on a certain mortgage loan unless the lender has provided to the borrower the notice required under this Act; requiring the Department, in consultation with the Commissioner of Financial Regulation, to adopt regulations, on or before a certain date, specifying the form and time of delivery of the notice required under this Act; requiring the Department, in adopting the regulations, to consult with the mortgage lending industry to determine the most effective time for delivery of the notice; defining certain terms; repealing certain definitions; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to mortgage loans.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–124.1, 12–311, and 12–1029
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Commercial Law
Section 12–1201 through 12–1204 to be under the new subtitle "Subtitle 12. Mortgage Loans – Notice of Housing Counseling Programs and Services"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1432 – Delegates McComas, Bartlett, Jameson, Kullen, and Norman

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

FOR the purpose of clarifying that a person is prohibited from knowingly and willfully assuming the identity of a fictitious person to avoid identification, apprehension, or prosecution for a crime, or with fraudulent intent to get a

benefit, credit, good, service, or any other thing of value or to avoid the payment of debt or other legal obligation; providing penalties for a violation of this Act; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–301(c)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 8–301(g)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 1466 – Delegates Bohanan, O'Donnell, and Wood

AN ACT concerning

St. Mary's County – Property Tax Credit – Property Leased to Nonprofit Schools

FOR the purpose of authorizing the governing body of St. Mary's County or of a municipal corporation in St. Mary's County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on real property leased to a nonprofit school and used exclusively for primary or secondary educational purposes; providing for the duration of the credit; providing for the application of this Act; and generally relating to authority for a property tax credit in St. Mary's County for certain real property leased to a nonprofit school.

BY adding to
Article – Tax – Property
Section 9–320(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1471 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Residential Real Property – Real Estate Settlements – Disclosures

FOR the purpose of requiring a certain person who ~~has a connection with the settlement of~~ offers settlement services in connection with residential real estate transactions involving land in the State to comply with certain federal disclosure requirements; altering a certain provision relating to the payment of a commission to a certain person; repealing a certain definition; defining certain terms; and generally relating to real estate settlements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–127
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1514 – Delegates Beidle and Stein

AN ACT concerning

Real Property – Condominiums – Cancellation of Insurance

FOR the purpose of altering the procedure for cancellation of certain property and casualty insurance that must be maintained by the council of unit owners of a condominium; providing for the application of this Act; and generally relating to cancellation of insurance maintained by the council of unit owners of a condominium.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–114(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–114(f)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 197 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Barbers and the State Board of Cosmetologists (boards) in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the boards; ~~altering the membership composition of the boards;~~ prohibiting the boards from setting certain fees that exceed a certain amount; requiring the boards to adopt certain regulations regarding certain curriculum standards; altering the requirements for the renewal of certain licenses issued by the boards; repealing a requirement that certain complaints be signed by a complainant; requiring certain complaints to contain certain information; altering the procedures for the inspection of certain barbershops, beauty salons, and cosmetology schools; providing that an individual may renew a certain apprentice registration one time; repealing the requirement that certain apprentice barbers take a certain examination at a certain time and authorizing the renewal of a certain apprentice registration based on the failure of a certain examination; requiring the State Board of Cosmetologists to reimburse certain inspectors for certain expenses under the Standard State Travel Regulations; authorizing the State Board of Cosmetologists to set certain licensing fees; ~~requiring the boards to pay certain fees to the State Comptroller; requiring the Comptroller to distribute certain fees into a certain fund; requiring the boards to pay certain fines into the General Fund of the State; establishing a State Barbers and Cosmetologists Boards' Fund as a special, nonlapsing fund in the Department of Labor, Licensing, and Regulation; requiring the Fund be used for certain purposes; providing for the administration of, auditing of, and distribution of money from the Fund;~~ requiring the boards to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring the boards to ensure that certain license or license renewal expiration dates set by the boards do not terminate a license term before a certain period of time; defining certain terms; making certain stylistic and technical changes; ~~providing for a delayed effective date for certain provisions of this Act;~~ and generally relating to the authority of the State Board of Barbers and the State Board of Cosmetologists.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section ~~4–202(a),~~ 4–206, ~~4–207,~~ 4–310, 4–314(d), 4–405, 4–511(a) and (e), 4–512, 4–702, ~~5–202(a),~~ 5–205, ~~5–208,~~ 5–311, 5–314(c), 5–405, 5–509(d), 5–520, and 5–702
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 4–314(c) and 5–509(a)

Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(9) and (14)
Annotated Code of Maryland
(2009 Replacement Volume)

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 2–106.7 and 2–106.8~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2009 Supplement)~~

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

House Bill 298 – Delegates Morhaim, Nathan–Pulliam, and Stein

AN ACT concerning

Office of Student Financial Assistance – Service Obligation – ~~Waiver~~ Financial Counseling Session Required

FOR the purpose of requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to ~~grant a waiver from the remaining service obligation component of certain scholarships under certain circumstances~~ require certain individuals to attend a certain financial counseling session under certain circumstances; specifying that the financial counseling session include certain matters; requiring the Office to adopt certain regulations; providing for the application of this Act; and generally relating to ~~the waiver of a service obligation commitment by~~ a financial counseling session for applicants for certain student financial assistance by the Office of Student Financial Assistance.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–201 and 18–205
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 18–206
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 304 – Delegates Jones, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, and Schuh

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Process and Factors

FOR the purpose of altering provisions of law relating to a waiver from the maintenance of effort requirement for funding public education; altering provisions specifying to whom and the date by which a county governing body must make a request ~~to the State Board of Education~~ for a waiver from the maintenance of effort requirement; clarifying the maintenance of effort requirement for which a county may apply for a waiver; requiring the State ~~Board of Education~~ Superintendent of Schools to consider certain factors when making a decision whether to grant a waiver; altering the date by which the State ~~Board of Education~~ Superintendent must inform the county governing body whether the waiver application has been granted or denied; authorizing a county to appeal a decision by the State Superintendent regarding a waiver from the maintenance of effort requirement to the State Board of Education; requiring a county to file an appeal to the State Board within a certain period; requiring the State Board to conduct a hearing on the appeal, consider certain factors, and render a decision by a certain date; providing that the decision of the State Board is final; making the imposition of a penalty for a county's noncompliance with certain maintenance of effort provisions applicable in a certain fiscal year; requiring the Maryland State Department of Education to report to the General Assembly on or before a certain date; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the maintenance of effort requirement for primary and secondary education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(d) and 5–213
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 368 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Local Departments of Social Services – Audits

FOR the purpose of altering the frequency of financial and compliance audits of the local departments of social services; specifying that the Office of the Inspector General in the Department of Human Resources is required to conduct the audits; and generally relating to audits of the local departments.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 3–602
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

House Bill 434 – Delegates Barnes, Anderson, Conaway, Dwyer, Kelly, McConkey, Ramirez, Rosenberg, Schuler, Simmons, Smigiel, and Waldstreicher

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

FOR the purpose of proposing an amendment to the Maryland Declaration of Rights to alter the amount in controversy in civil proceedings in which the right to a jury trial may be limited by legislation; altering the amount in controversy in civil proceedings in which the right to a jury trial shall be inviolably preserved; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Declaration of Rights
Article 5(a) and 23

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

House Bill 436 – Delegates Barnes, Anderson, Conaway, Dwyer, Kelly, McConkey, Ramirez, Rosenberg, Schuler, Simmons, Smigiel, and Waldstreicher

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

FOR the purpose of altering the amount in controversy in a civil action in which a party may not demand a jury trial; providing for the construction and application of this Act; making this Act contingent on the passage and ratification of a certain constitutional amendment; and generally relating to jury trials in civil actions.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–402(e)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 443 – Delegates Ivey, Vallario, Bartlett, Cardin, Elmore, Frick, George, Gilchrist, Howard, Kaiser, Murphy, Myers, Olszewski, Rice, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

Inheritance Tax – Exemption – Surviving Spouses of Predeceasing Descendants

FOR the purpose of providing an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a surviving spouse of a deceased child or of a deceased lineal descendant of a child of the decedent under certain circumstances; altering a certain definition; providing for the application of this Act; and generally relating to an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a surviving spouse of a deceased child or a deceased lineal descendant of a child of the decedent.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–203(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 466 – The Speaker (By Request – Administration) and Delegates Hixson and Conway

AN ACT concerning

Governor's P–20 Leadership Council of Maryland

FOR the purpose of establishing the Governor's P–20 Leadership Council of Maryland; providing for the membership, tenure, chair, and staffing of the Council; establishing an Executive Committee of the Council; providing for the duties of the Executive Committee and the Council; requiring the Council to submit a certain annual report to the Governor and General Assembly on or before a certain date; and generally relating to the Governor's P–20 Leadership Council of Maryland.

BY adding to
Article – Education
Section 24–701 to be under the new subtitle "Subtitle 7. Governor's P–20 Leadership Council of Maryland"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 472 – ~~The~~ Delegate Niemann and the Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Benson, Bobo, Carr, DeBoy, Doory, Dumais, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Kaiser, King, Kirk, Kramer, Lafferty, Levy, Love, Manno, Mathias, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Proctor, Reznik, Rice, Rosenberg, Rudolph, Shewell, Stein, Tarrant, Taylor, V. Turner, Vaughn, and Walker

~~EMERGENCY BILL~~

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Foreclosure Mediation

FOR the purpose of requiring a certain notice of intent to foreclose to include certain information; requiring a certain notice of intent to foreclose to be accompanied by a certain loss mitigation application, instructions for completing the application, certain other information, and a certain envelope; requiring an

order to docket or complaint to foreclose to be accompanied by ~~a certain loss mitigation affidavit in a certain form, a certain request for foreclosure mediation, affidavit, and worksheet in a certain form, certain envelopes, and an additional filing fee in a certain amount; requiring the fee to be used for certain purposes; prohibiting the fee from being passed on to the mortgagor or grantor;~~ an additional filing fee, a certain final loss mitigation affidavit or a certain preliminary loss mitigation affidavit, and, if applicable, a certain request for foreclosure mediation; altering the information required to be included in a certain notice form; ~~requiring the clerk of the court to schedule a case for foreclosure mediation if the defendant in a certain foreclosure action files a certain completed request and affidavit within a certain time;~~ requiring the secured party to file a certain final loss mitigation affidavit and send to the mortgagor or grantor a copy of the affidavit and a request for foreclosure mediation form; authorizing the mortgagor or grantor in a foreclosure action on owner–occupied residential property to file a certain request for foreclosure mediation with the court; requiring the request to be accompanied by a filing fee in a certain amount; authorizing a court to reduce or waive the filing fee under certain circumstances; authorizing the secured party to file a motion to strike the request for foreclosure mediation; providing that there is a presumption that a mortgagor or grantor is entitled to foreclosure mediation under certain circumstances; requiring the court to forward a request for foreclosure mediation to the Office of Administrative Hearings for scheduling; requiring the Office to conduct a foreclosure mediation within a certain time period; requiring the Office to send certain notice to certain persons; requiring and authorizing certain individuals to be present at a foreclosure mediation; providing that the participants in a foreclosure mediation should address certain ~~options~~ loss mitigation programs; ~~authorizing the defendant in a certain foreclosure action to file a motion to stay the sale under certain circumstances; providing that a request for foreclosure mediation constitutes good cause for failure to file a motion to stay within a certain time;~~ requiring the Office to file a certain report with the court at a certain time; providing that, with a certain exception, the rules of procedure for certain contested cases do not govern a foreclosure mediation conducted by the Office; providing that if the parties do not reach an agreement at the foreclosure mediation, or the mediation period expires without an extension by the Office, the foreclosure attorney may schedule the foreclosure sale; authorizing the mortgagor or grantor to file a motion to stay the foreclosure sale under certain circumstances; altering the time after which a foreclosure sale may occur; requiring that the revenue from certain filing fees be distributed to the Housing Counseling and Foreclosure Mediation Fund; establishing the Fund as a special, nonlapsing fund; providing for purposes, administration, and contents of the Fund; defining certain terms; ~~making this Act an emergency measure;~~ providing that until the Commissioner of Financial Regulation identifies certain information and prescribes a certain foreclosure process and time line, a certain notice of intent to foreclose shall be deemed to be in compliance with certain provisions of this Act; requiring the Commissioner of Financial Regulation to adopt certain regulations; providing that until the Commissioner of Financial Regulation adopts certain regulations, instructions

regarding information and documents required for foreclosure mediation shall be deemed to be in compliance with certain provisions of this Act; providing that until the Commissioner of Financial Regulation adopts certain regulations, certain documents shall be in substantially a certain form; providing that when the Commissioner of Financial Regulation adopts certain regulations, certain documents may no longer be used and the documents prescribed by the regulations shall be used; authorizing the Governor to process certain budget amendments during a certain fiscal year that appropriate certain sums from the Housing Counseling and Foreclosure Mediation Fund to certain units of State government for certain purposes; requiring the Governor, for certain fiscal years, to appropriate a certain sum from the Fund to a certain unit of State government for a certain purpose; providing for the application of this Act; and generally relating to foreclosure of mortgages and deeds of trust on certain residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–507
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

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

House Bill 496 – Delegates Pena–Melnyk, Ali, Anderson, Barnes, Barve, Benson, Bobo, Bohanan, Branch, Braveboy, Bronrott, Burns, Busch, Cane, Carr, Carter, Conaway, Costa, Davis, Dumais, Dwyer, Eckardt, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, Kaiser, Kipke, Kirk, Kramer, Krysiak, Kullen, Lee, Levi, Levy, Manno, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuh, Schuler, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

AN ACT concerning

No Representation Without Population Act

FOR the purpose of requiring certain incarcerated individuals to be counted in certain population counts in a certain manner; prohibiting certain incarcerated individuals from being included in certain population counts used for the purpose of creating a certain congressional districting plan and the legislative districting plan for the General Assembly and certain county and municipal corporation legislative districts; and generally relating to population counts of incarcerated individuals and the creation of legislative and congressional districts.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–701
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – State Government
Section 2–2A–01 to be under the new subtitle "Subtitle 2A. Creation of the Legislative Districting Plan"
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 1–111
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 500 – Delegates Waldstreicher, Rosenberg, Anderson, Barnes, Branch, Dumais, Ivey, Lee, Levi, and Valderrama

AN ACT concerning

Child Support Guidelines – Revision

FOR the purpose of revising the schedule of basic child support obligations used to calculate the amount of a child support award under the child support guidelines; repealing provisions of law establishing that the adoption or revision of the child support guidelines may be grounds for requesting a modification of a child support award based on a material change in circumstances under certain circumstances; establishing that the adoption or revision of the child support guidelines is not a material change of circumstance for the purpose of a modification of a child support award; defining certain terms; making certain

clarifying and conforming changes; providing for a delayed effective date; and generally relating to child support.

BY adding to
Article – Family Law
Section 12–201(j) and (k)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 12–201(j) and (k), 12–202, and 12–204(e), (g), (l), and (m)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 601 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Tattoo Artist and Body Piercing Services

FOR the purpose of authorizing the County Commissioners of Calvert County to adopt certain ordinances pertaining to tattoo artist or body piercing services; requiring the Calvert County Health Department to enforce certain ordinances; and generally relating to tattoo artist and body piercing services.

BY adding to
Article 25 – County Commissioners
Section 256 to be under the new subheading "Regulation of Tattoo Artist and Body Piercing Services"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 620 – Delegates Frush, Barnes, and Pena–Melnyk

AN ACT concerning

Condominiums and Homeowners Associations – Common Elements and Common Areas – Implied Warranties

FOR the purpose of requiring the description of the common elements in a condominium declaration that is recorded on or after a certain date to include certain improvements; providing that certain provisions of this Act do not apply

to a condominium that is occupied and used solely for nonresidential purposes; prohibiting under certain circumstances the amending of the description and designation of the common elements in a condominium declaration that is recorded after a certain date; altering the duration of a certain implied warranty on the common elements of a condominium; altering the duration of a certain implied warranty on the common areas of a homeowners association; making stylistic changes; providing for the application of this Act; and generally relating to implied warranties on common elements in condominiums and common areas in homeowners associations.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–103(a), 11–131(d), and 11B–110(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 624 – Delegates Nathan–Pulliam, Eckardt, Costa, Donoghue, Elmore, Hubbard, Kullen, ~~and Montgomery~~ Montgomery, and V. Turner

AN ACT concerning

Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and Medication Technicians – Changes to Licensure Requirements

FOR the purpose of requiring that if the State Board of Nursing has reason to believe and objective evidence that a certain applicant, licensee, or certificate holder may cause harm to certain individuals, the Board require the applicant, licensee, or certificate holder to submit to a certain examination; adding certain individuals who have applied for a certain license, have passed a certain examination, and are awaiting receipt of certain criminal history record information to those individuals who are exempt from certain licensure requirements; adding certain individuals who provide gratuitous care for friends and family to those individuals who are exempt from certain licensure requirements; requiring that certain applicants pass a certain national examination; providing that practicing nursing in certain states or territories for at least a certain number of years is acceptable proof of proficiency in English; repealing the requirement that the Board give certain examinations; requiring the Board to issue certain licensees and certificate holders a license or certification number and a registration certificate that indicates certain information; requiring the Board to record electronically certain licenses and certificates, including inactive status, in certain databases and on certain websites; extending the period of time the Board has to send certain renewal notices; altering the term of certain licenses; authorizing the Board to send certain renewal notices by electronic means; requiring the Board to send certain renewal applicants certain documents necessary for initiating criminal history

records checks in conjunction with certain renewal notices; authorizing certain licensees to submit certain renewal applications by paper application or electronic means; extending the period of time between criminal history records checks for certain renewal applicants; repealing provisions concerning skilled nursing assistants; extending the period of time certain certificate holders have to notify the Board of certain changes in name or address; requiring the Board to stagger certain renewals of licenses in a certain manner; and generally relating to registered nurses, licensed practical nurses, nursing assistants, and medication technicians.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–205.1, 8–301(c), 8–302(e) and (f)(2), 8–305(d) through (f), 8–308(a) and (b), 8–309(b), ~~8–312(b)~~ 8–312(a), (b), (c), and (g)(1), 8–6A–05(a), 8–6A–07, 8–6A–08, and 8–6A–15
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health Occupations
Section 8–305(c) and 8–6A–01(k)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 715 – Delegates Kipke, Dwyer, George, and Schuh

AN ACT concerning

Department of Planning – Disposition of Real Property

FOR the purpose of requiring the Department of Planning to give certain notice to the governing body of a certain jurisdiction regarding certain real property owned by the State if a unit of State government expresses interest in the property under certain circumstances; requiring the Department to include the response of a certain jurisdiction to a proposed use of certain property by a unit of State government under certain circumstances; and generally relating to the disposition of real property owned by the State.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–310
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 775 – Delegates Griffith, Branch, Bronrott, Conway, Gaines, Guzzone, Haynes, Heller, James, Jones, Levy, and Proctor

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

FOR the purpose of providing that certain annual retirement allowance adjustments shall be a certain amount under certain circumstances; requiring that certain annual retirement allowances be reduced by a certain amount under certain circumstances; requiring the Board of Trustees for the State Retirement and Pension System to conduct a certain study regarding the effects of a certain Consumer Price Index on other public state pension plans; requiring the Board of Trustees to submit a report to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions by a certain date; defining certain terms; providing for the termination of certain provisions of this Act; making this Act an emergency measure; and generally relating to annual retirement allowance adjustments for retirees of the several systems of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–401(e), 29–406, 29–407, 29–412, 29–418, and 29–427
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 804 – Delegates ~~Kach and Olszewski~~ Kach, Olszewski, Benson, Costa, Donoghue, Elliott, Hammen, Jenkins, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

FOR the purpose of prohibiting a provider contract from containing a provision that requires a participating dental provider, as a condition of ~~participating~~ continued participation in certain dental provider panels, to accept ~~a new~~ an added, revised, or amended fee schedule that contains a lower fee; providing for

the application of this Act; and generally relating to dental provider panels and provider contracts.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112.2(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 15–112.2(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 829 – Delegates Jameson, G. Clagett, Barkley, Bates, Beitzel, Bohanan, Bronrott, Conway, DeBoy, Donoghue, Eckardt, Elliott, Elmore, Gilchrist, Guzzone, Haddaway, Hecht, Jenkins, Kach, Kelly, King, Kramer, Kullen, Levy, Love, Miller, Murphy, Myers, Rudolph, Serafini, Sossi, Stull, ~~and Wood~~ Wood, Norman, Frank, Harrison, McComas, Riley, Shewell, Stifler, and Stukes

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

FOR the purpose of requiring that a certain traffic citation issued to a person contain a notice that, if the citation is a payable violation, the person must comply within a certain time period with one of a certain list of options, including the option to request~~, within a certain time period,~~ a trial date at the date, time, and place established by the District Court by writ or trial notice; requiring the notice to include a certain statement of the possible consequences if the person fails to comply within a certain time period; authorizing the District Court or circuit court to issue a warrant or provide a certain notice to the Motor Vehicle Administration if a person fails to comply with certain notices; providing that a warrant may not be issued for a certain noncompliance until after the expiration of certain time periods; establishing requirements for certain copies of a citation form; making conforming changes; declaring the intent of the General Assembly; providing for the effective dates of this Act; and generally relating to traffic citations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–201(c), (d), and (e) and 26–204
Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 26–201(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 837 – Washington County Delegation

AN ACT concerning

Washington County – Procurement of Professional or Technical Services

FOR the purpose of exempting certain procurement expenditures for professional or technical services for Washington County from the requirements for procurement expenditures over $50,000; repealing language made obsolete by this Act; and generally relating to procurement expenditures for professional or technical services in Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–106(b)(2)
Article 22 – The Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

BY adding to
The Public Local Laws of Washington County
Section 1–106.5
Article 22 – The Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

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

House Bill 873 – Delegate Davis

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – ~~Registration~~ Examination Requirements

FOR the purpose of ~~requiring a person applying for a registration to provide individual tax preparation services, if required by regulations adopted by the State Board of Individual Tax Preparers, to complete successfully a certain tax preparation~~

~~program; requiring the Board to prepare, in consultation with the Department of Labor, Licensing, and Regulation and representatives of the tax preparation industry, a certain examination;~~ repealing certain requirements relating to the examination to be given by the ~~Board~~ State Board of Individual Tax Preparers to an applicant for registration to provide individual tax preparation services; and generally relating to ~~registration~~ examination requirements for individual tax preparers.

~~BY repealing and reenacting, without amendments,~~
~~Article – Business Occupations and Professions~~
~~Section 21–301 and 21–303~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section ~~21–302 and~~ 21–304(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 929 – The Speaker (By Request – Administration) and Delegates Aumann, Benson, Bobo, Bromwell, Bronrott, Busch, Carter, Costa, Donoghue, Elliott, Feldman, Gaines, Gutierrez, Hammen, Hucker, Ivey, James, Kaiser, Kullen, Lee, Manno, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Stein, Tarrant, V. Turner, ~~and Waldstreicher~~ Waldstreicher, Braveboy, Hubbard, Jenkins, Kach, Kipke, Krebs, McDonough, Morhaim, Oaks, and Riley

AN ACT concerning

Patient Centered Medical Home Program

FOR the purpose of requiring the Maryland Health Care Commission to establish a Maryland Patient Centered Medical Home Program under certain circumstances; authorizing certain health insurance carriers to elect to participate in the Program; requiring certain health insurance carriers to participate in the Program; authorizing the Department of Health and Mental Hygiene to require certain managed care organizations and certain enrollees to participate in the Program under certain circumstances; requiring the Department to ensure that participation in the Program of managed care organizations and certain enrollees will support certain standards; authorizing the Commission to authorize a health insurance carrier to implement a certain single carrier patient centered medical home program; providing for the construction of certain provisions of this Act; requiring the Commission, in

consultation with the Department, carriers, managed care organizations, and primary care practices, to adopt certain standards and practices for the Program; requiring the Commission to adopt certain payment methods for the Program; requiring the Commission to adopt certain health care quality and performance measures to be reported to the Commission and to certain carriers and managed care organizations; requiring the Commission to consider certain information when developing certain standards; requiring ~~the Commission to consult with certain carriers and primary care practices in developing certain payment methods~~ certain standards to define a certain payment method and a certain methodology; establishing certain enrollment procedures for the Program; requiring the Commission to conduct certain educational activities and ensure that a participating patient centered medical home provides certain care for a certain purpose; authorizing the Commission to adopt certain regulations; authorizing certain health insurance carriers to pay a patient centered medical home for certain services, pay certain bonuses and fees, and share certain medical information about certain individuals; requiring certain insurers, nonprofit health service plans, and health maintenance ~~organizations, and managed care~~ organizations to comply with certain provisions of this Act pertaining to the Program; making certain provisions of this Act applicable to health maintenance organizations; defining certain terms; requiring the Commission to retain a consultant or consulting firm to conduct a certain independent evaluation; requiring the Commission to consider certain information in the evaluation; requiring the Commission to report its findings to certain committees; requiring the Commission to consult with the Maryland Community Health Resources Commission for a certain purpose; authorizing the Maryland Community Health Resources Commission to provide certain assistance and leverage certain assets for a certain purpose; providing for the termination of this Act; and generally relating to ~~the Maryland Patient Centered Medical Home Program~~ patient centered medical home programs.

BY adding to
Article – Insurance
Section 15–1801 and 15–1802 to be under the new subtitle "Subtitle 18. Exemption for a Patient Centered Medical Home Program"
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Health – General
Section 19–1A–01 through ~~19–1A–04~~ 19–1A–05 to be under the new subtitle "Subtitle 1A. Patient Centered Medical Home Program"; and 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 943 – Delegates McIntosh, Beidle, Bobo, Bronrott, Cane, Carr, DeBoy, Dumais, Frick, Frush, Glenn, Healey, Hecht, Howard, Hucker, Kaiser, Kullen, Lafferty, McHale, Montgomery, Morhaim, Niemann, Olszewski, Ramirez, Reznik, Riley, and Weir

AN ACT concerning

Chesapeake Conservation Corps Program

FOR the purpose of establishing the Chesapeake Conservation Corps Program ~~as a body politic and corporate~~; providing for the purposes of the Corps Program; establishing a Corps Board ~~of Directors of the Corps~~, with specified membership, officers, duties, staff, and terms; providing for the purpose of the Corps Board; requiring the Chesapeake Bay Trust to make certain grants to certain qualified organizations for the creation or expansion of certain programs; requiring the Trust to develop certain guidelines for evaluating applications from certain qualifying organizations; requiring certain grant agreements to meet certain requirements; requiring the Trust to provide certain technical assistance to qualifying organizations under certain circumstances; ~~providing for an Executive Director of the Corps, with certain duties and powers; providing that the Attorney General is the legal advisor of the Corps; authorizing the Corps to retain certain staff; providing for the application of certain laws to the Corps and its personnel; establishing the powers of the Corps;~~ requiring the Corps Program to undertake certain projects for certain purposes; ~~requiring the Corps to develop and implement~~ establishing certain requirements for certain volunteer service programs, including stipend volunteers; authorizing certain educational institutions to assist the Corps Program in certain manners; ~~encouraging and~~ requiring the Corps Board to seek assistance from certain sources in developing certain programs; ~~providing that the Corps is exempt from State and local taxes; providing that the books and records of the Corps are subject to audit;~~ requiring the Corps Board to report each year to certain persons on certain matters; requiring the Trust, in consultation with the Corps Board, to develop certain plans and provide certain drafts of certain plans to certain committees for a certain purpose; providing for certain funding for the Corps Program in certain fiscal years from the Environmental Trust Fund; defining certain terms; making stylistic changes; providing for the initial terms of the members of the Corps Board; and generally relating to the Chesapeake Conservation Corps Program.

BY renumbering
Article – Natural Resources
Section 8–1901 through 8–1909, respectively
to be Section 8–1902 through 8–1910, respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 3–302(a), (c), and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section ~~3–302(e)(1)(v)~~ 3–302(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Natural Resources
Section ~~3–302(f);~~ 8–1901 to be under the amended subtitle "Subtitle 19. Chesapeake Bay Trust and ~~Related Units~~ Programs" and the new part "Part I. General Provisions"; and 8–1913 through ~~8–1931~~ 8–1924 to be under the new part "Part II. Chesapeake Conservation Corps Program"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1905
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Section 1 of this Act)

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

House Bill 989 – Delegates Proctor and Vallario

AN ACT concerning

State Personnel – Natural Resources Law Enforcement Officers – Appointment to Major or Lieutenant Colonel

FOR the purpose of authorizing the Secretary of Natural Resources to appoint a certain law enforcement officer to the rank of Major or Lieutenant Colonel without examination; establishing that a certain law enforcement officer appointed in accordance with certain provisions of this Act continues to serve at the pleasure of the Secretary; providing that on termination of a certain appointment, the Secretary may return a certain law enforcement officer ~~may return~~ to a certain ~~rank~~ vacant position or ~~be promoted~~ promote the law enforcement officer to a certain higher rank under certain circumstances; establishing that in cases of inconsistency between certain provisions of this Act and certain other provisions of law, certain provisions of this Act shall control as

to certain matters; making certain conforming changes; providing for the application of certain provisions of this Act; and generally relating to law enforcement officers of the Department of Natural Resources.

BY adding to
Article – Natural Resources
Section 1–107
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–203 and 5–206
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 995 – Delegate Kach

AN ACT concerning

Regulation of Crematories

FOR the purpose of requiring the Office of Cemetery Oversight and the State Board of Morticians and Funeral Directors to establish a certain process and adopt certain regulations for regulating crematories; requiring that a certain process for regulating crematories provide for certain registration, issuance of permits, or licensure and renewal, certain applications, certain fees, certain inspections and oversight, certain grounds for discipline and penalties, and certain complaints and hearings; providing that certain registration, permitting, and licensure requirements do not apply to crematories with certain ownership and crematories or incinerators located at certain medical facilities or educational institutions; prohibiting the Director of Cemetery Oversight from assessing a certain occurrence cremation fee; providing certain registration, complaint, disciplinary, and hearing provisions for crematories regulated by the Office; requiring the Office and Board to determine whether to adopt certain financial stability requirements; defining certain terms; and generally relating to the regulation of crematories.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–101, 5–102, 5–204(a), (b), and (k), 5–205(b)(1), 5–301, 5–302, 5–303, 5–306, 5–308, 5–310(a) and (b), 5–311(c), 5–401, 5–402, 5–403, 5–701, 5–901, 5–902, and 5–903
Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–101 and 7–102
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 7–205(c)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1011 – Delegates Carter, Anderson, Oaks, Pena–Melnyk, and Simmons

AN ACT concerning

Juvenile Law – Lead Testing – ~~Required~~ Authorized

FOR the purpose of ~~requiring the juvenile court to order the Department of Health and Mental Hygiene to perform a blood lead level test on a child~~ authorizing the juvenile court to order a child to undergo blood lead level testing after a petition has been filed but before an adjudication; ~~requiring~~ authorizing a court exercising criminal jurisdiction in a case involving a child to order ~~the Department to perform a blood lead level test on a child~~ the child to undergo blood lead level testing before trial; requiring a copy of certain test results to be provided to certain individuals; and generally relating to juvenile law and lead testing of a child before adjudication or trial.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–16.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 4–205
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1025 – Delegates Tarrant, Anderson, Branch, Carter, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, McHale, McIntosh, Oaks, Robinson, Rosenberg, and Stukes

AN ACT concerning

Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

FOR the purpose of requiring a retail service station dealer in Baltimore City to post a certain sign in a conspicuous location at a retail service station that states certain prohibitions relating to dispensing motor fuel into a dirt bike; requiring the Comptroller, in consultation with a certain organization, to adopt guidelines for the design of the sign; requiring a court, in making a disposition on a finding that a child has committed a certain violation of this Act, to order the Motor Vehicle Administration to suspend the driving privilege of the child for a certain period of time; prohibiting, in Baltimore City, a person who is not an owner or employee of a service station who is subject to certain prohibitions under local law from dispensing motor fuel into a dirt bike from a retail pump at a service station; requiring the court to notify the Administration if a person is convicted of a certain violation of this Act; authorizing the Administration to suspend a person's driver's license for a certain period of time under certain circumstances; requiring the Administration to suspend a person's driver's license for a certain period of time under certain circumstances; establishing certain penalties; authorizing the court to order a minor's parent or guardian to pay a certain fine under certain circumstances; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to the sale of motor fuel for dirt bikes.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 10–101(k)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 10–503
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–19(e)(5)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–206(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 21–1128 and 27–101(dd)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1051 – Delegates Benson, Burns, Cane, Costa, Frush, Gaines, Glenn, Holmes, Kach, Nathan–Pulliam, Niemann, Robinson, and Ross

AN ACT concerning

Crimes – Prohibition on Sale of Drug Paraphernalia to a Minor – Local Law

FOR the purpose of authorizing the governing body of a county or a municipal corporation to adopt an ordinance or local law that prohibits a person from selling drug paraphernalia to a minor; authorizing a county or a municipal corporation to impose certain criminal or civil penalties; defining a certain term; and generally relating to the sale of drug paraphernalia to a minor.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–101(a) and (o)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 5–619.1
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 1098 – ~~Delegate Oaks~~ Delegates Oaks, Anderson, Conaway, Glenn, Hammen, Haynes, McHale, McIntosh, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Binding Arbitration – Police Officers

FOR the purpose of requiring binding arbitration between certain employee organizations representing certain Baltimore City police officers and the City of Baltimore under certain circumstances; applying certain procedures governing binding arbitration for firefighters and fire officers to certain police officers; authorizing a certain party to request arbitration by a certain board of arbitration if a certain agreement is not reached by a certain date; authorizing certain collective bargaining negotiations to continue until the first day of arbitration; providing for the selection of a certain board of arbitration; requiring a certain board of arbitration to consider certain matters; authorizing the board of arbitration to order the implementation of a certain proposal or to modify certain final offers to develop a new agreement; requiring the adoption of certain salary and wage scales for certain police officers under certain circumstances; making a technical change; establishing a certain cap on the cost of an arbitration proceeding to be paid by the City of Baltimore in a fiscal year; providing for a delayed effective date; and generally relating to binding arbitration between certain police officers and the City of Baltimore.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (55)
(2007 Replacement Volume, as amended)

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

House Bill 1163 – Delegates Carr, Gutierrez, ~~and Waldstreicher~~ Waldstreicher, Barkley, Braveboy, Feldman, Haddaway, Harrison, Hecht, Manno, Mathias, Taylor, and Vaughn

AN ACT concerning

Economic Development – Enterprise Zones – Designation

FOR the purpose of increasing the number of enterprise zones that the Secretary of Business and Economic Development is authorized to designate in a county in a calendar year; and generally relating to enterprise zones.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–704(b)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

House Bill 1167 – Carroll County Delegation

AN ACT concerning

Carroll County – Homemade Food Sales – County Parks and Facilities

FOR the purpose of authorizing a county–owned and county–operated park or facility that is hosting a public festival to offer for sale or sell certain types of homemade–style food under certain circumstances; adding honey to the list of homemade–style food that may be offered for sale or sold under a certain provision of law; and generally relating to homemade food sales in Carroll County.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–305(f)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1188 – Delegate Hubbard

AN ACT concerning

State Board of Professional Counselors and Therapists – Membership

FOR the purpose of clarifying certain qualifications for licensed clinical professional counselors to be eligible to serve as members of the State Board of Professional Counselors and Therapists; repealing certain requirements regarding the eligibility of a licensed clinical marriage and family therapist or a licensed clinical alcohol and drug counselor to serve as a member of the Board; and generally relating to the qualifications of the clinical professional counselor members of the State Board of Professional Counselors and Therapists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–202
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1190 – Delegate Bromwell

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Providers – Failure to Comply with Governor's Order

FOR the purpose of authorizing certain health occupations boards to take certain actions against certain health care providers under certain circumstances and subject to certain hearing provisions; prohibiting certain health care providers from knowingly and willfully failing to comply with certain provisions of law; subjecting certain health care providers to certain discipline under certain circumstances; and generally relating to the discipline of health care providers for the failure to comply with the Governor's order relating to catastrophic health emergencies.

BY adding to
Article – Health Occupations
Section 1–214
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–3A–03(c)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–3A–08
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 1200 – Calvert County Delegation

AN ACT concerning

Calvert County – Special Taxing Districts

FOR the purpose of providing that any funds or portion of the funds remaining in a special taxing district established in Calvert County under certain authority at the termination of the special taxing district may be applied to certain future special taxing districts, ~~or~~ returned to owners of property in the special taxing district in a certain manner, or applied to a certain reserve fund under certain circumstances; and generally relating to funds remaining in a special taxing

district established in Calvert County under certain authority at the termination of the special taxing district.

BY repealing and reenacting, without amendments,
The Public Local Laws of Calvert County
Section 4–103(c)
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

BY adding to
The Public Local Laws of Calvert County
Section 4–103(d)
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

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

House Bill 1322 – Delegates Hucker, Benson, Ali, Barkley, Barve, Bobo, Bronrott, Carr, Feldman, Gutierrez, Hecht, Hixson, Hubbard, Kullen, Manno, Montgomery, Morhaim, Reznik, Taylor, Vaughn, and Waldstreicher

AN ACT concerning

Business Regulation – Lodging Establishments – National Human Trafficking Resource Center Hotline Information

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to design a sign that contains certain information regarding the National Human Trafficking Resource Center Hotline; requiring the sign to meet certain requirements and be placed on the ~~Department~~ Department's website; requiring ~~an innkeeper of~~ a lodging establishment to post a certain sign in certain places for a certain period of time if certain conditions are met; providing a certain ~~penalties~~ penalty for the violation of a certain provision of this Act; and generally relating to lodging establishments and information regarding the National Human Trafficking Resource Center Hotline.

BY adding to
Article – Business Regulation
Section 15–207
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1336 – Washington County Delegation

AN ACT concerning

Washington County – Domestic Violence – GPS Tracking System Pilot Program for Offenders

FOR the purpose of ~~authorizing~~ requiring the court in Washington County to implement a global positioning satellite tracking system pilot program that ~~will require~~ authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a certain protective order, ~~that the court~~ to order that the defendant be supervised by means of active electronic monitoring as a condition of bail under certain circumstances; ~~authorizing~~ requiring the court in Washington County to implement a global positioning satellite tracking system pilot program that ~~will require~~ authorizes the court, if the court suspends the sentence of a certain defendant convicted of failing to comply with certain relief granted in an interim protective order, temporary protective order, or final protective order, ~~that the court place~~ to order that the defendant ~~under~~ be supervised by active electronic monitoring as a condition of probation under certain circumstances; requiring a certain defendant to pay certain fees established by the county under certain circumstances; authorizing the county to exempt the defendant from the fee under certain circumstances; requiring the Sheriff of Washington County and the administrative judge for the District Court in Washington County to submit a certain report on the pilot program; providing for the termination of this Act; providing that the abrogation of this Act does not terminate the obligation of a defendant to comply with an order entered by a court under this Act on or before a certain date; and generally relating to a ~~pilot program for the electronic monitoring of defendants subject to protective orders~~ global positioning satellite tracking system pilot program in Washington County.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 5–202(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–202(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–221
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1345 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Recreational Fishing Licenses – Licensing and Registration

FOR the purpose of expanding the requirement to obtain certain fishing licenses or authorizations to apply to certain fishing activity in the State waters of the Atlantic Ocean and the Atlantic coastal bays and tributaries; altering the application process for obtaining a freshwater angling license; altering the duration of the short–term freshwater angling license and the short–term tidal sport fishing license; repealing a provision of law governing the sale and disposal of expired trout stamps; altering the ~~fee schedule for the~~ fees for a nonresident trout stamp ~~and the~~, a short–term nonresident sport fishing license, and the annual nonresident sport fishing license; providing for the term and expiration for certain tidal sport fishing licenses; providing for an application process for the tidal sport fishing license; altering certain exemptions from the requirement to obtain a tidal sport fishing license before fishing in tidal waters of the State; requiring certain individuals who are exempt from certain tidal fish licensing requirements to register with the Department of Natural Resources before fishing in tidal waters of the State; authorizing the Department to provide by regulation for the issuance of a special tidal commercial fishing pier license that is valid for all individuals fishing from the pier; establishing an annual fee for the commercial pier license; requiring the owner or operator of a commercial pier to maintain and submit to the Department certain information; ~~extending the sunset~~ repealing the termination date for the increase in certain recreational fishing license annual fees and the operation of the Task Force on Fishery Management; repealing the Task Force on Fishery Management; making certain stylistic changes; defining certain terms; repealing a certain definition; and generally relating to recreational fishing licenses.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–101, 4–210(g), 4–214, 4–216(d), 4–217(d), 4–604, 4–614, and 4–745
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 217 of the Acts of the General Assembly of 2007
Section 3

BY repealing
Article – Natural Resources
Section 4–215.4
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)
(As enacted by Chapter ___ (S.B.___/H.B.___) of the Acts of the General Assembly of 2010)

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

House Bill 1370 – Delegates Branch, Gaines, Bohanan, Bronrott, Conway, Haynes, Hixson, ~~and James~~ James, Cardin, Howard, Rice, Stukes, and Walker

AN ACT concerning

Public–Private Partnerships – Oversight

FOR the purpose of requiring certain State agencies to submit a report concerning a proposed public–private partnership to the State Treasurer and certain committees of the General Assembly at a certain time prior to issuing a public notice of solicitation for the public–private partnership; requiring certain State agencies to submit an annual report concerning public–private partnerships that are under consideration to certain committees of the General Assembly; requiring certain State agencies to submit an annual report concerning existing public–private partnerships to certain committees of the General Assembly; requiring certain units of State government to submit an annual report concerning public–private partnerships for which the unit is providing conduit financing to certain committees of the General Assembly; requiring the State Treasurer to analyze the impact of a proposed public–private partnership ~~operating lease~~ agreement on the State's capital debt affordability limits; requiring the State Treasurer to submit each analysis of a public–private partnership ~~operating lease~~ agreement to certain committees of the General Assembly within a certain time; prohibiting the Board of Public Works from approving a public–private partnership ~~operating lease~~ agreement until certain committees of the General Assembly have ~~commented~~ had a certain period of time to review and comment on the State Treasurer's analysis of the ~~lease~~ agreement; requiring that the annual report of the Capital Debt Affordability Committee include certain information concerning the impact of public–private partnership ~~operating leases;~~ agreements; requiring the Maryland Transportation Authority to submit a certain analysis of a proposed public–private partnership agreement to certain committees of the General

Assembly within a certain period of time before entering into the agreement; prohibiting the Board of Public Works from approving a public–private partnership agreement that the Authority proposes to enter into until certain committees of the General Assembly have had a certain period of time to review and comment on the Authority's analysis of the agreement; establishing a Joint Legislative and Executive Commission on Oversight of Public–Private Partnerships; specifying the membership of the Commission; providing for the chair and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation but authorizing a member of the Commission to receive certain reimbursements; requiring the Commission to study and make recommendations regarding certain issues; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; repealing certain provisions of law requiring the ~~Maryland Transportation~~ Authority to provide certain information to certain committees of the General Assembly concerning public–private partnerships; providing that certain committees of the General Assembly have a certain period of time to review and comment on reports submitted under this Act; defining certain terms; providing for the termination of certain provisions of this Act; and generally relating to oversight of public–private partnerships.

BY adding to
Article – State Finance and Procurement
Section 10A–101 and 10A–102 to be under the new title "Title 10A. Public–Private Partnerships"
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–205(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 4–406
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1382 – Delegates Glenn, Ali, Anderson, Barnes, Bobo, Dumais, Hecht, Hucker, Levi, McIntosh, Niemann, Pena–Melnyk, Shewell, and Stein

AN ACT concerning

Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

FOR the purpose of authorizing a tenant who is a victim of domestic violence or a victim of sexual assault to terminate a residential lease under certain circumstances; requiring a certain tenant to provide certain written notice to terminate a lease to the landlord; requiring a tenant who provides certain written notice to vacate the leased premises within a certain period of time; establishing a tenant's responsibility for certain rent if the tenant terminates a lease under this Act; providing that a landlord is entitled to certain legal remedies under certain circumstances; requiring the written notice provided under this Act to include certain information; ~~prohibiting a landlord from bringing an action for possession under certain circumstances; prohibiting a court from entering a judgment against a certain tenant~~ providing a rebuttable presumption in a certain civil action if the tenant provides certain evidence; authorizing a court to make a certain judgment in an action for possession under certain circumstances; authorizing a tenant to provide the landlord with a request to change the locks on the leased premises under certain circumstances; requiring the request to change the locks to include certain information; requiring the landlord to change the locks ~~or authorize the tenant to change the locks~~ within a certain period of time after receiving the request; authorizing the tenant to have a certain person change the locks without the landlord's permission under certain circumstances; requiring the tenant to pay a certain fee within a certain period of time; ~~prohibiting certain discrimination in housing on the basis of a person's status as a victim of domestic violence or a victim of sexual assault;~~ defining certain terms; and generally relating to protection for victims of domestic violence and sexual assault in rental housing.

BY adding to
Article – Real Property
Section 8–5A–01 through 8–5A–06 to be under the new subtitle "Subtitle 5A. Rental Housing – Victims of Domestic Violence and Sexual Assault"
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – State Government~~
~~Section 20–701(a)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

~~BY adding to~~
~~Article – State Government~~
~~Section 20–701(j) and (k)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Government~~
~~Section 20–705~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

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

LAID OVER BILLS

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

Senate Bill 1084 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

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

SB1084/514935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1084
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Conway" and substitute "Senators Conway and Harrington"; in line 8, strike "and certain deadlines by which"; in line 18, strike "(e)(2) and (6)" and substitute "(e)(6)"; and in line 23, after "11–206(e)(1)" insert "and (2)".

AMENDMENT NO. 2

On page 2, strike beginning with "**THROUGH**" in line 8 down through "**EVIDENCE**" in line 10; in line 19, after "**FOR**" insert "**:**

(I)";

in the same line, strike "**THE**" and substitute "**THE**"; in line 20, after "**PROPOSAL**" insert "**; AND**

(II) THE REVIEW OF OBJECTIONS RECEIVED BY THE COMMISSION IN ACCORDANCE WITH A DELIBERATIVE FACT–FINDING PROCESS, INCLUDING RECEIVING WITNESS TESTIMONY AND THE WEIGHING OF EVIDENCE";

in line 22, strike the brackets; and in the same line, strike "**90**".

On page 3, in line 6, strike the brackets; and strike beginning with "**THAT**" in line 6 down through "**ESTABLISH**" in line 10.

On page 4, in line 18, strike the brackets; and in the same line, strike "**60**".

The preceding 2 amendments were read only.

Senator Brochin moved, duly seconded, to make the Bill and Amendments a Special Order for March 30, 2010.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #30

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

Senate Bill 114 – Senator Gladden

AN ACT concerning

Voter's Rights Protection Act of 2010

SB0114/924230/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 114

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "preventive" and substitute "injunctive"; in line 6, strike "immediately"; and in line 7, after the first "Act" insert "as soon as practicable".

AMENDMENT NO. 2

On page 3, strike beginning with "**PREVENTIVE**" in line 23 down through the second "**ORDER**" in line 25 and substitute "**INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES**".

AMENDMENT NO. 3

On page 3, in line 27, strike "**IMMEDIATELY ON**" and substitute "**AS SOON AS PRACTICABLE AFTER**".

The preceding 3 amendments were read and adopted.

Senator Exum moved, duly seconded, to make the Bill a Special Order for March 30, 2010.

The motion was adopted.

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

Senate Bill 484 – Senators Dyson, Astle, Conway, Currie, Kelley, Middleton, and Pugh

AN ACT concerning

State Board of Nursing – Nurse Practitioners – Certification Requirements and Authority to Practice

SB0484/494639/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 484

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 20 down through "members" in line 22 and substitute "repealing certain language that authorizes a member of a health maintenance organization to select a certified nurse practitioner under specified circumstances"; and in line 24, after the semicolon insert "requiring the State Board of Nursing, in consultation with the State Board of Physicians, to develop a certain plan;".

AMENDMENT NO. 2

On page 2, in line 29, strike the first comma and substitute "**OR**"; and in the same line, strike "**, OR ACUTE**".

AMENDMENT NO. 3

On page 3, in line 7, after the semicolon insert "**AND**"; and strike beginning with the semicolon in line 8 down through "**FACILITY**" in line 9.

AMENDMENT NO. 4

On page 5, after line 28, insert:

"**(5) (I) A CERTIFIED NURSE PRACTITIONER MAY NOT PRACTICE IN THE STATE UNLESS THE NURSE PRACTITIONER HAS AN APPROVED ATTESTATION THAT:**

1. THE NURSE PRACTITIONER HAS AN AGREEMENT FOR COLLABORATION AND CONSULTING WITH A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE AND WILL REFER TO AND CONSULT WITH PHYSICIANS AND OTHER HEALTH CARE PROVIDERS AS NEEDED; AND

2. THE NURSE PRACTITIONER WILL PRACTICE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE OF THE AMERICAN ACADEMY OF NURSE PRACTITIONERS OR ANY OTHER NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

(II) THE BOARD SHALL:

1. MAINTAIN AN APPROVED ATTESTATION; AND

2. MAKE THE APPROVED ATTESTATION AVAILABLE TO THE STATE BOARD OF PHYSICIANS ON THE REQUEST OF THE STATE BOARD OF PHYSICIANS.";

and in line 29, strike "**(5)**" and substitute "**(6)**".

AMENDMENT NO. 5

On page 11, in lines 20 and 21 and 33, and on page 12 in lines 4 and 7, in each instance, strike "**OR NURSE PRACTITIONER**".

AMENDMENT NO. 6

On page 16, strike beginning with "Department" in line 5 down through "2012" in line 9 and substitute "State Board of Nursing, in consultation with the State Board of Physicians, shall develop a plan for implementing the provisions of this Act. The plan shall provide for the repeal of obsolete regulations and include a requirement that attestations made by nurse practitioners concerning agreements for collaboration and consulting with a physician identify the collaborating physician".

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #31

CONSENT CALENDAR #59

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

BILL NO.	REPORT	SPONSOR	CONTENT
SB 120	FAV	Sens Gladden and Conway	Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License
SB 456	FAV	Sen Pugh	Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages – Store Opening Hours

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #21

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

Senate Bill 5 – Senator Muse

AN ACT concerning

Public Safety – Police Training Commission – SWAT Team Activation and Deployment

SB0005/818970/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Police Training Commission – " and substitute "Task Force on"; in line 4, after the first "of" insert "establishing a Task Force on SWAT Team Activation and Deployment; providing for the membership, chair, and staff of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses;"; in lines 6 and 7, in each instance, strike "Police Training Commission" and substitute "Task Force"; in line 8, strike "adopt" and substitute "make recommendations for"; in the same line, after "regulations;" insert "providing for the termination of this Act;"; in line 9, strike "Police Training Commission and" and substitute "Task Force on"; and in the same line, strike "team activation and deployment" and substitute "Team Activation and Deployment".

AMENDMENT NO. 2

On page 3, strike beginning with "**POLICE**" in line 20 down through "**COMMISSION**" in line 21 and substitute "**TASK FORCE ON SWAT TEAM ACTIVATION AND DEPLOYMENT**"; after line 22, insert:

"(F) (1) THERE IS A TASK FORCE ON SWAT TEAM ACTIVATION AND DEPLOYMENT.

(2) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

(I) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(III) TWO MEMBERS OF THE PUBLIC WITH RELEVANT EXPERTISE IN SWAT TEAM ACTIVATION AND DEPLOYMENT, APPOINTED BY THE GOVERNOR;

(IV) FOUR REGIONAL TACTICAL REPRESENTATIVES, SELECTED BY THE MARYLAND STATE LODGE FRATERNAL ORDER OF POLICE;

(V) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE GOVERNOR; AND

(VI) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE, WHO SHALL SERVE EX OFFICIO.

(3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL:

(I) CHAIR THE TASK FORCE; AND

(II) PROVIDE STAFF SUPPORT FOR THE TASK FORCE FROM THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(4) A MEMBER OF THE TASK FORCE:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK FORCE; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.";

in line 23, strike "**(F)**" and substitute "**(5)**"; in the same line, strike "**POLICE TRAINING COMMISSION**" and substitute "**TASK FORCE**"; in lines 24, 26, 28, and 30, strike "**(1)**", "**(2)**", "**(I)**", and "**(II)**", respectively, and substitute "**(I)**", "**(II)**", "**1.**", and "**2.**", respectively; and in line 26, strike "**ADOPT**" and substitute "**MAKE RECOMMENDATIONS FOR**".

On page 4, in line 1, strike "**(III)**" and substitute "**3.**".

AMENDMENT NO. 3

On page 4, in line 17, after "2010.", insert "It shall remain effective for a period of 4 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 274 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Law – Violation of Restriction Against Possession of Firearms – Penalties

SB0274/968373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 274
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Violation of Restriction" and substitute "Restrictions"; strike beginning with "expanding" in line 4 down through "firearms;" in line 6; in line 7, strike "this Act" and substitute "the prohibition against a certain person possessing a certain regulated firearm"; in line 8, after "parole;" insert "prohibiting a person from possessing a rifle or shotgun if the person was previously convicted of a certain crime of violence or drug–related crime; establishing certain penalties; prohibiting a certain court from suspending any part of a certain sentence; providing that a certain person is not eligible for parole during a certain sentence, with a certain exception; providing that each violation of a certain provision of law is a separate crime;"; after line 19, insert:

"BY adding to
Article – Public Safety
Section 5–206
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)";

and in line 24, strike the brackets.

AMENDMENT NO. 2

On page 2, in line 12, strike "**THE PERSON**" and substitute "**A PERSON SENTENCED UNDER THIS SECTION**"; and after line 22, insert:

"**5–206.**

(A) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON WAS PREVIOUSLY CONVICTED OF:

(1) A CRIME OF VIOLENCE; OR

(2) A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–607, § 5–608, § 5–609, § 5–612, § 5–613, OR § 5–614 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 15 YEARS.

(C) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

(D) EXCEPT AS OTHERWISE PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(E) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 499 – Senator Raskin

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

SB0499/698171/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 499
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "transferring" in line 3 down through "Probation" in line 10 and substitute "requiring the Department of Public Safety and Correctional Services to explain and provide certain information to a releasee; and

generally relating to providing information on exemption from fees paid by individuals supervised by the Division of Parole and Probation".

AMENDMENT NO. 2

On page 1, in line 11, strike "repealing and reenacting, with amendments," and substitute "adding to"; in line 13, strike "7–702" and substitute "7–702(j)".

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 32 on page 3, inclusive, and substitute:

"**(J) THE DEPARTMENT SHALL EXPLAIN AND PROVIDE IN WRITING TO EACH RELEASEE:**

(1) THE EXEMPTION CRITERIA LISTED IN SUBSECTION (D) OF THIS SECTION; AND

(2) INFORMATION ON HOW TO APPLY FOR AN EXEMPTION FROM THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 667 – Senators Forehand, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 670 – Senators Simonaire, Haines, Jacobs, Mooney, and Stone

AN ACT concerning

Criminal Law – Trespass on Posted Property and Wanton Trespass on Private Property – Penalties

SB0670/148974/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 670
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, in each instance, after "for" insert "certain".

AMENDMENT NO. 2

On page 2, in lines 9 and 25, in each instance, after "**VIOLATION**" insert "**OCCURRING WITHIN 2 YEARS AFTER THE FIRST VIOLATION**"; and in lines 11 and 27, in each instance, after "**VIOLATION**" insert "**OCCURRING WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #22

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

Senate Bill 511 – Senators Frosh and Forehand

AN ACT concerning

Vehicle Manufacturers – Advertising – Prohibiting Threats to Dealers

Senator Pugh moved, duly seconded, to make the Bill and Report a Special Order for March 30, 2010.

The motion was adopted.

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

Senate Bill 757 – Senators King, Forehand, Lenett, Madaleno, and Middleton

AN ACT concerning

Crimes – Child Neglect – Penalties

SB0757/498172/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 757
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Neglect – Penalties" and substitute "Endangerment"; strike beginning with "neglecting" in line 5 down through "neglect" in line 12 and substitute "recklessly failing to act in a certain manner with respect to the child; establishing the crime of child endangerment; specifying certain penalties for a violation of this Act; and generally relating to the crime of child endangerment"; in line 13, strike "repealing and reenacting, with amendments," and substitute "adding to"; and in line 15, strike "3–601" and substitute "3–602.1".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 19 on page 4, inclusive, and substitute:

"**3–602.1.**

(A) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT RECKLESSLY FAIL TO ACT IN A MANNER THAT CREATES A SUBSTANTIAL RISK OF:

(1) DEATH TO THE MINOR; OR

(2) PERMANENT OR PROTRACTED SERIOUS:

(I) DISFIGUREMENT OF THE MINOR;

(II) LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OF THE MINOR; OR

(III) IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OF THE MINOR.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF CHILD ENDANGERMENT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.".

The preceding 2 amendments were read and adopted.

Senator Brochin moved, duly seconded, to make the Bill and Report a Special Order for April 2, 2010.

The motion was adopted.

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

Senate Bill 782 – Senator Raskin

AN ACT concerning

Mortgage Foreclosure Bankruptcy Exemption

SB0782/168679/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 782
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Homestead Exemption – Bankruptcy"; strike line 7 in its entirety and substitute "authorizing"; in line 8, strike

"from claiming" and substitute "to claim"; and in line 9, strike "making conforming changes;" and substitute "making a clarifying change; providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, in line 6, after the semicolon insert "**AND**"; strike line 7 in its entirety; in line 8, strike beginning with "**(III)**" through "**OWNER–OCCUPIED**" and substitute "**(II) OWNER–OCCUPIED**"; in line 9, strike "**$80,000**" and substitute "**$20,200**"; in lines 12 and 18, in each instance, strike "**(1)(III)**" and substitute "**(1)(II)**"; in lines 13 and 17, in each instance, after "**CLAIMED**" insert "**SUCCESSFULLY**"; and strike beginning with "**A**" in line 15 down through "**ARTICLE,**" in line 16 and substitute "**THE INDIVIDUAL'S SPOUSE, CHILD, CHILD'S SPOUSE, PARENT, SIBLING, GRANDPARENT, OR GRANDCHILD**".

AMENDMENT NO. 3

On page 3, strike beginning with the colon in line 19 down through "**NOT**" in line 22 and substitute "**MAY**".

AMENDMENT NO. 4

On page 4, after line 20, 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 case filed before the effective date of this Act.";

and in line 21, strike "2." and substitute "3.".

The preceding 4 amendments were read only.

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

The motion was adopted.

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

Senate Bill 784 – Senator Raskin

AN ACT concerning

Maryland Statutory Trust Act

SB0784/818376/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 784
(First Reading File Bill)

On page 2, in line 38, after "Section" insert "12–101.1,".

On page 19, in line 23, strike "**AND**".

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 FINANCE REPORT #18

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

Senate Bill 797 – Senator Jones

AN ACT concerning

Blue Ribbon Commission on Alzheimer's Disease and Related Disorders

SB0797/997176/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3, 4, 5, 6, 8, 11, 11 and 12, 14, 17, and 18, in each instance, strike "Task Force" and substitute "Blue Ribbon Commission"; and in line 8, before the semicolon insert "for certain purposes".

On page 2, in line 28, strike "Task Force" and substitute "Blue Ribbon Commission".

On page 3, in lines 1, 2, 5, and 22, in each instance, strike "Task Force" and substitute "Blue Ribbon Commission".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"(vi) a social worker with experience working with individuals and families affected by Alzheimer's disease and related disorders;";

after line 22, insert:

"(xi) a representative of the nursing home industry;";

in lines 15, 17, 19, 21, 23, 24, and 25, strike "(vi)", "(vii)", "(viii)", "(ix)", "(x)", "(xi)", and "(xii)", respectively, and substitute "(vii)", "(viii)", "(ix)", "(x)", "(xii)", "(xiii)", and "(xiv)", respectively; in lines 23, 24, and 26, in each instance, after "disease" insert "or a related disorder"; in line 24, strike "early stage"; in line 25, strike "family"; in the same line, after "caregivers" insert ", one of whom is a family member"; in the same line, strike "individuals" and substitute "an individual"; and in line 30, strike "Task Force" and substitute "coordination of Blue Ribbon Commission activities and related public and private research support".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1006 – Senator Pugh

AN ACT concerning

Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1063 – Senator Madaleno

AN ACT concerning

Task Force to Study Deceptive Real Estate Practices

SB1063/807772/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1063
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 3, 11, and 15, in each instance, after "Study" insert "Unlicensed and".

AMENDMENT NO. 2

On page 2, in line 17, strike "Department of Labor, Licensing, and Regulation" and substitute "Community Law Center".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1063/553928/1

BY: Senator Astle

AMENDMENT TO SENATE BILL 1063
(First Reading File Bill)

On page 2, in line 3, strike "10" and substitute "11"; after line 13, insert:

"(viii) one representative of the Maryland Mortgage Bankers Association;"

and in lines 14 and 15, strike "(viii)" and "(ix)", respectively, and substitute "(ix)" and "(x)", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1125 – Chair, Finance Committee (By Request – Departmental – Health Insurance Plan)

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

SB1125/157479/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 1125
(First Reading File Bill)

On page 5, in line 16, strike "take into account" and substitute "consider".

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 FINANCE REPORT #19

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

Senate Bill 465 – Senators Lenett, Kelley, Madaleno, Middleton, and Zirkin

AN ACT concerning

Developmental Disabilities Administration – Recipient Reevaluations

SB0465/627371/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 465
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Reevaluations" and substitute "Appeals"; strike beginning with "requiring" in line 3 down through "recipient" in line 5 and substitute "requiring the Secretary of Health and Mental Hygiene to provide notice and an opportunity for a Medicaid fair hearing under certain circumstances; requiring the Secretary to provide certain notice within a certain time period to a recipient of services under certain circumstances"; strike beginning with "request" in line 6 down through "law" in line 8 and substitute "appeal a certain decision"; in line 8, strike "reevaluations of" and substitute "appeals by"; in line 10, strike "adding to" and substitute "repealing and reenacting, with amendments,"; and in line 12, strike "7–404.1" and substitute "7–406 and 7–1006".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 17 on page 2, inclusive.

On page 2, after line 17, insert:

"7–406.

(a) **IF A RECIPIENT OF MEDICAID–WAIVER SERVICES IS DENIED SERVICES TO BE PROVIDED IN ACCORDANCE WITH A PLAN OF HABILITATION UNDER § 7–1006 OF THIS TITLE, THE SECRETARY SHALL PROVIDE THE INDIVIDUAL WITH NOTICE AND AN OPPORTUNITY FOR A MEDICAID FAIR**

HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE AND FEDERAL MEDICAID LAW.

(B) (1) [An] **SUBJECT TO SUBSECTION (A) OF THIS SECTION,** applicant for services or a recipient of services under this title may:

[(1)] **(I)** Request an informal hearing before the Secretary's designee on any action or inaction of the Secretary made under this title; and

[(2)] **(II)** Request the Secretary to review the decision of the informal hearing.

[(b)] **(2)** After the Secretary receives a request for a review, the Secretary shall conduct the review in accordance with Title 10, Subtitle 2 of the State Government Article.

7–1006.

(a) In this section, "resource coordinator" means an independent professional staff person responsible for assisting in the development and review of an individual plan of habilitation designed to meet the individual's needs, preferences, desires, goals, and outcomes in the most integrated setting.

(b) (1) The professional and supportive staff of a licensee who provides residential or day habilitation services shall make a written plan of habilitation for each individual with developmental disability who has been accepted for service by the licensee. The plan shall meet applicable federal standards.

(2) At least once a year, the staff shall reevaluate the effectiveness and adequacy of each plan in consultation with the individual with developmental disability and any person authorized to act on behalf of the individual, and shall revise the plan as needed.

(3) (i) The reevaluation required by paragraph (2) of this subsection shall include a determination of whether the needs of the individual could be met in more integrated settings.

(ii) At the time of the reevaluation, each individual with a developmental disability shall be provided a range of the most integrated setting service options that may be appropriate.

(iii) The information provided under subparagraph (ii) of this paragraph shall be given in a manner approved by the Administration.

(4) At least once a year, the Administration shall review the licensee's execution of the plan of habilitation, and compliance with the rules, regulations, and standards which the Secretary adopts.

(c) (1) (i) The written plan of habilitation for individuals in State residential centers under this section is subject to the requirements described in this subsection.

(ii) The written plan of habilitation shall be developed by the individual, a treating professional, and a resource coordinator who is not employed by or under contract with the State residential center.

(iii) The Developmental Disabilities Administration shall develop the planning protocol and format for the written plan of habilitation to be used by each State residential center.

(iv) On an annual basis and any other time requested by the individual, the treating professional and resource coordinator shall discuss with the individual the service needs of the individual, including identifying community–based Medicaid waiver services defined in § 15–132 of this article, and any other services that may be appropriate.

(v) The treating professional and resource coordinator shall use communication devices and techniques, including the use of sign language, as appropriate, to facilitate the involvement of the individual in the development of the written plan of habilitation.

(vi) Subsequent to the initial written plan of habilitation for individuals in State residential centers, the written plan of habilitation shall include an annual update on the status and progress toward addressing and resolving the barriers identified in subparagraph (vii)4 of this subsection.

(vii) The written plan of habilitation for individuals in State residential centers shall include:

1. The treating professional's recommendation on the most integrated setting appropriate to meet the individual's needs;

2. The resource coordinator's recommendation on the most integrated setting appropriate to meet the individual's needs;

3. A description of the services and supports, including residential, day, employment, and technology, that are required for the individual to receive services in the most integrated setting appropriate to meet the individual's needs; and

4. A listing of barriers that prevent an individual from receiving the supports and services required for the individual to live in the most integrated setting appropriate to meet the individual's needs, including community capacity or systems, if community services are determined to be the most integrated setting appropriate to meet the individual's needs.

(2) The treating professional and resource coordinator shall identify and report any rights violations as provided in §§ 7–1002(b) and 7–1003(m) of this subtitle.

(3) On or before December 1 of each year, each State residential center shall provide the information required under paragraph (1)(vi) and (vii) of this subsection to the Developmental Disabilities Administration and to the Department of Disabilities.

(4) (i) On or before July 1 of each year, the Developmental Disabilities Administration and the Department of Disabilities shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, summarizing the statewide and regional information provided by the State residential centers in paragraph (3) of this subsection.

(ii) The data shall be incorporated in the State's Olmstead Plan, with recommendations to address the barriers that prevent individuals from living in the most integrated setting appropriate to meet the individual's needs.

(d) Each individual plan of habilitation shall be reviewed and approved, disapproved, or modified by:

(1) The executive officer or administrative head of the licensee or a qualified developmental disability professional, as defined in § 7–1002(a) of this subtitle, whom the executive officer or administrative head designates; and

(2) One other professional individual who is responsible for carrying out a major program but does not participate in the individual plan of habilitation.

(e) Approval of a plan of habilitation shall be based on the current needs of the individual with developmental disability.

(f) **(1) IF THE SECRETARY DENIES MEDICAID–WAIVER SERVICES THAT ARE TO BE PROVIDED TO A RECIPIENT UNDER A PLAN OF HABILITATION, THE SECRETARY SHALL, WITHIN 30 DAYS AFTER THE DENIAL, PROVIDE TO THE RECIPIENT WRITTEN NOTICE THAT INCLUDES:**

(I) THE REASON FOR THE DENIAL, INCLUDING A COPY OF ANY ADMINISTRATION EVALUATION OF THE RECIPIENT THAT RELATES TO THE DECISION OF THE SECRETARY; AND

(II) INSTRUCTIONS FOR THE RECIPIENT TO APPEAL THE DECISION UNDER § 7–406 OF THIS TITLE.

(2) AN INDIVIDUAL WHO RECEIVES WRITTEN NOTICE OF A DENIAL OF MEDICAID–WAIVER SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY APPEAL THE DECISION UNDER § 7–406 OF THIS TITLE.

(G) The Secretary shall:

(1) Adopt rules and regulations to carry out the intent of this section;

(2) Provide appropriate support and technical assistance to the licensee in developing a plan of habilitation required by this section; and

(3) With respect to State residential centers, provide the professional and supportive staff and equipment that are necessary to carry out the plans of habilitation required by this section.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 538 – Senators Garagiola, Haines, Klausmeier, Peters, and Pugh

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

SB0538/277579/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 538
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Shopping Centers"; in line 3, after "Meters" insert "– Heating, Ventilation, and Air Conditioning Services"; in line 5, after "meter" insert "for heating, ventilation, and air conditioning services"; in lines 5 and 6, strike "and shopping centers"; in line 6, after "submetering" insert "for heating, ventilation, and air conditioning services"; in line 7, after "circumstances;" insert "authorizing the Commission to review certain information before authorizing use of a master meter;"; in line 9, strike "certain terms" and substitute "a certain term"; in the same line, after the second semicolon insert "providing for the termination of this Act;"; and in lines 10 and 11, strike "and shopping centers".

AMENDMENT NO. 2

On page 3, in line 6, strike "**(1)**"; strike beginning with the first "**THE**" in line 6 down through "**MASTER**" in line 8 and substitute "**, "MASTER**"; in line 10, after

"**BUILDING**" insert "**BY A HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM**"; strike lines 12 and 13 in their entirety; in line 15, strike "**OR SHOPPING CENTER**" and substitute "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 16, after "**SUBMETERING**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 18, after "**BILL**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 19, strike "**OR SHOPPING CENTER UNIT**"; in line 20, strike "**AND**"; in line 22, after "**METER**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 23, after "**SUBMETERING**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES; AND**

(3) EACH INDIVIDUALLY LEASED OR OWNED OCCUPANCY UNIT:

(I) HAS INDIVIDUAL METERED SERVICE FOR OTHER ENERGY SERVICES; AND

(II) DIRECTLY RECEIVES THE UTILITY BILL FOR THE OTHER ENERGY SERVICES";

in line 24, after "**(C)**" insert "**BEFORE AUTHORIZING THE USE OF A MASTER METER FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES, THE COMMISSION MAY REVIEW THE PROPOSED ALLOCATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM EXPENSES AMONG INDIVIDUAL UNITS AND COMMON AREAS SERVED BY THE MASTER METER.**

(D)";

in line 28, strike "October" and substitute "July"; and in the same line, after "2010." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 628 – Senator Stoltzfus

AN ACT concerning

Maryland Stem Cell Research Fund – Annual Report – Requirements

SB0628/557677/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 628
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "and the amount of time until research is tested in a clinical trial" and substitute "under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 24, strike the brackets; in line 25, strike "**EACH**"; and in the same line, after the semicolon insert "**AND**".

On pages 2 and 3, strike beginning with "**THE**" in line 26 on page 2 down through "**TRIAL**" in line 4 on page 3 and substitute "**IF THE STEM CELL RESEARCH PERFORMED BY A RECIPIENT WITH MONEY FROM THE FUND INCLUDES A CLINICAL TRIAL, THE NUMBER OF PATIENTS TREATED AS A DIRECT RESULT OF THE FUNDED RESEARCH**".

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:

Senate Bill 504 – Senator Gladden

AN ACT concerning

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

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 621 – Senator Jacobs

AN ACT concerning

Drunk and Drugged Driving – Evidence – Qualified Medical Person

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

Senator Jacobs moved, duly seconded, to recommit the Bill.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 735)

ADJOURNMENT

At 3:51 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 3:51 P.M. on Legislative Day March 27, 2010, Calendar Day, Monday, March 29, 2010.

Annapolis, Maryland
Legislative Day: March 27, 2010
Calendar Day: Monday, March 29, 2010
3:51 P.M. Session

The Senate met at 3:51 P.M.

QUORUM CALL

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

(See Roll Call No. 736)

Prayer prepared by the Islamic Community Center of Laurel read by Senator James Rosapepe.

(See Exhibit A of Appendix III)

The Journal of March 26, 2010 was read and approved.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #59

Senate Bill 17 – Senator Colburn

AN ACT concerning

Criminal Law – Salvia Divinorum and Salvinorin A – Distribution to and Possession by Individual Under 21 Years of Age

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

Affirmative – 47 Negative – 0 (See Roll Call No. 737)

The Bill was then sent to the House of Delegates.

Senate Bill 284 – The President (By Request – Administration) and Senators Garagiola, Harrington, Jones, King, Lenett, Madaleno, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Collective Negotiations by Family Child Care Providers

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

Affirmative – 28 Negative – 19 (See Roll Call No. 738)

The Bill was then sent to the House of Delegates.

Senate Bill 317 – Senators McFadden, Kasemeyer, Astle, Conway, Currie, DeGrange, Dyson, Exum, Forehand, Frosh, Garagiola, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Stone

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

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

Affirmative – 42 Negative – 5 (See Roll Call No. 739)

The Bill was then sent to the House of Delegates.

Senate Bill 411 – Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Haines, and Simonaire

AN ACT concerning

Defense of Dwelling or Place of Business – Civil Immunity

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

Affirmative – 45 Negative – 2 (See Roll Call No. 740)

The Bill was then sent to the House of Delegates.

Senate Bill 593 – Senators Garagiola, King, Pipkin, Colburn, Della, Exum, Forehand, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

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

Affirmative – 47 Negative – 0 (See Roll Call No. 741)

The Bill was then sent to the House of Delegates.

Senate Bill 654 – Senators Lenett, Gladden, Muse, and Raskin

~~EMERGENCY BILL~~

AN ACT concerning

Real Property – Tenants in Foreclosure – Conforming to Federal Law

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

Affirmative – 47 Negative – 0 (See Roll Call No. 742)

The Bill was then sent to the House of Delegates.

Senate Bill 796 – Senators Middleton and Forehand

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 743)

The Bill was then sent to the House of Delegates.

Senate Bill 812 – Senator Lenett

AN ACT concerning

End of Life Health Care Disclosure Act

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

Affirmative – 44 Negative – 3 (See Roll Call No. 744)

The Bill was then sent to the House of Delegates.

Senate Bill 856 – The President (By Request – Administration) and Senators Brochin, Haines, Muse, Robey, and Stone

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

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

Affirmative – 47 Negative – 0 (See Roll Call No. 745)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #60

Senate Bill 536 – Senators Muse, Brochin, Conway, Exum, Harrington, Jones, King, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Peters, Pinsky, Pugh, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

State Board of Education – Student Member – Full Voting Rights Act

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

Affirmative – 33 Negative – 14 (See Roll Call No. 746)

The Bill was then sent to the House of Delegates.

Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

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

Affirmative – 35 Negative – 12 (See Roll Call No. 747)

The Bill was then sent to the House of Delegates.

Senate Bill 761 – Senators Pugh, Forehand, and Kramer

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 – 45 Negative – 2 (See Roll Call No. 748)

The Bill was then sent to the House of Delegates.

Senate Bill 834 – ~~Senator Currie~~ Senators Currie and Miller

AN ACT concerning

Base Realignment and Closure – Public Charter Schools Located on a Federal Military Base

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

Affirmative – 47 Negative – 0 (See Roll Call No. 749)

The Bill was then sent to the House of Delegates.

Senate Bill 854 – The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, ~~and Stone~~ Stone, Brochin, Jacobs, Mooney, Raskin, Simonaire, Astle, Conway, Currie, Della, Dyson, Exum, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pugh, and Rosapepe

AN ACT concerning

~~Criminal Procedure~~ Crimes – Sex Offenders – Notification ~~and~~, Registration, Commitment, and Court Procedures

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

Affirmative – 46 Negative – 0 (See Roll Call No. 750)

The Bill was then sent to the House of Delegates.

Senate Bill 882 – Senators Edwards and Miller

AN ACT concerning

Gaming – Video Lottery Terminals

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

Affirmative – 40 Negative – 7 (See Roll Call No. 751)

The Bill was then sent to the House of Delegates.

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

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

Affirmative – 47 Negative – 0 (See Roll Call No. 752)

The Bill was then sent to the House of Delegates.

Senate Bill 958 – Senator Miller

AN ACT concerning

Calvert County – Noise Control Ordinance

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

Affirmative – 45 Negative – 2 (See Roll Call No. 753)

The Bill was then sent to the House of Delegates.

Senate Bill 966 – Senators Pugh, Harrington, Lenett, Madaleno, McFadden, Muse, and Raskin

AN ACT concerning

Education – High School Diploma by Examination

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

Affirmative – 47 Negative – 0 (See Roll Call No. 754)

The Bill was then sent to the House of Delegates.

Senate Bill 975 – Senator Dyson

AN ACT concerning

Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat

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

Affirmative – 47 Negative – 0 (See Roll Call No. 755)

The Bill was then sent to the House of Delegates.

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

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

Affirmative – 45 Negative – 1 (See Roll Call No. 756)

The Bill was then sent to the House of Delegates.

Senate Bill 1020 – Senator Dyson

EMERGENCY BILL

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 757)

The Bill was then sent to the House of Delegates.

Senate Bill 221 – Senator Currie

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 758)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 759)

RECESS

At 4:28 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 8:00 P.M. on Monday, March 29, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 27, 2010
Calendar Day: Monday, March 29, 2010

At 8:14 P.M. the Senate resumed its session.

Prayer by Imam Omar Khan, Islamic Community Center, guest of Senator Rosapepe.

On motion of Senator Kasemeyer it was ordered that Senators Frosh, Glassman, Harris, Kramer, Lenett, Pinsky, Raskin and Zirkin be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 39 Members present.

(See Roll Call No. 761)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 59 – ~~Delegate Pena-Melnyk~~ Delegates Hixson, Pena–Melnyk, Manno, Ali, Aumann, Barnes, Bartlett, Barve, Braveboy, Carr, Costa, Dumais, Dwyer, Feldman, Frick, Gilchrist, Glenn, Healey, Howard, Hubbard, Ivey, Kaiser, King, Lafferty, Lee, Love, Montgomery, Olszewski, Rice, Ross, Shewell, Stocksdale, Stukes, Taylor, Valderrama, and Waldstreicher

AN ACT concerning

Task Force to ~~Incorporate~~ Explore the Incorporation of the Principles of Universal Design for Learning into ~~the Policies, Practices, and Curriculum of~~ the Education Systems in Maryland

FOR the purpose of establishing the Task Force to ~~Incorporate~~ Explore the Incorporation of the Principles of Universal Design for Learning into ~~the Policies, Practices, and Curriculum of~~ the Education Systems in Maryland; providing for the membership, purposes, and staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation but entitling members to certain reimbursement for certain expenses under certain regulations in the State budget; requiring the Task Force to study and make

certain recommendations on ~~how to incorporate and apply~~ the feasibility of incorporating and applying the principles of Universal Design for Learning into ~~the policies, practices, and curriculum of~~ the education systems in Maryland; requiring the Task Force to submit a report to the State Board of Education and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to ~~Incorporate~~ Explore the Incorporation of the Principles of Universal Design for Learning into ~~the Policies, Practices, and Curriculum of~~ the Education Systems in Maryland.

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

House Bill 114 – Delegates Nathan–Pulliam, Benson, Burns, Conaway, Glenn, Gutierrez, Hubbard, Kipke, Mizeur, Morhaim, Oaks, Pena–Melnyk, Robinson, Tarrant, Taylor, and V. Turner

AN ACT concerning

Health Occupations Boards – Revisions

FOR the purpose of requiring certain health occupations boards to provide certain notification to certain licensees or certificate holders of board vacancies; requiring certain health occupations boards to collect certain racial and ethnic information; requiring that, to the extent practicable, certain members of certain health occupations boards reasonably reflect certain geographic, racial, ethnic, cultural, and gender diversity; requiring certain health occupations boards to develop collaboratively certain training and materials for certain board members; requiring the Secretary of Health and Mental Hygiene to confirm the appointment of certain directors; requiring that after certain consultation and to the extent permitted by certain resources, certain health occupations boards establish certain subcommittees to be responsible for certain investigations, determine whether certain charges should be brought, and participate in certain preadjudication case resolution conferences; prohibiting certain health occupations boards from bringing certain charges based solely on certain complaints the board receives after a certain period of time; requiring certain health occupations boards that are authorized to use peer review to provide certain licensees and certificate holders an opportunity to review and respond to certain reports; requiring certain health occupations boards to consider certain reports and responses before taking certain action; authorizing certain health occupations boards to establish certain programs to provide certain training, mentoring, or other remediation for certain licensees or certificate holders who commit a certain number of standard of care violations; requiring certain health occupations boards to adopt certain sanctioning guidelines; requiring certain health occupations boards to post certain orders for disciplinary action on certain websites; requiring the Secretary to establish certain goals for the timeliness of complaint resolution; requiring the Secretary

to monitor the timeliness of complaint resolution for certain health occupations boards; requiring the Secretary to establish certain goals on or before a certain date; requiring certain health occupations boards to collaborate with the Office of the Attorney General to make certain information available to the public concerning certain roles for assistant attorneys general; establishing that certain departure from sanctioning guidelines, failure to meet certain timeliness goals, and noncompliance with certain guidelines concerning certain roles for assistant attorneys general may not be grounds for certain hearings or appeals; requiring the Secretary, Department, and health occupations boards to make certain reports to certain committees of the General Assembly on or before certain dates; providing for the construction and the application of this Act; defining certain terms; and generally relating to revisions for the health occupations boards.

BY adding to
Article – Health Occupations
Section 1–214 through 1–218; and 1–601 through 1–609 to be under the new subtitle "Subtitle 6. General Clarification of the Disciplinary Process"
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 178 – ~~Delegates McConkey, Barnes, Costa, Dwyer, George, King, Kipke, Pena-Melnyk, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – ~~Accountability~~ Policy

FOR the purpose of requiring the Anne Arundel County Board of Education ~~to develop a certain policy for accounting for certain office discipline referrals submitted in certain schools on or before a certain date; requiring a certain policy to include certain information; requiring the county board to implement a certain policy in certain public schools in a certain school year;~~ to establish a certain committee to develop a policy on administering office discipline referrals in the county; providing for the membership and chair of the committee; requiring the committee to develop and recommend a policy and certain guidelines regarding the administration of the office discipline referrals in the county to the county board for the county board's approval on or before a certain date; requiring the county board to ~~submit~~ present a certain report to the ~~General Assembly on or before a certain date~~ Anne Arundel County Delegation before the end of a certain period of time; defining a certain term; providing for the termination of this Act; and generally relating to ~~an accountability~~ a policy by 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 and 2009 Supplement)

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

House Bill 217 – Delegates Cardin, Ali, Elmore, Frick, Rice, Ross, ~~and Walker~~ Walker, and Ivey

AN ACT concerning

~~Elections – Voter Registration and Voting – Age~~
Election Law – Voter Registration and Nomination by Petition – Requirements

FOR the purpose of altering the qualifications for voter registration to allow an individual who is at least 16 years old to register to vote; ~~specifying that an individual is not eligible to vote until a certain election in which the individual is 18 years old or older; and generally relating to the age when an individual becomes qualified to register to vote and to vote~~ specifying that an individual under the age of 18 years may vote in certain primary elections but may not vote in any other elections; altering the deadline for requesting a change of party affiliation to coincide with the deadline for registering to vote for an election; altering the date on which the number of petition signatures required for a candidate to be nominated by petition is determined; making conforming changes; and generally relating to requirements for voter registration and nomination by petition.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102, 3–303, and 5–703(e)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 3–302
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 269 – Delegates Kaiser, Boteler, Carr, Feldman, Healey, Hecht, Ivey, Manno, Montgomery, O'Donnell, Reznik, Robinson, Schuler, Shewell, Sophocleus, Stocksdale, ~~and Stukes~~ Stukes, Kramer, and Glenn

AN ACT concerning

Child with a Disability – Individualized Education Program

FOR the purpose of requiring appropriate school personnel to provide a copy of certain documents relating to the development of an individualized education program for a child with a disability to the parents of the child within a certain period before a certain meeting, subject to a certain exception; authorizing certain school personnel to provide the parents of a child with a disability a summary of certain information in a certain manner under certain circumstances; requiring certain school personnel to document certain failures and to communicate certain information to the parents of a child with a disability under certain circumstances; requiring appropriate school personnel to provide a copy of a completed individualized education program to the parents of a child with a disability within a certain period after a certain meeting; requiring the parents to be provided with a draft copy of the individualized education program under certain circumstances; requiring the documents to be in an accessible format; providing that failure to comply with this Act does not constitute a certain violation of the requirement to provide certain students a free appropriate public education; and generally relating to individualized education programs for children with disabilities.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–405
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 272 – Delegate King

AN ACT concerning

Classroom Placement – Multiple–Birth Children – Parental Discretion

FOR the purpose of authorizing the parent or guardian of multiple–birth children to request the classroom placement of the children under certain circumstances; providing for the application of this Act; requiring a parent or guardian to make a certain request in a certain manner within a certain period of time; requiring a school to provide the classroom placement requested by certain parents or

guardians; authorizing a principal to determine a certain classroom placement for certain children if a certain determination is made by the principal in consultation with certain classroom teachers after a certain period of time; ~~providing that certain parents or guardians may appeal a certain classroom placement decision of a principal to the county board of education; requiring that certain children remain in a certain classroom placement during a certain appeal;~~ authorizing a school to recommend a certain classroom placement to certain parents or guardians or provide certain professional advice to assist certain parents or guardians regarding classroom placement for multiple–birth children; prohibiting a county board from adopting a certain policy; defining a certain term; and generally relating to parental discretion for the classroom placement of multiple–birth children.

BY adding to
Article – Education
Section 7–120
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 319 – Delegates Kullen, Eckardt, Bartlett, Beidle, Benson, Bohanan, G. Clagett, Dumais, Gaines, Gutierrez, Haddaway, Hecht, James, Jameson, Jenkins, Krebs, Love, Montgomery, Murphy, Nathan–Pulliam, Norman, O'Donnell, Pena–Melnyk, Reznik, and Wood

AN ACT concerning

State Board of Nursing – Nurse Practitioners – Certification Requirements and Authority to Practice

FOR the purpose of altering certain requirements for certification as a nurse practitioner; requiring the State Board of Nursing to waive certain education requirements under certain circumstances; authorizing the State Board of Nursing to establish continuing education or competency requirements for the renewal of a certificate to practice as a nurse practitioner; authorizing the State Board of Nursing to waive certain requirements for applicants who are licensed or certified to practice as a nurse practitioner in another state or country; prohibiting the use of certain titles, descriptions, and abbreviations except under certain circumstances; authorizing a nurse practitioner who is certified in another state to practice in this State under certain circumstances; providing that a temporary practice letter issued to an individual authorized to practice as a certified nurse practitioner in another state authorizes the holder to practice in this State while the letter is effective; repealing language that prohibits the State Board of Nursing from issuing a temporary practice license unless it received a certain written agreement; repealing a requirement that the State

Board of Physicians approve the scope of practice of a certified nurse practitioner issued a temporary practice letter; ~~altering certain requirements for the standards of quality of care that a health maintenance organization is required to provide to its members~~ repealing certain language that authorizes a member of a health maintenance organization to select a certified nurse practitioner under specified circumstances; defining certain terms; altering certain definitions; requiring the Department of Health and Mental Hygiene to repeal certain regulations by a certain date; requiring the State Board of Nursing, in consultation with the State Board of Physicians, to develop a certain plan; and generally relating to the certification and the scope of practice of nurse practitioners in the State.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–101, 8–302, 8–315, and 8–508
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–705.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 611 – Delegates Frick, Bronrott, Lee, Barkley, Carr, Dumais, Gutierrez, Hucker, Manno, Mizeur, Rice, and Waldstreicher

AN ACT concerning

State Highways – Mobile Produce Vendors – Required State Lease

FOR the purpose of expanding the application of a provision of law that prohibits certain food vendors from operating on a State highway right–of–way without a certain State lease to include mobile produce vendors; authorizing the State to require a mobile seafood or produce vendor to submit an application and pay a certain fee; prohibiting the State from entering into a lease with a mobile produce vendor unless the applicable county licenses mobile produce vendors; authorizing the State Highway Administration to adopt certain regulations; prohibiting a mobile produce vendor lessee from operating at certain locations; providing that this Act does not diminish the authority of a county to license and regulate mobile produce vendors; establishing certain criminal penalties for a violation of this Act; providing for the enforcement of this Act; defining a certain term; making certain stylistic changes; and generally relating to the operations of mobile seafood and produce vendors.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–301 through 24–303
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 24–304
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 678 – Frederick County Delegation

AN ACT concerning

Frederick County – Pay–As–You–Throw Pilot Program

FOR the purpose of authorizing the Board of County Commissioners for Frederick County to enact a pilot program under which a solid waste hauler charges a residential customer a fee for curbside collection based on the volume of the solid waste collected; providing that the pilot program may occur in a municipal corporation only on approval of the governing body of the municipal corporation; and generally relating to solid waste disposal in Frederick County.

BY adding to
The Public Local Laws of Frederick County
Section 2–13–35
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2009 Supplement, as amended)

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

House Bill 788 – Delegates Olszewski, Frank, Heller, Kach, Kaiser, Manno, Morhaim, Riley, and Shewell

AN ACT concerning

Campaign Finance – Contributions – Disclosure

FOR the purpose of requiring a campaign finance entity to report certain information on its campaign finance reports for each contribution it receives; authorizing a campaign finance entity to report a maximum of a certain amount of

contributions in an election cycle on its campaign finance reports without providing certain information about each contribution; providing for a delayed effective date; and generally relating to the disclosure of information concerning contributions in campaign finance reports.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–240 and 13–304
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 839 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

AN ACT concerning

Political Subdivisions – Financial Reports

FOR the purpose of amending certain provisions relating to the timeframes for the submission of comprehensive annual reports on the financial condition of political subdivisions in the State to the Department of Legislative Services and the State Treasurer to conform those timeframes to those required for the submission to the Department of certain other reports of counties, municipal corporations, and special taxing districts in the State; making technical changes; and generally relating to financial reports of political subdivisions in the State.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 2–101(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 842 – Delegates Conway, Bobo, Frush, Glenn, Lafferty, Mathias, Niemann, Stein, and ~~Stull~~ Braveboy

AN ACT concerning

Condominiums and Homeowners Associations – Security Deposits and Priority of Liens – "The Residential Association Sustainability Act of 2010"

FOR the purpose of providing that a certain portion of a certain lien on a condominium unit~~, including certain late fees, interest, and any attorney's fees and costs for establishing the lien,~~ has priority over a first mortgage or deed of trust under certain circumstances; providing that the priority given to a condominium's lien consists of a certain portion of unpaid assessments and includes up to a certain amount of late fees, interest, and attorney's fees and costs associated with establishing the lien; providing that certain lot owners in a homeowners association are liable for certain assessments and charges; allowing a homeowners association to enforce the payment of certain assessments and charges by imposition of a contract lien under certain circumstances; providing that a certain portion of a homeowners association lien~~, including certain late fees, interest, and any attorney's fees and costs for establishing the lien,~~ has priority over a first mortgage or deed of trust under certain circumstances and with certain limitations; providing that the priority given to a homeowners association's lien consists of a certain portion of unpaid assessments and includes up to a certain amount of late fees, interest, and attorney's fees and costs associated with establishing the lien; requiring a certain board of directors of a condominium to impose a certain security deposit on the unit owners of the condominium; setting a limit on the amount of the security deposit; authorizing a unit owner to recover a certain amount plus attorney's fees under certain circumstances; setting on limit on the time for bringing an action under certain provisions of this Act; requiring a certain board of directors to give a receipt for the security deposit; providing for the procedures for depositing a certain security deposit using a certain type of financial institution and certain financial instruments for the security deposits; making a successor in interest liable for returning the security deposit to certain persons if a condominium is sold or ownership is transferred; providing that a security deposit may not be attached by certain creditors of certain parties; authorizing a certain board of directors to withhold part or all of the security deposit under certain circumstances; providing for the accrual of a certain amount of interest on a security deposit; establishing a certain interest rate on the security deposit; requiring a certain board of directors to notify a former unit owner of the condominium of certain information under certain circumstances; requiring the disclosure of certain information on a receipt for a security deposit; requiring a certain board of directors to retain a copy of a receipt for a certain period of time; defining certain terms; altering certain definitions; providing that certain provisions of this Act do not affect or limit the priority of certain liens, mortgages, or deeds of trust; providing for the abrogation of certain provisions of this Act on the occurrence of certain contingencies; providing for the application of certain provisions of this Act; making stylistic changes; and generally relating to liens on condominium units and lots in developments with homeowners associations and security deposits in condominiums.

BY renumbering
Article – Real Property
Section 11B–117
to be Section 11B–118

Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–110(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Real Property
Section ~~11B–117~~ 11–110.1 and 11B–117
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 852 – Delegates George, Barkley, Elmore, Haddaway, Hecht, Impallaria, King, Love, Mathias, McHale, Minnick, ~~and Shewell~~ Shewell, Jameson, Manno, Rudolph, Taylor, and Walkup

AN ACT concerning

Energy Companies – Net Energy Metering Credit Transfers – Municipalities

FOR the purpose of authorizing certain municipalities to transfer certain generation credits to certain properties; requiring the Public Service Commission to adopt certain regulations; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306(a) and (i)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–306(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–306(i)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 858 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Leghold or Body–Gripping Traps – Prohibition
MC 16–10

FOR the purpose of expanding the application of the prohibition against the use, setting, placement, or maintenance of a leghold or body–gripping trap in Montgomery County; making a certain technical correction; making a stylistic change; and generally relating to the leghold or body–gripping trap prohibition in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(o)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Natural Resources
Section 10–410(o–1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 900 – Delegates Montgomery, Benson, Bobo, Bohanan, Bronrott, Carr, Costa, Gaines, Guzzone, Heller, Hubbard, Kaiser, Kullen, Love, Manno, Mizeur, Niemann, Pena–Melnyk, Robinson, and Waldstreicher

AN ACT concerning

Developmental Disabilities Administration – Recipient ~~Reevaluations~~ Appeals

FOR the purpose of ~~requiring a recipient of certain services from the Developmental Disabilities Administration to be reevaluated under certain circumstances to determine the needs of and funding levels required by the recipient~~ requiring the Secretary of Health and Mental Hygiene to provide notice and an opportunity for a Medicaid fair hearing under certain circumstances; requiring the Secretary to provide certain notice within a certain time period to a recipient of services under certain circumstances; authorizing certain

individuals to ~~request the reevaluation; authorizing a recipient who has been denied a reevaluation to request a hearing in accordance with a certain provision of law~~ appeal a certain decision; and generally relating to ~~reevaluations of~~ appeals by recipients of services from the Developmental Disabilities Administration.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Health – General
Section ~~7–404.1~~ 7–406 and 7–1006
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 908 – Delegates Feldman, Hecht, ~~and Rice~~ Rice, Stein, and Bronrott

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

FOR the purpose of altering the quorum requirement for the Maryland Clean Energy Center Board; altering the minimum vote required for the Board to act; designating employees and officials of the Maryland Clean Energy Center as State personnel under the Maryland Tort Claims Act; ~~authorizing employees and retirees of the Maryland Clean Energy Center to participate in the State Employee and Retiree Health and Welfare Benefits Program, and requiring the Maryland Clean Energy Center to pay to the State the Center's share of the cost of the Program; authorizing the Maryland Clean Energy Center to participate in the Employees' Pension System;~~ and generally relating to the Maryland Clean Energy Center.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–809
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101(a)(2)(xii) and (xiii)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Government
Section 12–101(a)(2)(xiv)

Annotated Code of Maryland
(2009 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 2–511 and 31–102(2)(xxii) and (xxiii)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 31–101(a) and (f)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – State Personnel and Pensions~~
~~Section 31–102(2)(xxiv)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

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

House Bill 980 – Harford County Delegation

AN ACT concerning

Harford County – Casino Events

FOR the purpose of creating in Harford County a permit that authorizes certain nonprofit organizations to conduct a casino event; specifying certain standards and requirements that organizations must meet to be issued a permit; specifying a certain maximum number of events an organization may hold in a year and the location and hours for conducting a casino event; authorizing certain games to be conducted at a casino event under certain circumstances; specifying the maximum bet a single individual may place on a game; specifying that alcoholic beverages may be served or sold under certain conditions; prohibiting profits or proceeds from being paid to certain persons or after certain costs are deducted for purposes other than the purposes of the organization; requiring the holder of a permit to meet certain financial reporting requirements; authorizing the Sheriff of Harford County to refuse to issue a permit under certain conditions; requiring the Sheriff to adopt certain regulations; providing a certain penalty; defining a certain term; and generally relating to casino ~~nights~~ events in Harford County.

BY renumbering
Article – Criminal Law

Section 13–1512
to be Section 13–1513
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 13–1512
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 983 – Delegates Rice, Ivey, Levi, Ross, and Walker

AN ACT concerning

Public Schools – Law Enforcement Officers – Cultural Competency Model Training ~~Program~~ Curriculum

FOR the purpose of requiring the ~~State Department of Education~~ Maryland Police Training Commission, in consultation with the ~~Maryland Police Training Commission~~ State Department of Education, to develop ~~and implement~~ a cultural competency model training ~~program~~ curriculum for certain law enforcement officers; providing for the contents of the cultural competency model training ~~program~~ curriculum; ~~requiring~~ encouraging certain law enforcement officers ~~employed by a county board of education~~ assigned to public schools to complete the cultural competency model training ~~program~~ curriculum before beginning a certain assignment; and generally relating to a cultural competency model training ~~program~~ curriculum for law enforcement officers in public schools.

BY adding to
Article – Education
Section 7–430
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1009 – Delegate Feldman

AN ACT concerning

Corporations – ~~B (For–Benefit)~~ Benefit Corporation

FOR the purpose of authorizing a corporation to elect to be a certain ~~B (for–benefit)~~ benefit corporation by amending or including in the charter of the corporation a statement that the corporation is a ~~B~~ benefit corporation; providing for the application of this Act; requiring the election to be approved by the stockholders in a certain manner; authorizing a corporation to terminate status as a ~~B~~ benefit corporation in a certain manner; requiring that clear reference to the fact that a corporation is a ~~B~~ benefit corporation appear prominently in a certain charter document; establishing that every ~~B~~ benefit corporation shall have the purpose of creating a certain general public benefit; authorizing the charter of a benefit corporation to identify as one of the purposes of the benefit corporation the creation of certain specific public benefits; establishing that the creation of a certain public benefit as provided in this Act is in the best interests of the ~~B~~ benefit corporation; requiring a director of a ~~B~~ benefit corporation, in performing the duties of director, in determining what the director reasonably believes to be in the best interests of the ~~B~~ benefit corporation, to consider the effects of any action or decision not to act on certain factors; establishing that a certain director shall not have any duty to a certain person; providing that a certain director shall have a certain immunity from liability under certain circumstances; requiring a ~~B~~ benefit corporation to deliver to each stockholder a certain annual report; requiring a benefit corporation to post a certain report on its website or provide a copy of the report under certain circumstances; defining certain terms; and generally relating to ~~for–benefit~~ benefit corporations.

BY adding to
Article – Corporations and Associations
Section 5–6C–01 through 5–6C–08 to be under the new subtitle "Subtitle 6C. ~~B (For–Benefit)~~ Benefit Corporations"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1033 – ~~Delegate C. Clagett~~ Frederick County Delegation

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

FOR the purpose of authorizing the County Commissioners for Frederick County to enact certain laws, ordinances, rules, or regulations to allow a restaurant to allow dogs in outdoor dining areas of restaurants; requiring the legislation to contain a certain prohibition; requiring the legislation to contain a provision to ensure certain rights are not impeded; and generally relating to the presence of animals in outdoor dining areas in Frederick County.

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

Section 21–304
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1073 – Delegates Pena–Melnyk ~~and Vallario~~, Vallario, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Insurance – Coordination of Benefits – Health Insurance and Personal Injury Protection

FOR the purpose of ~~providing that~~ prohibiting certain health maintenance organization contracts, health insurance policies, and policies of nonprofit health service plans ~~are subject to certain provisions of law relating to coordination of benefits with personal injury protection coverage under motor vehicle liability insurance policies; prohibiting the contracts and policies~~ from containing a provision that requires certain personal injury protection benefits to be paid before benefits under the contracts and policies; ~~defining the term "insured" or "named insured" for purposes of certain provisions of law relating to personal injury protection coverage to include an individual entitled to hospital, medical, or surgical benefits under certain health insurance policies or contracts;~~ providing for the application of this Act; and generally relating to coordination of health insurance and personal injury protection benefits.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–713.1(d)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–713.1(e)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–104(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 15–104(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 19–507~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2009 Supplement)~~

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

House Bill 1086 – Delegates Bartlett, Boteler, Hecht, Hucker, Kaiser, Rice, and Riley

AN ACT concerning

Election Law – Campaign Advertisements – Closed Captioning

FOR the purpose of requiring a certain campaign finance entity to include closed captioning for individuals who are deaf or hard of hearing in campaign advertisements that are distributed by broadcast or cable television or on its website; providing certain exemptions; specifying certain factors to be considered when applying a certain exemption; prohibiting a certain campaign finance entity from distributing a campaign advertisement by broadcast or cable radio, subject to certain conditions; exempting a violation of a certain provision of law from a certain penalty; providing for a delayed effective date; and generally relating to campaign advertisements and closed captioning for the deaf or hard of hearing.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(k) and 13–403
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Election Law
Section 13–404
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law

Section 13–604(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 1093 – Delegate Donoghue

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

FOR the purpose of authorizing ~~certain health insurance carriers to pay a clinically integrated organization or its members for services associated with the coordination of certain covered medical services to certain qualifying individuals; authorizing the carriers to pay a clinically integrated organization or its members certain incentives for a certain purpose~~ a contract between certain health insurance carriers and certain clinically integrated organizations to include certain payment provisions; authorizing the Maryland Insurance Commissioner to adopt certain regulations; requiring certain carriers to file a certain contract with the Commissioner; requiring the Commissioner to provide a copy of a certain contract to the executive director of the Maryland Health Care Commission; providing that copies of certain contracts are confidential and privileged, are not subject to certain provisions of law, subpoena, or discovery, and are not admissible in evidence in a certain action; requiring ~~the~~ certain health insurance carriers to share medical information about a qualifying individual with a clinically integrated organization and its members under certain circumstances; defining certain terms; ~~requiring a clinically integrated organization to notify the Maryland Health Care Commission of a certain agreement and to provide a certain report to the Commission under certain circumstances~~ requiring certain clinically integrated organizations to submit a certain evaluation to the Commission at a certain time; requiring the clinically integrated organizations to discuss the parameters and analytical methods of the evaluation with the Commission before submitting the evaluation; requiring the Commission to submit a summary of the evaluation to certain committees of the General Assembly; applying certain provisions of this Act to health maintenance organizations ~~and managed care organizations~~; and generally relating to payments to and sharing medical information with clinically integrated organizations.

BY adding to
Article – Health – General
Section ~~15–102.8 and~~ 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Insurance
Section 15–1801 through 15–1803 to be under the new subtitle "Subtitle 18. Clinically Integrated Organizations"
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1108 – Carroll County Delegation

AN ACT concerning

Carroll County – Gaming

FOR the purpose of authorizing certain nonprofit organizations in Carroll County to conduct a gaming contest that is a card game, card tournament, or casino night; authorizing the county commissioners to issue a permit to conduct a gaming contest; specifying certain conditions under which a permit holder may conduct a gaming contest; restricting a permit holder from conducting more than a certain number of gaming contests in a calendar year; specifying the purposes for which certain proceeds may be used; specifying the time when a gaming contest may be conducted; requiring a participant to use wagering tokens for wagering under certain conditions; prohibiting a permit holder from taking certain actions; requiring a permit holder to submit to the Sheriff's Office a certain financial report within a certain time; authorizing the county commissioners to adopt certain regulations; imposing certain penalties; defining certain terms; and generally relating to card games, card tournaments, and casino nights in Carroll County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–906 and 13–909
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 1110 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

FOR the purpose of altering the date by which Queen Anne's County may file its annual financial report for the fiscal year with the Department of Legislative

Services; and generally relating to the annual financial report of Queen Anne's County.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 37
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1195 – Delegates O'Donnell, Aumann, Bates, Eckardt, Elliott, Elmore, Frank, George, Haddaway, Jenkins, Krebs, McComas, Serafini, Shank, Shewell, Sossi, Stocksdale, and Stull

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

FOR the purpose of prohibiting certain former Executive Branch officials from engaging in certain employment for a certain period of time; providing exceptions to the employment prohibition; and generally relating to lobbying by former Executive Branch officials.

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–504(d)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1199 – Delegate Malone

AN ACT concerning

Motor Vehicles – Salvage – Standards and Requirements

FOR the purpose of creating a certain additional salvage application statement that an insurance company is required to provide under certain circumstances; prohibiting a person from using certain costs to determine the cost to repair a motor vehicle for highway operation under the motor vehicle salvage program; providing that a certain cost of repair calculation may not affect certain rights of certain persons; requiring the Motor Vehicle Administration to adopt certain regulations in consultation with certain persons; exempting certain vehicles

with certain damage from the requirement to obtain a Maryland Safety Inspection under certain circumstances; establishing an additional brand that the Administration is required to place on a motor vehicle certificate of title under certain circumstances; ~~providing that certain persons that acquire certain nonrepairable motor vehicles may only sell the motor vehicles to certain other persons; limiting the pool of motor vehicles in need of repair for which an insurance company is required to provide certain notice to the Motor Vehicle Administration under certain circumstances;~~ altering a certain definition; and generally relating to standards and requirements under the motor vehicle salvage program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–152, 13–506 ~~and 13–506.1~~, 13–506.1, and 13–507
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1201 – Calvert County Delegation

AN ACT concerning

Calvert County – Noise Control Ordinance

FOR the purpose of authorizing the County Commissioners of Calvert County to enact an ordinance adopting environmental noise standards, sound level limits, and certain noise controls under certain circumstances, authorizing the Calvert County Sheriff's Office to enforce the ordinance, and providing that a violation of the ordinance is a civil offense subject to a certain fine; and generally relating to noise control in Calvert County.

BY adding to
The Public Local Laws of Calvert County
Section 13–101 to be under the new title "Title 13. Noise Control"
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

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

House Bill 1217 – Delegates Ramirez, Barnes, Ivey, Niemann, Ross, Taylor, Valderrama, and Vaughn

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

FOR the purpose of altering the period of time during which certain secondhand precious metal object dealers in Prince George's County must hold certain precious metal objects; and generally relating to the holding period for precious metal objects in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–305
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1250 – Delegates Hucker, Rosenberg, Glenn, Ali, Anderson, Barnes, Benson, Bobo, Carr, Feldman, Gutierrez, Hecht, Holmes, Hubbard, Ivey, Jones, Lee, Levi, Manno, McHale, Montgomery, Niemann, Pena–Melnyk, Ramirez, Reznik, Rice, Ross, Schuler, Stukes, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

FOR the purpose of ~~altering the remedies available to a defendant in an alleged strategic lawsuit against public participation (SLAPP suit); establishing certain burdens of proof and procedures in an alleged SLAPP suit; requiring a court to consider certain evidence in ruling on a motion to dismiss an alleged SLAPP suit; authorizing the Office of the Attorney General or a government body to intervene to defend or support a certain party in an alleged SLAPP suit; requiring a court to stay any discovery and pending hearings or motions in an alleged SLAPP suit on the filing of a motion to dismiss and until the court rules on the motion; requiring a court to award certain attorney's fees, costs, and other relief under certain circumstances; modifying a defined term;~~ modifying a certain definition of a strategic lawsuit against public participation (SLAPP suit); providing that a defendant in a SLAPP suit is not civilly liable under certain circumstances; providing for the application of this Act; and generally relating to SLAPP suits.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–807(a)
Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section ~~5–807~~ 5–807(b) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1254 – Delegates Vaughn and Miller

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

FOR the purpose of authorizing mortgage brokers to charge borrowers for the actual cost of certain ~~services or goods~~ documents obtained by a mortgage broker at the written request of a borrower; authorizing mortgage brokers to charge borrowers for the actual cost of certain other goods or services that are required to complete a loan application process and that, at the written request of a borrower, are paid by a mortgage broker to a certain third–party provider; defining a certain term; and generally relating to fees that may be charged by mortgage brokers.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–801 and 12–804
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1275 – Delegates McComas, Aumann, Bartlett, Bates, Beidle, Benson, Bobo, Boteler, Carter, Dumais, Dwyer, Eckardt, Frank, Frush, Gaines, George, Glenn, Gutierrez, Haddaway, Harrison, Healey, Hecht, Howard, Impallaria, Ivey, Jameson, Jennings, Jones, Kaiser, Kirk, Krebs, Krysiak, Kullen, Lee, Love, McDonough, McIntosh, Mizeur, Montgomery, Morhaim, Myers, Nathan–Pulliam, Norman, Pendergrass, Riley, Robinson, Shewell, Stifler, Stocksdale, V. Turner, and Valderrama

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

FOR the purpose of establishing the Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; authorizing a court of this State to treat a foreign country as if the country were a state for the purpose of applying certain provisions of this Act; prohibiting a court of this State from treating a foreign country as if the country were a state for the purposes of applying certain provisions of this Act unless a court of this State makes a certain finding; authorizing a court of this State to make a certain request of an appropriate court of another state in a certain guardianship or protective proceeding in this State and to grant a certain request from an appropriate court of another state in a certain guardianship or protective proceeding in that state; authorizing the offer of testimony by deposition or certain other means in a certain guardianship or protective proceeding; requiring a court of this State to cooperate with courts of other states in designating an appropriate location for a deposition or testimony in a certain guardianship or protective proceeding; establishing that a court of this State has jurisdiction to appoint a guardian or issue a protective order for a certain respondent under certain circumstances; establishing that a court of this State that lacks certain jurisdiction under this Act has special jurisdiction to take certain steps; requiring a court in this State to dismiss a certain proceeding at the request of a certain court in another state under certain circumstances; establishing that a court that has appointed a guardian or issued a protective order consistent with this Act has exclusive and continuing jurisdiction over the proceeding until the proceeding is terminated by the court or the appointment or order expires by the terms of the appointment or order; authorizing a court to decline to exercise jurisdiction under certain circumstances; requiring a court that declines jurisdiction to take certain steps in certain circumstances; authorizing a court to take certain steps if a certain determination is made; requiring a certain petitioner to provide certain notice to certain persons; authorizing a court to proceed or requiring the court to take certain steps on the filing of a certain petition under certain circumstances; authorizing a certain guardian or conservator to petition a court to transfer a guardianship or conservatorship to another state under certain circumstances; providing that a certain notice of a petition to transfer a guardianship or conservatorship to another state be given under certain circumstances; requiring a court to hold a hearing on a certain petition under certain circumstances; requiring a court to issue a provisional order granting a petition to transfer a guardianship or conservatorship to another state on a certain finding; requiring a guardian or conservator to petition a court in this State to accept a certain guardianship or conservatorship under certain circumstances; providing that a certain notice of a petition to accept a guardianship or conservatorship be given under certain circumstances; requiring a court to hold a hearing on a certain petition under certain circumstances; requiring a court to issue a provisional order approving a certain petition unless a certain objection is made; requiring a court to recognize a guardianship or conservatorship order from another state under certain circumstances; establishing that the denial of a petition to accept a guardianship or conservatorship from another state does not affect the ability of a certain person to seek a certain court appointment; authorizing a guardian

appointed in another state to register a certain guardianship order in this State as a foreign judgment under certain circumstances; authorizing a conservator appointed in another state to register a certain conservatorship order in this State as a foreign judgment under certain circumstances; authorizing, with certain exceptions, a certain guardian or conservator to exercise certain powers in this State; authorizing a court in this State to grant certain relief to enforce a certain registered order; providing for the application of this Act; establishing that this Act modifies, limits, and supersedes certain provisions of federal law; making certain technical corrections; defining certain terms; and generally relating to adult guardianship and protective proceedings.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 13–101(a), (e), and (h), 13–201 through 13–206, 13–208 through 13–221, and 13–705 through 13–713
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–105, 13–207, 13–222, and 13–704
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
Section 13.5–101 through 13.5–504 to be under the new title "Title 13.5. Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 1302 – Delegates Kipke, Kach, Kullen, ~~and Montgomery~~ Montgomery, Bromwell, Donoghue, Elliott, Hammen, Krebs, McDonough, Nathan–Pulliam, Oaks, Pendergrass, Tarrant, and V. Turner

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities

FOR the purpose of authorizing a dental hygienist to practice dental hygiene under the general supervision of a dentist in long–term care facilities under certain circumstances; requiring certain dental hygienists to have a certain written

agreement; requiring certain dental hygienists to ensure that the supervising dentist is available for consultation with the dental hygienist; requiring certain dental hygienists to consult with the supervising dentist or a treating physician under certain circumstances; requiring certain dental hygienists to assess the appropriate recall interval for a patient in a certain manner; requiring certain dental hygienists to limit dental hygiene tasks and procedures; requiring certain dental hygienists to submit findings of the initial assessment to the supervising dentist for a certain determination; authorizing certain dental hygienists to perform certain services without the supervising dentist on the premises under certain circumstances; requiring certain dental hygienists to ensure that certain long–term care facilities have a medical emergency plan and certain equipment; requiring the Department of Health and Mental Hygiene to submit a certain report by a certain date to certain committees; providing for the termination of this Act; defining certain terms; and generally relating to the practice of dental hygiene.

BY adding to
Article – Health Occupations
Section 4–308(j)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1326 – Delegates Robinson, Anderson, Glenn, Haynes, McHale, Oaks, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants

FOR the purpose of prohibiting, with a certain exception, an establishment in Baltimore City that is not licensed by the Board of License Commissioners from performing certain activities, including giving, serving, or dispensing alcoholic beverages on its premises; authorizing certain restaurants not licensed by the Board to allow a patron to consume alcoholic beverages during a certain time under certain conditions; authorizing the Baltimore City Police Department to immediately close all operations of an establishment under certain circumstances; requiring the owner or operator to be given an opportunity for a prompt hearing on when the establishment may reopen; repealing provisions concerning the establishment and registration of bottle clubs; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 1–102(a)(1) and (22)(i) and (ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 20–102
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1340 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

FOR the purpose of requiring an electric company, a gas company, or an electric and gas company, on a certain request by a certain competitive supplier of electricity or gas, to provide certain information related to certain customer accounts to the supplier, subject to a certain restriction; requiring the distribution utility to provide the information in a certain form and to update it periodically; prohibiting a distribution utility from providing certain information without the prior authorization of a certain customer; providing the method by which a distribution utility must obtain the customer's authorization, including requiring certain notice to be provided containing certain information; requiring the notice to be provided to certain customers at certain times; establishing when a customer is deemed to have given certain authorization; authorizing a customer to withdraw authorization in a certain manner; requiring a distribution utility to ensure that certain information is not shared under certain circumstances; requiring a distribution utility to notify a certain competitive supplier that a certain customer has withdrawn certain authorization; requiring a competitive supplier to redact certain information from its records under certain circumstances and refrain from contacting a certain customer in a certain manner under certain circumstances; requiring the Public Service Commission to ~~establish a certain fee in a certain manner to cover certain costs~~ allow a distribution utility to recover certain costs directly from a competitive supplier; providing that a competitive supplier may use certain information only for a certain purpose; prohibiting a competitive supplier from selling or providing certain information to any other person, with a certain exception; authorizing a competitive supplier to provide certain information to an authorized agent for a certain purpose; providing that the authorized agent is subject to the same restrictions on the use, sale, or provision of the information as the competitive supplier; requiring a certain competitive

supplier to include certain information in certain marketing materials sent to certain customers; providing for the application of this Act to certain gas suppliers under certain provisions of law; providing that this Act does not apply to an electric cooperative or a gas cooperative; defining certain terms; and generally relating to electricity, gas supply, and customer account information.

BY adding to
Article – Public Utility Companies
Section 7–510.1 and 7–604(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1344 – Delegates Beidle, Barnes, Holmes, Love, McConkey, and Sophocleus

AN ACT concerning

Construction and Development – Permits and Approvals – Expiration Dates

FOR the purpose of correcting certain language relating to the applicability of certain provisions of law related to permits and approvals issued for construction and development; extending a certain tolling period for certain permits issued by the State; providing for the tolling of the duration of certain permits for a certain period of time; extending a certain tolling period for certain permits issued by a local approving authority; altering the applicability of certain provisions of law to include certain approvals issued by a local approving authority; clarifying that the running of the period of approval for certain construction and development permits and approvals begins again on a certain date; providing that certain persons are required to pay certain permit extension fees notwithstanding the tolling of the running of certain periods; extending to a certain date the termination provisions relating to the expiration of construction and development permits and approvals; defining certain terms; providing for the construction of this Act; and generally relating to the expiration of construction and development permits and approvals.

BY repealing and reenacting, with amendments,
Article – State Government
Section 11–202
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 23–101 and 23–102
Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 334 of the Acts of the General Assembly of 2009
Section 2, 3, and 5

BY repealing and reenacting, with amendments,
Chapter 335 of the Acts of the General Assembly of 2009
Section 2, 3, and 5

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

House Bill 1352 – Delegates Stein, Ali, Bobo, Carr, V. Clagett, Frush, Glenn, Healey, Hucker, Lafferty, and Morhaim

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

FOR the purpose of altering the rates for contributions required to be made to the Forest Conservation Fund and a local forest conservation fund on the basis of whether a project is inside or outside a priority funding area under certain circumstances; making a clarifying change; defining a certain term; and generally relating to contribution rates for the Forest Conservation Fund.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1610(a), (c), and (h)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1372 – Delegates Hecht, Rosenberg, Davis, Feldman, Haddaway, Krysiak, Manno, McHale, Rudolph, ~~and Taylor~~ Taylor, Carter, Hammen, Oaks, Barkley, Braveboy, Burns, King, Mathias, Minnick, and Vaughn

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

FOR the purpose of ~~requiring an electric company that provides standard offer service to include certain information in a certain manner and at certain intervals about certain electricity supply options available to a customer;~~ requiring the

Public Service Commission to educate consumers about customer choice in accordance with a certain provision of law; requiring the Commission to host a certain section on its website related to customer choice; requiring the website to comply with certain standards and to include certain information; requiring the Commission to maintain a certain secure portal on its website to receive certain information from certain electricity suppliers; requiring certain electricity suppliers to submit certain information to the Commission through the secure portal at certain intervals; requiring the Commission to work with certain media outlets to develop and air certain public service announcements related to customer choice; requiring the Commission to recover certain costs in accordance with a certain provision of law; requiring the Commission to submit a certain report to the General Assembly each year by a certain date; requiring the Commission to convene a certain workgroup for a certain purpose; providing for the membership and duties of the workgroup; requiring the workgroup to report to the Commission and certain committees by a certain date; requiring the Commission~~, by regulation or order, to establish certain requirements for certain information provided to customers by electricity suppliers based on~~ to implement certain recommendations by a certain date; ~~requiring the Commission to consult with the Maryland Energy Administration and the Office of People's Counsel for a certain purpose; defining a certain term;~~ and generally relating to customer choice.

~~BY repealing and reenacting, without amendments,~~
~~Article – Public Utility Companies~~
~~Section 7–510(c)(1) and (2)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, ~~with~~ without amendments,
Article – Public Utility Companies
Section ~~7–510(c)(3)~~ 7–504 and 7–505(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–510.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1416 – Delegate Frush

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

FOR the purpose of making certain provisions related to exceptions to local zoning ordinances for compliance with the Maryland Accessibility Code applicable to certain local jurisdictions; clarifying that a local jurisdiction is required to provide an exception to local zoning ordinances when necessary to bring an existing parking lot into compliance with Maryland Accessibility Code requirements for parking spaces for individuals with disabilities; providing that a person may comply with Maryland Accessibility Code requirements governing certain disabled parking spaces by restriping the parking lot; requiring a local jurisdiction to grant an exception to certain local zoning ordinances for certain parking lots under certain circumstances; requiring that a certain exception process be used for compliance with certain provisions of the Maryland Accessibility Code for certain development; making certain technical corrections; and generally relating to local zoning ordinances governing parking for individuals with disabilities.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.03, 2.13, and 4.04(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–202(a) through (c)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1006
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Consolidation and Administration of Environmental Funds

FOR the purpose of requiring certain penalties recovered by State agencies for violations of sediment control laws to be deposited in the Maryland Clean Water

Fund; requiring certain other penalties collected for violations of certain provisions of the sediment control law to be deposited in the Maryland Clean Water Fund; repealing the Sewage Sludge Utilization Fund and requiring certain fees, funds, penalties, and fines to be deposited in the Maryland Clean Water Fund; altering the uses of the Maryland Clean Water Fund; ~~requiring certain costs incurred by the Department of the Environment for responding to certain situations to be reimbursed to the Department and paid into the Maryland Clean Water Fund;~~ requiring certain expenditures for the emergency removal of sewage sludge to be reimbursed to the Department by the sewage sludge utilizer under certain circumstances; authorizing the Attorney General to bring a certain action to recover certain costs and interest under certain circumstances; providing for the transfer of certain funds to the Maryland Clean Water Fund; and generally relating to the administration and consolidation of environmental funds in the Department of the Environment.

BY repealing and reenacting, without amendments,
Article – Environment
Section 1–301(d)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–301(d)(2), 4–116, 9–244, 9–269, and 9–320
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1431 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages – Pub–Breweries and Micro–Breweries

FOR the purpose of adding Worcester County to the list of counties in which the holder of a Class 6 pub–brewery license may sell malt beverages for off–premises consumption under certain conditions; adding the county to the list of counties in which a Class 7 micro–brewery license may be issued; adding the county to the list of counties in which the licensee may sell at retail beer for consumption off the licensed premises under certain conditions; and generally relating to alcoholic beverages in Worcester County.

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

Section 2–207(a) and (b) and 2–208(a), (b)(1), and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–207(g) and 2–208(b)(2) and (d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1435 – Delegates Harrison, Branch, Glenn, Haynes, Kirk, and Stukes

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

FOR the purpose of authorizing the Mayor and City Council of Baltimore to establish by ordinance a Community Benefits District in the East Baltimore section to be a special tax district and provide certain services; authorizing the Mayor and City Council to establish a Community Benefits District Authority to provide certain services; requiring a certain ordinance to include certain provisions; requiring the Authority to establish a certain financial plan for the District under certain circumstances; requiring a certain financial plan to be subject to approval by the Baltimore City Board of Estimates; requiring the Authority to hold a public hearing on a certain financial plan; providing that certain property that is exempt from certain taxes be exempt from District taxes; authorizing the Authority to request that certain owners voluntarily contribute to the costs of the Authority; providing for a Board of Directors of the Authority; providing certain powers, duties, and limitations of the Community Benefits District Authority; providing that the District, Authority, Board of Directors, and District Administrator shall benefit from certain laws limiting liability under certain circumstances; providing that the Authority shall be subject to certain City ordinances and goals regarding minority and women's business enterprises; requiring the Mayor and City Council to take certain matters into consideration and make certain determinations 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; defining certain terms; and generally relating to the establishment of a Community Benefits District in East Baltimore.

BY adding to
The Charter of Baltimore City

Article II – General Powers
Section (65)
(2007 Replacement Volume, as amended)

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

House Bill 1464 – Delegates Myers, Beitzel, Kelly, Lafferty, Norman, Serafini, Stein, and Stull

AN ACT concerning

Land Bank Authorities – Establishment by Municipal Corporations

FOR the purpose of authorizing a municipal corporation to establish a land bank authority by ordinance; requiring an ordinance establishing an authority to include certain articles of incorporation; requiring certain articles of incorporation to be filed, accepted, and amended in a certain manner; authorizing a municipal corporation creating an authority to take certain actions by ordinance; providing for the disposition of property and obligations of an authority on termination; requiring an ordinance creating an authority to establish and provide for a board of directors; providing that the procedures of a municipal corporation incorporating an authority control in certain circumstances; establishing the powers of an authority; authorizing an authority to delegate certain powers; prohibiting an authority to purchase, own, or sell property located outside of the municipal corporation in which the authority is located; authorizing an authority to employ certain staff and retain certain consultants; authorizing a court to appoint an authority to serve as a certain receiver; requiring an authority to adopt a certain code of ethics; establishing certain policies and procedures, and complying with certain provisions of law; providing an authority with certain immunities; authorizing an authority to take certain actions relating to property held or owned by an authority; requiring property held by an authority to be inventoried and classified in a certain manner; prohibiting a certain register of deeds from charging a certain fee; providing certain tax exemptions for certain properties, activities, and principal, interest, and income from bonds; authorizing an authority to bring a certain civil action; requiring an authority to be made a party to certain actions; prohibiting a certain proceeding from being held until certain service of process is made; establishing that property and income of an authority is for a certain purpose; providing that an authority is subject to certain zoning laws, permitting processes, and land use controls; requiring an authority to make a certain annual report in a certain time period; authorizing an authority to issue certain bonds for certain purposes under certain circumstances; authorizing an authority to issue certain bond anticipation notes; authorizing an authority to take certain actions in connection with bonds issued by an authority; requiring an authority to pass a certain resolution in connection with each issue of its bonds; authorizing an authority to enter into

certain trust agreements in connection with bonds issued by an authority; requiring an authority to convey title and release certain collateral under certain circumstances; authorizing certain persons to bring certain actions; defining certain terms; providing for the construction of this Act; establishing that the powers granted in this Act are supplemental to certain other powers; establishing that this Act does not authorize an authority to exercise certain powers or impose certain taxes or assessments; and generally relating to land bank authorities.

BY adding to
Article 23A – Corporations – Municipal
Section 52 through 82 to be under the new subtitle "Land Bank Authorities"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1472 – Dorchester County Delegation, Somerset County Delegation, and Wicomico County Delegation

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

FOR the purpose of altering the location in which a person may hunt wild waterfowl by certain methods in the waters of Dorchester, Somerset, and Wicomico counties; decreasing the distance from shore that the Department of Natural Resources prescribes by regulation for the hunting of wild waterfowl by certain methods in the waters of Dorchester, Somerset, and Wicomico counties; and generally relating to hunting wild waterfowl in the waters of Dorchester, Somerset, and Wicomico counties.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–604 through 10–606
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1476 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – Maryland–National Capital Park and Planning Commission – Commissioners
PG/MC 119–10

FOR the purpose of altering the date on which a commissioner of the Maryland–National Capital Park and Planning Commission from Prince George's County is appointed; altering the method by which a member of the Commission from Prince George's County shall be designated for the position of chairman or vice–chairman of the Commission; providing that the term of the chairman of the Prince George's County Planning Board shall coincide with that individual's term of office as commissioner; applying certain provisions regarding conflicts of interest to commissioners appointed from Prince George's County; providing for the termination of the terms of certain commissioners of the Maryland–National Capital Park and Planning Commission; providing for the appointment and ~~terms~~ term of office of ~~certain commissioners~~ a certain commissioner of the Maryland–National Capital Park and Planning Commission; and generally relating to commissioners of the Maryland–National Capital Park and Planning Commission appointed from Prince George's County.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 2–102, 2–105, and 2–115
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1478 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Beer ~~and~~, Wine, and Liquor Tastings
PG 320–10

FOR the purpose of creating in Prince George's County a beer tasting license ~~and~~, a beer/wine tasting license, and a beer, wine and liquor tasting license; specifying to whom the licenses may be issued; setting maximum limits on the amounts of certain individual servings; specifying that certain licenses may be issued for tasting or sampling purposes only; providing for certain license fees; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–409
Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1496 – Delegate Aumann

AN ACT concerning

Baltimore County – Alcoholic Beverages – Tasting Licenses – Fees

FOR the purpose of authorizing in Baltimore County a holder of a Class BWT beer and light wine tasting license or a Class BWLT beer, wine and liquor tasting license to pay a certain fee to use the license for a certain extended period; and generally relating to alcoholic beverages license fees in Baltimore County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–404.1(a) through (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–404.1(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1508 – Delegate Rudolph

AN ACT concerning

Environment – Coal Combustion By–Products – Disposal and Noncoal Mine Reclamation Sites

FOR the purpose of prohibiting the Department of the Environment from issuing a certain permit to install a certain refuse disposal system that would accept certain coal combustion by–products for disposal or for new noncoal mine reclamation using certain coal combustion by–products if the refuse disposal system or noncoal mine reclamation would be located in ~~or adjacent to~~ a certain critical area; altering the application of a certain definition; and generally relating to the disposal of coal combustion by–products.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–289(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Environment
Section 9–290
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1531 – Delegates Busch, V. Clagett, and George

EMERGENCY BILL

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Renewal of Licenses

FOR the purpose of authorizing the Mayor, Counselor, and Aldermen of the City of Annapolis to determine a periodic basis on which payments for the renewal of alcoholic beverages licenses may be made; making this Act an emergency measure; make certain stylistic changes; and generally relating to the renewal of alcoholic beverages licenses in the City of Annapolis.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–202(c) and 10–301(a)(1)(ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1564 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Donoghue, Hammen, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

FOR the purpose of authorizing the Board of Directors for the Maryland Health Insurance Plan to elect for the Plan to administer a certain national high risk pool program for the State; authorizing the Board to enter into any agreements necessary for the Plan to administer a national temporary high risk pool program for the State; authorizing the Board to limit enrollment in the national temporary high risk pool program based on the availability of certain funding; altering the eligibility requirements for the Plan; authorizing the Board to establish a benefit package and premium rate for individuals enrolled in a national temporary high risk pool program in accordance with certain standards; requiring the State to meet a certain maintenance of effort requirement; requiring the Plan to monitor certain legislation and notify the Department of Legislative Services if certain legislation is enacted; providing for the termination of this Act; making this Act an emergency measure; and generally relating to the administration of a national high risk pool program by the Maryland Health Insurance Plan.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–501(h)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–505(d), (e), (h), and (i)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 14–505(l) and 14–508(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 11 – Delegates Sophocleus, Robinson, Cane, DeBoy, Sossi, Glenn, Riley, Wood, Frush, Love, and Carr

AN ACT concerning

Student Stigma Act

FOR the purpose of changing references to emotional disturbance to emotional disability; providing that certain documents may not be used until the use of certain other documents; providing for the intent of this Act; and generally relating to changing references to emotional disturbance to emotional disability.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–401
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 34 – ~~**Delegate Waldstreicher**~~ **Delegates Waldstreicher, Ramirez, Gutierrez, Pena–Melnyk, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Branch, Bronrott, Burns, Cane, Carr, Carter, Conaway, Davis, Doory, Dumais, Eckardt, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Guzzone, Hammen, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hucker, Ivey, Jameson, Jones, Kaiser, Kelly, Kipke, Kirk, Kramer, Krysiak, Lafferty, Lee, Levi, Levy, Love, Manno, McHale, McIntosh, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Niemann, Oaks, Pendergrass, Proctor, Reznik, Rice, Riley, Robinson, Rosenberg, Ross, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, and Walker**

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

FOR the purpose of requiring the Governor to proclaim a certain period each year as Hispanic Heritage Month; requiring the proclamation to urge certain organizations to observe the month with certain activities; and generally relating to Hispanic Heritage Month.

BY adding to
Article – State Government
Section 13–503
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 88 – Chair, Economic Matters Committee and Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Other Tobacco Products Licenses

FOR the purpose of requiring a person to have an appropriate license whenever the person acts in the State as an other tobacco products manufacturer, retailer, storage warehouse, tobacconist, or wholesaler ~~in the State~~; providing for a certain exception for certain retailers and wholesalers; requiring a license to act as an other tobacco products retailer or a tobacconist for each place of business of the retailer or the tobacconist; making holders of other tobacco products licenses subject to certain restrictions and requirements; providing for license application procedures and fees; requiring the display of a license in a certain manner; prohibiting a person from reapplying for a license within a certain period after the person's license was revoked; requiring the Comptroller to issue other tobacco products licenses to manufacturers, storage warehouses, and wholesalers in the State under certain circumstances; requiring certain clerks of the circuit court to issue other tobacco products licenses to retailers and tobacconists under certain circumstances; specifying the scope of the licenses; providing certain provisions for retailers defined as tobacconists and retailers that sell premium cigars and pipe tobacco; providing for the renewal of a license; authorizing the Comptroller to delegate certain powers and duties; providing for certain disciplinary actions and proceedings; authorizing the Comptroller to adopt certain regulations; granting certain rights to judicial review under certain circumstances; prohibiting a person from acting, attempting to act, or offering to act in the State as an other tobacco products manufacturer, retailer, storage warehouse, tobacconist, or wholesaler ~~in the State~~ unless the person has an appropriate license; requiring the Comptroller to pay certain fees into the General Fund of the State; stating the intent of the General Assembly; requiring certain licensees to take certain actions and keep certain records; requiring a person who transports other tobacco products by vehicle on a public road to have certain information; authorizing the Comptroller by regulation to require a common carrier that brings other tobacco products into the State to submit certain information; prohibiting a person from shipping, importing, or selling other tobacco products into or within the State except under certain circumstances; requiring a person who ships, imports, or sells other tobacco products to take certain actions; placing certain restrictions on the sale, storage, and distribution of other tobacco products; providing for certain penalties; prohibiting certain political subdivisions from imposing a tax on other tobacco products; requiring ~~certain~~ other tobacco products licensees and certain wholesalers to file a ~~certain~~ tax ~~returns~~ return on or before a certain date and pay a certain tax; ~~altering certain requirements for payment of the tobacco tax on cigarettes and other tobacco products;~~ repealing a certain requirement that the Comptroller establish by regulation a certain system of taxing other tobacco products; authorizing the Comptroller to require an other tobacco products ~~manufacturer or~~ wholesaler to post security in a certain ~~amounts~~ amount; defining certain terms; altering certain definitions; requiring the Comptroller to adopt certain regulations; providing for a delayed effective

date; and generally relating to licenses for other tobacco products manufacturers, retailers, storage warehouses, tobacconists, and wholesalers in the State.

BY repealing
Article – Business Regulation
Section 16–217
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–219
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 16A–101 through 16A–218 to be under the new title "Title 16A. Other Tobacco Products Licenses"
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 12–101, 12–102, 12–103, 12–104, 12–201, 12–202, 12–301, 12–302, ~~12–304(a),~~ 13–825(h), and 13–1015
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing
Article – Tax – General
Section 12–306
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 190 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Video and Electronic Display Equipment

FOR the purpose of ~~altering the types of video display equipment that are prohibited from being located in certain areas of a motor vehicle; altering the standards for~~

~~the location of video display equipment in a motor vehicle; altering certain exceptions to the prohibition against the use of video display equipment in certain locations in a motor vehicle~~ prohibiting a person from driving a motor vehicle on a highway if the motor vehicle is equipped with certain video display equipment that is turned on under certain circumstances; altering the exceptions to the prohibition against locating certain electronic display equipment in certain areas of a motor vehicle; providing that a motor vehicle may be equipped with certain video display equipment only if the equipment is turned off under certain circumstances; providing for the application of this Act; defining a certain term; and generally relating to the use of video and electronic display equipment in a motor vehicle.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–414
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 21–1128 and 22–414.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 282 – ~~**Delegate Pena–Melnyk**~~ **Delegates Pena–Melnyk and Bobo**

AN ACT concerning

Transportation Projects – Bicycle and Pedestrian Access – Funding and Reporting

FOR the purpose of declaring that it is the policy of the State that, in developing the annual Consolidated Transportation Program, the Maryland Department of Transportation shall work to ensure that there is ~~a~~ an appropriate balance between funding for certain transportation projects for pedestrians and bicycle riders and certain highway construction projects and place increased emphasis on certain transportation projects in certain areas under certain circumstances; requiring the Statewide 20–Year Bicycle–Pedestrian Master Plan to be ~~revised~~ reviewed and updated in each year that the Maryland Transportation Plan is revised; repealing an obsolete reference; and generally relating to transportation projects for pedestrians and bicycle riders.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–602 and 2–604

Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 301 – Delegates O'Donnell, Bohanan, Kullen, Proctor, Vallario, and Wood

AN ACT concerning

Calvert County and St. Mary's County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Calvert County to hunt deer on private property on certain Sundays with a bow and arrow; authorizing a person in Calvert County and St. Mary's County to hunt deer on private property on certain Sundays in the deer firearms season; and generally relating to deer hunting on private property on Sundays in Calvert County and St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 323 – Delegates Morhaim and Hammen

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

FOR the purpose of requiring an individual to be licensed rather than certified by the State Board of Physicians before the individual may practice as a physician assistant; ~~repealing certain language prohibiting a physician assistant from practicing within the scope of certain health occupations;~~ requiring hospitals, related institutions, alternative health care systems and employers to report to the ~~State~~ Board certain changes in the terms of employment of physician assistants; making certain exceptions for alcohol– or drug–impaired physician assistants; authorizing the ~~State~~ Board to impose a certain civil penalty for failure to make a certain report; ~~repealing the Physician Assistant Advisory Committee within the State Board and certain provisions of law relating to the Committee;~~ altering the appointments and qualifications for members of the Physician Assistant Advisory Committee within the Board; authorizing the

Board, rather than the Secretary of Health, to recommend the removal of certain members of the Committee; authorizing the Executive Director of the Board and certain agents or investigators to enter certain premises under certain circumstances; prohibiting a person from denying or interfering with the entry on premises under certain circumstances; providing for a certain criminal penalty; repealing certain obsolete language; ~~limiting the scope of practice of physician assistants to certain medical acts; repealing~~ altering the authority of the ~~State~~ Board to review and approve certain delegation agreements; requiring physicians to file completed delegation agreements with the ~~State~~ Board in order to supervise physician assistants; ~~authorizing physician assistants to perform certain functions that are delegated by primary or alternate supervising physicians; requiring primary or alternate supervising physicians to provide certain supervision; requiring primary supervising physicians to execute certain delegation agreements and file certain agreements with the State Board; repealing a requirement that certain patients be seen by supervising physicians within a certain number of appointments or days;~~ altering requirements for the content, review, and approval of certain delegation agreements; prohibiting under certain circumstances, the Board from requiring prior approval of delegation agreements that include certain advanced duties if the duties will be performed in certain hospitals or ambulatory surgical facilities; requiring certain prior approval of a delegation agreement if certain advanced duties are to be performed in certain settings or certain anesthesia is to be administered, monitored, or maintained; increasing the number of physician assistants a primary supervising physician may supervise at one time in certain settings; requiring a new delegation agreement to be submitted within a certain period of time under certain circumstances; authorizing certain physicians to delegate certain medical acts to physician assistants under certain circumstances; ~~requiring the State Board to set a certain fee in a certain manner;~~ authorizing physician assistants to practice in accordance with certain delegation agreements; authorizing primary ~~or alternate~~ supervising physicians to delegate dispensing of certain controlled dangerous substances, prescription drugs, or medical devices under certain circumstances; altering certain circumstances when primary ~~or alternate~~ supervising physicians may delegate prescribing and administering of certain controlled dangerous substances, prescription drugs, and medical devices to physician assistants; authorizing physician assistants to ~~prepare and~~ dispense a sample or starter dosages of certain drugs under certain circumstances; establishing certain qualifications for licensure of physician assistants; making a certain exception; ~~authorizing the State Board to place certain licensees on inactive status;~~ requiring licensees to keep licenses and delegation agreements for inspection at their primary place of business and notify the ~~State~~ Board of certain changes; ~~authorizing the Physician Assistant Rehabilitation Board to request the State Board to direct physician assistants to submit to certain examinations under certain circumstances;~~ establishing a certain administrative penalty for failure to report certain changes; repealing certain language relating to entities with whom the ~~State~~ Board contracts under the Physician Assistant Rehabilitation Program; altering certain provisions relating to the discipline of physician

assistants; adding certain grounds for the discipline of physicians; ~~authorizing certain physician assistants to respond to a need for medical care without supervision or with any available supervision under certain emergency circumstances;~~ authorizing certain physician assistants to perform under certain supervision during certain disasters without being required to maintain certain documentation; exempting physicians who supervise physician assistants under certain emergency circumstances from certain requirements; authorizing the ~~State~~ Board to assess a certain civil penalty under certain circumstances; repealing certain definitions; altering certain definitions; making certain stylistic and technical changes; and generally relating to the licensure of physician assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 15–101, ~~15–102,~~ 15–103, 15–202, 15–203, 15–205, 15–206, 15–301, 15–302, 15–302.1, 15–302.2, 15–302.3, 15–303, 15–304, ~~15–305,~~ 15–306, 15–307, 15–308, 15–309, 15–310, 15–311, 15–312, 15–313, ~~15–314,~~ 15–315, 15–401, 15–402, and 15–403
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health Occupations
~~Section 15–201, 15–202, 15–203, 15–204, and 15–302.1~~ Section 15–305 and 15–314
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–102, 15–201, and 15–204
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section ~~15–308.1 and 15–316~~ 15–305, 15–316, 15–317, and 15–402.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 325 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

FOR the purpose of authorizing the State Board of Physical Therapy Examiners to send license renewal notices by electronic mail; altering the maximum amount of a certain penalty; altering certain definitions; and generally relating to the licensure and regulation of physical therapists and physical therapist assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–101, 13–311, and 13–407
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 350 – Delegates Hucker, Bartlett, Doory, Frick, Gutierrez, Hixson, Ivey, Kaiser, Montgomery, Murphy, Myers, Olszewski, Rice, Ross, Stukes, and V. Turner

AN ACT concerning

Education – Early Learning Challenge Fund – Application for Grants

FOR the purpose of requiring the State Department of Education to apply for grants from the Early Learning Challenge Fund; requiring the Department to take certain actions before submitting an application; requiring the application to contain certain information; making this Act subject to a certain contingency; and generally relating to the application for grants from the Early Learning Challenge Fund.

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

House Bill 399 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Beer Tasting License

FOR the purpose of establishing a beer tasting license in Washington County; authorizing the issuance of the license only to certain persons; specifying that the license allows the consumption of beer for tasting purposes only; requiring the Board of License Commissioners to regulate certain conditions under which a tasting may be held; specifying a license fee; authorizing the Board to adopt

certain regulations; making a certain technical change; and generally relating to alcoholic beverages in Washington County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–902
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 435 – Delegates Kach ~~and Jones~~, Jones, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Reimbursement of ~~Physicians – Services Outside of Office Hours, by Telephone, or Online~~ Primary Care Providers – Bonus Payments

FOR the purpose of requiring certain health insurance carriers to ~~reimburse physicians a bonus payment~~ pay a bonus to primary care providers for services provided in the office at certain times; requiring certain health insurance carriers to ~~reimburse physicians a separate payment for an evaluation and management service delivered in a certain manner under certain circumstances~~ include certain items in their contracts with primary care providers; specifying the contracts and policies to which this Act applies; making certain provisions of this Act applicable to health maintenance organizations; defining a certain term; and generally relating to reimbursement of ~~physicians~~ primary care providers by health insurance carriers.

BY adding to
Article – Health – General
Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Insurance

Section 15–134
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 439 – Delegates Kaiser, Cardin, Ivey, Olszewski, Rice, Stukes, and Walker

EMERGENCY BILL

AN ACT concerning

Education – Innovative School Scheduling Models – Low–Performing and At–Risk Public Schools

FOR the purpose of requiring the State Board of Education to explore the use of certain school scheduling models in certain schools; requiring the State Board to encourage certain county boards of education to use certain school scheduling models in certain schools; ~~requiring the State of Maryland to include the funding of certain scheduling models in certain schools as part of the State's application to the United States Department of Education for the Race to the Top Fund;~~ making this Act an emergency measure; and generally relating to the use of innovative school scheduling models in low–performing and at–risk public schools.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–103(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–103.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 464 – The Speaker (By Request – Administration) and Delegates Frick, Doory, Bartlett, Beidle, Bobo, Bronrott, Cardin, Carr, Elmore, Haddaway, Hecht, Levy, Love, Manno, Mathias, Niemann, Reznik, Ross, Shewell, and Stein

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

FOR the purpose of extending a certain credit against the State income tax for electricity produced by certain facilities from certain qualified energy resources until a certain date; extending the period in which the Maryland Energy Administration may issue certain qualifying certifications; prohibiting the Administration from issuing initial credit certificates for less than a certain amount; and generally relating to a certain income tax credit for electricity produced from qualified energy resources.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–720
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 527 – Delegate V. Clagett

AN ACT concerning

Natural Resources – Abandoned Vessel – Definition

FOR the purpose of altering the period after which a vessel left at certain locations without certain consent is considered abandoned; and generally relating to abandoned vessels.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–721(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 558 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit
PG 315–10

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a certain entertainment permit to holders of Class B

licenses; requiring the Board, before approving and issuing an entertainment permit under this Act, to consider certain factors and circumstances; requiring the Board to hold certain public hearings under certain circumstances; specifying that the permit allows the holder to impose a cover charge, offer facilities for patron dancing, and provide entertainment during a certain period; requiring an applicant for a permit to submit certain evidence to the Board; requiring an applicant to develop a certain security plan and submit the plan to the Chief of the Prince George's County Police Department for review; authorizing the Chief to submit comments to the Board; requiring the Board to take certain actions under certain circumstances; requiring each permit holder to take a certain action; requiring a holder of a permit to implement a certain security plan and prohibit underage individuals on the premises; authorizing the Board to prohibit, condition, or restrict the type of entertainment offered by a holder of the permit under certain circumstances; providing for an annual permit fee; specifying that a permit holder may employ sworn security personnel under certain circumstances; authorizing the circuit court to issue a temporary restraining order under certain circumstances; authorizing the Board to immediately suspend a permit under certain circumstances; imposing certain penalties; requiring the Board to take certain actions if it immediately suspends a permit; requiring the Board to revoke the permit of a person under certain circumstances; prohibiting the Board from considering, at least for a certain period of time, an application for a new permit from the person whose permit was revoked; requiring the Board to reinstate, under certain circumstances, a permit that has been suspended or revoked; prohibiting a license holder from taking certain actions unless the license holder meets certain conditions; requiring the Board to adopt certain regulations; requiring the Board to report to the Prince George's County House and Senate Delegations of the Maryland General Assembly on certain matters on or before a certain date; and generally relating to entertainment permits in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(r)(18) and 9–217(n)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 647 – Delegates Reznik ~~and Hammen~~, Hammen, Donoghue, Pena–Melnyk, Riley, and V. Turner

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Conservation Service Opportunities – Procurement Exemption

FOR the purpose of exempting from certain provisions of the State Procurement law certain grants, agreements, or partnerships related to conservation service opportunities negotiated or entered into by the Department of Natural Resources and nonprofit entities; making this Act an emergency measure; and generally relating to procurement exemptions.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvii) and (xviii)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xix)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 768 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

AN ACT concerning

Employees' Retirement and Pension Systems – Maryland School for the Deaf Retirees – Overpayment of Benefits

FOR the purpose of requiring the Board of Trustees of the State Retirement and Pension System to reduce the retirement allowance of certain retirees by a certain amount beginning on a certain date and continuing the reduction until the retirement allowance equals a certain amount; requiring the Board of Trustees of the State Retirement and Pension System to suspend the application of certain annual retirement allowance adjustments to certain retirees for a certain period of time until certain retirement allowances equal a certain amount; requiring the Board of Trustees to resume the application of

certain annual retirement allowance adjustments to certain retirees under certain circumstances; requiring the Board of Trustees to calculate certain benefits for certain designated beneficiaries using a certain retirement allowance; providing that the Board of Trustees is not required to recover certain overpayments made prior to a certain date to certain retirees; and generally relating to the overpayment of retirement benefits to retirees of the Maryland School for the Deaf.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–113(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~29–402~~ 21–113(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 815 – Delegates DeBoy, Jones, Barkley, Bromwell, G. Clagett, Costa, Glenn, Guzzone, Haynes, Malone, McHale, Olszewski, Schuler, and Sophocleus

AN ACT concerning

Maryland Department of Transportation ~~Authority Police Officers –~~ Police Force – Creation and Collective Bargaining

FOR the purpose of ~~authorizing the representatives of certain full–time Maryland Transportation Authority police officers to bargain collectively with the Maryland Transportation Authority concerning wages and benefits; authorizing certain police officers to take certain actions or refrain from taking certain actions in connection with certain labor organizations and collective bargaining activities; establishing procedures for certifying a labor organization as an exclusive representative of Maryland Transportation Authority police officers and for collective bargaining negotiations; requiring certain parties to engage in collective bargaining in good faith; requiring a collective bargaining agreement to contain certain matters; requiring a collective bargaining agreement to be ratified before becoming effective; providing for binding arbitration under certain circumstances; providing for the membership, procedures, powers, and duties of the arbitration panel; specifying that the decision of the arbitration panel is binding on both parties; providing for the payment of the costs of an arbitration proceeding under this Act; providing for the construction of certain provisions of this Act;~~ establishing the Maryland Department of Transportation

Police Force and abolishing the Maryland Transportation Authority Police Force; providing for the powers and duties of Maryland Department of Transportation police officers; requiring the Secretary of Transportation and the chief police officer of the Maryland Department of Transportation Police Force to adopt certain regulations; requiring the Maryland Department of Transportation Police Force to provide certain police services to certain departmental units; providing for the transfer of certain employees under certain circumstances; providing for pensions for certain employees; authorizing the chief police officer of the Maryland Department of Transportation Police Force to appoint certain employees to exercise certain powers; expanding the application of certain provisions of law relating to collective bargaining to certain Maryland Department of Transportation police officers; providing that the provisions of law do not apply to Maryland Department of Transportation police officers who are supervisory, managerial, or confidential employees, as defined in a certain manner; requiring the Maryland Department of Transportation police officers to have a separate bargaining unit; providing for certain transfers under this Act; providing for the continuity of certain units, laws, standards, policies, papers, agreements, and responsibilities; providing for the continuity of certain transactions, rights, duties, and interests; providing for the continuity of certain persons licensed, registered, permitted, and certified under certain departments, offices, and units; providing for the continuity of certain contracts, agreements, grants, or other obligations; requiring the Maryland Transportation Authority to pay certain expenses; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to make technical corrections; requiring the Secretary of Transportation to enter into a certain memorandum of understanding with the Executive Secretary of the Authority; requiring the Secretary to submit a certain report to the Governor and the General Assembly; making technical and conforming changes; and generally relating to the Maryland Department of Transportation Police Force and the collective bargaining rights of Maryland Department of Transportation ~~Authority~~ police officers.

~~BY adding to~~
~~Article – Transportation~~
~~Section 4–208.2~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–101(b), 3–102(a) and (b)(11) and (12), 3–205(a), and 3–2A–05(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement~~)~~

BY adding to
Article – State Personnel and Pensions

Section 3–102(b)(13) and 3–403(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–107
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 2–301 and 2–302
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Transportation
Section 4–208 and 4–208.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 851 – Talbot County Delegation

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Talbot County to hunt deer on private property with a bow and arrow on certain Sundays in certain months; and generally relating to deer hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 855 – Montgomery County Delegation

AN ACT concerning

Sales and Use Tax – Exemption – Lodging at a Corporate Training Center ~~in Montgomery County~~
~~MC 22-10~~

FOR the purpose of providing an exemption under the sales and use tax for the sale of a right to occupy a room or lodgings as a transient guest at certain facilities ~~in a certain county~~ operated ~~primarily~~ in support of certain facilities or campuses; and generally relating to a sales and use tax exemption for the sale of certain lodging at certain facilities.

BY adding to
Article – Tax – General
Section 11–231
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 870 – ~~Delegate Reznik~~ Delegates Reznik, Kach, Kipke, Montgomery, and V. Turner

AN ACT concerning

State Board of Physicians – Offices or Facilities for Performing ~~Elective~~ Cosmetic Surgical Procedures

FOR the purpose of authorizing the State Board of Physicians to discipline certain licensees that perform ~~elective~~ cosmetic surgical procedures in offices or facilities that are not accredited by certain associations or organizations or certified to participate in a certain program; defining certain terms; and generally relating to the State Board of Physicians and offices or facilities for performing ~~elective~~ cosmetic surgical procedures.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–101 and 14–404(a)(39) and (40)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 14–404(a)(41)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 878 – Delegate Mizeur

AN ACT concerning

Health Insurance – Annual Preventive Care

FOR the purpose of ~~prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations that provide covered benefits for annual preventive care from denying coverage solely because a certain number of days has not elapsed since the previous annual preventive care occurred;~~ requiring ~~the~~ certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for ~~the~~ certain types of annual preventive care if certain conditions are met; prohibiting certain provisions from being construed to require coverage for a certain service; making certain requirements applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for annual preventive care.

BY adding to
Article – Insurance
Section 15–134
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Health – General
Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 880 – Delegates Kramer, Conaway, Ivey, McConkey, Montgomery, Ramirez, Shank, Simmons, ~~and Smigiel~~ Smigiel, Hecht, Manno, Mathias, and Taylor

AN ACT concerning

Telephone ~~Companies and Resellers~~ Bills – Third–Party Vendor Billing

FOR the purpose of prohibiting a ~~telephone company or reseller from engaging in certain third–party vendor billing~~ third–party vendor or billing agent from submitting charges to a certain telephone company or reseller for third–party vendor billing without certain express authorization from ~~a~~ an ordering

customer; requiring the authorization to be separate from certain other documents and to include certain information; requiring a ~~telephone company or reseller~~ third–party vendor or billing agent to retain a certain copy of the express authorization for a certain period of time; ~~requiring a telephone company or reseller to offer customers a certain blocking option under certain circumstances at no charge; requiring a telephone company or reseller to provide customers with certain notice concerning third–party vendor billing; prohibiting disconnection of a customer's telephone service or imposition of certain additional fees or interest charges for nonpayment of certain charges; authorizing the Public Service Commission to adopt certain regulations; providing that a telephone company or reseller subject to this Act is liable to a customer for certain charges; authorizing the Commission to assess a certain administrative penalty on a telephone company or reseller under certain circumstances;~~ providing that a certain customer is not liable for third–party vendor billing charges unless certain notice has been given to the customer and the customer is provided access to certain information; providing that unless a third–party vendor or billing agent provides a copy of a certain authorization to a certain customer and a certain telephone company or reseller, the customer is not liable for third–party vendor billing charges to the customer, if the customer, in good faith and in a reasonably timely manner, disputes that the charges were authorized; providing that a certain agreement for third–party vendor billing is void and unenforceable under certain circumstances; providing that a certain violation is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to third–party vendor billing.

~~BY adding to~~
~~Article – Public Utility Companies~~
~~Section 8–701 through 8–708 to be under the new subtitle "Subtitle 7. Third–Party Vendor Billing"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxiii)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Commercial Law
Section 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 903 – Delegates Kramer, Barkley, Barnes, Bobo, Bronrott, Conaway, Frick, Hecht, Heller, Ivey, Kaiser, Kullen, Manno, Morhaim, O'Donnell, Ramirez, Reznik, Shank, Shewell, Simmons, and Waldstreicher

AN ACT concerning

~~Environment~~ Transportation – Road Salt Management ~~Programs~~ – Best Practices Guidance

FOR the purpose of requiring the State Highway Administration ~~and each local jurisdiction that is responsible for highway maintenance to establish and implement~~, in consultation with the Department of the Environment, to develop a best practices road salt management ~~program by~~ guidance document, on or before a certain date for a certain purpose; ~~requiring the Administration and a responsible local jurisdiction to submit a preliminary program to the Department of the Environment for review and comment by a certain date, to review and~~ requiring the Administration to update the ~~program~~ guidance document annually~~, to submit the annual review and update to the Department for review and comment,~~ and to make the ~~program and program updates~~ guidance document available to the public in a certain ~~manners~~ manner; ~~establishing certain standards and requirements for a road salt management program; authorizing the Administration, in consultation with the Department, to establish a road salt management program or to review and update the program for a local jurisdiction under certain circumstances~~ authorizing the Administration to include certain information in the guidance document; stating certain findings of the General Assembly and the intent of the General Assembly in enacting this Act; and generally relating to the establishment of road salt management ~~programs~~ best practices guidance.

BY adding to
Article – ~~Environment~~ Transportation
Section ~~4–2A–01 through 4–2A–04 to be under the new subtitle "Subtitle 2A. Road Salt Management Programs"~~ 8–602.1
Annotated Code of Maryland
(~~2007~~ 2008 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 8–602(a)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

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

House Bill 910 – Delegates Malone, Conway, Costa, Jennings, Mathias, Morhaim, Stull, ~~and Weir~~ Weir, Hammen, Pendergrass, Benson, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers

FOR the purpose of requiring the Governor to proclaim a certain day in June each year as the day to honor certain fire, rescue, and emergency services workers in the State; requiring the Governor to order the State flag to be flown at half–staff on a certain day in June each year; requiring certain memorial plaques to be placed by a certain organization on a certain memorial in a certain city on a certain day in June each year; and generally relating to the commemoration of fire, rescue, and emergency services workers.

BY adding to
Article – State Government
Section 13–409
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 926 – Delegates Proctor and Vallario

AN ACT concerning

State Retirement and Pension System – Retiree ~~Organizations~~ Organization – Direct Mailings

FOR the purpose of providing that a certain retiree ~~organizations~~ organization may make a certain number of ~~annual~~ requests during a certain period of time to the Board of Trustees of the State Retirement and Pension System for certain ~~member and~~ retiree information that is necessary for certain direct mailings by the retiree ~~organizations~~ organization; prohibiting a certain retiree ~~organizations~~ organization from including certain information in certain direct mailings; requiring the Board of Trustees to provide certain ~~retiree organizations~~ mail processing centers with certain information subject to certain agreements; providing that the procurement of a certain mail processing

center is the sole responsibility of a certain retiree organization; requiring a certain retiree ~~organizations~~ organization to provide certain supplies required for certain direct mailings and to pay certain costs with regard to those direct mailings; providing that the Board of Trustees is not liable for certain information included in certain direct mailings; defining a certain term; authorizing the Board of Trustees to submit a certain report in a certain manner to the Joint Committee on Pensions; providing that the Board of Trustees is not required to provide certain notice to certain retirees under certain circumstances; and generally relating to direct mailings by a retiree ~~organizations~~ organization to ~~members and~~ retirees of the State Retirement and Pension System.

BY adding to
Article – State Personnel and Pensions
Section 21–128
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–504
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 947 – ~~Delegates Frush, Barnes, Beidle, Kipke, Love, McConkey, Pena-Melnyk, Schuh, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Tasting Licenses

FOR the purpose of creating in Anne Arundel County a ~~CBWT~~ BWST ~~cordial, beer, and wine~~ beer, wine and spirits tasting (on–premises) license; specifying that the ~~CBWT~~ BWST license may be issued to certain persons; creating a license fee schedule for a ~~CBWT~~ BWST license and altering the fee schedule for a BWT beer and wine (on–premises) tasting license; specifying certain limitations on the amount of alcoholic beverages that may be offered for on–premises consumption; providing for the termination of this Act; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–402
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 962 – Delegates G. Clagett, Dumais, Burns, DeBoy, Hecht, Hixson, Howard, Jameson, Kullen, Miller, Sophocleus, Stocksdale, F. Turner, and Wood

AN ACT concerning

Crimes – Child ~~Neglect – Penalties~~ Endangerment

FOR the purpose of prohibiting a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a minor from ~~neglecting the minor in a manner that causes substantial risk of physical injury to the minor, mental injury to the minor, or substantial risk of mental injury to the minor; providing penalties for a violation of this Act; providing that it is an affirmative defense to a charge of violating this Act that at the time of the neglect there was a reasonable apprehension in the mind of the defendant that acting to stop or prevent the neglect would result in substantial bodily harm to the defendant or the minor; defining certain terms; and generally relating to child neglect~~ recklessly failing to act in a certain manner with respect to the child; establishing the crime of child endangerment; specifying certain penalties for a violation of this Act; and generally relating to the crime of child endangerment.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3–601~~ 3–602.1
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 966 – Washington County Delegation

AN ACT concerning

Washington County – Salary Study Process

FOR the purpose of altering the method of selecting an at large member of the Washington County Salary Study Commission; repealing the requirement that the Commission study the salary of the Washington County State's Attorney; requiring the County Commissioners for Washington County to set certain salaries within a certain period of time, subject to certain requirements; repealing a certain requirement that the County Commissioners submit certain recommendations to the legislative delegation; requiring the Commission to

consider certain information when formulating its report and recommendations; and generally relating to the study of salaries of Washington County public officials.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–202
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–203(b) and 12–205
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–206
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 1017 – Delegates Reznik, Barkley, Bronrott, Carr, Hubbard, Kaiser, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Health Insurance – Child Wellness Benefits

FOR the purpose of requiring certain individual, group, or blanket health insurance policies and nonprofit health service plans to cover, in the minimum package of child wellness services required to be provided under the policies' or plans' family member coverage, certain visits for obesity evaluation and ~~treatment~~ management and certain visits for and costs of developmental ~~testing~~ screening as recommended by a certain organization; expanding the list of visits at which certain examinations, assessments, and guidance services must be covered; expanding the list of services that may result in coverage for certain laboratory tests; providing for the application of this Act; and generally relating to the expansion of child wellness benefits under health insurance policies and nonprofit health service plans.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–817(a), (b), and (f)

Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–817(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1042 – ~~Delegate Lafferty~~ Delegates Lafferty, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

EMERGENCY BILL

AN ACT concerning

State Government – Disclosure of Personal Information on Websites – Prohibition

FOR the purpose of prohibiting, on or after a certain date, certain courts, the Maryland General Assembly, and certain departments and units of the Executive Branch of State government from publicly posting or displaying on certain Internet websites certain personal information of an individual under certain circumstances; authorizing certain persons to request that certain official custodians mask certain personal information in the Internet version of public records; requiring that certain requests be in a certain form; requiring certain official custodians under certain circumstances to mask certain personal information and provide certain notice within a certain period of time; providing that certain provisions of this Act do not apply to public records after a certain period; authorizing the State Archives to publish certain electronic or print indices, records, descriptions, summaries, or original records; prohibiting certain persons from submitting for recording certain deeds and other recordable instruments that contain certain personal information; providing that the inclusion of certain personal information does not affect the validity of certain deeds or recordable instruments; providing that the masking of certain personal information does not affect the validity of certain deeds and recordable instruments; defining certain terms; making this Act an emergency measure; providing for the application of this Act; and generally relating to prohibiting the posting or displaying of personal information on government websites.

BY adding to
Article – Courts and Judicial Proceedings

Section 1–205
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Government
Section 2–1804 and 8–504
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1009
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Real Property
Section 3–111 and 4–101(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1043 – Delegates Conway, Dumais, Bates, Beitzel, Bohanan, Branch, Bronrott, Cane, DeBoy, Eckardt, Elmore, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Heller, James, Jones, Levy, Mathias, Mizeur, Robinson, Rudolph, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, and Wood

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

FOR the purpose of requiring ~~the Department of Human Resources and~~ the Governor's Office of Crime Control and Prevention ~~jointly~~ to establish and sustain child advocacy centers in the State; specifying the organizations and entities in which the centers may be based; specifying certain actions to be taken by the centers; requiring that the State Victims of Crime Fund be used to support the centers; ~~requiring the Governor's Office of Crime Control and Prevention to ensure that a certain amount of money be distributed equally to the centers annually as grants for certain purposes;~~ authorizing the ~~Department of Human Resources~~ Governor's Office of Crime Control and Prevention to contract with certain organizations to operate the centers; requiring that money for the child advocacy centers be as provided in the State budget and be used to supplement, but not supplant, money that the centers receive from other sources; requiring the Governor's Office of Crime Control and Prevention to provide ~~input into~~ a

certain report; ~~altering the subject of a certain report to include the child advocacy centers;~~ and generally relating to child advocacy centers.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–916, 11–919, and 11–923
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1125 – Delegates Holmes, Barkley, Beidle, Cane, G. Clagett, Elmore, James, Jameson, Love, McConkey, Norman, O'Donnell, Serafini, Sossi, Stull, and Wood

EMERGENCY BILL

AN ACT concerning

Stormwater Management – Development Projects – ~~Redevelopment and Preliminary Plan Approval~~ Requirements

FOR the purpose of ~~establishing certain requirements for a certain redevelopment project design; authorizing a certain developer to pay a certain fee-in-lieu payment to a certain local government to offset certain stormwater management requirements; requiring a certain fee-in-lieu payment to be in an amount determined by a local government and used for certain purposes; authorizing a person to submit a certain stormwater management plan that complies with certain laws and regulations if a certain development project receives certain approvals before a certain date;~~ requiring an approving body to require a redevelopment project design to meet certain requirements; authorizing a certain approving body to authorize certain alternative stormwater measures for certain redevelopment projects under certain circumstances; authorizing certain quantitative control waivers be granted to certain projects under certain circumstances; authorizing certain quantitative and qualitative control waivers be granted to certain phased development projects under certain circumstances; requiring the developer of a certain phased development project that has been granted a certain waiver to meet certain requirements under certain circumstances; authorizing a certain approving body to grant a certain administrative waiver to a certain development project that received certain preliminary approval from a certain approving body by a certain date; specifying that certain administrative waivers are subject to certain expiration; authorizing a certain approving body to grant an extension to a certain administrative waiver under certain circumstances; defining certain terms; providing for the construction of this Act; making this Act an emergency measure; and generally relating to stormwater management.

BY repealing and reenacting, with amendments,
Article – Environment
Section ~~4–203(b) and 4–204~~ 4–201.1, 4–203(b), and 4–204(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Environment
Section ~~4–203(c)~~ 4–203.1 through 4–203.3
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1138 – Delegate Davis

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

FOR the purpose of authorizing the Public Service Commission to authorize the use of a certain master meter in certain residential multiple occupancy buildings and shopping centers without requiring individual metering or submetering under certain circumstances; authorizing the Commission to review certain information before authorizing the use of a master meter; authorizing an electric company or a gas company to inspect and test certain master meters in accordance with a certain provision of law; providing for a certain exception; defining certain terms; and generally relating to metering for electricity and natural gas in residential multiple occupancy buildings and shopping centers.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–301
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–304.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1169 – Delegates Bartlett, Cane, Elmore, Frick, Hecht, Kipke, Krebs, McHale, Sossi, ~~and Stull~~ Stull, Barkley, Feldman, Haddaway, Impallaria, Manno, Mathias, Miller, Rudolph, Stifler, Taylor, and Walkup

AN ACT concerning

Agricultural and Net Energy Metering Production Act of 2010

FOR the purpose of ~~providing that a certain customer–generator may use certain methods of meter aggregation on certain agricultural properties owned or leased by and operated by an eligible customer–generator under certain circumstances;~~ authorizing the Public Service Commission to adopt certain regulations that allow meter aggregation and establish a certain fee or tariff to be paid by a certain eligible customer–generator to offset certain costs; defining a certain ~~terms~~ term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1175 – Kent County Delegation

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

FOR the purpose of altering the term of the members of the Kent County Board of Education; requiring the County Commissioners of Kent County to appoint a certain individual to fill any vacancy on the Board under certain circumstances; repealing certain provisions providing for the election of a certain candidate to fill a certain vacancy on the Board; ~~providing for the application of certain provisions of this Act;~~ requiring certain members of the Board to be elected in a certain general election; providing for the termination of the terms of certain elected members of the county board; making certain technical corrections; and generally relating to the terms of members and vacancies on the Kent County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–801
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1273 – Delegates Aumann, Bates, Boteler, Frank, Gaines, Gutierrez, Haddaway, Heller, Lafferty, Montgomery, Myers, Proctor, Serafini, Sophocleus, Stocksdale, and Wood

AN ACT concerning

State Government – Employees – Suicide Awareness and Prevention ~~Program~~

FOR the purpose of ~~establishing that each State employee shall have the opportunity to attend a certain suicide awareness and prevention program selected by the head of each principal unit; requiring the suicide awareness and prevention program to include certain topics; requiring the suicide awareness and prevention program to be provided to each State employee each year in a certain manner~~ requiring the Department of Budget and Management to declare a certain week each year to be "Suicide Awareness and Prevention Week"; requiring the Department of Budget and Management to transmit in a certain manner certain information to certain heads of principal units; requiring certain heads of principal units to transmit certain information in a certain manner to certain State employees; requiring the Secretary of Budget and Management and the Secretary of Health and Mental Hygiene to study a certain issue and report the findings of the study by a certain date to the House Appropriations Committee; providing for the termination of certain sections of this Act; and generally relating to State employees and a suicide awareness and prevention program.

BY adding to
Article – State Personnel and Pensions
Section 2–801 to be under the new subtitle "Subtitle 8. Suicide Awareness and Prevention ~~Program~~"
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1353 – Delegates Stein, Aumann, Beitzel, Boteler, Burns, Cardin, Frush, McHale, Minnick, Morhaim, Reznik, ~~and Tarrant~~ Tarrant, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, and V. Turner

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

FOR the purpose of requiring the Department of Veterans Affairs to develop a Military Health Care Provider Transition Plan; providing for the purpose of the Plan; requiring the Department to work in conjunction with certain entities; requiring the Plan to include certain goals; requiring the Department to address the concerns and recommendations identified in a certain report; requiring the Department to complete the Plan by a certain date; requiring the Department to submit to the Governor and General Assembly ~~a~~ certain ~~report~~ reports; and generally relating to the Military Health Care Provider Transition Plan.

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

House Bill 1454 – Delegate McConkey

AN ACT concerning

Family Law – Child Support – Change of Address or Employment

FOR the purpose of authorizing a child support recipient to send notice of a change of address to a child support enforcement agency in a certain manner; authorizing a child support obligor to send notice of a change of address or place of employment to a child support enforcement agency in a certain manner; and generally relating to notification of a change of address or employment to a support enforcement agency.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–131(a)(3)(ii) and 10–132(2)(ii)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1473 – Delegate Anderson

AN ACT concerning

Public Safety – Missing Offenders – Blue Alert Program

FOR the purpose of requiring the Department of State Police to establish a Blue Alert Program to provide a system for rapid dissemination of certain information to assist in locating and apprehending certain missing offenders; requiring the Department to adopt certain guidelines and develop certain procedures for issuing a Blue Alert for missing offenders, provide certain training and assistance to local law enforcement agencies, recruit certain broadcasters, local

volunteer groups, and other members of the public to assist in developing and implementing a Blue Alert, and consult with the State Highway Administration and the Governor's Division of Emergency Management to establish a certain plan; requiring certain law enforcement officers or agencies to provide a certain notification under certain circumstances; defining certain terms; and generally relating to the establishment of a Blue Alert Program.

BY adding to
Article – Public Safety
Section 3–605
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 1501 – ~~Delegate Rice~~ Delegates Rice, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

State Government – Human Relations – Closed–Captioning Activation Required

FOR the purpose of requiring activation of closed captioning on request on certain television receivers in public areas in places of public accommodation during regular hours; providing certain exceptions; defining certain terms; and generally relating to the activation of closed captioning on television receivers in places of public accommodation.

BY adding to
Article – State Government
Section 20–306
Annotated Code of Maryland
(2009 Replacement Volume)

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 533 – Senator David C. Harrington:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Elizabeth Seton High School Girls Basketball Team
in recognition of
winning the 2010 City Title Championship.
We applaud your outstanding season and wish
you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 29th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 39 Negative – 0 (See Roll Call No. 762)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #17

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

Senate Bill 142 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2010, and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006, 2007, 2008, and 2009

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE MARYLAND SENATE – 2010 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit I of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE
REPRINT TO SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

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

The motion was adopted.

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

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

SB0202/209634/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 202
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike "1397E(d)(1)" and substitute "54E"; in line 22, strike "§ 1397E" and substitute "§§ 54A and 54E"; and in line 26, strike "§ 8–123" and substitute "§§ 8–123 and 8–124".

On page 1, in line 9, after "fund;" insert "providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; requiring that a certain monetary amount of indebtedness incurred on behalf of the State through this Act shall be allocated in accordance with a certain provision of law relating to the Aging School Program; providing that the proceeds of the loan under this Act shall be expanded not later than a certain number of years after the issuance of the bonds authorized under this Act;"; and in line 10, after "sales" insert "in proportion to the documented matching fund".

AMENDMENT NO. 2

On page 2, in line 2, after "Board." insert "The bonds authorized under this Act shall be issued and sold no later than December 31, 2010."; in line 11, strike "1397E(d)(4)(A)" and substitute "54E(d)(1)"; in line 24, strike "contributions, which may consist of funds or in kind contributions," and substitute "contributions"; in line 25, strike "1397E(d)(2)" and substitute "54E(b)"; in the same line, after "amended" insert ", and may consist of funds or in kind contributions"; in line 30, after the first

"the" insert "sale of the bonds in proportion to the documented matching fund and the"; and strike beginning with the third "of" in line 30 down through "Act" in line 31.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 7 on page 3, inclusive, and substitute:

"(6) After December 31, 2010, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be cancelled and be of no further effect.

(7) $1,000,000 of any indebtedness incurred on behalf of the State of Maryland through the Aging School Program – Qualified Zone Academy Bonds Loan of 2010 shall be allocated as provided in § 5–206(f) of the Education Article.

(8) The proceeds of the loan shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 897 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

SB0897/209035/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 897

(First Reading File Bill)

On page 2, in line 25, strike "October" and substitute "June".

The preceding amendment was read only.

Senator DeGrange moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

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

Senate Bill 1018 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

SB1018/949338/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1018
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 14, strike "repealing" and substitute "altering"; and in line 16, after "grants;" insert "providing that a certain facility may not be used for residential purposes; making this Act an emergency measure; providing for the effective date of certain provisions of this Act;".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 707 of the Acts of the General Assembly of 2009

Section 13(3)(ii) Item (O)";

in line 24, after "(AM)" insert ", (BZ),"; after line 31, insert:

"BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AT) and Item ZA02(BH)";

in line 34, after "ZA01" insert "(H), (X), (AA), (AF),"; in the same line, strike "(BY), and"; in the same line, after "(CA)" insert ", (CH), and (CM)"; in the same line, after "ZA02(J)," insert "(X),"; in the same line, strike "(AA)" and substitute "(AC)"; in the same line, after "(AQ)," insert "(AV)"; in line 35, strike "(BI),"; and in the same line, strike "(BQ)" and substitute "(BR)".

AMENDMENT NO. 3

On page 3, in line 3, strike "Item ZA00(AB),"; in the same line, strike "(C),"; in the same line, strike the first "and"; in the same line, after "(AB)," insert "and (AH)"; in line 4, strike "(C),"; in the same line, strike "and"; in the same line, after "(AH)" insert ", (AM), and (BD)"; and after line 4, insert:

"BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA00(M)".

AMENDMENT NO. 4

On page 5, after line 37, insert:

"Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 707 of the Acts of 2009

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (ii) $2,500,000 for the following projects initially approved by the House:

(O) MacDonald Knolls 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 Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring**. NOTWITHSTANDING SECTION 13(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012. 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, 2012** (Montgomery County) 200,000".

AMENDMENT NO. 5

On page 9, after line 38, insert:

"(BZ) St. Mary's Agriculture Service 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 Supervisors of the St. Mary's Soil Conservation District for the **ACQUISITION, PLANNING, DESIGN, AND** construction of the St. Mary's Agriculture Service Center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County) 100,000".

AMENDMENT NO. 6

On page 10, after line 20, insert:

"Chapter 488 of the Acts of 2007, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA01 LOCAL HOUSE INITIATIVES

(AT) MacDonald Knolls 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 Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Montgomery County) 100,000

ZA02 LOCAL SENATE INITIATIVES

(BH) MacDonald Knolls 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 Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Montgomery County) 100,000";

after line 24, insert:

"(H) Allegany County Museum. 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 Western Maryland Station Center, Inc. for the planning **[**and**]**, design**, AND CONSTRUCTION** of the Allegany County Museum, located in Cumberland, 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 real property, in kind contributions, or funds expended prior to the effective date of this Act (Allegany County) 50,000

(X) NACA Education and Community 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 The Freedom and Democracy Schools Foundation, Inc. for the

construction of the NACA Education and Community Center, located in Baltimore City, 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, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) 200,000

(AA) Roberta's House. 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 Roberta's House, Inc. for the acquisition, planning, design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's House, located in Baltimore City. 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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) 50,000

(AF) Community Post. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. **PROVIDED THAT THE COMMUNITY POST FACILITY MAY NOT BE USED FOR RESIDENTIAL PURPOSES.** 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 **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) .. 125,000".

AMENDMENT NO. 7

On page 11, after line 16, insert:

"(CM) St. Mary's Agricultural Service Center. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching

fund provided, to The Board of Supervisors of the St. Mary's Soil Conservation District for the **ACQUISITION, PLANNING,** design**,** and construction of an agricultural service center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County) 125,000";

after line 31, insert:

"(X) Roberta's House. 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 Roberta's House, Inc. for the acquisition, planning, design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's House, located in Baltimore City. 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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) ..... 250,000";

strike beginning with "(AA)" in line 32 down through "100,000" in line 38 and substitute:

"(AC) Community Post. 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 Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. **PROVIDED THAT THE COMMUNITY POST FACILITY MAY NOT BE USED FOR RESIDENTIAL PURPOSES.** 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 **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) 175,000".

AMENDMENT NO. 8

On pages 10 and 11, strike in their entirety the lines beginning with line 36 on page 10 through line 3 on page 11, inclusive.

AMENDMENT NO. 9

On page 12, after line 8, insert:

"(AV) Imagination Stage. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, capital equipping, and repair of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**] ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) ..... 200,000";

and strike beginning with "(BI)" in line 21 down through "100,000" in line 29.

AMENDMENT NO. 10

On page 13, strike beginning with "(BQ)" in line 1 down through "100,000" in line 9.

AMENDMENT NO. 11

On page 14, after line 5, insert:

"Chapter 336 of the Acts of 2008, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(M) Maryland Independent College and University Association – Sojourner–Douglass College – Science and Allied Health Facility. Provide a grant equal to the lesser of (i) $3,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Sojourner–Douglass College to assist in the

design and construction of the expansion and renovation of a newly acquired building located at 249 N. Aisquith Street in Baltimore, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of 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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) 3,250,000";

strike beginning with "ZA00" in line 9 down through "1,000,000" in line 15; and strike beginning with "(C)" in line 17 down through "35,000" in line 23.

AMENDMENT NO. 12

On page 15, after line 11, insert:

"(AH) Imagination Stage. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**]** **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 150,000";

and strike beginning with "(C)" in line 13 down through "35,000" in line 19; after line 33, insert:

"(AM) Imagination Stage. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund

may consist of funds expended [prior to the effective date of this Act] **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 125,000

(BD) Kappa Alpha Psi Playground Equipment. Provide a grant equal to the lesser of (i) $10,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kappa Alpha Psi Foundation of Maryland, Inc. for the acquisition, construction, and capital equipping of playgrounds**, INCLUDING THE RESURFACING OF BLACKTOP AND ACQUISITION OF BASKETBALL GOALS,** at Bowie High School and Pointer Ridge Elementary School, located in Bowie. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County) ..... 10,000".

AMENDMENT NO. 13

On page 15, before line 34, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:

Chapter 336 of the Acts of 2008

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

(3) ZA01 LOCAL SENATE INITIATIVES

(CH) Suitland Technology Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in [Lanham] **SUITLAND. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT**

EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED
(Prince George's County) 50,000

ZA02 LOCAL HOUSE INITIATIVES

(BR) Suitland Technology 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 Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in **[**Lanham**] SUITLAND. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED**
(Prince George's County) 100,000";

in line 34, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and after line 35, insert:

"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, except as provided in Section 3 of this Act, shall take effect from the date it is enacted.".

The preceding 13 amendments were read only.

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

The motion was adopted.

INTRODUCTION OF BILLS

Senator Colburn moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1128 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

Board of Public Works – Licenses to Dredge and Fill on State Wetlands – Working Marinas

FOR the purpose of authorizing the Board of Public Works to issue a certain license to dredge and fill on State wetlands for a certain development project at certain marinas if the development project meets certain criteria or the license will authorize dredging to improve certain navigational access; prohibiting the Board from issuing a certain license for a certain development project unless the applicant for the license has obtained certain other authorizations if required by local, State, or federal law; providing for the application of this Act; making this Act an emergency measure; and generally relating to the authority of the Board of Public Works to issue a license to dredge and fill in State wetlands.

BY adding to
Article – Environment
Section 16–106
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Senator Colburn moved to suspend the rules to allow **Senate Bill 1128** to be referred immediately.

The motion was adopted.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 39 Members present.

(See Roll Call No. 763)

ADJOURNMENT

At 8:46 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 28, 2010, Calendar Day, Tuesday, March 30, 2010.