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House of Delegates

of

Maryland

2010 Regular Session

Volume III

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Annapolis, Maryland
Legislative Day: March 23, 2010
Calendar Day: Thursday, March 25, 2010

The House met at 10:18 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Susan K. McComas of Harford County.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 590)

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

EXCUSES:
Del. Bromwell – recovering from surgery

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of altering a certain limitation on the maximum allowable length of certain types of truck–tractor combinations; making stylistic changes; and generally relating to the permissible length of certain truck–tractor combinations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–104.1(a)(3) and (j)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of ~~requiring the State Board of Education to develop curriculum content for a certain course in financial literacy; requiring certain county boards of education to implement certain curriculum content in certain high schools; requiring certain students to complete a certain course in order to graduate from high school; and generally relating to the implementation of a course in financial literacy that is required for graduation from a public high school in the State~~ 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.

BY adding to
Article – Education
Section ~~7–205.1~~ 4–111.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 275 – The President (By Request – Administration) and Senators Pinsky and King

AN ACT concerning

Education – Maryland Longitudinal Data System

FOR the purpose of establishing the Maryland Longitudinal Data System as a statewide data system containing certain student data from all levels of education and into the State's workforce; limiting the linkage of certain student and workforce data under the Maryland Longitudinal Data System to a certain period of time; establishing the purpose of the Maryland Longitudinal Data

System; establishing the Maryland Longitudinal Data System Center as an independent unit of State government; providing for the organizational placement, location, staffing, and funding of the Center; providing for the functions ~~and duties~~, duties, and requirements of the Center; providing that the Center shall be considered an authorized representative of certain State educational agencies for certain purposes; establishing the Governing Board of the Maryland Longitudinal Data System Center; providing for the membership of the Governing Board; providing for the appointment and terms for certain members of the Governing Board; providing for the duties of the Governing Board; requiring certain agencies and public institutions to make certain efforts to comply with certain requirements for the Maryland Longitudinal Data System and to transfer certain data to the Maryland Longitudinal Data System in accordance with a certain plan; authorizing private institutions of higher education and private secondary schools ~~to provide student data for~~ to transfer certain data to the Maryland Longitudinal Data System in accordance with a certain plan; requiring the Governing Board to issue certain reports; requiring the Center to adopt certain regulations; defining certain terms; 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 generally relating to the establishment of the Maryland Longitudinal Data System.

BY adding to
Article – Education
Section 24–701 through ~~24–706~~ 24–707 to be under the new subtitle "Subtitle 7. Maryland Longitudinal Data System"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 288 – Senator Edwards

AN ACT concerning

Maryland Dormant Mineral Interests Act

FOR the purpose of stating the purpose of this Act; authorizing a certain owner of real property to maintain an action to terminate a certain mineral interest under certain circumstances; establishing certain actions that constitute use of a mineral interest; requiring a certain owner to bring a certain action in the circuit court of a certain jurisdiction under certain circumstances; authorizing an owner of a mineral interest to record the mineral interest under certain circumstances; providing that a mineral interest is preserved in the county in

which the notice is recorded; authorizing certain individuals to record a certain notice under certain circumstances; requiring certain information to be included in a certain notice; requiring a mineral interest to be identified in a certain manner; requiring a court to permit a certain owner to record a late notice under certain circumstances; authorizing the circuit court of a certain jurisdiction to place a severed mineral interest into trust under certain circumstances, to appoint a trustee for the trust, and to order or authorize the trustee to take certain actions on behalf of the trust; authorizing a person vested in certain property to institute proceedings to create a trust and to appoint a trustee; authorizing a certain trustee to file a petition containing certain elements to terminate the trust and to convey title to a severed mineral interest under certain circumstances; requiring the court to enter an order requiring the trustee to convey the title to a severed mineral interest to a certain party under certain circumstances; requiring the trustee to take certain actions if the court issues the order; providing that certain surface owners are entitled to certain proceeds after the conveyance of the severed mineral interest by the trustee; requiring the court to terminate the trust and discharge the trustee after receiving a certain report from the trustee; ~~providing that a certain lease will remain in force and effect following certain events unless it has previously expired by its own terms;~~ requiring certain provisions to be administered in accordance with the Maryland Rules; requiring certain notice, forms, and hearing procedures to be in accordance with the Maryland Rules; defining certain terms; providing for the application of this Act; making the provisions of this Act severable; and generally relating to dormant mineral interests.

BY adding to
Article – Environment
Section 15–1201 through 15–1206 to be under the new subtitle "Subtitle 12. Maryland Dormant Mineral Interests Act"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of altering 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 to consider certain factors when making a decision whether to grant a waiver; altering the date by which the State Board of Education must inform the county governing body whether the waiver application has been granted or denied; making this Act an emergency measure; 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)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 321 – ~~**Senator Stone**~~ **Senators Stone, Lenett, and Forehand**

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

FOR the purpose of prohibiting a driver of a certain school vehicle from using a handheld telephone under certain circumstances; prohibiting a holder of a learner's instructional permit or provisional driver's license who is 18 years of age or older from driving a motor vehicle while using a handheld telephone; prohibiting a certain driver of a motor vehicle that is in motion from using the driver's hands to use a handheld telephone except under certain circumstances; providing that a violation of this Act may be enforced only as a secondary action; establishing penalties for a violation of this Act; authorizing the court to waive a certain penalty under certain circumstances; providing for exceptions to certain provisions of this Act relating to prohibitions on using handheld telephones while driving; defining certain terms; and generally relating to prohibitions against the use of handheld telephones while operating a motor vehicle.

BY adding to
Article – Transportation
Section 21–1124.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 322 – **Senator Stone**

AN ACT concerning

Motor Vehicles – Use of Video 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; and generally relating to the use of video 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)

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

Senate Bill 324 – ~~**Senator Glassman**~~ **Senators Glassman, Jacobs, Forehand, and Colburn**

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

FOR the purpose of requiring drivers approaching an emergency vehicle that is stopped, standing, or parked on a highway and using any visual signals, unless otherwise directed by a police officer or traffic control device, to ~~vacate the lane closest~~ make a lane change into an available lane not immediately adjacent to the emergency vehicle under certain circumstances or to slow to a reasonable and prudent speed that ~~ensures the safety of the emergency services personnel~~ is safe for certain existing conditions under certain circumstances; and generally relating to the rules of the road when approaching emergency vehicles and personnel.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–405
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 340 – ~~**Senator Frosh**~~ **Senators Frosh and Forehand**

AN ACT concerning

Estates and Trusts – Maryland International Wills Act

FOR the purpose of providing for the execution of an international will; establishing certain requirements for an international will; authorizing certain persons to supervise the execution of international wills; providing for a certain certificate; providing for the revocation of an international will; providing for the construction of this Act; defining certain terms; and generally relating to international wills.

BY adding to
Article – Estates and Trusts
Section 4–601 through 4–609 to be under the new subtitle "Subtitle 6. Maryland International Wills Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Senate Bill 341 – Senator Frosh

AN ACT concerning

Real Property – Effect of Deed Granting Property from Trust or Estate

FOR the purpose of providing that a grant of property by deed from a certain trust has the same effect as if the grantee had received the property from a certain trustee under certain circumstances; providing that a grant of property by deed from a certain estate has the same effect as if the grantee had received the property from a certain personal representative under certain circumstances; providing for the application of this Act; and generally relating to grants of property by deed from certain trusts or estates.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 2–122
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 344 – Senator Glassman

AN ACT concerning

Motor Vehicles – ~~Medium~~ Limited Speed Vehicles – Requirements and Prohibitions

FOR the purpose of prohibiting a person from driving a ~~medium-speed~~ certain vehicle with a limited speed capability on certain highways; prohibiting a person from driving a ~~medium-speed~~ certain vehicle with a limited speed capability on a highway unless the vehicle displays a certain emblem; establishing certain standards for a certain emblem; prohibiting a motor vehicle dealer from selling a ~~medium-speed~~ certain vehicle with a limited speed capability unless the dealer permanently affixes a certain emblem to the vehicle and informs the buyer that certain driving restrictions apply; ~~requiring the application for registration of a medium-speed vehicle to be submitted electronically; requiring a dealer of medium-speed vehicles under certain circumstances to obtain a registration application from the vehicle's owner, collect registration fees, and transmit the application and fees in a certain manner within a certain time period; defining a certain term;~~ and generally relating to requirements and prohibitions for ~~medium-speed~~ certain vehicles with limited speed capabilities.

BY adding to
Article – Transportation
Section ~~11–132.1 and~~ 21–805.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~13–403,~~ 15–313~~,~~ and 21–804
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 374 – Senator Della

AN ACT concerning

Baltimore City – Video Lottery Facility – Local Development Council – Membership

FOR the purpose of altering the membership of the local development council that would be formed if a video lottery facility is located in Baltimore City; requiring that the local development council include one Delegate and one member of the Baltimore City Council who both represent areas where the communities

surrounding the facility are located; and generally relating to a local development council in Baltimore City.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–31(c)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 375 – Senator Della

AN ACT concerning

Video Lottery Facilities – Local Impact Grants – Residential Parking Permit Costs

FOR the purpose of adding the payment of certain costs related to parking permits for a certain residential parking permit area to the list of purposes for which local impact grants from the proceeds of video lottery terminals may be used; specifying the manner in which an eligible residential parking permit area is to be determined; and generally relating to residential parking permit areas.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–31(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–31(c)
Annotated Code of Maryland
(2009 Replacement Volume)

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

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

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 Health and Government Operations.

Senate Bill 422 – Senator Colburn

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 Environmental Matters.

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

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 Ways and Means.

Senate Bill 478 – Senators Kelley, Della, King, Klausmeier, McFadden, Muse, Stone, and Zirkin

AN ACT concerning

Residential Child Care Facilities – Incident Reporting – Interagency Workgroup

FOR the purpose of establishing a certain interagency workgroup to develop a certain uniform incident reporting system and to ~~adopt~~ recommend certain regulations; requiring the interagency workgroup to make a certain report on or before a certain date; and generally relating to an interagency workgroup on residential child care facilities and incident reporting.

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

Senate Bill 497 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Retiree Death Benefits

FOR the purpose of ~~repealing a certain benefit that is~~ clarifying that certain death benefits are payable on behalf of certain members of the State Retirement and Pension System under certain circumstances; requiring the Board of Trustees of the State Retirement and Pension System to pay a certain death benefit on behalf of certain retirees if the retirees die under certain circumstances; requiring the Board of Trustees to make certain offsets to certain benefits under certain circumstances; providing for the application of this Act; and generally relating to death benefits payable on behalf of retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–401
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 498 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions

FOR the purpose of increasing the maximum average final compensation that certain retirees of the State Retirement and Pension System must have at the time of retirement in order to be exempt from a certain reemployment earnings limitation; and generally relating to exemptions from a reemployment earnings limitation for retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(1) and ~~(3) and~~ (3), 23–407(c)(1) and (3), and 25–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(ii) ~~and~~, 23–407(c)(4)(i), and 25–403(b)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

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

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 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; 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 Health and Government Operations.

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

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; making conforming changes; and generally relating to traffic citations.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 26–201(c) and 26–204
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 576 – Senator Zirkin

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification Requirement – Extension

FOR the purpose of extending by a certain number of years the date by which an individual is required to receive a certificate by the State Board for Certification of Residential Child Care Program Professionals to qualify as a residential child and youth care practitioner; and generally relating to certification of residential child and youth care practitioners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–301
Annotated Code of Maryland
(2009 Replacement Volume)

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

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

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 Motor Vehicle Administration to charge a certain fee for issuing a certain permit; authorizing the State Highway ~~Administrator~~ Administration to limit the number of permits issued under this Act for ~~certain reasons~~ 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 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 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 Environmental Matters.

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

FOR the purpose of authorizing a person operating a bicycle to ride the bicycle in or through a crosswalk in certain locations under certain circumstances; requiring a vehicle to yield the right–of–way under certain circumstances to a bicycle that is lawfully in a crosswalk; creating an exception for an operator of a bicycle or motor scooter to the prohibition against passing another vehicle to the right by driving off the roadway; authorizing, under certain circumstances, a person who is operating a bicycle or motor scooter to use the roadway even if a shoulder is present; altering the definition of "bicycle"; altering the definition of "crosswalk" to reflect circumstances where an unmarked bicycle way crosses a roadway; altering the definition of "shoulder" to reflect certain authorized uses; making certain stylistic changes; and generally relating to the rules of the road for operating bicycles and motor scooters.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–104, 21–101(i) and (v), 21–202(e) and (k), 21–304(c), 21–1103, and 21–1205.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–101(c), (d), and (e), 21–202(b), (c), (d), (i), and (j), and 21–304(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of ~~requiring dentists to ask patients, prior to performing any dental procedures or treatments that include the use of dental materials containing mercury, if the patient has a known allergy to mercury; requiring dentists to adhere to certain Federal Drug Administration guidance; and generally relating to dentists asking patients about known allergies to mercury and the Federal Drug Administration guidance on dental materials containing mercury~~ 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.

BY adding to
Article – Health Occupations
Section 4–506.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 632 – Senator Conway

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 Health and Government Operations.

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

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 Economic Matters.

Senate Bill 693 – Senators Raskin, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Green Maryland Act of 2010

FOR the purpose of altering the minimum requirement for the purchase of recycled paper by the Department of General Services; ~~requiring the Board of Public Works to adopt regulations that require certain State units, on or before a certain date, to establish a certain increased price preference for the purchase of certain products;~~ requiring State units to review annually and revise certain procurement specifications in accordance with a certain manual and strategy; requiring the Department to study the use of compost as a fertilizer and report findings of the study on or before a certain date; making it the goal of the Department to increase the use of compost in landscaping activities; establishing a Maryland Green Purchasing Committee; providing for the membership of the Committee; requiring the ~~Department~~ Committee to provide assistance to State units in developing strategies and best practices for implementing environmentally preferable purchasing, including the development of a best practices manual; requiring the Committee to submit an annual report of its activities and progress on or before a certain date; requiring bidders and offerors for a procurement contract with the Department to certify certain product claims; requiring the Committee to develop certain guidelines on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; making technical changes; providing for the construction of this Act; repealing obsolete provisions; and generally relating to procurement and use of environmentally beneficial products and practices.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 14–402 and 14–405
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 14–409 and 14–410
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Environment
Section 9–1722
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 709 – Senator Kasemeyer

AN ACT concerning

State Retirement and Pension System – Disability Retirement Application – Surviving Beneficiary

FOR the purpose of authorizing a certain beneficiary to submit an application for disability retirement under certain circumstances; requiring the Board of Trustees of the State Retirement and Pension System to accept an application for disability retirement from a certain beneficiary under certain circumstances; requiring the medical board to review a certain application to make a certain determination under certain circumstances; requiring the Board of Trustees to review a certain application to make a certain determination; requiring the Board of Trustees to grant a disability retirement allowance under certain circumstances; requiring a certain ~~burden of proof to be on a certain~~ beneficiary to submit to the Board of Trustees an affidavit signed by a certain individual; requiring a disability retirement allowance to begin at a certain time under certain circumstances; providing for the application of this Act; and generally relating to an application for disability retirement submitted by a surviving beneficiary of a deceased member of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 29–103(a) and 29–104
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 719 – Senator Middleton

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 Health and Government Operations.

Senate Bill 746 – Senator Colburn

AN ACT concerning

~~**Natural Resources – Land Acquisition – Notification and Approval**~~
Dorchester County – Land Acquisition – Approval Required

FOR the purpose of ~~requiring the Secretary of Natural Resources to provide certain information about certain proposed land purchases by the Department of~~

~~Natural Resources to certain counties under certain circumstances;~~ prohibiting the State from acquiring land for open space purposes in Dorchester County unless the County Council of Dorchester County approves the purchase; and generally relating to the acquisition of land by ~~the Department of Natural Resources and~~ the State in Dorchester County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section ~~1–104(k) and~~ 5–910
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

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

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 Ways and Means.

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

FOR the purpose of requiring the State Department of Education to include in a certain annual report certain information relating to the Judith P. Hoyer Early Child Care and Education Enhancement Program and the participating agencies and programs; and generally relating to reporting requirements of the State Department of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–217
Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 770 – Senator Gladden

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 Judiciary.

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

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 Environmental Matters.

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

FOR the purpose of authorizing a local government to deposit unexpended or surplus money in any federally insured bank or savings and loan association without certain security under certain conditions; and generally relating to the deposit of local government funds.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22–O
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 778 – Senators Raskin, Lenett, ~~and Pinsky~~ Pinsky, and Harrington

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

FOR the purpose of requiring certain public schools that administer the Armed Services Vocational Aptitude Battery (ASVAB) to choose a certain score reporting option for military recruiter contact; requiring certain public schools to send a certain notice containing certain information to the ASVAB representative coordinating the administration of the ASVAB and to notify certain students and the parent or guardian of certain students of certain release of student information requirements; providing that certain students or the parent or guardian of certain students who choose to release certain information to military recruiters may individually submit certain forms to the military services; defining a certain term; and generally relating to public schools and the availability of student information for military recruiters.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–111
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 791 – Senator Garagiola

AN ACT concerning

Procurement – Multi–Year Contracts for Renewable Energy – Termination Clauses

FOR the purpose of authorizing the Board of Public Works, on the recommendation of the Secretary of General Services, to waive a certain requirement to include a certain termination clause in certain multi–year contracts for the procurement of energy generated from certain renewable sources; requiring the Board to consider a certain factor in determining whether to grant a certain waiver; and generally relating to the terms of multi–year procurement contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–217
Annotated Code of Maryland
(2009 Replacement Volume)

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

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

FOR the purpose of ~~requiring the Board of Trustees of the State Retirement and Pension System to invest a certain amount of the assets of the several systems of the State Retirement and Pension System within a certain period of time in certain venture capital funds focused on certain types of businesses; requiring certain venture capital funds to invest a certain amount of the assets of the several systems in certain types of businesses;~~ requiring the Board of Trustees to submit certain reports containing certain information on or before a certain date; providing for the termination of this Act; defining a certain ~~terms~~ term; and generally relating to reporting requirements of the Board of Trustees ~~investing~~ for investments of the assets of the several systems in qualified information technology, green technology, medical device technology, or bioscience businesses.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–123
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 829 – Senator Madaleno

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Retired Higher Education Faculty

FOR the purpose of requiring that certain retirees of the Teachers' Retirement System or Teachers' Pension System ~~who, prior to retirement received their salary in a certain manner,~~ are subject to a certain earnings limitation calculated in a certain manner if they are reemployed by a certain employer; and generally relating to the reemployment of retired higher education faculty.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(1) and 23–407(c)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 22–406(c)(2) and 23–407(c)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 847 – Senators Kittleman, Astle, Brinkley, Colburn, Harris, and Jacobs

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

FOR the purpose of creating an exemption from the requirement to obtain a hunting license ~~under certain circumstances~~ for a person who serves in the armed forces and has a service–connected disability; ~~providing that the exemption applies only to hunting on private property;~~ requiring a person who hunts under the exemption to possess certain identification; and generally relating to exemptions from the requirement to obtain a hunting license.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–301(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–301(c)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 849 – Senator Harrington

AN ACT concerning

Procurement – Minority Business Enterprise ~~Directory~~ Program – ~~List of Contracts~~ Directory and Report

FOR the purpose of requiring the certification agency designated to certify a minority business enterprise to include in a certain directory certain information on all procurement contracts awarded by the State to minority business enterprises; 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 generally relating to certified minority business enterprises and State procurement contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–304(a) and 14–305
Annotated Code of Maryland
(2009 Replacement Volume)

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

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

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; requiring the Comptroller to submit a certain report to the General Assembly on or before a certain date on the viability and efficacy of instituting in Maryland the policy of permitting direct shipment of wine to consumers in the State; 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 Economic Matters.

Senate Bill 904 – Senator Dyson

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Class A Off–Sale License Quota

FOR the purpose of prohibiting the Board of License Commissioners of St. Mary's County from issuing more than a certain number of Class A alcoholic beverages licenses with an off–sale privilege for each unit of a certain number of people in each election district in the county; requiring the Board to maintain the license quota by using the population figures of ~~the most recent federal census~~ a specified report; prohibiting the transfer of a certain license under certain circumstances; providing for the application of this Act; and generally relating to alcoholic beverages in St. Mary's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–219(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 9–219(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

FOR the purpose of authorizing a certain qualified organization to operate a card games facility in Prince George's County; limiting the number of licenses that the State may issue to operate a card games facility; limiting the number of locations at which card games facilities may be located; requiring a card games facility to comply with applicable planning and zoning laws of the local jurisdiction; requiring certain legislation under certain circumstances; and submitting this Act to a referendum of the legally qualified voters of Maryland for their adoption or rejection.

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

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

Budget Bill

(Fiscal Year 2011)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2011, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

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

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

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

FOR the purpose of 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; altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; altering or repealing certain grant programs; authorizing certain units of government to charge a certain fee for certain purposes; repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet website relating to the abandoned property database; requiring the Comptroller

to publish certain notices of a certain Internet website; ~~repealing~~ 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 a requirement that certain balances in a certain fund revert to the General Fund at the end of certain fiscal years; authorizing the use of certain funds for certain purposes; 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; altering the maximum aggregate amount of a certain assessment; altering certain restrictions on the use of certain funds; altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances; 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; requiring the Comptroller to make a certain distribution to the Education Trust Fund; requiring the Comptroller to make a certain distribution to the General Fund; altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short–term rental vehicles; altering the distribution of certain sales and use tax revenue for certain fiscal years; altering certain provisions relating to the funding of a certain highway; ~~repealing a certain grant program; repealing certain credits allowed against certain taxes for the purchase of Maryland–mined coal;~~ authorizing the Governor to transfer to the General Fund certain amounts from certain special funds for certain fiscal years; ~~authorizing the Governor to transfer to the General Fund certain amounts from certain special funds, subject to a certain contingency;~~ providing that certain

grants to county boards of education may be funded from the ~~Maryland Consolidated Capital Bond Loan of 2010~~ proceeds of certain bonds; repealing a requirement that the Governor provide a plan for repayment of certain monies to a certain fund; requiring that certain units of local government receive a certain amount of funding for certain fiscal years for certain purposes; prohibiting the expenditure of funds in a certain fiscal year for certain rate increases; authorizing the transfer by budget amendment of certain funds for certain purposes; providing that certain proceeds from the corporate income tax for a certain fiscal year be credited to the General Fund; ~~altering certain reporting requirements; prohibiting any new awards from being made under a certain scholarship program for a certain academic year;~~ limiting the size of the incoming class at a certain residential education boarding program for at–risk students receiving certain funding; authorizing the transfer of certain savings and interest from certain funds into the General Fund; altering the distribution of certain highway user revenues ~~for certain fiscal years~~; stating the intent of the General Assembly that a certain workgroup review and provide recommendations regarding distribution of local highway user revenues; prohibiting the payment of certain bonuses, merit increases, or cost–of–living adjustments for certain State employees for a certain fiscal year; providing that the State is not required to make certain employer contributions for employees participating in a certain supplemental retirement plan ~~for a certain fiscal year~~; clarifying and altering the authority of the Governor to implement certain employee furloughs and salary reduction days during certain years; clarifying the base rate for calculating overtime for certain employees under certain circumstances; requiring the State to repay certain amounts to a certain account in certain fiscal years; providing that the Governor is not required to include certain appropriations in the budget for a certain fiscal year under certain circumstances; altering the amounts of certain funds required to be charged back to certain agencies for a certain purpose; 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; making the provisions of this Act severable; providing for the effective dates and application of this Act; and generally relating to the financing of State government.

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)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–405(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 15–607 and 17–311
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–304(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–708(c), 7–301(f), and 13–603(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–214, 4–216(b) and 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
~~Section 5–205(c)(3), 16–305(c)(1)(i), and 17–104(a)~~
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)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411(f) and (g)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–302, 13–1015, 13–1116(a)(1), ~~13–1117(a)(1), 13–1118(a)(1),~~ 19–310.1(b), (c), and (d), and 19–14B–01(c)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health – General

Section 18–108(c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(d)(1) and (2)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–306 and 7–325(a)
Annotated Code of Maryland
(2009 Replacement Volume)

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)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202, 2–1104, ~~and~~ 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 2–606(e) and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing
Article – Transportation
Section 8–403
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321(e), 8–402(c), 8–404, 8–405, and 8–407
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

~~BY repealing~~
~~Article – Education~~
~~Section 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

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)

BY repealing
Article – Natural Resources
Section 10–301(m)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

~~BY repealing~~
~~Article – Tax – General~~
~~Section 8–406(b) and 10–704.1~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2009 Supplement)~~

BY repealing
Chapter 451 of the Acts of the General Assembly of 2003
Section 5

BY repealing and reenacting, with amendments,
Chapter 62 of the Acts of the General Assembly of 1992
Section 4

BY repealing and reenacting, with amendments,
Chapter 503 of the Acts of the General Assembly of 2007, as amended by Chapter 200 of the Acts of the General Assembly of 2008
Section 5(c)

BY repealing and reenacting, with amendments,
Chapter 487 of the Acts of the General Assembly of 2009
Section 19, 35, 39, and 44

BY repealing
Chapter 487 of the Acts of the General Assembly of 2009
Section ~~25~~ 12, 25, 29, and 34

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

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 223	Del. Hixson

Read and ordered journalized.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #16

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

House Bill 1076 – Delegate Feldman

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

HB1076/543991/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1076
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "loan" insert "if the loan exceeds a certain amount".

AMENDMENT NO. 2

On page 2, in line 6, strike "If" and substitute "**(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**"; strike beginning with "**OR**" in line 7 down through "**VEHICLE**" in line 8; in line 10, strike "(2)" and substitute "**(II)**"; and after line 17, insert:

"**(2) A CREDIT GRANTOR MAY REQUIRE A SCHEDULE OF REPAYMENT UNDER WHICH A CONSUMER BORROWER MAY BE REQUIRED TO PAY A BALLOON PAYMENT AT MATURITY IF:**

(I) THE AMOUNT OF THE INSTALLMENT LOAN EXCEEDS $30,000; AND

(II) THE INSTALLMENT LOAN IS SECURED BY A LIEN ON A MOTOR VEHICLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1399 – Delegate Lafferty

AN ACT concerning

Residential Mortgage Loans – Required Notice of Housing Counseling Programs and Services

HB1399/973290/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1399
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Lafferty" and substitute "Delegates Lafferty and Stein".

AMENDMENT NO. 2

On page 1, in line 7, after "lender" insert ", under certain circumstances,"; and in line 18, after "definitions;" insert "providing for the application of certain provisions of this Act;".

AMENDMENT NO. 3

On page 8, in line 15, strike "**OR**"; and in line 16, after "**CREDIT**" insert "**;**

(3) A CONSTRUCTION LOAN;

(4) AN INDIVIDUAL WHO TAKES BACK A DEFERRED PURCHASE MONEY MORTGAGE IN CONNECTION WITH THE SALE OF RESIDENTIAL REAL PROPERTY OWNED BY, AND TITLED IN THE NAME OF, THE INDIVIDUAL; OR

(5) AN INDIVIDUAL WHO MAKES A MORTGAGE LOAN TO A BORROWER WHO IS THE INDIVIDUAL'S SPOUSE, CHILD, CHILD'S SPOUSE, PARENT, SIBLING, GRANDPARENT, GRANDCHILD, OR GRANDCHILD'S SPOUSE".

AMENDMENT NO. 4

On page 8, in line 18, strike "**A**" and substitute "**UNLESS THE LENDER IS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW TO REFER THE BORROWER TO HOUSING COUNSELING, A**"; in line 24, strike "**NONPROFIT**"; and in line 25, after "**SERVICES**" insert "**PROVIDED BY NONPROFIT AND GOVERNMENT ORGANIZATIONS CERTIFIED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THAT ARE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 479 – Senator Stoltzfus

AN ACT concerning

~~State Capital Projects – High Performance Buildings – Green Globes Rating~~
High Performance Buildings – Green Globes Program

FOR the purpose of requiring the membership of the Maryland Green Building Council to include certain members under certain circumstances; altering the definition of "high performance building" for purposes of certain requirements for certain State capital projects to include a building that achieves at least a certain Green Globes rating; providing for the application of this Act; and generally relating to ~~the construction and renovation of~~ high performance buildings ~~by the State~~.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 3–602.1(a)(2) and 4–809
Annotated Code of Maryland
(2009 Replacement Volume)

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

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #12

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

House Bill 566 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Community Association Property Management Services – Registration

PG 419–10

HB0566/200016/1
BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 566
(First Reading File Bill)

On page 3, in line 17, strike "**REASONABLE**"; and strike beginning with "**TO**" in line 19 down through "**THAN**" in line 21 and substitute "**AT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 860 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Tenant Credit Check Restriction Act

MC 4–10

HB0860/560115/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 860
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "prohibiting" and substitute "authorizing"; in lines 4 and 5, strike "from conducting" and substitute "to conduct"; and in line 7, after "circumstances;" insert "prohibiting an owner or landlord of rental housing from rejecting a tenant applicant on certain grounds;".

AMENDMENT NO. 2

On page 2, in line 31, strike "**HOUSING MAY NOT**" and substitute "**HOUSING:**

(1) **MAY**";

and in line 32, after "**APPLICANT**" insert "**; BUT**

(2) **MAY NOT REJECT THE APPLICANT ON THE BASIS OF INADEQUATE INCOME OR ON OTHER FACTORS RELATED TO THE APPLICANT'S ABILITY TO PAY THE RENT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1109 – Caroline County Delegation

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1471 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Real Property – Real Estate Settlements – Disclosures

HB1471/550819/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1471
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "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; 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, inclusive, 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.

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

House Bill 1514 – Delegates Beidle and Stein

AN ACT concerning

Real Property – Condominiums – Cancellation of Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #11

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

House Bill 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

HB0434/932918/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 434
(First Reading File Bill)

On page 2, in lines 6 and 13, in each instance, strike "**$20,000**" and substitute "**$15,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

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

HB0436/362118/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 436

(First Reading File Bill)

On page 1, in line 18, strike "**$20,000**" and substitute "**$15,000**".

On page 2, in line 5, strike "(S.B.____/H.B.____)" and substitute "(S.B.19/H.B.434)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 907 – Delegates Valderrama, G. Clagett, Frank, Jennings, Kramer, Ramirez, Schuler, and Waldstreicher

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0962/522317/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 962

(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"; 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.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 963 – Delegates G. Clagett, Benson, DeBoy, Hecht, Heller, Shewell, Sossi, and Stocksdale

AN ACT concerning

Child Support Enforcement – Interception of Abandoned Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

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

The motion was adopted.

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

House Bill 1336 – Washington County Delegation

AN ACT concerning

Washington County – Domestic Violence – GPS Tracking System Pilot Program for Offenders

HB1336/812219/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1336
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "authorizing" and substitute "requiring the court in"; in line 5, strike "will require" and substitute "authorizes the court"; in line 7, strike "that the court" and substitute "to"; in the same line, after "order" insert "that"; in line 8, strike "authorizing" and substitute "requiring the court in"; in line 10, strike "will require" and substitute "authorizes the court"; strike beginning with "that" in line 12 down through "place" in line 13 and substitute "to order that"; in line 13, strike "under" and substitute "be supervised by"; in line 15, after "circumstances;" insert "authorizing the county to exempt the defendant from the fee under certain circumstances;"; in line 18, after "Act;" insert "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 strike beginning with "pilot" in line 18 down through "orders" in line 19 and substitute "global positioning satellite tracking system pilot program".

AMENDMENT NO. 2

On page 3, in lines 9 and 32, in each instance, strike "**SHALL**" and substitute "**MAY**"; in line 21, strike the brackets; and in the same line, strike "**SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON**".

AMENDMENT NO. 3

On page 4, after line 26, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act at the end of September 30, 2012, as provided in Section 4 of this Act, may not be interpreted or applied to terminate the obligation of a defendant to comply with any order entered by a court under this Act on or before September 30, 2012.";

and in line 27, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1432 – Delegates McComas, Bartlett, Jameson, Kullen, and Norman

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #7

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

House Bill 298 – Delegates Morhaim, Nathan–Pulliam, and Stein

AN ACT concerning

Office of Student Financial Assistance – Service Obligation – Waiver

HB0298/485462/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 298
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Waiver" and substitute "Financial Counseling Session Required"; strike beginning with "grant" in line 4 down through "circumstances" in line 6 and substitute "require certain individuals to attend a certain financial counseling session under certain circumstances; specifying that the financial counseling session include certain matters"; in line 6, after "regulations;" insert "providing for the application of this Act;"; in line 7, strike "the waiver of a service obligation commitment by" and substitute "a financial counseling session for applicants for certain student financial assistance by"; and after line 8, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 18-201 and 18-205
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with line 17 on page 1 down through line 17 on page 2, inclusive, and substitute:

"18–201.

There is an Office of Student Financial Assistance within the Commission.

18–205.

The Office shall grant a deferment from the service obligation component of a scholarship awarded under this title to:

(1) An individual who has been assigned military duty outside of the State; or

(2) The spouse of an individual who has been assigned military duty outside of the State.

18-206.

(A) THE OFFICE SHALL REQUIRE EACH APPLICANT FOR STUDENT FINANCIAL ASSISTANCE OR A SCHOLARSHIP, GRANT, OR LOAN ADMINISTERED UNDER THIS TITLE TO ATTEND A FINANCIAL COUNSELING SESSION GIVEN BY THE OFFICE BEFORE THE APPLICANT MAY SIGN A CONTRACT ACCEPTING THE FINANCIAL ASSISTANCE, SCHOLARSHIP, GRANT, OR LOAN.

(B) THE FINANCIAL COUNSELING SESSION SHALL INCLUDE:

(1) A DETAILED EXPLANATION OF THE LEGAL TERMS, OBLIGATIONS, AND PENALTIES FOR A BREACH OF CONTRACT;

(2) AN INDIVIDUAL CALCULATION OF THE FINANCIAL PENALTIES IMPOSED ON AN INDIVIDUAL IN THE EVENT OF A BREACH OF CONTRACT; AND

(3) AN EXPLANATION OF THE IMPACT ON AN INDIVIDUAL'S CREDIT HISTORY OF A BREACH OF CONTRACT.";

and in line 18, strike "**(B)**" and substitute "**(C)**".

AMENDMENT NO. 3

On page 2, after line 19, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applied to and interpreted to affect a contract for loan assistance with a service obligation component that was awarded under § 18-1502(c) of the Education Article or Title 18, Subtitle 24 of the Education Article and signed on or after the effective date of this Act.";

and in line 20, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

AN ACT concerning

Election Law – Ballot Issue Committee – Additional Campaign Finance Report

HB0378/985166/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 378
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Kramer"; in line 2, strike "Ballot Issue Committee – Additional"; in line 3, strike "Report" and substitute "Reports"; in line 5, after "election;" insert "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;"; in line 6, strike "an additional"; strike beginning with "report" in line 6 down through "committee" in line 7 and substitute "reports"; and in line 10, after "Section" insert "13-305 and".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"13–305.

(a) Instead of filing a report required under § 13–309 of this subtitle, a treasurer may file an affidavit stating that the campaign finance entity has not raised or spent a cumulative amount of $1,000 or more, exclusive of the filing fee, and regardless of the balance of the campaign account, since:

(1) establishing the campaign finance entity; or

(2) filing the campaign finance entity's last campaign finance report.

(b) The affidavit shall be filed on or before the date a campaign finance report is due to be filed under § 13–309 of this subtitle.

(C) (1) THIS SUBSECTION ONLY APPLIES TO A CAMPAIGN FINANCE ENTITY OF A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL PARTY THAT IS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION TO FILE AN AFFIDAVIT INSTEAD OF FILING A CAMPAIGN FINANCE REPORT ON A DATE SPECIFIED IN § 13-309(A) OF THIS SUBTITLE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A CAMPAIGN FINANCE ENTITY SUBJECT TO THIS SUBSECTION IS NOT REQUIRED TO FILE AN AFFIDAVIT UNDER THIS SECTION OR A CAMPAIGN FINANCE REPORT ON A DATE SPECIFIED IN § 13-309(A) OF THIS SUBTITLE.

(3) A CAMPAIGN FINANCE ENTITY SUBJECT TO THIS SUBSECTION SHALL FILE AN AFFIDAVIT UNDER SUBSECTION (A) OF THIS SECTION OR A CAMPAIGN FINANCE REPORT ON THE DATE SPECIFIED IN § 13-309(C) OF THIS SUBTITLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 816 – Delegates Cardin, Dumais, Hixson, Kaiser, Rice, and Ross

AN ACT concerning

Election Law – Voter Qualifications – Individuals Under Guardianship for Mental Disability

HB0816/475069/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 816
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Ross" and substitute "Ross, George, and Shank"; in line 2, strike "Election Law – Voter Qualifications –" and substitute "Honorable Lorraine M. Sheehan Act to Protect Voting Rights for"; strike beginning with "repealing" in line 4 down through "voting;" in line 5 and substitute "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;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**OR**"; in line 5, strike the bracket; in the same line, after "disability" insert "**AND A COURT OF COMPETENT JURISDICTION HAS SPECIFICALLY FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL CANNOT COMMUNICATE, WITH OR WITHOUT ACCOMMODATIONS, A DESIRE TO PARTICIPATE IN THE VOTING PROCESS**"; in line 6, strike the bracket; and in line 8, strike "October 1, 2010" and substitute "June 1, 2010".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0973/125764/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 973
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "year;" in line 9 and substitute "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;".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 21 on page 1 through line 3 on page 3, inclusive, and substitute:

"**EACH COUNTY BOARD SHALL PROVIDE EACH STUDENT IN GRADES SIX THROUGH TWELVE WITH THE TELEPHONE NUMBER OF THE MARYLAND YOUTH CRISIS HOTLINE BY:**

(1) PRINTING THE TELEPHONE NUMBER PROMINENTLY IN THE SCHOOL HANDBOOK; AND

(2) PRINTING THE TELEPHONE NUMBER ON A STUDENT'S SCHOOL IDENTIFICATION CARD, IF PROVIDED.

SECTION 2. AND BE IT FURTHER ENACTED, That a county board is not required to reprint or reissue school handbooks or student school identification cards in use on the effective date of this Act in order to comply with this Act.".

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1016 – Delegates Jones and DeBoy

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

HB1016/785967/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1016
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "representation;" insert "providing for the application of a certain provision of this Act;".

AMENDMENT NO. 2

On page 2, in line 25, after "**(3)**" insert "**(I) THIS PARAGRAPH APPLIES ONLY TO EMPLOYEES WHO ARE HIRED OR PROMOTED INTO THE UNIT ON OR AFTER JULY 1, 2010.**

(II)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1200 – Calvert County Delegation

AN ACT concerning

Calvert County – Special Taxing Districts

HB1200/385469/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1200
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "funds" insert "or portion of the funds"; in line 5, after "districts" insert a comma; in the same line, strike "or"; and in line 6, after "manner" insert ", or applied to a certain reserve fund under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 1, after "**FUNDS**" insert "**OR PORTION OF THE FUNDS**"; in line 4, strike "**OR**"; in line 6, after "**DISTRICT**" insert "**; OR**

(III) APPLIED TO A SPECIAL TAXING DISTRICT RESERVE FUND AS AGREED TO BY THE COUNTY COMMISSIONERS AND THE HOMEOWNERS'

ASSOCIATION THAT PETITIONED FOR THE CREATION OF THE SPECIAL TAXING DISTRICT";

and in lines 8 and 9, in each instance, after "**FUNDS**" insert "**OR PORTION OF THE FUNDS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1466 – Delegates Bohanan, O'Donnell, and Wood

AN ACT concerning

St. Mary's County – Property Tax Credit – Property Leased to Nonprofit Schools

Favorable report adopted.

Delegate O'Donnell moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

SPECIAL ORDERS

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

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

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

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

The motion was adopted.

House Bill 1163 – Delegates Carr, Gutierrez, and Waldstreicher

AN ACT concerning

Economic Development – Enterprise Zones – Designation

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

HB1163/613891/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1163
(First Reading File Bill)

In the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Barkley, Braveboy, Feldman, Haddaway, Harrison, Hecht, Manno, Mathias, Taylor, and Vaughn".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1466 – Delegates Bohanan, O'Donnell, and Wood

AN ACT concerning

St. Mary's County – Property Tax Credit – Property Leased to Nonprofit Schools

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

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 591)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #35

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")

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

Affirmative – 140 Negative – 0 (See Roll Call No. 592)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 593)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 594)

The Bill was then sent to the Senate.

House Bill 417 – Delegates Rosenberg, Cardin, ~~and Haynes~~ Haynes, and Conaway

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

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

Affirmative – 134 Negative – 5 (See Roll Call No. 595)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 596)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 3 (See Roll Call No. 598)

The Bill was then sent to the Senate.

House Bill 1202 – Delegate Stein

AN ACT concerning

Business Regulation – Franchises – Copies of Documents to Franchisees

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

Affirmative – 140 Negative – 0 (See Roll Call No. 599)

The Bill was then sent to the Senate.

House Bill 1267 – Delegate Niemann

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

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

Affirmative – 138 Negative – 1 (See Roll Call No. 600)

The Bill was then sent to the Senate.

House Bill 1295 – Delegates Krysiak, Jameson, Kirk, McHale, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

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

Affirmative – 126 Negative – 14 (See Roll Call No. 601)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 602)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #36

House Bill 711 – Delegates Healey and Lafferty

~~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 – 104 Negative – 35 (See Roll Call No. 603)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 604)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 605)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 606)

The Bill was then sent to the Senate.

House Bill 988 – Delegate George

AN ACT concerning

Department of Natural Resources – Regulation of For–Hire Water Carriers

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

Affirmative – 140 Negative – 0 (See Roll Call No. 607)

The Bill was then sent to the Senate.

House Bill 990 – **Delegates Olszewski, Cardin, DeBoy, Frick, and Shewell**

AN ACT concerning

Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles

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

Affirmative – 139 Negative – 0 (See Roll Call No. 608)

The Bill was then sent to the Senate.

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

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

Affirmative – 127 Negative – 11 (See Roll Call No. 609)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 610)

The Bill was then sent to the Senate.

House Bill 1136 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Supervision and Reorganization

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

Affirmative – 140 Negative – 0 (See Roll Call No. 611)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 612)

The Bill was then sent to the Senate.

House Bill 1141 – Delegate Dumais

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

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

Affirmative – 140 Negative – 0 (See Roll Call No. 613)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 614)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #37

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 615)

The Bill was then sent to the Senate.

House Bill 345 – Delegate Hucker

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

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

Affirmative – 139 Negative – 0 (See Roll Call No. 616)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 140 Negative – 0 (See Roll Call No. 617)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 618)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 619)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 1 (See Roll Call No. 620)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 621)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #38

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 622)

The Bill was then sent to the Senate.

House Bill 978 – Harford County Delegation

AN ACT concerning

Harford County Board of Education – Student Member – Voting Rights

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

Affirmative – 140 Negative – 0 (See Roll Call No. 623)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the Senate.

House Bill 1123 – Delegates Holmes, Ali, Healey, and Niemann

AN ACT concerning

Real Property – Mobile Home Parks – Resident and Park Owner Rights

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

Affirmative – 140 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the Senate.

House Bill 1219 – Allegany County Delegation

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

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

Affirmative – 140 Negative – 0 (See Roll Call No. 628)

The Bill was then sent to the Senate.

House Bill 1222 – Delegates Ramirez, Rosenberg, Anderson, Dumais, and Levi

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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

Affirmative – 128 Negative – 12 (See Roll Call No. 629)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the Senate.

House Bill 1470 – Delegates Rudolph, Miller, and Niemann

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 – 139 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #39

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #4

Senate Bill 26 – Senators Miller, Kasemeyer, and Kittleman

AN ACT concerning

Maryland Constitutional Convention – Sense of the Voters

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

Affirmative – 139 Negative – 0 (See Roll Call No. 633)

The Bill was then returned to the Senate.

Senate Bill 469 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

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

Affirmative – 140 Negative – 0 (See Roll Call No. 634)

The Bill was then returned to the Senate.

Senate Bill 470 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

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

Affirmative – 140 Negative – 0 (See Roll Call No. 635)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 636)

RECESS

At 12:00 P.M. on motion of Delegate Barve the House recessed until 4:00 P.M. on Legislative Day March 23, 2010, Calendar Day Thursday, March 25, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 23, 2010
Calendar Day: Friday, March 26, 2010

At 11:18 A.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Pamela G. Beidle of Anne Arundel County.

Notation: The Speaker cancelled the 4:00 P.M. session yesterday.

QUORUM CALL

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

(See Roll Call No. 637)

EXCUSES:
Del. Hucker – late – personal
Del. Impallaria – left briefly – doctor's appointment
Del. Ross – late – funeral

THE COMMITTEE ON APPROPRIATIONS REPORT #8

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

House Bill 368 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Local Departments of Social Services – Audits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 715 – Delegates Kipke, Dwyer, George, and Schuh

AN ACT concerning

Department of Planning – Disposition of Real Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0768/754363/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 768
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "requiring" insert "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"; and in line 22, strike "29–402" and substitute "21–113(c)".

AMENDMENT NO. 2

On page 2, in line 3, strike "**§ 29–402 OF THIS ARTICLE**" and substitute "**SUBSECTION (C) OF THIS SECTION**"; strike in its entirety line 11; in line 12, strike "**(A)**" and substitute "**(C) (1)**"; in lines 14, 16, and 18, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 17, strike "**AND**"; and in line 20, after "**EMPLOYEE**" insert "**; AND**

(IV) ON JULY 1, 2010, IS RECEIVING A RETIREMENT ALLOWANCE THAT IS GREATER THAN THE RETIREMENT ALLOWANCE THAT THE RETIREE IS ENTITLED TO RECEIVE".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 21 on page 2 through line 22 on page 3, inclusive, and substitute:

"**(2) (I) BEGINNING JULY 1, 2010, AND EVERY 6 MONTHS THEREAFTER, THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE'S MONTHLY RETIREMENT ALLOWANCE BY 10% OF THE AMOUNT BY WHICH THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING AS OF JUNE 30, 2010, EXCEEDS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.**

(II) THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE'S MONTHLY RETIREMENT ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL THE MONTHLY RETIREMENT ALLOWANCE THAT THE RETIREE IS RECEIVING EQUALS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(3) (I) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE UNTIL THE RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING EQUALS THE AMOUNT THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(II) BEGINNING ON THE JULY 1 IMMEDIATELY FOLLOWING THE LAST REDUCTION MADE TO A RETIREE'S MONTHLY RETIREMENT ALLOWANCE BY THE BOARD OF TRUSTEES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL:

1. REINSTATE THE APPLICATION OF ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE; AND

2. ADJUST THE RETIREE'S ALLOWANCE TO INCLUDE ANY ACCUMULATED COST–OF–LIVING ADJUSTMENTS FROM THE DATE THE COST–OF–LIVING ADJUSTMENTS WERE SUSPENDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.";

On page 3, in line 23, strike "**(C)**" and substitute "**(4)**"; in the same line, strike "**TOTAL AMOUNT OF**" and substitute "**MONTHLY**"; strike beginning with the comma in line 24 down through the comma in line 25; in line 26, strike "**TOTAL AMOUNT OF**" and substitute "**MONTHLY**"; and strike beginning with "**WAS**" in line 26 down through "**2010**" in line 27 and substitute "**IS RECEIVING AT THE TIME OF THE RETIREE'S DEATH**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0775/794064/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 775
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon insert "requiring that certain annual retirement allowances be reduced by a certain amount under certain circumstances;";

in line 10, after "terms;" insert "providing for the termination of certain provisions of this Act;"; and after line 13, insert:

"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)".

AMENDMENT NO. 2

On page 1, in line 15, strike ", notwithstanding any other provision of law" and substitute "the Laws of Maryland read as follows".

On pages 1 through 3, strike in their entirety the lines beginning with line 16 on page 1 through line 29 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, after line 29, insert:

"Article – State Personnel and Pensions

24–401.

(e) (1) Subject to paragraph (2) of this subsection, a retiree, or a beneficiary of a retiree, who retires on or before June 30, 1999 with a service retirement allowance, shall receive an annual retirement allowance adjustment as of July 1, 1999, as follows:

(i) for a retiree who has been retired not more than 5 years, $1,200;

(ii) for a retiree who has been retired more than 5 years but not more than 10 years, $1,500;

(iii) for a retiree who has been retired more than 10 years but not more than 15 years, $1,800; and

(iv) for a retiree who has been retired more than 15 years, $2,100.

(2) **[**Each**]** **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, EACH** fiscal year, the Board of Trustees shall increase the adjustment received by the retiree or the beneficiary as of July 1, 1999, by multiplying the adjustment by a fraction that has:

(i) as its numerator, the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year; and

(ii) as its denominator, the Consumer Price Index for the calendar year ending December 31, 1998.

(3) (I) FOR FISCAL YEAR 2011, IF THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT IS ADJUSTED AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION IS LESS THAN THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2010, THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2011 SHALL EQUAL THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2010.

(II) FOR FISCAL YEAR 2012, THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT IS ADJUSTED AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2010 AND THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT WOULD HAVE BEEN PAYABLE FOR FISCAL YEAR 2011 IF IT HAD BEEN ADJUSTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

29–406.

(a) **(1)** **[**Subject**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT** to subsection (c) of this section, the cost–of–living adjustment made under this Part II equals the initial allowance multiplied by a fraction that has:

[(1)**]** **(I)** as its numerator, the amount obtained by subtracting the Consumer Price Index for the calendar year ending December 31 of the preceding

fiscal year from the base year Consumer Price Index described in subsection (b) of this section; and

[(2)**]** **(II)** as its denominator, the base year Consumer Price Index described in subsection (b) of this section.

(2) IF THE COST–OF–LIVING ADJUSTMENT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEAR 2011 WOULD RESULT IN AN ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 THAT IS LESS THAN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010, THE ANNUAL COST–OF–LIVING ADJUSTMENT FOR FISCAL YEAR 2011 SHALL EQUAL $0.00.

(b) The base year Consumer Price Index referred to in subsection (a) of this section equals the later of:

(1) the Consumer Price Index for the calendar year ending December 31 of the fiscal year that preceded the last adjustment; or

(2) (i) for a retiree, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the retiree was last employed as a member; or

(ii) for a former member who elected a vested allowance in accordance with § 29–303 of this title, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the former member became 62 years old.

(c) The cost–of–living adjustment under this section may not exceed 3% of the initial allowance.

29–407.

(A) [The**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** total allowance payable in any fiscal year shall be the sum of:

(1) the initial allowance;

(2) all prior cost–of–living adjustments;

(3) the cost–of–living adjustment provided for under § 29–406 of this subtitle; and

(4) any additional annuity.

(B) FOR FISCAL YEAR 2012, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAID FOR FISCAL YEAR 2011 IF THE COST–OF–LIVING ADJUSTMENT HAD BEEN CALCULATED AS PROVIDED UNDER § 29–406(A) OF THIS SUBTITLE.

29–412.

(A) [Subject**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND SUBJECT** to § 29–413 of this subtitle, each fiscal year, the Board of Trustees shall adjust an initial allowance by multiplying the initial allowance by the fraction that has:

(1) as its numerator, the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year; and

(2) as its denominator:

(i) for a retiree, the beneficiary of a retiree, or the surviving spouse of a member, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the retiree or member was last employed; or

(ii) for a former member or the beneficiary of a former member, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the former member reaches normal retirement age.

(B) FOR FISCAL YEAR 2011, IF THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION IS LESS THAN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010, THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 SHALL EQUAL THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010.

(C) FOR FISCAL YEAR 2012, THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR FISCAL YEAR 2011 IF IT HAD BEEN ADJUSTED UNDER SUBSECTION (A) OF THIS SECTION.

29–418.

(a) **(1) [**Each**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 5%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31, in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

(2) IF THE ADJUSTMENT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEAR 2011 WOULD RESULT IN AN ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 THAT IS LESS THAN THE ALLOWANCE FOR FISCAL YEAR 2010, THE ADJUSTMENT FOR FISCAL YEAR 2011 SHALL EQUAL $0.00.

(b) The adjustment under subsection (a) of this section shall begin the second July 1 after the day preceding the retiree's date of retirement or the former member's effective date for receipt of a vested allowance.

(c) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** total allowance payable in each fiscal year shall be the sum of:

[(1)**] (I)** the annual rate of allowance paid during the preceding fiscal year;

[(2)**] (II)** the adjustment in allowance provided for under this section; and

[(3)**] (III)** any additional annuity.

(2) FOR FISCAL YEAR 2012, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAID FOR FISCAL YEAR 2011 IF THE ADJUSTMENT HAD BEEN CALCULATED AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

29–427.

(a) **(1) [**Each**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 3%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31 in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

(2) IF THE ADJUSTMENT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEAR 2011 WOULD RESULT IN AN ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 THAT IS LESS THAN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010, THE ADJUSTMENT FOR FISCAL YEAR 2011 SHALL EQUAL $0.00.

(b) The adjustment under subsection (a) of this section shall begin the second July 1 after the day preceding the retiree's date of retirement or the former member's effective date for receipt of a vested allowance.

(c) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** total allowance payable in each fiscal year shall be the sum of:

[(1)**] (I)** the annual rate of allowance paid during the preceding fiscal year;

[(2)**] (II)** the adjustment in allowance provided for under this section; and

[(3)**] (III)** any additional annuity.

(2) FOR FISCAL YEAR 2012, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAID FOR FISCAL YEAR 2011 IF THE ADJUSTMENT HAD BEEN CALCULATED AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:".

AMENDMENT NO. 4

On page 3, in line 30, strike "(g) (1)" and substitute "(a)"; and in lines 32 and 37, strike "(i)" and "(ii)", respectively, and substitute "(1)" and "(2)", respectively.

On page 4, in line 3, strike "(2)" and substitute "(b)"; in lines 7 and 9, strike "(i)" and "(ii)", respectively, and substitute "(1)" and "(2)", respectively; after line 12, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective through December 31, 2010, and, at the end of December 31, 2010, 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 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall remain effective through December 31, 2014, and, at the end of December 31, 2014, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.";

and in line 13, strike "2." 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.

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

House Bill 815 – Delegates DeBoy, Jones, Barkley, Bromwell, G. Clagett, Costa, Glenn, Guzzone, Haynes, Malone, McHale, Olszewski, Schuler, and Sophocleus

AN ACT concerning

Maryland Transportation Authority Police Officers – Collective Bargaining

HB0815/274267/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 815
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Maryland" insert "Department of"; in the same line, strike "Authority Police Officers –" and substitute "Police Force – Creation and"; strike beginning with "authorizing" in line 3 down through "Act;" in line 18 and substitute "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;"; in line 18, after "to" insert "the Maryland Department of Transportation Police Force and the"; in line 19, after "Maryland" insert "Department of"; in the same line, strike "Authority"; and strike in their entirety lines 20 through 24, inclusive, and substitute:

"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)".

AMENDMENT NO. 2
On page 1, after line 26, insert:

"Article – State Personnel and Pensions

3–101.

(b) "Board" means:

(1) with regard to any matter relating to employees of any of the units of State government described in § **[**3–102(a)(1) through (4)**]** **3–102(A)(1)(I) THROUGH (IV)** of this subtitle **AND EMPLOYEES DESCRIBED IN § 3–102(A)(2) OF THIS SUBTITLE**, the State Labor Relations Board; and

(2) with regard to any matter relating to employees of any State institution of higher education described in § **[**3–102(a)(5)**]** **3–102(A)(1)(V)** of this subtitle, the State Higher Education Labor Relations Board.

3–102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to**:**

(1) all employees of:

[(1)**]** **(I)** the principal departments within the Executive Branch of State government;

[(2)**]** **(II)** the Maryland Insurance Administration;

[(3)**]** **(III)** the State Department of Assessments and Taxation;

[(4)**]** **(IV)** the State Lottery Agency; and

[(5)**]** **(V)** the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College**; AND**

(2) ALL FULL–TIME MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICERS AT THE RANK OF FIRST SERGEANT AND BELOW.

(b) This title does not apply to:

(11) any supervisory, managerial, or confidential employee of a unit of State government listed in subsection **[**(a)(1) through (4)**] (A)(1)(I) THROUGH (IV)** of this section, as defined in regulations adopted by the Secretary; **[**or**]**

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection **[**(a)(5)**] (A)(1)(V)** of this section, as defined in regulations adopted by the governing board of the institution**; OR**

(13) ANY EMPLOYEE DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION WHO IS A SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE, AS DEFINED IN REGULATIONS ADOPTED BY THE SECRETARY.

3–205.

(a) The Board is responsible for administering and enforcing provisions of this title relating to employees described in § **[**3–102(a)(1) through (4)**] 3–102(A)(1)(I) THROUGH (IV) AND (2)** of this title.

3–2A–05.

(a) The Board is responsible for administering and enforcing provisions of this title relating to employees described in § **[**3–102(a)(5)**] 3–102(A)(1)(V)** of this title.

3–403.

(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICERS AT THE RANK OF FIRST SERGEANT AND BELOW SHALL HAVE A SEPARATE BARGAINING UNIT.

Article – Transportation

2–107.

(a) The following units are in the Department:

(1) Maryland Aviation Administration;

(2) Maryland Port Administration;

(3) Maryland Transit Administration;

(4) State Highway Administration;

(5) Motor Vehicle Administration;

(6) Board of Airport Zoning Appeals;

(7) State Roads Commission;

(8) Transportation Professional Services Selection Board; **[**and**]**

(9) Maryland Transportation Commission**; AND**

(10) MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE.

(b) The Department also includes any other unit that, in accordance with law, is declared to be in the Department.

2–301.

(A) (1) THERE IS A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE.

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICER HAS ALL THE POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THIS STATE.

(3) FUNDING FOR THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE SHALL BE AS PROVIDED IN THE STATE BUDGET.

(B) (1) A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION ON PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, THE MARYLAND AVIATION ADMINISTRATION, AND THE MARYLAND PORT ADMINISTRATION.

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A HIGHWAY AS DEFINED IN § 8–101 OF THIS ARTICLE OR OTHER PUBLIC PROPERTY OR WATERWAY OPEN FOR PUBLIC CONVEYANCE.

(II) FOR PURPOSES OF ESTABLISHING PERIMETER SECURITY SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION, A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION:

1. WITHIN 500 FEET OF PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

2. ON OR WITHIN 500 FEET OF ANY OTHER PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT.

(3) A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IF:

(I) THE SECRETARY, WITH THE APPROVAL OF THE GOVERNOR, DETERMINES ON THE BASIS OF SPECIFIC AND ARTICULABLE FACTS THAT THE EXERCISE OF THE POWERS IS REASONABLE TO PROTECT AGAINST ACTUAL OR THREATENED PHYSICAL INJURY OR DAMAGE TO STATE EMPLOYEES OR STATE PROPERTY OR ASSETS, AND PROVIDES NOTICE OF THE EXERCISE OF THE POWERS TO THE:

1. CHIEF OF POLICE, IF ANY, OR THE CHIEF'S DESIGNEE, IN A MUNICIPAL CORPORATION;

2. CHIEF OF POLICE OR THE CHIEF'S DESIGNEE IN A COUNTY WITH A COUNTY POLICE DEPARTMENT;

3. SHERIFF OR THE SHERIFF'S DESIGNEE IN A COUNTY WITHOUT A POLICE DEPARTMENT;

4. POLICE COMMISSIONER OR THE POLICE COMMISSIONER'S DESIGNEE IN BALTIMORE CITY;

5. SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES;

6. SECRETARY OF STATE POLICE OR THE SECRETARY'S DESIGNEE; OR

7. SECRETARY OF A PRINCIPAL DEPARTMENT THAT MAINTAINS A POLICE FORCE OR THE SECRETARY'S DESIGNEE IF THE DEPARTMENT WOULD BE AFFECTED BY THE ACTIONS OF THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE; OR

(II) THE POLICE OFFICER IS ORDERED TO DO SO BY THE GOVERNOR IN ACCORDANCE WITH A PROCLAMATION OR DECLARATION BY THE GOVERNOR OF A STATE OF EMERGENCY UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE.

(4) A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICER MAY NOT EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION ON ANY OTHER PROPERTY UNLESS THE POLICE OFFICER IS:

(I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

(II) SPECIALLY REQUESTED OR PERMITTED TO DO SO IN A POLITICAL SUBDIVISION BY THE CHIEF EXECUTIVE OFFICER OR THE CHIEF POLICE OFFICER; OR

(III) ORDERED TO DO SO BY THE GOVERNOR.

(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO PRECLUDE OR LIMIT THE AUTHORITY OF ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY, OR ANY OTHER FEDERAL POLICE OR FEDERAL PROTECTIVE SERVICE.

(C) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND THE MARYLAND POLICE TRAINING COMMISSION, THE SECRETARY OF TRANSPORTATION SHALL ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS SKILLS, AND EXPERIENCE FOR MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICERS, INCLUDING STANDARDS FOR THE PERFORMANCE OF THEIR DUTIES.

(2) TO THE EXTENT PRACTICABLE, THE SECRETARY OF TRANSPORTATION SHALL ADOPT STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.

(3) STANDARDS ADOPTED ON OR AFTER JULY 1, 2010, ON MINIMUM HIRING QUALIFICATIONS OF MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICERS MAY NOT AFFECT THE STATUS OF ANY INDIVIDUAL WHO WAS A QUALIFIED MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICER ON JUNE 30, 2010.

(D) THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING THE OPERATION AND CONDUCT OF THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE AND THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE OFFICERS.

(E) THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE SHALL PROVIDE POLICE SERVICES TO THE MARYLAND

TRANSPORTATION AUTHORITY, THE MARYLAND AVIATION ADMINISTRATION, AND THE MARYLAND PORT ADMINISTRATION.

(F) (1) A PERSON WHO, AS OF JULY 1, 1977, WAS A MEMBER IN GOOD STANDING OF THE MARYLAND AVIATION ADMINISTRATION POLICE FORCE OF THE DEPARTMENT AND WHO WAS SUBSEQUENTLY AN AIRPORT POLICE EMPLOYEE OF THE STATE POLICE AND AN EMPLOYEE OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE, SHALL:

(I) BECOME A MEMBER OF THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE, AND SHALL CONTINUE AS A MEMBER OF THAT POLICE FORCE WITHOUT DIMINUTION IN SALARY, EXCEPT FOR SHIFT DIFFERENTIAL, UNTIL RETIREMENT, RESIGNATION, OR TERMINATION; AND

(II) BE PAID IN ACCORDANCE WITH THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE PAY PLAN.

(2) (I) A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL REMAIN A MEMBER OF THE BALTIMORE CITY FIRE AND POLICE EMPLOYEES RETIREMENT SYSTEM.

(II) THE DEPARTMENT SHALL REIMBURSE BALTIMORE CITY FOR THE EMPLOYER'S COST FOR THE PENSION COVERAGE.

(G) (1) A PERSON WHO, AS OF JULY 1, 1998, WAS A MEMBER IN GOOD STANDING OF THE MARYLAND PORT ADMINISTRATION POLICE FORCE OF THE DEPARTMENT AND WHO WAS SUBSEQUENTLY AN EMPLOYEE OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE SHALL:

(I) BECOME A MEMBER OF THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE AND SHALL CONTINUE AS A MEMBER OF THAT POLICE FORCE WITHOUT DIMINUTION IN SALARY UNTIL RETIREMENT, RESIGNATION, OR TERMINATION OF EMPLOYMENT; AND

(II) BE PAID IN ACCORDANCE WITH THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE PAY PLAN.

(2) A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY ELECT TO JOIN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM UNDER THE PROVISIONS OF TITLE 26 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(H) A PERSON WHO, AS OF JULY 1, 2010, WAS A MEMBER IN GOOD STANDING OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE SHALL:

(1) BECOME A MEMBER OF THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE AND SHALL CONTINUE AS A MEMBER OF THAT POLICE FORCE WITHOUT DIMINUTION IN SALARY UNTIL RETIREMENT, RESIGNATION, OR TERMINATION OF EMPLOYMENT; AND

(2) BE PAID IN ACCORDANCE WITH THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE PAY PLAN.

2–302.

(A) THE CHIEF POLICE OFFICER OF THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE FORCE MAY APPOINT EMPLOYEES OF THE DEPARTMENT TO EXERCISE THE POWERS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(B) (1) AN EMPLOYEE APPOINTED UNDER THIS SECTION MAY ISSUE CITATIONS TO THE EXTENT AUTHORIZED BY THE CHIEF POLICE OFFICER FOR VIOLATIONS OF THE PROVISIONS OF § 5–426 OF THIS ARTICLE THAT RELATE TO MOTOR VEHICLE PARKING AT BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.

(2) THE ISSUANCE OF CITATIONS UNDER THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS OF TITLE 26, SUBTITLE 3 OF THIS ARTICLE.

(C) THE CHIEF POLICE OFFICER, IN CONSULTATION WITH THE MARYLAND POLICE TRAINING COMMISSION, SHALL ADOPT REGULATIONS ESTABLISHING:

(1) QUALIFICATIONS FOR EMPLOYEES APPOINTED UNDER THIS SECTION, INCLUDING PREREQUISITES OF CHARACTER, TRAINING, EXPERIENCE, AND EDUCATION; AND

(2) STANDARDS FOR THE PERFORMANCE OF THE DUTIES ASSIGNED TO EMPLOYEES APPOINTED UNDER THIS SECTION.".

AMENDMENT NO. 3

On pages 1 through 4, strike in their entirety the lines beginning with line 27 on page 1 through line 30 on page 4, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2010, all the functions, powers, duties, assets, liabilities, and employees of the Maryland Transportation Authority Police Force, including all buildings, land and marine vehicles, and equipment owned by the Maryland Transportation Authority that was dedicated to the use of the Maryland Transportation Authority Police Force on April 1, 2010, shall be transferred to the Maryland Department of Transportation Police Force.

SECTION 3. AND BE IT FURTHER ENACTED, That all expenses incurred by the Maryland Department of Transportation as a direct result of transitioning the Maryland Transportation Authority Police Force into the Maryland Department of Transportation Police Force shall be borne exclusively by the Maryland Transportation Authority.

SECTION 4. AND BE IT FURTHER ENACTED, That an employee transferred under this Act to the Maryland Department of Transportation Police Force shall be appointed without further examination or qualification. The employee shall be placed in a classification that is comparable in duties and responsibilities to the employee's former position. The employee may not suffer a diminution of salary or wages, accrued leave, whether earned or granted, or seniority rights.

SECTION 5. AND BE IT FURTHER ENACTED, That nothing in this Act affects the terms of office of an appointed or elected member of any division, board, commission, authority, council, committee, office, or unit. An individual who is a member of a division, board, commission, authority, council, committee, office, or unit on the effective date of this Act shall remain a member for the balance of the term to which the member is appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute amended or repealed by this Act, and validly entered into before the effective date of this Act, and every right, duty, or interest following from the transaction, remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other act of the General Assembly of 2010 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards, guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, and administrative responsibilities associated with the functions of the Maryland Transportation Authority Police Force prior to the effective date of this Act shall continue in effect under the Maryland Department of Transportation Police Force until completed, withdrawn, canceled, modified, or otherwise changed by law.

SECTION 9. AND BE IT FURTHER ENACTED, That, on or before July 1, 2010, the Secretary of Transportation shall enter into a memorandum of understanding with the Executive Secretary of the Maryland Transportation Authority regarding the provision of law enforcement services by the Maryland Department of Transportation Police Force on or around property owned, leased, or operated by or under the control of the Maryland Transportation Authority.

SECTION 10. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Secretary of Transportation shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, on the provisions in the memorandum of understanding described in Section 9 of this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 4–208 and 4–208.1 of Article – Transportation of the Annotated Code of Maryland be repealed.".

On page 4, in line 31, strike "2." and substitute "12.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 926 – Delegates Proctor and Vallario

AN ACT concerning

State Retirement and Pension System – Retiree Organizations – Direct Mailings

HB0926/704368/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 926
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Organizations" and substitute "Organization"; in lines 4, 7, 8, 11, and 15, in each instance, strike "organizations" and substitute "organization"; in line 4, after "that" insert "a"; in line 5, strike "annual"; in the same line, after "requests" insert "during a certain period of time"; in line 6, strike "member and"; in line 7, after "prohibiting" insert "a"; strike beginning with "retiree" in line 9 down through "organizations" in line 10 and substitute "mail processing centers"; in line 10, after the semicolon insert "providing that the procurement of a certain mail processing center is the sole responsibility of a certain retiree organization;"; in the same line, after "requiring" insert "a"; in line 14, after the second semicolon insert "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;"; in line 15, after "by" insert "a"; in the same line, strike "members and"; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–504
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, strike beginning with "**AN**" in line 1 down through "**RETIREES**" in line 4 and substitute "**THE MARYLAND RETIRED SCHOOL PERSONNEL ASSOCIATION**"; strike in their entirety lines 5 through 10, inclusive; and in lines 11, 25, and 30, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively.

AMENDMENT NO. 3

On page 2, in line 11, after "**SUBMIT**" insert "**ONLY**"; strike beginning with "**TWO**" in line 11 down through "**ANNUALLY**" in line 12 and substitute "**ONE REQUEST IN BOTH APRIL AND OCTOBER OF EACH YEAR**"; and in line 13, strike "**MEMBERS AND**".

AMENDMENT NO. 4

On page 2, strike beginning with "**RETIREE**" in line 20 down through "**WITH**" in line 21; in line 20, after "**(3)**" insert "**(I)**"; in line 21, after "**ENVELOPES**" insert "**ONLY**"; in line 22, in each instance, after "**MAIL**" insert "**PROCESSING**"; after line 24, insert:

"**(II) IF THE BOARD OF TRUSTEES PROVIDES ANY RETIREE DATA TO A MAIL PROCESSING CENTER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES IS NOT REQUIRED TO NOTIFY A RETIREE WHOSE DATA IS RELEASED OF THE PROVISIONS OF § 21–504 OF THIS TITLE.**";

in line 25, strike "**MEMBERS AND**"; in line 30, after "**(1)**" insert "**A RETIREE ORGANIZATION IS SOLELY RESPONSIBLE FOR THE PROCUREMENT OF A MAIL PROCESSING CENTER UNDER THIS SECTION.**

(2)";

and in line 32, strike "**(2)**" and substitute "**(3)**".

On page 3, in line 1, strike "**(3)**" and substitute "**(4)**".

AMENDMENT NO. 5

On page 3, in line 3, strike "**(F)**" and substitute "**(E)**"; and after line 4, insert:

"**(F) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE BOARD OF TRUSTEES MAY SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT INCLUDES A SUMMARY OF ANY COMPLAINTS RECEIVED BY THE STATE RETIREMENT AGENCY REGARDING ANY MAILING RECEIVED BY A RETIREE UNDER THIS SECTION.**

21–504.

(a) This section applies only to the:

(1) Employees' Pension System;

(2) Employees' Retirement System;

(3) Teachers' Pension System; and

(4) Teachers' Retirement System.

(b) The Board of Trustees shall adopt regulations to allow a public employee organization to obtain, for a reasonable fee, each year:

(1) the name and last known address of each individual during the last year who became a retiree or commenced receiving a vested allowance.

(2) the name and last known address of each retiree or former member receiving a vested allowance who died in the last year; and

(3) any change in address in the last year of a retiree or former member receiving a vested allowance.

(c) (1) **[**Before**] EXCEPT AS PROVIDED IN § 21–128 OF THIS TITLE, BEFORE** the release of a name, the Board of Trustees shall notify the individual of the provisions of this section.

(2) If an individual notifies the Board of Trustees that the individual does not want the individual's name or address released to an employee organization, the Board of Trustees may not release the name or address.

(d) An employee organization may not release any information that it receives under this section.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 989 – Delegates Proctor and Vallario

AN ACT concerning

State Personnel – Natural Resources Law Enforcement Officers – Appointment to Major or Lieutenant Colonel

HB0989/724267/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 989
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the comma, insert "the Secretary may return"; in the same line, strike "may return"; in the same line, strike "rank" and substitute "vacant position"; and in line 10, strike "be promoted" and substitute "promote the law enforcement officer".

AMENDMENT NO. 2

On page 2, strike beginning with "**LAW**" in line 17 down through "**OFFICER**" in line 18 and substitute "**SECRETARY**"; strike beginning with "**TO**" in line 19 down through "**APPOINTMENT**" in line 20 and substitute "**THE LAW ENFORCEMENT OFFICER TO A VACANT LAW ENFORCEMENT OFFICER POSITION**"; and in line 21, strike "**BE PROMOTED**" and substitute "**PROMOTE THE LAW ENFORCEMENT OFFICER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1043/614461/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1043
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "the Department of Human Resources and"; in line 4, strike "jointly"; strike beginning with "requiring" in line 8 down through "purposes;" in line 10; in line 10, strike "Department of Human Resources" and substitute "Governor's Office of Crime Control and Prevention"; in line 15, strike "input into"; and strike beginning with "altering" in line 15 down through "centers;" in line 16.

AMENDMENT NO. 2

On page 2, in line 13, strike "**11–923(D)**" and substitute "**11–923(G)**".

On page 3, in line 1, strike "**A TOTAL OF $500,000 IN ANNUAL**"; strike beginning with "**IS**" in line 1 down through "**DISTRIBUTED**" in line 2; in line 2, strike "**ALL**"; in line 3, strike "**11–923(D)**" and substitute "**11–923(G)**"; in the same line, after "**SUBTITLE**" insert "**SHALL**"; in line 4, strike "**FOR**" and substitute "**SUPPORT**"; and in line 6, strike "**TO**".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 24 on page 3 through line 10 on page 4, inclusive.

On page 4, in lines 11, 15, and 19, in each instance, strike the bracket; in lines 11, 15, and 19, strike "**(E)**", "**(F)**", and "**(G)**", respectively; strike beginning with the colon in line 12 down through "**(1)**" in line 13; strike beginning with "**; AND**" in line 13 down through "**CENTERS**" in line 14; strike beginning with "**AND**" in line 15 down through "**CENTERS**" in line 16; in line 17, strike "**AND CENTERS**"; strike beginning with "**, WITH**" in line 19 down through "**PREVENTION,**" in line 20; and in line 21, strike "**AND CHILD ADVOCACY CENTERS**".

AMENDMENT NO. 4

On page 4, after line 22, insert:

"**(G) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.**

(2) THE CHILD ADVOCACY CENTERS:

(I) MAY BE BASED IN PRIVATE NONPROFIT ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;

(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;

(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;

(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR VICTIMS; AND

(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5–706 OF THE FAMILY LAW ARTICLE.

(3) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION MAY CONTRACT WITH PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS TO OPERATE CHILD ADVOCACY CENTERS.

(4) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE AS PROVIDED IN THE ANNUAL STATE BUDGET AND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE PROGRAMS RECEIVE FROM OTHER SOURCES.

(5) ON OR BEFORE JANUARY 1 EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT AN ANNUAL REPORT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON CHILD ADVOCACY CENTERS TO THE GENERAL ASSEMBLY.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1098 – Delegate Oaks

AN ACT concerning

Baltimore City – Binding Arbitration – Police Officers

HB1098/574767/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1098
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Oaks" and substitute "Delegates Oaks, Anderson, Conaway, Glenn, Hammen, Haynes, McHale, McIntosh, Robinson, Rosenberg, Stukes, and Tarrant"; in line 6, after the semicolon, insert "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;"; in line 8, after the semicolon, insert "authorizing the board of arbitration to order the implementation of a certain proposal or to modify certain final offers to develop a new agreement;"; and in line 10, after "change;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 31, after "(1)" insert "**(I)**"; and strike beginning with "**OR**" in line 32 down through "**DEPARTMENT**" in line 33.

On page 3, after line 2, insert:

"**(II) 1. IF THE CERTIFIED EMPLOYEE ORGANIZATION OR ORGANIZATIONS REPRESENTING POLICE OFFICERS WITHIN THE POLICE DEPARTMENT AND THE EMPLOYER HAVE NOT REACHED A WRITTEN AGREEMENT CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT BY APRIL 1 OF ANY YEAR, EITHER PARTY MAY REQUEST ARBITRATION BY A BOARD OF ARBITRATION.**

2. COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN A CERTIFIED EMPLOYEE ORGANIZATION OR ORGANIZATIONS REPRESENTING POLICE OFFICERS WITHIN THE POLICE DEPARTMENT MAY CONTINUE UNTIL THE FIRST DAY OF ARBITRATION.".

AMENDMENT NO. 3

On page 3, in line 36, after "(6)" insert "**(I) 1. THIS SUBPARAGRAPH APPLIES ONLY TO BINDING ARBITRATION FOR FIREFIGHTERS AND FIRE OFFICERS.**

2.";

and after line 40, insert:

"**(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO BINDING ARBITRATION FOR POLICE OFFICERS.**

2. THE BOARD OF ARBITRATION, AFTER HEARING WITNESSES AND CONSIDERING AND RECEIVING ANY WRITTEN EVIDENCE SUBMITTED, SHALL ORDER THE IMPLEMENTATION OF A FINAL AGREEMENT BY WRITTEN DECISION.

3. THE DECISION OF THE BOARD OF ARBITRATION MAY:

A. ORDER THE IMPLEMENTATION IN ITS ENTIRETY OF THE LAST PROPOSAL OF ONE OF THE RESPECTIVE PARTIES PREVIOUSLY SUBMITTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION; OR

B. MODIFY THE FINAL OFFERS OF THE PARTIES IN ORDER TO DEVELOP A NEW FINAL AGREEMENT.".

AMENDMENT NO. 4

On page 4, in line 19, strike "The" and substitute:

"**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**";

and after line 20, insert:

"**(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO BINDING ARBITRATION FOR POLICE OFFICERS.**

2. THE COST OF AN ARBITRATION PROCEEDING TO BE PAID BY THE CITY OF BALTIMORE MAY NOT EXCEED $15,000 IN A FISCAL YEAR.".

AMENDMENT NO. 5

On page 4, in line 22, strike "2010" and substitute "2013".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1273/604462/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1273

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Program"; strike beginning with "establishing" in line 4 down through "manner" in line 9 and substitute "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 in line 14, strike "Program".

AMENDMENT NO. 2

On page 1, in line 20, strike "**PROGRAM**".

On page 2, strike beginning with "**EACH**" in line 1 down through "**UNIT**" in line 3 and substitute "**THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL DECLARE ONE WEEK EACH YEAR TO BE "SUICIDE AWARENESS AND PREVENTION WEEK"**"; in line 4, after "**(B)**" insert "**(1)**"; strike beginning with "**THE**" in line 4 down through "**INCLUDE**" in line 5 and substitute "**DURING SUICIDE AWARENESS AND PREVENTION WEEK, THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL TRANSMIT ELECTRONICALLY TO THE HEAD OF EACH PRINCIPAL UNIT INFORMATION THAT INCLUDES**"; in lines 6, 7, 8, and 11, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; after line 12, insert:

"**(2) THE HEAD OF EACH PRINCIPAL UNIT SHALL TRANSMIT ELECTRONICALLY THE INFORMATION RECEIVED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION TO EACH STATE EMPLOYEE IN THAT PRINCIPAL UNIT.**";

and strike in their entirety lines 13 through 15, inclusive.

AMENDMENT NO. 3

On page 2, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Budget and Management, in conjunction with the Secretary of Health and Mental Hygiene, shall study the issue of developing a comprehensive cost effective suicide awareness and prevention program for State employees.

(b) On or before December 31, 2010, the Secretary of Budget and Management shall submit the findings of the study required under subsection (a) of this section in accordance with § 2–1246 of the State Government Article to the House Appropriations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.";

in line 16, strike "2." and substitute "4."; and in the same line, after "That" insert ", subject to 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.

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

House Bill 1370 – Delegates Branch, Gaines, Bohanan, Bronrott, Conway, Haynes, Hixson, and James

AN ACT concerning

Public–Private Partnerships – Oversight

HB1370/304868/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1370
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and James" and substitute "James, Cardin, Howard, Rice, Stukes, and Walker"; in line 4, after "to" insert "the State Treasurer and"; in line 14, after "a" insert "proposed"; in the same line, strike "operating lease" and substitute "agreement"; in line 16, strike "operating lease" and substitute "agreement"; in line 17, after "Assembly" insert "within a certain time"; in line 18, strike "operating lease" and substitute "agreement"; in line 19, strike "commented" and substitute "had a certain period of time to review and comment"; in line 20, strike "lease" and substitute "agreement"; and in line 22, strike "operating leases;" and substitute "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;".

On page 2, in line 1, strike "Maryland Transportation".

AMENDMENT NO. 2

On page 3, in line 6, strike "**LONG–TERM**"; in the same line, strike "**CONTRACTING AGENCY**" and substitute "**UNIT OF STATE GOVERNMENT**"; strike beginning with "**AND**" in line 11 down through "**COLLECT**" in line 12 and substitute "**OR A FACILITY FOR STATE USE AND WILL COLLECT FEES,**"; in line 15, after "**A**" insert "**SHORT–TERM OPERATING SPACE**"; in line 17, strike "**IF**" and substitute "**AND**"; after line 26, insert:

"**(B) THE REQUIREMENTS OF THIS TITLE DO NOT APPLY TO THE MARYLAND TRANSPORTATION AUTHORITY OR TO A PUBLIC–PRIVATE PARTNERSHIP PROPOSED OR ENTERED INTO BY THE MARYLAND TRANSPORTATION AUTHORITY.**";

and in line 27, strike "**(B)**" and substitute "**(C)**".

On page 4, in lines 6 and 22, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 3

On page 4, in line 8, after "**THE**" insert "**STATE TREASURER AND THE**"; in lines 11 and 22, in each instance, strike "**JULY**" and substitute "**JANUARY**"; in line 30, strike "**OPERATING LEASE ENTERED INTO**" and substitute "**AGREEMENT PROPOSED**"; in line 33, strike "**(1)**"; and in line 35, after "**SECTION**" insert "**WITHIN 30 DAYS AFTER THE STATE TREASURER RECEIVES A PROPOSED PUBLIC–PRIVATE PARTNERSHIP AGREEMENT FROM A UNIT OF STATE GOVERNMENT**".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 3, inclusive; in line 5, strike "**OPERATING LEASE UNDER**" and substitute "**AGREEMENT UNDER § 10–305 OR**"; in line 6, strike "**COMMENTED**" and substitute "**HAD 30 DAYS TO REVIEW AND COMMENT**"; in line 7, strike "**LEASE**" and substitute "**AGREEMENT**"; and in line 12, strike "**OPERATING LEASES**" and substitute "**AGREEMENTS**".

AMENDMENT NO. 5

On page 7, in line 8, strike "**LONG–TERM**"; strike beginning with "**AND**" in line 13 down through "**COLLECT**" in line 14 and substitute "**OR A FACILITY FOR STATE USE AND WILL COLLECT FEES,**"; in line 17, after "**A**" insert "**SHORT–TERM OPERATING SPACE**"; in line 18, strike "**IF**" and substitute "**AND**"; and in line 30, strike "**JULY**" and substitute "**JANUARY**".

AMENDMENT NO. 6

On page 8, in line 8, strike "**JULY**" and substitute "**JANUARY**"; and after line 11, insert:

"**(E) NOT LESS THAN 30 DAYS BEFORE ENTERING INTO A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT, THE AUTHORITY SHALL SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANALYSIS OF THE IMPACT OF THE PROPOSED PUBLIC–PRIVATE PARTNERSHIP AGREEMENT ON THE AUTHORITY'S FINANCING PLAN, INCLUDING THE AUTHORITY'S OPERATING AND CAPITAL BUDGETS AND DEBT CAPACITY.**

(F) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT UNDER § 10–305 OR § 12–204 OF THE STATE FINANCE AND PROCUREMENT ARTICLE THAT THE AUTHORITY PROPOSES TO ENTER INTO UNTIL THE BUDGET COMMITTEES HAVE HAD 30 DAYS TO REVIEW AND COMMENT ON THE AUTHORITY'S ANALYSIS OF THE AGREEMENT REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.".

AMENDMENT NO. 7

On page 9, in line 11, strike "Budget and Management" and substitute "Transportation, Department of General Services,"; in line 21, strike "definition of" and substitute "definitions of "public notice of solicitation" and"; in line 22, strike

"definition" and substitute "definitions"; and in line 23, in each instance, strike "its" and substitute "their".

On page 11, in line 29, after "years" insert "and 1 month"; and in line 30, strike "May 31, 2012" and substitute "June 30, 2012".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #17

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

House Bill 197 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

HB0197/243294/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 197
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "altering the membership composition of the boards;"; in line 8, before "requiring" insert "prohibiting the boards from setting certain fees that exceed a certain amount;"; strike beginning with "requiring" in line 21 down through "Fund;" in line 27; in line 29, after "dates;" insert "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;"; and in line 30, strike "providing for a delayed effective date for certain provisions of this Act;".

On page 2, in line 5, strike "4–202(a),"; in the same line, strike "4–207,"; in line 6, strike "5–202(a),"; in the same line, strike "5–208,"; and strike in their entirety lines 25 through 29, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 33 on page 2 through line 3 on page 3, inclusive.

On page 3, in line 12, after "(ii)" insert "**1.**"; in line 13, after "examinations" insert "**AND SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH**"; and after line 16, insert:

"**2. THE BOARD MAY NOT SET FEES FOR LICENSING AND LICENSE RENEWALS THAT EXCEED $50.**".

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 5 on page 9, inclusive.

On page 9, in line 24, after "(2)" insert "**(I)**"; in line 25, after "examinations" insert "**AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH**"; and after line 28, insert:

"**(II) THE BOARD MAY NOT SET FEES FOR LICENSING AND LICENSE RENEWALS THAT EXCEED $50.**".

AMENDMENT NO. 3

On pages 15 through 17, strike in their entirety the lines beginning with line 26 on page 15 through line 23 on page 17, inclusive.

On page 17, in line 24, strike "3." and substitute "2.".

On page 18, after line 6, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, when setting the date on which a license or a license renewal expires under §§ 4–310, 4–405, 5–311, and 5–405 of the Business Occupations and Professions Article, as enacted by Section 1 of this Act, the State Board of Barbers and the State Board of Cosmetologists shall ensure that the date set by the board does not terminate a license term before the end of a licensee's full 2–year term.";

strike in their entirety lines 7 and 8; in line 9, strike "5." and substitute "4."; and strike beginning with the second comma in line 9 down through "Act," in line 10.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 873 – Delegate Davis

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – Registration Requirements

HB0873/193598/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 873
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Registration" and substitute "Examination"; strike beginning with "requiring" in line 4 down through "examination;" in line 9; in line 10, strike "Board" and substitute "State Board of Individual Tax Preparers to an applicant for registration to provide individual tax preparation services"; in the same line, strike "registration" and substitute "examination"; strike in their entirety lines 12 through 16, inclusive; in line 19, strike "21–302 and"; and in the same line, after "21–304" insert "(d)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 2 on page 3, inclusive.

On page 3, after line 2, insert:

"21–304.";

in line 3, strike the bracket; in the same line, strike "(1)"; strike in their entirety lines 6 through 15, inclusive; and in line 17, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1138 – Delegate Davis

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

HB1138/943191/2

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1138
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "circumstances;" insert "authorizing the Commission to review certain information before authorizing the use of a master meter;"; and in line 9, after "law;" insert "providing for a certain exception;".

AMENDMENT NO. 2

On page 3, in line 20, after "**RENT**" insert "**OR MONTHLY FEE OR ASSESSMENT**"; and in line 24, after "**(C)**" insert "**BEFORE AUTHORIZING THE USE OF A MASTER METER, THE COMMISSION MAY REVIEW THE PROPOSED ALLOCATION OF UTILITY EXPENSES AMONG INDIVIDUAL UNITS AND COMMON AREAS SERVED BY THE MASTER METER.**

(D)";

and after line 26, insert:

"**(E) THIS SECTION DOES NOT APPLY TO ELECTRICITY SUPPLIED IN THE SERVICE TERRITORY OF AN ELECTRIC COOPERATIVE.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

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

HB1322/143793/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1322
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "Department" and substitute "Department's"; in lines 7 and 8, strike "an innkeeper of"; in line 9, after "providing" insert "a"; and in the same line, strike "penalties" and substitute "penalty".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 5 on page 3, inclusive, and substitute:

"**"REPORT HUMAN TRAFFICKING: NATIONAL HUMAN TRAFFICKING RESOURCE CENTER — 1–888–373–7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:**

- **IS BEING FORCED TO HAVE SEX WITHOUT CONSENT**
- **HAS HAD AN ID OR DOCUMENTS TAKEN AWAY**
- **IS BEING THREATENED BY OR IS IN DEBT TO AN EMPLOYER**
- **WANTS TO LEAVE A JOB BUT CANNOT FREELY DO SO.**

TOLL–FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

THIS SIGN IS REQUIRED UNDER STATE LAW."

(2) THE SIGN SHALL:

(I) BE AT LEAST 3 BY 5 INCHES IN SIZE;

(II) CONTAIN THE TEXT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGES REQUIRED BY THE FEDERAL VOTING RIGHTS ACT;

(III) DRAW ATTENTION TO THE PHONE NUMBER OF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING THE PHONE NUMBER IN BOLD TYPE; AND

(IV) BE PLACED ON THE DEPARTMENT WEBSITE.

(B) (1) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY MAY ISSUE A CIVIL CITATION TO A LODGING ESTABLISHMENT REQUIRING IT TO POST PROMINENTLY IN EACH GUEST ROOM FOR 1 YEAR THE SIGN THAT IS IDENTICAL TO THE NOTICE REQUIRED TO BE PLACED ON THE WEBSITE OF THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION, IF THE LODGING ESTABLISHMENT IS LOCATED ON PROPERTY WHERE ARRESTS LEADING TO CONVICTIONS OF PROSTITUTION, SOLICITATION OF A MINOR, OR HUMAN TRAFFICKING UNDER TITLE 11, SUBTITLE 13 OF THE CRIMINAL LAW ARTICLE HAVE OCCURRED.

(2) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY SHALL CONSIDER ANY ASSISTANCE IT RECEIVES FROM A LODGING ESTABLISHMENT IN AN INVESTIGATION LEADING TO A CONVICTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IN DETERMINING WHETHER TO ISSUE A CITATION UNDER THIS SUBSECTION.

(C) (1) THE OWNER OF A LODGING ESTABLISHMENT THAT VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING $1,000.

(2) EACH GUEST ROOM THAT DOES NOT HAVE A SIGN IS NOT A SEPARATE VIOLATION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1340 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

HB1340/293096/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establish" in line 16 down through "costs" in line 17 and substitute "allow a distribution utility to recover certain costs directly from a competitive supplier"; in line 23, after "supplier;" insert "providing for the application of this Act to certain gas suppliers under certain provisions of law;"; and in line 29, after "7–510.1" insert "and 7–604(c)".

AMENDMENT NO. 2

On page 2, in line 20, strike the comma and substitute "**CUSTOMER AND**"; in line 21, strike "**, AND MEDIUM COMMERCIAL**"; and in line 23, strike "**AND NUMBER**".

AMENDMENT NO. 3

On page 4, strike beginning with "**(1)**" in line 16 down through "**SECTION**" in line 25 and substitute "**THE COMMISSION SHALL ALLOW THE DISTRIBUTION UTILITY TO RECOVER THE PRUDENTLY INCURRED COSTS, AS THE COMMISSION DETERMINES, OF PROVIDING THE INFORMATION UNDER SUBSECTION (C) OF THIS SECTION DIRECTLY FROM THE COMPETITIVE SUPPLIER THAT REQUESTED THE INFORMATION**".

AMENDMENT NO. 4

On page 4, after line 15, insert:

"**(III) A DISTRIBUTION UTILITY MAY NOT INCLUDE IN THE INFORMATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION CUSTOMER ACCOUNT INFORMATION OF A COMMERCIAL CUSTOMER THAT IS RECEIVING ELECTRICITY SUPPLY OR GAS SUPPLY FROM A COMPETITIVE SUPPLIER.**".

On page 5, after line 5, insert:

"7–604.

(C) SECTION 7–510.1 OF THIS TITLE GOVERNS THE PROVISION TO A GAS SUPPLIER BY A DISTRIBUTION UTILITY OF INFORMATION ABOUT RESIDENTIAL CUSTOMERS AND SMALL COMMERCIAL CUSTOMERS.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #13

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

House Bill 472 – 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

HB0472/620113/3

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 472
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in the sponsor line, strike "The" and substitute "Delegate Niemann and the"; strike beginning with "a" in line 8 down through "grantor;" in line 12 and substitute "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;"; strike beginning with "requiring" in line 14 down through "time;" in line 16 and substitute "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;"; in line 18, strike "options" and substitute "loss mitigation programs"; strike beginning with "authorizing" in line 19 down through "time;" in line 22 and substitute "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;"; in line 22, after "occur;" insert "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;"; and in line 23, strike "making this Act an emergency measure;" and substitute "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;".

On page 2, after line 5, insert:

"BY adding to
Article – Housing and Community Development
Section 4–507
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)";

and strike in their entirety lines 6 through 26, inclusive.

AMENDMENT NO. 2

On page 2, after line 32, insert:

"**(2) "FINAL LOSS MITIGATION AFFIDAVIT" MEANS AN AFFIDAVIT THAT:**

(I) IS MADE BY A PERSON AUTHORIZED TO ACT ON BEHALF OF A SECURED PARTY OF A MORTGAGE OR DEED OF TRUST ON OWNER–OCCUPIED RESIDENTIAL PROPERTY THAT IS THE SUBJECT OF A FORECLOSURE ACTION;

(II) CERTIFIES THE COMPLETION OF THE FINAL DETERMINATION OF LOSS MITIGATION ANALYSIS IN CONNECTION WITH THE MORTGAGE OR DEED OF TRUST; AND

(III) PROVIDES AN EXPLANATION FOR THE DENIAL OF A LOAN MODIFICATION OR OTHER LOSS MITIGATION.";

in line 33, strike "**(2)**" and substitute "**(3)**"; in the same line, strike "**SETTLEMENT**"; and in line 34, strike "**, AS DEFINED IN MARYLAND RULE 17–102(H)**" and substitute "**AT WHICH THE PARTIES IN A FORECLOSURE ACTION, THEIR**

ATTORNEYS, ADDITIONAL REPRESENTATIVES OF THE PARTIES, OR A COMBINATION OF THOSE PERSONS APPEAR BEFORE AN IMPARTIAL INDIVIDUAL TO DISCUSS THE POSITIONS OF THE PARTIES IN AN ATTEMPT TO REACH AGREEMENT ON A LOSS MITIGATION PROGRAM FOR THE MORTGAGOR OR GRANTOR.

(4) "HOUSING COUNSELING SERVICES" MEANS ASSISTANCE PROVIDED TO MORTGAGORS OR GRANTORS BY NONPROFIT ENTITIES THAT ARE IDENTIFIED ON A LIST MAINTAINED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(5) "LOSS MITIGATION ANALYSIS" MEANS AN EVALUATION OF THE FACTS AND CIRCUMSTANCES OF A LOAN SECURED BY OWNER–OCCUPIED RESIDENTIAL PROPERTY TO DETERMINE:

(I) WHETHER A MORTGAGOR OR GRANTOR QUALIFIES FOR A LOAN MODIFICATION; AND

(II) IF THERE WILL BE NO LOAN MODIFICATION, WHETHER ANY OTHER LOSS MITIGATION PROGRAM MAY BE MADE AVAILABLE TO THE MORTGAGOR OR GRANTOR.

(6) "LOSS MITIGATION PROGRAM" MEANS AN OPTION IN CONNECTION WITH A LOAN SECURED BY OWNER–OCCUPIED RESIDENTIAL PROPERTY THAT:

(I) AVOIDS FORECLOSURE THROUGH LOAN MODIFICATION OR OTHER CHANGES TO EXISTING LOAN TERMS THAT ARE INTENDED TO ALLOW THE MORTGAGOR OR GRANTOR TO STAY IN THE PROPERTY;

(II) AVOIDS FORECLOSURE THROUGH A SHORT SALE, DEED IN LIEU OF FORECLOSURE, OR OTHER ALTERNATIVE THAT IS INTENDED TO SIMPLIFY THE MORTGAGOR'S OR GRANTOR'S RELINQUISHMENT OF OWNERSHIP OF THE PROPERTY; OR

(III) LESSENS THE HARMFUL IMPACT OF FORECLOSURE ON THE MORTGAGOR OR GRANTOR.

(7) "OWNER–OCCUPIED RESIDENTIAL PROPERTY" MEANS RESIDENTIAL PROPERTY IN WHICH AT LEAST ONE OF THE UNITS IS OCCUPIED BY AN INDIVIDUAL WHO:

(I) HAS AN OWNERSHIP INTEREST IN THE PROPERTY; AND

(II) USES THE PROPERTY AS THE INDIVIDUAL'S PRIMARY RESIDENCE.

(8) "PRELIMINARY LOSS MITIGATION AFFIDAVIT" MEANS AN AFFIDAVIT THAT:

(I) IS MADE BY A PERSON AUTHORIZED TO ACT ON BEHALF OF A SECURED PARTY OF A MORTGAGE OR DEED OF TRUST ON OWNER–OCCUPIED RESIDENTIAL PROPERTY THAT IS THE SUBJECT OF A FORECLOSURE ACTION;

(II) CERTIFIES THE STATUS OF AN INCOMPLETE LOSS MITIGATION ANALYSIS IN CONNECTION WITH THE MORTGAGE OR DEED OF TRUST; AND

(III) INCLUDES REASONS WHY THE LOSS MITIGATION ANALYSIS IS INCOMPLETE".

On page 3, strike in their entirety lines 1 through 5, inclusive; and in line 6, strike "**(4)**" and substitute "**(9)**".

AMENDMENT NO. 3

On page 4, in line 22, strike "**NOTICE ENCOURAGING**" and substitute "**STATEMENT RECOMMENDING THAT**"; in line 23, strike "**TO**"; strike beginning with "**OF**" in line 24 down through "**HOTLINE**" in line 25; and strike beginning with the second "**THE**" in line 25 down through "**WEBSITE**" in line 26 and substitute "**NONPROFIT AND STATE GOVERNMENT RESOURCES AVAILABLE TO ASSIST**

MORTGAGORS AND GRANTORS FACING FORECLOSURE, AS IDENTIFIED BY THE COMMISSIONER OF FINANCIAL REGULATION".

On page 5, strike beginning with "**A**" in line 6 down through "**PARTICIPATES;**" in line 7 and substitute "**LOSS MITIGATION PROGRAMS THAT ARE APPLICABLE TO THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION; OR**"; strike beginning with "**FOR**" in line 8 down through "**REGULATION**" in line 11 and substitute "**IF THE SECURED PARTY DOES NOT HAVE ITS OWN LOSS MITIGATION APPLICATION, IN THE FORM PRESCRIBED**"; strike beginning with "**TO**" in line 12 down through "**PARTY**" in line 14; in line 18, strike "**AN EXPLANATION**" and substitute "**A DESCRIPTION**"; in line 19, strike "**FEDERAL**"; in the same line, strike "**PROGRAM IN WHICH**" and substitute "**PROGRAMS OFFERED BY**"; strike beginning with the comma in line 19 down through "**PROGRAM;**" in line 22 and substitute "**THAT MAY BE APPLICABLE TO THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION; AND**"; strike in their entirety lines 23 through 28, inclusive; in line 29, strike "**(V) A STAMPED**" and substitute "**(IV) AN**"; in line 30, after the first "**THE**" insert "**PERSON RESPONSIBLE FOR CONDUCTING**"; strike beginning with "**DEPARTMENT**" in line 30 down through "**OF**" in line 32 and substitute "**ANALYSIS FOR**"; and in line 32, strike "**MORTGAGE LOAN**" and substitute "**LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION**".

AMENDMENT NO. 4

On pages 6 through 14, strike in their entirety the lines beginning with line 27 on page 6 through line 18 on page 14, inclusive.

On page 14, after line 18, insert:

"**(VII) IN ADDITION TO ANY OTHER FILING FEES REQUIRED BY LAW, A FILING FEE IN THE AMOUNT OF $300;**

(VIII) SUBJECT TO SUBSECTION (E) OF THIS SECTION:

1. IF THE LOSS MITIGATION ANALYSIS HAS BEEN COMPLETED, A FINAL LOSS MITIGATION AFFIDAVIT IN THE FORM PRESCRIBED

BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION; AND

2. IF THE LOSS MITIGATION ANALYSIS HAS NOT BEEN COMPLETED:

A. A PRELIMINARY LOSS MITIGATION AFFIDAVIT IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION;

B. THE LOSS MITIGATION APPLICATION AND A DESCRIPTION OF THE ELIGIBILITY REQUIREMENTS FOR LOSS MITIGATION PROGRAMS OFFERED BY THE SECURED PARTY AS DESCRIBED IN SUBSECTION (C)(5) OF THIS SECTION;

C. INSTRUCTIONS FOR COMPLETING THE LOSS MITIGATION APPLICATION, INCLUDING INSTRUCTIONS TO RETURN THE COMPLETED APPLICATION TO THE ATTORNEY HANDLING THE FORECLOSURE; AND

D. AN ENVELOPE PREPRINTED WITH THE ADDRESS OF THE ATTORNEY HANDLING THE FORECLOSURE;";

and in line 19, after "mortgagor" insert "**OR GRANTOR**".

On page 15, strike in their entirety lines 1 through 8, inclusive, and substitute:

"**IF YOU OWN AND LIVE IN THE HOME THAT IS SUBJECT TO FORECLOSURE, YOUR LENDER MAY BE REQUIRED TO CONDUCT AN ANALYSIS OF YOUR LOAN TO SEE IF YOU QUALIFY FOR A LOAN MODIFICATION OR SOME OTHER LOSS MITIGATION. YOU MUST APPLY AND PROVIDE YOUR LENDER WITH SPECIFIC INFORMATION AS PART OF THIS ANALYSIS. THE RESULTS OF YOUR LENDER'S ANALYSIS OF YOUR LOAN WILL BE PROVIDED TO YOU IN THE FORM OF AN AFFIDAVIT SUBMITTED TO THE COURT.**

IF YOUR LENDER DETERMINES THAT YOU ARE NOT ELIGIBLE FOR ANY LOAN MODIFICATION OR OTHER RELIEF, YOU HAVE THE RIGHT TO FILE A REQUEST WITH THE COURT AND HAVE FORECLOSURE MEDIATION. THIS WILL BE A CONFERENCE WITH SOMEONE REPRESENTING YOUR LENDER AND A NEUTRAL THIRD PARTY TO DISCUSS YOUR LOAN AND POSSIBLE OPTIONS. TO REQUEST FORECLOSURE MEDIATION, YOU MUST COMPLETE THE REQUEST FOR FORECLOSURE MEDIATION FORM THAT WILL ACCOMPANY THE LENDER'S FINAL LOSS MITIGATION AFFIDAVIT AND MAIL IT TO THE COURT AND THE FORECLOSURE ATTORNEY WITHIN 15 DAYS AFTER RECEIPT. IF YOU FILE A REQUEST FOR FORECLOSURE MEDIATION, YOUR PROPERTY CANNOT GO TO SALE UNTIL AT LEAST 15 DAYS AFTER YOUR MEDIATION HAS BEEN HELD.";

in line 10, after "discuss" insert "**POSSIBLE LOSS MITIGATION PROGRAMS,**"; in the same line, after "**MEDIATION**" insert a comma; and strike beginning with the comma in line 11 down through "occurs" in line 13.

On pages 15 and 16, strike in their entirety the lines beginning with line 30 on page 15 through line 2 on page 16, inclusive, and substitute:

"**AND**

(X) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE CONCERNS OWNER–OCCUPIED RESIDENTIAL PROPERTY AND IS ACCOMPANIED BY A FINAL LOSS MITIGATION AFFIDAVIT:

1. A REQUEST FOR FORECLOSURE MEDIATION IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION; AND

2. AN ENVELOPE PREPRINTED WITH THE ADDRESS OF THE CLERK OF THE COURT; AND

3. AN ENVELOPE PREPRINTED WITH THE ADDRESS OF THE FORECLOSURE ATTORNEY.

(E) FOR PURPOSES OF A FINAL LOSS MITIGATION AFFIDAVIT THAT IS FILED WITH AN ORDER TO DOCKET OR COMPLAINT TO FORECLOSE, A LOSS

MITIGATION ANALYSIS IS NOT CONSIDERED COMPLETE IF THE REASON FOR THE DENIAL OR DETERMINATION OF INELIGIBILITY IS DUE TO THE INABILITY OF THE SECURED PARTY TO:

(1) ESTABLISH COMMUNICATION WITH THE MORTGAGOR OR GRANTOR; OR

(2) OBTAIN ALL DOCUMENTATION AND INFORMATION NECESSARY TO CONDUCT THE LOSS MITIGATION ANALYSIS.";

in line 3, strike "(e)" and substitute "**(F)**"; and after line 23, insert:

"**(G) (1) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS ACCOMPANIED BY A PRELIMINARY LOSS MITIGATION AFFIDAVIT, THE SECURED PARTY, AT LEAST 30 DAYS BEFORE THE DATE OF A FORECLOSURE SALE, SHALL:**

(I) FILE WITH THE COURT A FINAL LOSS MITIGATION AFFIDAVIT IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION; AND

(II) SEND TO THE MORTGAGOR OR GRANTOR BY FIRST CLASS AND BY CERTIFIED MAIL:

1. A COPY OF THE FINAL LOSS MITIGATION AFFIDAVIT; AND

2. A REQUEST FOR FORECLOSURE MEDIATION FORM AND ENVELOPES DESCRIBED IN SUBSECTION (D)(2)(X) OF THIS SECTION.

(2) A FINAL LOSS MITIGATION AFFIDAVIT SHALL BE FILED UNDER THIS SUBSECTION NO EARLIER THAN 28 DAYS AFTER THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS SERVED ON THE MORTGAGOR OR GRANTOR.".

AMENDMENT NO. 5

On page 16, strike in their entirety lines 24 through 33, inclusive, and substitute:

"**(H) (1) (I) IN A FORECLOSURE ACTION ON OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE MORTGAGOR OR GRANTOR MAY FILE WITH THE COURT A COMPLETED REQUEST FOR FORECLOSURE MEDIATION NOT LATER THAN:**

1. IF THE FINAL LOSS MITIGATION AFFIDAVIT WAS DELIVERED ALONG WITH SERVICE OF THE COPY OF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE UNDER SUBSECTION (F) OF THIS SECTION, 15 DAYS AFTER THAT SERVICE ON THE MORTGAGOR OR GRANTOR; OR

2. IF THE FINAL LOSS MITIGATION AFFIDAVIT WAS MAILED AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, 15 DAYS AFTER THE MAILING OF THE FINAL LOSS MITIGATION AFFIDAVIT.

(II) 1. A REQUEST FOR FORECLOSURE MEDIATION SHALL BE ACCOMPANIED BY A FILING FEE OF $50.

2. THE COURT MAY REDUCE OR WAIVE THE FILING FEE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE MORTGAGOR OR GRANTOR IS ELIGIBLE FOR A REDUCTION OR WAIVER UNDER THE MARYLAND LEGAL SERVICES GUIDELINES.

(III) THE MORTGAGOR OR GRANTOR SHALL MAIL A COPY OF THE REQUEST FOR FORECLOSURE MEDIATION TO THE FORECLOSURE ATTORNEY.

(2) (I) THE SECURED PARTY MAY FILE A MOTION TO STRIKE THE REQUEST FOR FORECLOSURE MEDIATION IN ACCORDANCE WITH THE MARYLAND RULES.

(II) THE MOTION TO STRIKE MUST BE ACCOMPANIED BY AN AFFIDAVIT THAT SETS FORTH THE REASONS WHY FORECLOSURE MEDIATION IS NOT APPROPRIATE.

(III) THE SECURED PARTY SHALL MAIL A COPY OF THE MOTION TO STRIKE AND THE ACCOMPANYING AFFIDAVIT TO THE MORTGAGOR OR GRANTOR.

(IV) THERE IS A PRESUMPTION THAT A MORTGAGOR OR GRANTOR IS ENTITLED TO FORECLOSURE MEDIATION UNLESS GOOD CAUSE IS SHOWN WHY FORECLOSURE MEDIATION IS NOT APPROPRIATE.

(3) (I) THE MORTGAGOR OR GRANTOR MAY FILE A RESPONSE TO THE MOTION TO STRIKE WITHIN 15 DAYS.

(II) THE MORTGAGOR OR GRANTOR SHALL MAIL A COPY OF THE RESPONSE TO THE FORECLOSURE ATTORNEY.

(III) IF THE COURT GRANTS THE MOTION TO STRIKE, THE COURT SHALL INSTRUCT THE OFFICE OF ADMINISTRATIVE HEARINGS TO CANCEL ANY SCHEDULED MEDIATION.

(I) (1) WITHIN 5 DAYS AFTER RECEIPT OF A REQUEST FOR FORECLOSURE MEDIATION, THE COURT SHALL FORWARD THE REQUEST TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR SCHEDULING.

(2) WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST FOR FORECLOSURE MEDIATION, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL CONDUCT A FORECLOSURE MEDIATION.

(3) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL SEND NOTICE OF THE SCHEDULED FORECLOSURE MEDIATION TO THE FORECLOSURE ATTORNEY, THE SECURED PARTY, AND THE MORTGAGOR OR GRANTOR.

(4) THE NOTICE FROM THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL:

(I) INCLUDE INSTRUCTIONS REGARDING THE DOCUMENTS AND INFORMATION, AS REQUIRED BY REGULATIONS ADOPTED BY THE

COMMISSIONER OF FINANCIAL REGULATION, THAT MUST BE PROVIDED BY EACH PARTY TO THE OTHER PARTY AND TO THE MEDIATOR; AND

(II) REQUIRE THE INFORMATION AND DOCUMENTS TO BE PROVIDED NO LATER THAN 20 DAYS BEFORE THE SCHEDULED DATE OF THE FORECLOSURE MEDIATION.

(J) (1) AT A FORECLOSURE MEDIATION:

(I) THE MORTGAGOR OR GRANTOR SHALL BE PRESENT;

(II) THE MORTGAGOR OR GRANTOR MAY BE ACCOMPANIED BY A HOUSING COUNSELOR AND MAY HAVE LEGAL REPRESENTATION;

(III) THE SECURED PARTY, OR A REPRESENTATIVE OF THE SECURED PARTY, SHALL BE PRESENT; AND

(IV) ANY REPRESENTATIVE OF THE SECURED PARTY MUST HAVE THE AUTHORITY TO SETTLE THE MATTER OR BE ABLE TO READILY CONTACT A PERSON WITH AUTHORITY TO SETTLE THE MATTER.

(2) AT THE FORECLOSURE MEDIATION, THE PARTIES AND THE MEDIATOR SHALL ADDRESS LOSS MITIGATION PROGRAMS THAT MAY BE APPLICABLE TO THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION.

(3) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL FILE A REPORT WITH THE COURT THAT STATES THE OUTCOME OF THE REQUEST FOR FORECLOSURE MEDIATION:

(I) WITHIN 5 DAYS AFTER A FORECLOSURE MEDIATION IS HELD; OR

(II) AT THE END OF THE 60–DAY MEDIATION PERIOD SPECIFIED IN SUBSECTION (I)(2) OF THIS SECTION, PLUS ANY EXTENSION GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

(4) EXCEPT FOR A REQUEST FOR POSTPONEMENT, THE RULES OF PROCEDURE FOR CONTESTED CASES OF THE OFFICE OF ADMINISTRATIVE HEARINGS DO NOT GOVERN A FORECLOSURE MEDIATION CONDUCTED BY THE OFFICE.".

On page 17, strike in their entirety lines 1 through 14, inclusive, and substitute:

"**(K) (1) IF THE PARTIES DO NOT REACH AN AGREEMENT AT THE FORECLOSURE MEDIATION, OR THE 60–DAY MEDIATION PERIOD EXPIRES WITHOUT AN EXTENSION GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS, THE FORECLOSURE ATTORNEY MAY SCHEDULE THE FORECLOSURE SALE.**

(2) (I) SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, THE MORTGAGOR OR GRANTOR MAY FILE A MOTION TO STAY THE FORECLOSURE SALE.

(II) A MOTION TO STAY UNDER THIS PARAGRAPH SHALL BE FILED WITHIN 15 DAYS AFTER:

1. THE DATE THE FORECLOSURE MEDIATION IS HELD; OR

2. IF NO FORECLOSURE MEDIATION IS HELD, THE DATE THE OFFICE OF ADMINISTRATIVE HEARINGS FILES ITS REPORT WITH THE COURT.

(III) A MOTION TO STAY UNDER THIS PARAGRAPH MUST ALLEGE SPECIFIC REASONS WHY LOSS MITIGATION SHOULD HAVE BEEN GRANTED.";

in line 15, strike "**(III)**" and substitute "**(3)**"; in line 16, strike "**DEFENDANT**" and substitute "**MORTGAGOR OR GRANTOR**"; in the same line, after "**REMEDY**" insert "**OR LEGAL DEFENSE**"; and in the same line, strike "**UNDER LAW**" and substitute "**TO THE MORTGAGOR OR GRANTOR**".

AMENDMENT NO. 6

On page 17, in line 17, strike "**(G)**" and substitute "**(L)**"; strike in their entirety lines 18 through 27, inclusive, and substitute:

"**(1) IF THE RESIDENTIAL PROPERTY IS NOT OWNER–OCCUPIED RESIDENTIAL PROPERTY, AT LEAST 45 DAYS AFTER SERVICE OF PROCESS IS MADE UNDER SUBSECTION (F) OF THIS SECTION;**

(2) IF THE RESIDENTIAL PROPERTY IS OWNER–OCCUPIED RESIDENTIAL PROPERTY AND FORECLOSURE MEDIATION IS NOT HELD, THE LATER OF:

(I) AT LEAST 45 DAYS AFTER SERVICE OF PROCESS THAT INCLUDES A FINAL LOSS MITIGATION AFFIDAVIT MADE UNDER SUBSECTION (F) OF THIS SECTION; OR

(II) AT LEAST 30 DAYS AFTER A FINAL LOSS MITIGATION AFFIDAVIT IS MAILED UNDER SUBSECTION (G) OF THIS SECTION; AND

(3) IF THE RESIDENTIAL PROPERTY IS OWNER–OCCUPIED RESIDENTIAL PROPERTY AND FORECLOSURE MEDIATION IS REQUESTED, AT LEAST 15 DAYS AFTER:

(I) THE DATE THE FORECLOSURE MEDIATION IS HELD; OR

(II) IF NO FORECLOSURE MEDIATION IS HELD, THE DATE THE OFFICE OF ADMINISTRATIVE HEARINGS FILES ITS REPORT WITH THE COURT.";

and in line 28, strike "**(H)**" and substitute "**(M)**".

AMENDMENT NO. 7

On page 18, in lines 1 and 8, strike "**(I)**" and "**(J)**", respectively, and substitute "**(N)**" and "**(O)**", respectively; and after line 9, insert:

"**(P) REVENUE COLLECTED FROM THE FILING FEES REQUIRED UNDER SUBSECTIONS (D)(2)(VII) AND (H)(1)(II) OF THIS SECTION SHALL BE**

DISTRIBUTED TO THE HOUSING COUNSELING AND FORECLOSURE MEDIATION FUND ESTABLISHED UNDER § 4–507 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

Article – Housing and Community Development

4–507.

(A) IN THIS SECTION, "FUND" MEANS THE HOUSING COUNSELING AND FORECLOSURE MEDIATION FUND.

(B) THERE IS A HOUSING COUNSELING AND FORECLOSURE MEDIATION FUND.

(C) THE PURPOSES OF THE FUND ARE TO:

(1) SUPPORT NONPROFIT AND GOVERNMENT HOUSING COUNSELORS AND OTHER NONPROFIT ENTITIES WITH PROVIDING:

(I) LEGAL ASSISTANCE TO HOMEOWNERS WHO ARE TRYING TO AVOID FORECLOSURE OR MANAGE FORECLOSURE PROCEEDINGS; AND

(II) HOMEBUYER EDUCATION, HOUSING ADVICE, OR FINANCIAL COUNSELING FOR HOMEOWNERS AND PROSPECTIVE HOMEOWNERS;

(2) SUPPORT THE ESTABLISHMENT AND OPERATION OF NONPROFIT HOUSING COUNSELING ENTITIES;

(3) SUPPORT EFFORTS BY THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO:

(I) CONTACT AND PROVIDE ADVICE AND ASSISTANCE TO HOMEOWNERS FACING FINANCIAL DIFFICULTY; AND

(II) PROVIDE ADVICE AND ASSISTANCE TO PROSPECTIVE HOMEOWNERS; AND

(4) ASSIST IN FUNDING THE COSTS OF FORECLOSURE MEDIATIONS PROVIDED BY THE OFFICE OF ADMINISTRATIVE HEARINGS UNDER § 7–105.1 OF THE REAL PROPERTY ARTICLE.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 7–105.1 OF THE REAL PROPERTY ARTICLE;

(2) INVESTMENT EARNINGS OF THE FUND;

(3) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.".

AMENDMENT NO. 8

On page 18, before line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, until the Commissioner of Financial Regulation identifies information regarding nonprofit and State government resources available to assist mortgagors and grantors facing foreclosure and prescribes the foreclosure process and time line that are required to be included in a notice of intent to foreclose under § 7–105.1(c)(4)(ii)5 and 6 of the Real Property Article, as enacted by Section 1 of this Act, a notice of intent to foreclose shall be deemed to be in compliance with § 7–105.1(c)(4)(ii)5 and 6 of the Real Property Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Commissioner of Financial Regulation shall adopt regulations to prescribe the form and content of the following items required under this Act:

(1) Final Loss Mitigation Affidavit;

(2) Preliminary Loss Mitigation Affidavit;

(3) Request for Foreclosure Mediation; and

(4) Instructions regarding documents and information required for foreclosure mediation.

SECTION 4. AND BE IT FURTHER ENACTED, That until the Commissioner of Financial Regulation adopts the regulations required under Section 3 of this Act:

(1) instructions regarding information and documents required for foreclosure mediation required under § 7–105.1(i)(4) of the Real Property Article, as enacted by Section 1 of this Act, shall be deemed to be in compliance with § 7–105.1(i)(4) of the Real Property Article, as exacted by Section 1 of this Act; and

(2) the following documents required under § 7–105.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be in substantially the following form:

(i) Final Loss Mitigation Affidavit

FINAL LOSS MITIGATION AFFIDAVIT

My name is _____. I am authorized to act on behalf of the holder of the beneficial interest in the mortgage or deed of trust that is the subject of the above–referenced case, and I state the following:

□ Yes □ No The mortgage loan is owned, securitized, insured, or guaranteed by FNMA, FHLMC, or FHA or the servicing agent is participating in the federal Making Home Affordable Program or a similar loss mitigation program.

□ The mortgage loan that is the subject of this foreclosure action is not eligible for loss mitigation because:

□ The property is not the primary residence of at least one of the borrowers.

□ The property has more than four dwelling units.

□ The property is vacant or condemned.

□ The mortgage loan is not a first mortgage.

□ The amount of the mortgage loan makes it ineligible under all relevant loss mitigation programs.

□ The borrower's income makes the borrower ineligible under all relevant loss mitigation programs.

□ The borrower has already failed a modification trial period plan.

□ Other: _____.

□ The mortgage loan that is the subject of this foreclosure action is eligible for loan modification or loss mitigation, and loan modification or loss mitigation has been denied.

□ No other loss mitigation options have been identified as appropriate.

I affirm that the content of the foregoing affidavit is true to the best of my knowledge, information, and belief.

Executed on _____, 20___. By:_____

Print Name:_____
Title:_____;

(ii) Preliminary Loss Mitigation Affidavit

PRELIMINARY LOSS MITIGATION AFFIDAVIT

My name is _____. I am authorized to act on behalf of the holder of the beneficial interest in the mortgage or deed of trust that is the subject of the above–referenced case, and I state the following:

□ Yes □ No The mortgage loan is owned, securitized, insured, or guaranteed by FNMA, FHLMC, or FHA or the servicing agent is participating in the federal Making Home Affordable Program or in a similar loss mitigation program.

The mortgage loan that is the subject of this foreclosure action may be eligible for loss mitigation and:

□ The loan currently is under loss mitigation analysis, but the analysis has not yet been completed.

□ The servicer has not received all the information from the borrower that the servicer needs to perform a loss mitigation analysis.

□ The servicer has had no contact with the borrower.

□ Other _____.

I affirm that the content of the foregoing affidavit is true to the best of my knowledge, information, and belief.

Executed on _____, 20__. By: _____

Print Name: _____
Title: _____; and

(iii) Request for Foreclosure Mediation

REQUEST FOR FORECLOSURE MEDIATION

Instructions to Borrower [as completed by Plaintiff]:

This Request for Foreclosure Mediation is to be completed and filed in the Circuit Court for (appropriate court), Case Number (appropriate case number or identifier).

The court's address is: (address of the appropriate court). The foreclosure attorney's address is: (address).

This form must be filed with the court and sent to the foreclosure attorney before (date, which is not less than 15 days after either service of the order to docket or complaint to foreclose or the mailing of the final loss mitigation affidavit, whichever is later).

Please read carefully! If you have questions or are unsure about how to fill out this form, contact the Maryland Foreclosure Hotline at (phone number) or go to the website at (web address).

You must file this form with the court at the address above and you must also mail a copy to the foreclosure attorney at the address above.

You must pay $50 when you file this form or it will be ineffective. If the form is ineffective, you will not be scheduled for foreclosure mediation and the foreclosure sale of your home can proceed.

DO NOT DELAY! You must file this form with the court and mail it to the foreclosure attorney before the date identified above.

Keep a copy of everything you send. Get a mail receipt confirmation for your records to show the date you sent everything.

My name is _____. I request that this court schedule a foreclosure mediation. I understand that a foreclosure mediation is an opportunity for a meeting with a neutral third party who will try to assist me and my lender to reach an agreement about the foreclosure of my home. I also understand I must qualify for loan modification or other relief and that making this request does not guarantee that I will receive a loan modification or other relief.

The following answers will assist in the foreclosure mediation process:

□ Yes □ No I requested a loan modification and I believe my loan should have been modified.

□ Yes □ No I was not given an opportunity to see if my loan could be modified but I think I deserve that opportunity.

□ Yes □ No The property is my home and I live there.

□ Yes □ No The property does not have more than four dwelling units.

□ Yes □ No I have not failed a trial modification plan and have not failed a prior modification under a federal loan modification program.

□ Yes □ No If no loan modification or other option will work, I am willing to discuss giving up my home and the best way to do that.

$ _____ This is my estimated current total gross monthly income (from all sources, and including co–borrower's income).

MEDIATION FEE

□ Yes □ No I have enclosed my $50 fee for filing this Request for Foreclosure Mediation.

□ Yes □ No I am requesting the Court to reduce or waive my filing fee because I qualify for free legal services under court guidelines.

I affirm that the content of the foregoing affidavit is true to the best of my knowledge, information, and belief.

Executed on _____, 20__. By: _____
Print Name: _____
Title: _____.

SECTION 5. AND BE IT FURTHER ENACTED, That when the Commissioner of Financial Regulation adopts regulations as required under Section 3 of this Act, the documents described in Section 4(2) of this Act may no longer be used and the documents prescribed by regulations adopted by the Commissioner shall be used.".

AMENDMENT NO. 9

On page 18, strike in their entirety lines 10 through 14, inclusive, and substitute:

"SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Governor is authorized to process a budget amendment during fiscal year 2011 that appropriates $250,000 from the Housing Counseling and Foreclosure Mediation Fund established under § 4–507 of the Housing and Community Development Article, as enacted by Section 1 of this Act, for the purpose of paying the Department of Labor, Licensing, and Regulation's costs to implement an electronic system to track and retrieve data gathered under § 7–105.1 of the Real Property Article, as enacted by Section 1 of this Act, and staffing related outreach functions.

(b) For each of fiscal years 2012, 2013, and 2014, at least $150,000 of the money in the Housing Counseling and Foreclosure Mediation Fund established under § 4–507 of the Housing and Community Development Article, as enacted by Section 1 of this Act, shall be appropriated by the Governor in the budget of the Department of Labor, Licensing, and Regulation to cover the cost of staffing outreach functions related to the electronic tracking and retrieval system implemented by the Department.

SECTION 7. AND BE IT FURTHER ENACTED, That the Governor is authorized to process a budget amendment during fiscal year 2011 that appropriates

$300,000 from the Housing Counseling and Foreclosure Mediation Fund established under the Housing and Community Development Article, as enacted by Section 1 of this Act, for the purpose of paying the Administrative Office of the Courts' costs to process foreclosure actions in heavily impacted jurisdictions in the State.

SECTION 8. 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 order to docket or complaint to foreclose on residential property filed before the effective date of this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 620 – Delegates Frush, Barnes, and Pena–Melnyk

AN ACT concerning

Condominiums and Homeowners Associations – Common Elements and Common Areas – Implied Warranties

HB0620/350119/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 620
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "improvements;" insert "providing that certain provisions of this Act do not apply to a condominium that is occupied and used solely for nonresidential purposes;".

AMENDMENT NO. 2

On page 3, strike beginning with "**DEVELOPER**" in line 12 down through "**TITLE**" in line 13 and substitute "**UNIT OWNERS, OTHER THAN THE DEVELOPER AND ITS AFFILIATES, FIRST ELECT A CONTROLLING MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS FOR THE COUNCIL OF UNIT OWNERS**"; and in line 31, strike "that time" and substitute "**THE FIRST TRANSFER OF TITLE TO A UNIT OWNER**".

On page 4, in line 1, strike the brackets; in the same line, strike "**THREE**"; in line 2, after "**(I)**" insert "**OR (II)**"; in lines 3, 31, and 33, in each instance, strike "**TWO**" and substitute "**2**"; strike beginning with "**DEVELOPER**" in line 3 down through "**TITLE**" in line 4 and substitute "**UNIT OWNERS, OTHER THAN THE DEVELOPER AND ITS AFFILIATES, FIRST ELECT A CONTROLLING MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS FOR THE COUNCIL OF UNIT OWNERS**"; in line 29, strike "that time" and substitute "**THE FIRST TRANSFER OF TITLE TO A LOT**"; and in line 32, after "**(I)**" insert "**OR (II)**".

On pages 4 and 5, strike beginning with "**DECLARANT**" in line 33 on page 4 down through "**TITLE**" in line 1 on page 5 and substitute "**LOT OWNERS, OTHER THAN THE DECLARANT AND ITS AFFILIATES, FIRST ELECT A CONTROLLING MAJORITY OF THE MEMBERS OF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION**".

AMENDMENT NO. 3

On page 2, in line 31, after "**1.**" insert "**A.**"; in the same line, after "**ANY**" insert "**MULTIFAMILY RESIDENTIAL**"; and after line 34, insert:

"**B. THIS SUBPARAGRAPH DOES NOT APPLY TO A CONDOMINIUM THAT IS OCCUPIED AND USED SOLELY FOR NONRESIDENTIAL PURPOSES.**".

AMENDMENT NO. 4

On page 3, in line 9, strike "**THE**" and substitute "**WITH THE EXCEPTION OF CORRECTIVE AMENDMENTS NECESSARY TO COMPLY WITH SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 842 – Delegates Conway, Bobo, Frush, Glenn, Lafferty, Mathias, Niemann, Stein, and Stull

AN ACT concerning

Condominiums and Homeowners Associations – Priority of Liens – "The Residential Association Sustainability Act of 2010"

HB0842/240517/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 842
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Stull" and substitute "Braveboy"; in line 2, after "Associations –" insert "Security Deposits and"; in line 13, after "circumstances" insert "and with certain limitations; 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"; in line 16, after "contingencies;" insert "providing for the application of certain provisions of this Act;"; and in line 18, after "associations" insert "and security deposits in condominiums".

On page 2, in line 4, strike "11B–117" and substitute "11–110.1 and 11B–117".

AMENDMENT NO. 2

On page 2, in line 28, strike "**IN**" and substitute "**SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN**"; and in line 31, strike "**6**" and substitute "**4**".

On page 3, in line 16, strike "**6**" and substitute "**4**".

AMENDMENT NO. 3

On page 3, after line 31, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Real Property

11–110.1.

(A) (1) IN THIS SECTION, "SECURITY DEPOSIT" MEANS ANY PAYMENT OF MONEY GIVEN TO A BOARD OF DIRECTORS BY A UNIT OWNER IN ORDER TO PROTECT THE CONDOMINIUM AND BOARD OF DIRECTORS AGAINST NONPAYMENT OF THE COMMON ASSESSMENTS, CHARGES, AND FEES IMPOSED BY THE CONDOMINIUM TO MAINTAIN THE AREAS OF THE CONDOMINIUM POSSESSED IN COMMON BY THE UNIT OWNERS.

(2) "SECURITY DEPOSIT" INCLUDES AN AMOUNT OF MONEY THAT IS THE EQUIVALENT OF A PRO RATA SHARE FOR EACH UNIT OF THE CHARGES FOR THE COMMON UTILITIES.

(B) (1) A BOARD OF DIRECTORS SHALL IMPOSE A SECURITY DEPOSIT ON EACH UNIT OWNER THAT IS EQUIVALENT TO COMMON ASSESSMENTS,

CHARGES, FEES, AND PRO RATA COMMON UTILITIES CHARGES PER UNIT FOR 2 MONTHS.

(2) THE BOARD OF DIRECTORS MAY NOT IMPOSE A SECURITY DEPOSIT IN EXCESS OF THE AMOUNT ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(3) IF A BOARD OF DIRECTORS IMPOSES A SECURITY DEPOSIT IN EXCESS OF THE AMOUNT ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE UNIT OWNER MAY RECOVER UP TO THREE TIMES THE EXTRA AMOUNT CHARGED, PLUS REASONABLE ATTORNEY'S FEES.

(4) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AT ANY TIME DURING THE TIME IN WHICH THE UNIT OWNER HOLDS TITLE TO THE UNIT OR WITHIN 2 YEARS AFTER THE UNIT OWNER'S LEGAL TITLE TERMINATES.

(C) THE BOARD OF DIRECTORS SHALL GIVE THE UNIT OWNER A RECEIPT FOR THE SECURITY DEPOSIT AS SPECIFIED IN SUBSECTION (H) OF THIS SECTION.

(D) (1) (I) THE BOARD OF DIRECTORS SHALL MAINTAIN ALL SECURITY DEPOSITS IN FEDERALLY INSURED FINANCIAL INSTITUTIONS, AS DEFINED IN § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE, THAT DO BUSINESS IN THE STATE.

(II) SECURITY DEPOSIT ACCOUNTS SHALL BE MAINTAINED IN BRANCHES OF THE FINANCIAL INSTITUTIONS THAT ARE LOCATED IN THE STATE AND THE ACCOUNTS SHALL BE DEVOTED EXCLUSIVELY TO SECURITY DEPOSITS AND BEAR INTEREST.

(III) A SECURITY DEPOSIT SHALL BE DEPOSITED IN AN ACCOUNT WITHIN 30 DAYS AFTER THE BOARD OF DIRECTORS RECEIVES THE SECURITY DEPOSIT.

(IV) THE AGGREGATE AMOUNT OF THE ACCOUNTS SHALL BE SUFFICIENT IN AMOUNT TO EQUAL ALL SECURITY DEPOSITS FOR WHICH THE BOARD OF DIRECTORS IS LIABLE.

(2) (I) IN LIEU OF THE ACCOUNTS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF DIRECTORS MAY HOLD THE SECURITY DEPOSITS IN INSURED CERTIFICATES OF DEPOSIT AT BRANCHES OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, AS DEFINED IN § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE, LOCATED IN THE STATE OR IN SECURITIES ISSUED BY THE FEDERAL GOVERNMENT OR THE STATE OF MARYLAND.

(II) IN THE AGGREGATE CERTIFICATES OF DEPOSIT OR SECURITIES SHALL BE SUFFICIENT IN AMOUNT TO EQUAL ALL SECURITY DEPOSITS FOR WHICH THE BOARD OF DIRECTORS IS LIABLE.

(3) (I) IN THE EVENT OF SALE OR TRANSFER OF THE OWNERSHIP OF THE CONDOMINIUM, INCLUDING RECEIVERSHIP OR BANKRUPTCY, ANY SUCCESSOR IN INTEREST IS LIABLE TO THE UNIT OWNER FOR FAILURE TO RETURN THE SECURITY DEPOSIT, TOGETHER WITH INTEREST, AS PROVIDED IN THIS SECTION.

(II) A SECURITY DEPOSIT UNDER THIS SECTION MAY NOT BE ATTACHED BY CREDITORS OF THE CONDOMINIUM, THE BOARD OF DIRECTORS, OR THE UNIT OWNER.

(E) THE SECURITY DEPOSIT, OR ANY PORTION OF THE SECURITY DEPOSIT, MAY BE WITHHELD FOR COMMON ASSESSMENTS, CHARGES, FEES, AND THE PRO RATA COMMON UTILITIES CHARGES IMPOSED BY THE CONDOMINIUM THAT REMAIN UNPAID WHEN THE UNIT OWNER SELLS LEGAL TITLE TO THE UNIT OR IN ANY WAY THE UNIT OWNER'S LEGAL TITLE TO THE UNIT TERMINATES.

(F) (1) WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT, THE BOARD OF DIRECTORS SHALL RETURN THE SECURITY DEPOSIT TO THE UNIT OWNER TOGETHER WITH SIMPLE INTEREST THAT HAS ACCRUED IN THE AMOUNT OF 3% PER YEAR, LESS ANY

AMOUNT FOR UNPAID COMMON ASSESSMENTS, CHARGES, FEES, AND THE PRO RATA COMMON UTILITIES CHARGES RIGHTFULLY WITHHELD.

(2) (I) INTEREST SHALL ACCRUE AT 6–MONTH INTERVALS FROM THE DAY THE UNIT OWNER GIVES THE BOARD OF DIRECTORS THE SECURITY DEPOSIT.

(II) INTEREST UNDER THIS PARAGRAPH IS NOT COMPOUNDED.

(3) IF THE BOARD OF DIRECTORS, WITHOUT A REASONABLE BASIS, FAILS TO RETURN ANY PART OF THE SECURITY DEPOSIT, PLUS ACCRUED INTEREST, WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT, THE UNIT OWNER HAS AN ACTION OF UP TO THREEFOLD OF THE WITHHELD AMOUNT, PLUS REASONABLE ATTORNEY'S FEES.

(G) (1) IF ANY PORTION OF THE SECURITY DEPOSIT IS WITHHELD, THE BOARD OF DIRECTORS SHALL PRESENT BY FIRST–CLASS MAIL DIRECTED TO THE LAST KNOWN ADDRESS OF THE UNIT OWNER, WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT, A WRITTEN LIST OF THE COMMON ASSESSMENTS, CHARGES, AND FEES CLAIMED UNDER SUBSECTION (E) OF THIS SECTION.

(2) IF THE BOARD OF DIRECTORS FAILS TO COMPLY WITH THIS REQUIREMENT, THE BOARD OF DIRECTORS FORFEITS THE RIGHT TO WITHHOLD ANY PART OF THE SECURITY DEPOSIT.

(H) A RECEIPT FOR A SECURITY DEPOSIT SHALL NOTIFY THE UNIT OWNER OF THE FOLLOWING:

(1) THE UNIT OWNER'S DUTY TO PAY COMMON ASSESSMENTS, CHARGES, AND FEES IMPOSED BY THE CONDOMINIUM TO MAINTAIN THE AREAS OF THE CONDOMINIUM POSSESSED IN COMMON BY THE UNIT OWNERS;

(2) THE RIGHT OF THE BOARD OF DIRECTORS TO WITHHOLD THE SECURITY DEPOSIT FOR UNPAID COMMON ASSESSMENTS, CHARGES, AND FEES AT THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT;

(3) THE UNIT OWNER'S RIGHT TO RECEIVE, BY FIRST–CLASS MAIL, DELIVERED TO THE LAST KNOWN ADDRESS OF THE UNIT OWNER, A WRITTEN LIST OF THE COMMON ASSESSMENTS, CHARGES, AND FEES AGAINST THE SECURITY DEPOSIT CLAIMED BY THE BOARD OF DIRECTORS, WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT;

(4) THE OBLIGATION OF THE BOARD OF DIRECTORS TO RETURN ANY UNUSED PORTION OF THE SECURITY DEPOSIT, BY FIRST–CLASS MAIL, ADDRESSED TO THE UNIT OWNER'S LAST KNOWN ADDRESS WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT; AND

(5) A STATEMENT THAT FAILURE OF THE BOARD OF DIRECTORS TO COMPLY WITH THE SECURITY DEPOSIT LAW MAY RESULT IN THE BOARD OF DIRECTORS BEING LIABLE TO THE UNIT OWNER FOR A PENALTY OF UP TO THREE TIMES THE SECURITY DEPOSIT WITHHELD, PLUS REASONABLE ATTORNEY'S FEES.

(I) THE BOARD OF DIRECTORS SHALL RETAIN A COPY OF THE RECEIPT FOR A PERIOD OF 2 YEARS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT.".

AMENDMENT NO. 4

On page 3, in line 32, strike "3." and substitute "4.".

On page 4, in lines 7 and 16, strike "4." and "5.", respectively, and substitute "5." and "7.", respectively; and after line 15, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be construed to apply only prospectively and may only be applied or interpreted to have any effect on or application to the imposition of a security deposit by a

condominium on unit owners who purchase condominiums after the effective date of this Act.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

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

HB1125/120211/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1125
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Redevelopment" in line 2 down through "Approval" in line 3 and substitute "Requirements"; strike beginning with "establishing" in line 4 down through "date;" in line 11 and substitute "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;"; in line 11, after "terms;" insert "providing for the construction of this Act;"; in line 16, strike "4–203(b) and 4–204" and substitute "4–201.1, 4–203(b), and 4–204(a)"; and in line 21, strike "4–203(e)" and substitute "4–203.1 through 4–203.3".

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 2 on page 2 through line 8 on page 7, inclusive, and substitute:

"4–201.1.

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

(B) (1) "ADMINISTRATIVE WAIVER" MEANS A DECISION BY AN APPROVING BODY TO ALLOW THE CONSTRUCTION OF A DEVELOPMENT PROJECT TO BE GOVERNED BY THE STORMWATER MANAGEMENT ORDINANCE IN EFFECT AS OF MAY 4, 2009, IN THE LOCAL JURISDICTION WHERE THE DEVELOPMENT PROJECT WILL BE LOCATED.

(2) "ADMINISTRATIVE WAIVER" DOES NOT INCLUDE A QUANTITATIVE OR QUALITATIVE CONTROL WAIVER ISSUED IN ACCORDANCE WITH § 4–203.2 OF THIS SUBTITLE OR IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(C) (1) "APPROVAL" MEANS A DOCUMENTED ACTION BY AN APPROVING BODY THAT FOLLOWS A REVIEW AND DETERMINATION BY AN APPROVING BODY THAT THE MATERIAL SUBMITTED BY A DEVELOPER IS SUFFICIENT TO MEET THE REQUIREMENTS OF A SPECIFIED STAGE IN A LOCAL DEVELOPMENT REVIEW PROCESS.

(2) "APPROVAL" DOES NOT INCLUDE AN ACKNOWLEDGEMENT BY AN APPROVING BODY THAT MATERIAL SUBMITTED BY A DEVELOPER HAS BEEN RECEIVED FOR REVIEW.

(D) "APPROVING BODY" MEANS A COUNTY, MUNICIPALITY, OR OTHER UNIT OF GOVERNMENT THAT EXERCISES FINAL PROJECT APPROVAL OR PRELIMINARY PROJECT APPROVAL AUTHORITY.

[(b)**]** **(E)** "Environmental site design" means using small–scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources.

[(c)**]** **(F)** "Environmental site design" includes:

(1) Optimizing conservation of natural features, such as drainage patterns, soils, and vegetation;

(2) Minimizing use of impervious surfaces, such as paved surfaces, concrete channels, roofs, and pipes;

(3) Slowing down runoff to maintain discharge timing and to increase infiltration and evapotranspiration; and

(4) Using other nonstructural practices or innovative stormwater management technologies approved by the Department.

(G) "FINAL PROJECT APPROVAL" MEANS:

(1) FINAL APPROVAL BY AN APPROVING BODY OF A STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A DEVELOPMENT PROJECT'S STORMWATER MANAGEMENT FACILITIES; AND

(2) BONDING OR OTHER FINANCING HAS BEEN SECURED BASED ON A FINAL PLAN FOR THE DEVELOPMENT PROJECT IF REQUIRED AS A CONDITION OF APPROVAL.

(H) "PRELIMINARY PROJECT APPROVAL" MEANS PRELIMINARY APPROVAL BY AN APPROVING BODY MADE AS PART OF A LOCAL PRELIMINARY DEVELOPMENT OR PLANNING REVIEW PROCESS THAT INCLUDES:

(1) THE PROPOSED:

(I) NUMBER OF DWELLING UNITS OR LOTS;

(II) PROJECT DENSITY; AND

(III) SIZE AND LOCATION OF ALL PLANNED USES OF THE DEVELOPMENT PROJECT;

(2) PLANS THAT IDENTIFY:

(I) PROPOSED SITE DRAINAGE PATTERNS;

(II) THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE; AND

(III) THE TYPE, LOCATION, AND SIZE OF ALL STORMWATER MANAGEMENT MEASURES BASED ON SITE–SPECIFIC STORMWATER MANAGEMENT CALCULATIONS; AND

(3) ANY OTHER INFORMATION REQUIRED BY THE APPROVING BODY, INCLUDING:

(I) THE PROPOSED ALIGNMENT, LOCATION, AND CONSTRUCTION TYPE AND STANDARD FOR ALL ROADS, ACCESS WAYS, AND AREAS OF VEHICULAR TRAFFIC;

(II) A DEMONSTRATION THAT THE METHODS FOR DELIVERING WATER AND WASTEWATER SERVICE TO THE DEVELOPMENT PROJECT ARE ADEQUATE; OR

(III) THE SIZE, TYPE, AND GENERAL LOCATION OF ALL PROPOSED WASTEWATER AND WATER SYSTEM INFRASTRUCTURE.

(I) "QUALITATIVE CONTROL" MEANS A SYSTEM OF VEGETATIVE, STRUCTURAL, AND OTHER MEASURES THAT REDUCES OR ELIMINATES POLLUTANTS THAT MIGHT OTHERWISE BE CARRIED BY SURFACE RUNOFF.

(J) "QUANTITATIVE CONTROL" MEANS A STORMWATER MANAGEMENT SYSTEM OF VEGETATIVE AND STRUCTURAL MEASURES THAT CONTROL THE INCREASED VOLUME AND RATE OF SURFACE RUNOFF CAUSED BY MAN–MADE CHANGES TO THE LAND.

(K) "REDEVELOPMENT" MEANS:

(1) ANY CONSTRUCTION, ALTERATION, OR IMPROVEMENT PERFORMED ON A SITE IN WHICH EXISTING LAND USE IS COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTIFAMILY RESIDENTIAL; AND

(2) THE EXISTING IMPERVIOUS AREA OF THE SITE EXCEEDS 40%.

4–203.

(b) **[**The**]** **SUBJECT TO §§ 4–203.1, 4–203.2, AND 4–203.3 OF THIS SUBTITLE, THE** Department shall adopt rules and regulations which establish criteria and procedures for stormwater management in Maryland. The rules and regulations shall:

(1) Indicate that the primary goal of the State and local programs will be to maintain after development, as nearly as possible, the predevelopment runoff characteristics;

(2) Make allowance for the difference in hydrologic characteristics and stormwater management needs of different parts of the State;

(3) Specify that watershed–wide analyses may be necessary to prevent undesirable downstream effects of increased stormwater runoff;

(4) Specify the exemptions a county or municipality may grant from the requirements of submitting a stormwater management plan;

(5) (i) Specify the minimum content of the local ordinances or the rules and regulations of the affected county governing body to be adopted which may be done by inclusion of a model ordinance or model rules and regulations; and

(ii) Establish regulations and a model ordinance that require:

1. The implementation of environmental site design to the maximum extent practicable;

2. The review and modification, if necessary, of planning and zoning or public works ordinances to remove impediments to environmental site design implementation; and

3. A developer to demonstrate that:

A. Environmental site design has been implemented to the maximum extent practicable; and

B. Standard best management practices have been used only where absolutely necessary;

(6) Indicate that water quality practices may be required for any redevelopment, even when predevelopment runoff characteristics are maintained;

(7) Specify the minimum requirements for inspection and maintenance of stormwater practices;

(8) Specify all stormwater management plans shall be designed to:

(i) Prevent soil erosion from any development project;

(ii) Prevent, to the maximum extent practicable, an increase in nonpoint pollution;

(iii) Maintain the integrity of stream channels for their biological function, as well as for drainage;

(iv) Minimize pollutants in stormwater runoff from new development and redevelopment in order to:

1. Restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the State;

2. Protect public health;

3. Safeguard fish and aquatic life and scenic and ecological values; and

4. Enhance the domestic, municipal, recreational, industrial, and other uses of water as specified by the Department;

(v) Protect public safety through the proper design and operation of stormwater management facilities;

(vi) Maintain 100% of average annual predevelopment groundwater recharge volume for the site;

(vii) Capture and treat stormwater runoff to remove pollutants and enhance water quality;

(viii) Implement a channel protection strategy to reduce downstream erosion in receiving streams; and

(ix) Implement quantity control strategies to prevent increases in the frequency and magnitude of out–of–bank flooding from large, less frequent storm events;

(9) (i) Establish a comprehensive process for approving grading and sediment control plans and stormwater management plans; and

(ii) Specify that the comprehensive process established under subparagraph (i) of this paragraph takes into account the cumulative impacts of both plans.

4–203.1.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, AN APPROVING BODY SHALL REQUIRE A REDEVELOPMENT PROJECT DESIGN TO:

(1) REDUCE EXISTING IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE BY AT LEAST 50% AS DETERMINED BY THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I AND II;

(2) IMPLEMENT ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT PRACTICABLE TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50% OF THE EXISTING IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE, AS DETERMINED BY THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I AND II; OR

(3) USE A COMBINATION OF THE STORMWATER STRATEGIES UNDER ITEMS (1) AND (2) OF THIS SUBSECTION FOR AT LEAST 50% OF THE EXISTING SITE IMPERVIOUS AREA.

(B) (1) AN APPROVING BODY MAY AUTHORIZE ALTERNATIVE STORMWATER MANAGEMENT MEASURES FOR REDEVELOPMENT PROJECTS IF THE DEVELOPER DEMONSTRATES TO THE SATISFACTION OF THE APPROVING BODY THAT IMPERVIOUS AREA REDUCTION AND ENVIRONMENTAL SITE DESIGN HAVE BEEN IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE, AND STILL THE REQUIREMENT OF SUBSECTION (A) OF THIS SECTION CANNOT BE MET.

(2) ALTERNATIVE STORMWATER MANAGEMENT MEASURES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE:

(I) ON–SITE STRUCTURAL BEST MANAGEMENT PRACTICES;

(II) OFF–SITE STRUCTURAL BEST MANAGEMENT PRACTICES TO PROVIDE WATER QUALITY TREATMENT FOR AN AREA GREATER THAN OR EQUAL TO 50% OF THE EXISTING SITE IMPERVIOUS AREA; OR

(III) A COMBINATION OF IMPERVIOUS AREA REDUCTION, ENVIRONMENTAL SITE DESIGN, AND ON–SITE OR OFF–SITE STRUCTURAL BEST MANAGEMENT PRACTICES FOR AN AREA GREATER THAN OR EQUAL TO 50% OF THE EXISTING SITE IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE, AS DETERMINED BY THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I AND II.

(C) (1) AN APPROVING BODY MAY AUTHORIZE ALTERNATIVE STORMWATER MANAGEMENT MEASURES FOR REDEVELOPMENT PROJECTS IF THE DEVELOPER DEMONSTRATES TO THE SATISFACTION OF THE APPROVING BODY THAT THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION CANNOT BE MET.

(2) ALTERNATIVE STORMWATER MANAGEMENT MEASURES AUTHORIZED BY THE APPROVING BODY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE, IN ORDER OF PRIORITY:

(I) A COMBINATION OF IMPERVIOUS AREA REDUCTION, ENVIRONMENTAL SITE DESIGN, AND ON–SITE OR OFF–SITE STRUCTURAL BEST MANAGEMENT PRACTICES;

(II) RETROFITTING, INCLUDING EXISTING BEST MANAGEMENT PRACTICE UPGRADES, FILTERING PRACTICES, AND IMPLEMENTATION OF OFF–SITE ENVIRONMENTAL SITE DESIGN;

(III) PARTICIPATION IN A STREAM RESTORATION PROJECT;

(IV) POLLUTION TRADING WITH ANOTHER ENTITY;

(V) DESIGN CRITERIA BASED ON WATERSHED MANAGEMENT PLANS DEVELOPED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT;

(VI) PAYMENT OF A FEE–IN–LIEU; OR

(VII) A PARTIAL WAIVER OF THE TREATMENT REQUIREMENTS IF ENVIRONMENTAL SITE DESIGN IS NOT PRACTICABLE.

(3) WHEN DETERMINING WHICH ALTERNATIVE MEASURES TO AUTHORIZE UNDER THIS SUBSECTION, THE APPROVING BODY:

(I) SHALL, AFTER IT HAS BEEN DETERMINED THAT ENVIRONMENTAL SITE DESIGN HAS BEEN IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE, CONSIDER THE ORDER OF PRIORITY OF THE ALTERNATIVE MEASURES IN PARAGRAPH (2) OF THIS SUBSECTION; AND

(II) MAY CONSIDER WHETHER:

1. THE REDEVELOPMENT PROJECT IS LOCATED IN AN AREA DESIGNATED AS:

A. A PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

B. A TRANSIT ORIENTED DEVELOPMENT AREA UNDER TITLE 7, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE; OR

C. A BASE REALIGNMENT AND CLOSURE REVITALIZATION AND INCENTIVE ZONE UNDER TITLE 5, SUBTITLE 13 OF THE ECONOMIC DEVELOPMENT ARTICLE;

2. THE REDEVELOPMENT PROJECT IS NECESSARY TO ACCOMMODATE GROWTH CONSISTENT WITH THE COMPREHENSIVE PLAN FOR THE AREA WHERE THE DEVELOPMENT PROJECT WILL BE LOCATED; OR

3. BONDING AND FINANCING HAVE BEEN SECURED BASED ON AN APPROVAL OF A REDEVELOPMENT PLAN BY THE APPROVING BODY.

4–203.2.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A QUANTITATIVE CONTROL WAIVER MAY BE GRANTED TO A DEVELOPMENT PROJECT THAT IS LOCATED IN AN AREA WHERE A WATERSHED MANAGEMENT PLAN HAS NOT BEEN DEVELOPED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT IF:

(1) THE DEVELOPMENT PROJECT DISCHARGES DIRECTLY INTO TIDALLY INFLUENCED RECEIVING WATERS; OR

(2) THE DEVELOPMENT PROJECT IS AN INFILL DEVELOPMENT LOCATED IN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE WHERE:

(I) THE ECONOMIC FEASIBILITY OF THE PROJECT IS TIED TO THE PLANNED DENSITY OF THE DEVELOPMENT PROJECT;

(II) IMPLEMENTATION OF THE STORMWATER MANAGEMENT REGULATORY REQUIREMENTS ADOPTED BY THE DEPARTMENT IN 2009 WOULD RESULT IN A LOSS OF PLANNED DEVELOPMENT DENSITY; AND

(III) THE FOLLOWING CONDITIONS ARE MET:

1. PUBLIC WATER, SEWER, AND STORMWATER CONVEYANCE EXISTS;

2. THE QUANTITATIVE WAIVER IS APPLIED ONLY TO THE EXISTING IMPERVIOUS COVER ON THE SITE OF THE DEVELOPMENT PROJECT;

3. ENVIRONMENTAL SITE DESIGN IS USED TO THE MAXIMUM EXTENT PRACTICABLE TO MEET THE FULL WATER QUALITY TREATMENT REQUIREMENTS OF THE ENTIRE DEVELOPMENT PROJECT; AND

4. ENVIRONMENTAL SITE DESIGN IS USED TO THE MAXIMUM EXTENT PRACTICABLE TO PROVIDE FOR FULL QUANTITY CONTROL FOR ALL NEW IMPERVIOUS SURFACES.

(B) (1) A QUANTITATIVE AND QUALITATIVE CONTROL WAIVER MAY BE GRANTED FOR PHASED DEVELOPMENT PROJECTS IF, BY MAY 4, 2010, A STORMWATER SYSTEM HAS BEEN CONSTRUCTED THAT IS DESIGNED TO MEET:

(I) THE REGULATORY REQUIREMENTS FOR STORMWATER ADOPTED BY THE DEPARTMENT IN 2000; AND

(II) THE LOCAL ORDINANCE REQUIREMENTS IN EFFECT FOR PHASED DEVELOPMENT AT THE TIME THE STORMWATER SYSTEM WAS CONSTRUCTED.

(2) (I) THIS PARAGRAPH APPLIES TO A PHASED DEVELOPMENT PROJECT THAT HAS RECEIVED A WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF THE REGULATORY REQUIREMENTS FOR STORMWATER ADOPTED BY THE DEPARTMENT IN 2009 CANNOT BE MET FOR FUTURE PHASES OF A PHASED DEVELOPMENT PROJECT THAT ARE CONSTRUCTED AFTER MAY 4, 2010, THE DEVELOPER SHALL DEMONSTRATE TO AN APPROVING BODY THAT ALL REASONABLE EFFORTS WERE MADE TO INCORPORATE ENVIRONMENTAL SITE DESIGN INTO THESE PHASES OF DEVELOPMENT.

4–203.3.

(A) AN APPROVING BODY MAY GRANT AN ADMINISTRATIVE WAIVER TO A DEVELOPMENT PROJECT THAT RECEIVED PRELIMINARY PROJECT APPROVAL FROM THE APPROVING BODY ON OR BEFORE MAY 4, 2010.

(B) EXCEPT AS PROVIDED BY SUBSECTION (C) OF THIS SECTION, AN ADMINISTRATIVE WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION SHALL EXPIRE ON:

(1) MAY 4, 2013, IF THE DEVELOPMENT PROJECT DOES NOT RECEIVE FINAL PROJECT APPROVAL ON OR BEFORE THAT DATE; OR

(2) MAY 4, 2017, IF THE DEVELOPMENT PROJECT RECEIVES FINAL PROJECT APPROVAL ON OR BEFORE MAY 4, 2013.

(C) (1) AN APPROVING BODY MAY GRANT AN EXTENSION TO AN ADMINISTRATIVE WAIVER IF, BY MAY 4, 2010, A DEVELOPMENT PROJECT:

(I) HAS RECEIVED PRELIMINARY PROJECT APPROVAL; AND

(II) WAS SUBJECT TO:

1. A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT;

2. A TAX INCREMENT FINANCING APPROVAL; OR

3. AN ANNEXATION AGREEMENT.

(2) AN ADMINISTRATIVE WAIVER THAT IS EXTENDED UNDER THIS SUBSECTION EXPIRES WHEN AN AGREEMENT OR APPROVAL UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TERMINATES.

(D) CONSTRUCTION AUTHORIZED BY AN ADMINISTRATIVE WAIVER GRANTED UNDER THIS SECTION SHALL BE COMPLETED:

(1) ON OR BEFORE MAY 4, 2017; OR

(2) BY THE EXPIRATION DATE OF THE EXTENSION TO AN ADMINISTRATIVE WAIVER GRANTED UNDER SUBSECTION (C) OF THIS SECTION.

4–204.

(a) **(1)** **[**After July 1, 1984, unless**]** **UNLESS OTHERWISE** exempted **FROM THE REQUIREMENTS OF THIS SECTION, AND SUBJECT TO §§ 4–203.1 AND 4–203.2 OF THIS SUBTITLE**, a person may not develop any land for residential, commercial, industrial, or institutional use without **[**submitting**]:**

(I) **SUBMITTING** a stormwater management plan to the **[**county or municipality**]** **APPROVING BODY** that has jurisdiction**[**.**];** and

(II) **[**obtaining**]** **OBTAINING** approval of the plan from the **[**county or municipality**]** **APPROVING BODY**.

(2) A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect the requirements for a development project located in an intensely developed area of the Chesapeake and Atlantic Coastal Bays Critical Area to comply with the 10 percent pollution reduction requirement, as required by regulations adopted in accordance with Title 8, Subtitle 18 of the Natural Resources Article.";

and on page 7, in line 9, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1345 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Recreational Fishing Licenses – Licensing and Registration

HB1345/220411/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1345
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "fee schedule for the" and substitute "fees for a"; in line 10, strike "and the" and substitute ", a short–term"; in the same line, after "license" insert ", and the annual nonresident sport fishing license"; and in line 21, strike "extending the sunset" and substitute "repealing the termination".

AMENDMENT NO. 2

On page 9, strike beginning with "**FOR**" in line 10 down through "**LICENSE.**" in line 13 and substitute "**NONRESIDENT .....$10**".

AMENDMENT NO. 3

On pages 9 and 10, strike beginning with "**THE**" in line 31 on page 9 down through "**LICENSE**" in line 2 on page 10 and substitute "**$12**".

AMENDMENT NO. 4

On page 10, strike in their entirety lines 4 through 6, inclusive, and substitute "**$22.50**".

AMENDMENT NO. 5

On page 14, strike beginning with "It" in line 24 down through "effect." in line 26.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1382/680510/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1382
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 12 down through the first "tenant" in line 14 and substitute "providing a rebuttable presumption in a certain civil action"; strike beginning with "or" in line 19 down through "locks" in line 20; in line 21, after "to" insert "have a certain person"; and strike beginning with "prohibiting" in line 23 down through "assault;" in line 25.

On page 2, strike in their entirety lines 5 through 19, inclusive.

AMENDMENT NO. 2

On page 2, after line 27, insert:

"**(B) "LEGAL OCCUPANT" MEANS AN OCCUPANT WHO RESIDES ON THE PREMISES WITH THE ACTUAL KNOWLEDGE AND PERMISSION OF THE LANDLORD.**";

in lines 28 and 30, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(F)**", respectively; after line 29, insert:

"**(D) "PEACE ORDER" MEANS AN ENFORCEABLE FINAL PEACE ORDER.**

(E) "PROTECTIVE ORDER" MEANS AN ENFORCEABLE FINAL PROTECTIVE ORDER.";

in line 31, strike "**UNDER TITLE 4, SUBTITLE 5**" and substitute "**, AS DEFINED IN § 4–501**"; and in line 32, strike "**OR**" and substitute "**AND**".

On page 3, in line 1, strike "**(D)**" and substitute "**(G)**"; in line 11, after the second "**TENANT**" insert "**OR LEGAL OCCUPANT**"; in lines 14 and 29, in each instance,

strike "**A**" and substitute "**IF A**"; in lines 14 and 29, in each instance, strike "**WHO**" and substitute "**OR LEGAL OCCUPANT**"; in line 15, strike "**WHO HAS PROVIDED**" and substitute "**, THE TENANT MAY PROVIDE**"; strike beginning with "**OF**" in line 16 down through "**PREMISES**" in line 17 and substitute "**AND, IF THE WRITTEN NOTICE IS PROVIDED, THE TENANT**"; strike beginning with "**PRORATED**" in line 20 down through "**AFTER**" in line 21 and substitute "**FOR THE 30 DAYS FOLLOWING**"; in line 21, strike "**PROVIDES**" and substitute "**PROVIDING**"; in line 25, after "**IS**" insert "**, AT THE LANDLORD'S OPTION AND WITH WRITTEN NOTICE TO THE TENANT,**"; in line 26, strike "**ALL**" and substitute "**:**

(1) ALL";

in line 27, after "**TITLE**" insert "**; OR**

(2) DEEM THE TENANT'S NOTICE OF AN INTENT TO VACATE TO HAVE BEEN RESCINDED AND THE TERMS OF THE ORIGINAL LEASE TO BE IN FULL FORCE AND EFFECT";

in line 29, after "**VIOLENCE**" insert "**, THE TENANT**"; and in line 31, after "**NOTICE**" insert "**BY FIRST–CLASS MAIL OR HAND DELIVERY**".

On page 4, in lines 1 and 16, in each instance, after "**TENANT'S**" insert "**OR LEGAL OCCUPANT'S**"; in lines 4 and 5, strike "**: (1) A**" and substitute "**A**"; strike beginning with the semicolon in line 6 down through "**TENANT**" in line 11; in lines 6 and 21, in each instance, after "**TENANT**" insert "**OR LEGAL OCCUPANT**"; in line 13, strike "**A**" and substitute "**IF A**"; in the same line, strike "**WHO**" and substitute "**OR LEGAL OCCUPANT**"; in the same line, after "**ASSAULT**" insert "**, THE TENANT**"; in line 15, after "**NOTICE**" insert "**BY FIRST–CLASS MAIL OR HAND DELIVERY**"; in line 16, strike "**AND NOTICE OF**" and substitute "**, INCLUDING**"; in line 21, after "**ARTICLE;**" insert "**OR**"; in line 23, after "**TENANT**" insert "**OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL ASSAULT**"; strike beginning with the semicolon in line 23 down through "**TENANT**" in line 28; in line 30, strike "**A LANDLORD MAY NOT BRING**" and substitute "**THIS SECTION APPLIES TO**"; in line 31, strike "**LEASED**"; in the same line, after "**PROPERTY**" insert "**UNDER § 8–402.1 OF THIS TITLE**"; and in the same line, after "**AGAINST**" insert "**A TENANT OR LEGAL OCCUPANT WHO IS**".

On page 5, in line 1, strike "**BASED ON**" and substitute "**IN WHICH THE BASIS FOR THE ALLEGED BREACH IS**"; strike beginning with "**A**" in line 3 down through "**POSSESSION**" in line 5 and substitute "**A TENANT IS DEEMED TO HAVE RAISED A REBUTTABLE PRESUMPTION THAT THE ALLEGED BREACH OF THE LEASE DOES NOT WARRANT AN EVICTION**"; in lines 7 and 33, in each instance, after "**TENANT**" insert "**OR LEGAL OCCUPANT**"; in line 9, after "**TENANT**" insert "**OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL ASSAULT**"; in line 11, after "**POSSESSION**" insert "**OF PROPERTY UNDER § 8–402.1 OF THIS TITLE**"; strike in their entirety lines 14 through 22, inclusive; and strike beginning with the second "**THE**" in line 27 down through "**HOUSEHOLD**" in line 29 and substitute "**THE PROTECTIVE ORDER OR PEACE ORDER ISSUED FOR THE BENEFIT OF THE TENANT OR LEGAL OCCUPANT REQUIRES THE RESPONDENT TO REFRAIN FROM ENTERING OR TO VACATE THE RESIDENCE OF THE TENANT OR LEGAL OCCUPANT**".

On page 6, in line 2, after "**TENANT**" insert "**OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL ASSAULT**"; strike beginning with "**WITHIN**" in line 3 down through the first "**THE**" in line 4 and substitute "**THE**"; strike beginning with "**OR**" in line 5 down through "**LOCKS**" in line 6 and substitute "**BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (A) OF THIS SECTION**"; in line 8, strike "**MAY**" and substitute "**:**

(I) MAY";

in line 9, strike "**CHANGE**" and substitute "**HAVE**"; in the same line, after "**LOCKS**" insert "**CHANGED BY A CERTIFIED LOCKSMITH**"; in line 10, after "**LANDLORD**" insert "**; AND**

(II) SHALL GIVE A DUPLICATE KEY TO THE LANDLORD OR THE LANDLORD'S AGENT BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER THE LOCK CHANGE";

in line 13, strike "**IMMEDIATELY SHALL**" and substitute "**SHALL**"; in line 14, after "**TENANT**" insert "**WHO MADE THE REQUEST FOR THE CHANGE OF LOCKS AT A MUTUALLY AGREED TIME NOT TO EXCEED 48 HOURS FOLLOWING THE LOCK CHANGE**"; in line 14, after the semicolon, insert "**AND**"; strike beginning with "**MAY**"

in line 15 down through "**(3)**" in line 17; in line 18, strike "**A LOCK**" and substitute "**THE LOCKS**"; and in line 24, strike "**WITHHOLD**" and substitute "**:**

(I) CHARGE THE FEE AS ADDITIONAL RENT; OR

(II) WITHHOLD".

On pages 6 through 8, strike in their entirety the lines beginning with line 26 on page 6 through line 8 on page 8, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #8

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 325 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

HB0325/596686/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 325
(First Reading File Bill)

On page 3, in lines 22, 23, and 24, in each instance, strike the bracket; in line 21, strike "using"; in line 22, after "(i)" insert "**TAKING**"; in line 23, strike "Radioactive" and substitute "**USING RADIOACTIVE**"; in line 24, strike "**(II)**"; and in the same line, strike "Electricity" and substitute "**USING ELECTRICITY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 601 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Tattoo Artist and Body Piercing Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 624 – Delegates Nathan–Pulliam, Eckardt, Costa, Donoghue, Elmore, Hubbard, Kullen, and Montgomery

AN ACT concerning

Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and Medication Technicians – Changes to Licensure Requirements

HB0624/326680/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 624
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Montgomery" and substitute "Montgomery, and V. Turner"; 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 4, strike "8–312(b)" and substitute "8–312(a), (b)".

AMENDMENT NO. 2

On page 2 in line 19 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 9, after "**OR**" insert "**ENGLISH–SPEAKING**".

AMENDMENT NO. 4

On page 5, after line 22, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 804 – Delegates Kach and Olszewski

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

HB0804/886181/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 804
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Kach and Olszewski" and substitute "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"; 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 837 – Washington County Delegation

AN ACT concerning

Washington County – Procurement of Professional or Technical Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 870 – Delegate Reznik

AN ACT concerning

State Board of Physicians – Facilities for Performing Elective Cosmetic Surgical Procedures

HB0870/996182/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 870
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Reznik" and substitute "Delegates Reznik, Kach, Kipke, Montgomery, and V. Turner"; in line 2, before "Facilities" insert "Offices or"; in the same line, strike "Elective"; in lines 5 and 8, in each instance, strike "elective"; in line 5, after "in" insert "offices or"; and in line 8, after "and" insert "offices or".

AMENDMENT NO. 2

On page 2, in lines 4 and 7, strike "**ELECTIVE COSMETIC**" and substitute "**COSMETIC**"; in line 11, strike "**500**" and substitute "**1,000**"; and in line 12, strike "**FAT**" and substitute "**ASPIRATE**".

On page 4, in line 14, strike "**AN ELECTIVE**" and substitute "**A**"; and in line 15, after "**IN**" insert "**AN OFFICE OR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 878 – Delegate Mizeur

AN ACT concerning

Health Insurance – Annual Preventive Care

HB0878/846284/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 878
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 3 down through "occurred;" in line 6; in line 7, strike "the" and substitute "certain"; in line 8, strike "the" and substitute "certain types of"; and in line 11, after "term;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 5, after "**INCLUDES**" insert "**, IF THE SERVICE IS A COVERED BENEFIT**"; in line 7, strike "**AND**"; in line 10, after "**CANCER**" insert "**; AND**

(IV) AN ANNUAL VISION VISIT THAT INCLUDES A VISION EXAMINATION";

strike beginning with the colon in line 20 down through "**(2)**" in line 24; in line 26, strike "**(I)**" and substitute "**(1)**"; strike beginning with "**45**" in line 27 down through "**CARE**" in line 28 and substitute "**ONCE AT ANY TIME DURING THE PLAN YEAR ESTABLISHED IN THE POLICY OR CONTRACT**"; and in line 29, strike "**(II)**" and substitute "**(2)**".

AMENDMENT NO. 3

On page 3, after line 6, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2010, or, for policies, contracts, and health benefit plans in

effect in the State on October 1, 2010, but not subject to renewal before October 1, 2011, no later than October 1, 2011.";

and in line 7, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

AN ACT concerning

Patient Centered Medical Home Program

HB0929/166284/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 929
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Braveboy, Hubbard, Jenkins, Kach, Kipke, Krebs, McDonough, Morhaim, Oaks, and Riley"; 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 3, 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 3 and 4, strike "the Maryland Patient Centered Medical Home Program" and substitute "patient centered medical home programs"; in line 13, strike "19–1A–04" and substitute "19–1A–05"; and in line 14, after "Program"" insert "; and 19–706(cccc)".

AMENDMENT NO. 2

On page 2, after line 39, 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 7 and 8, 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 8, after "**WITH**" insert "**THIS ARTICLE, WHERE APPLICABLE, AND TITLE 19, SUBTITLE 7 OF**"; in line 18, strike "**BENEFITS**" and substitute "**BENEFIT**"; after line 19, insert:

"**(E) "MANAGED CARE ORGANIZATION" HAS THE MEANING STATED IN § 15–101 OF THIS ARTICLE.**";

in lines 20 and 28, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively; and in line 21, 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 13, 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 17, strike "**THE PAYMENT METHOD TO BE**" and substitute "**GENERAL STANDARDS THAT MAY BE**"; in lines 17 and 21, in each instance, after "**CARRIER**" insert "**OR A MANAGED CARE ORGANIZATION**"; in line 20, strike "**STANDARDS TO BE USED TO DETERMINE**" and substitute "**GENERAL STANDARDS TO GOVERN**"; in line 23, after "**EXPENDITURES**" insert "**THAT ARE ASSOCIATED WITH IMPROVED HEALTH OUTCOMES AND CARE COORDINATION**"; and in line 30, after "**CARRIERS**" insert "**OR MANAGED CARE ORGANIZATIONS**".

On page 8, in line 1, after "**CARRIERS**" insert "**OR MANAGED CARE ORGANIZATIONS**".

AMENDMENT NO. 8

On page 8, in line 14, strike "**AND**"; in line 16, after "**INDIVIDUALS**" insert "**; AND**

(5) THE USE OF COMPREHENSIVE MEDICATION MANAGEMENT TO IMPROVE CLINICAL OUTCOMES";

and strike beginning with "**IN**" in line 17 down through the comma in line 19 and substitute "**THE GENERAL STANDARDS REQUIRED IN SUBSECTION (B)(2) AND (3) OF THIS SECTION**".

AMENDMENT NO. 9

On page 9, after line 14, 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 15, strike "**(F)**"; in the same line, strike "**TO ESTABLISH**" and substitute "**TO:**

(1) ESTABLISH";

in line 16, strike "**PROGRAM**" and substitute "**PROGRAM; AND**

(2) AUTHORIZE A CARRIER TO IMPLEMENT A SINGLE CARRIER PATIENT CENTERED MEDICAL HOME PROGRAM";

in line 17, strike "**19–1A–04.**" and substitute "**19–1A–05.**"; in line 23, strike "**THE COMMISSION MAY INCLUDE ANY**" and substitute "**A**"; and in line 24, after "**PROGRAM**" insert "**MAY REQUEST TO BE INCLUDED**".

AMENDMENT NO. 10

On page 9, in line 27, after "**CONSIDER**" insert "**, SUBJECT TO BUDGET LIMITATIONS,**"; and strike beginning with "**THE**" in line 27 down through "**EXPENDITURES**" in line 29 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 35, 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 10, in line 1, strike "2." and substitute "3."; and in line 2, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 995 – Delegate Kach

AN ACT concerning

Regulation of Crematories

HB0995/676988/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 995
(First Reading File Bill)

On page 1, in line 6, after "registration" insert ", issuance of permits,".

On page 6, in line 10, after "**REGISTRATION**" insert "**OF CREMATORY OPERATORS OR ISSUANCE OF PERMITS FOR OPERATING CREMATORIES,**"; and in line 14, after "**REGISTRATION**" insert "**AND PERMIT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 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

HB1017/916982/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1017
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "treatment" and substitute "management"; and in line 7, strike "testing" and substitute "screening".

AMENDMENT NO. 2

On page 2, in line 30, strike "**TREATMENT**" and substitute "**MANAGEMENT**".

On page 3, in line 2, strike "**TESTING**" and substitute "**SCREENING**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1042 – Delegate Lafferty

AN ACT concerning

State Government – Disclosure of Personal Information on Websites – Prohibition

HB1042/106288/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1042
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "Delegate Lafferty" and substitute "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"; in line 4, after "prohibiting" insert ", on or after a certain date,"; in line 7, after "individual" insert "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"; in the same line, after "terms;" insert "making this Act an emergency measure; providing for the application of this Act;"; after line 19, insert:

"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)".

AMENDMENT NO. 2

On page 2, in line 2, after "**MARYLAND,**" insert "**AND**"; in line 3, strike "**, AND THE MARYLAND TAX COURT**"; after line 3, insert:

"**(3) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:**

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER'S LICENSE NUMBER.";

in line 4, strike "**(3)**" and substitute "**(4)**"; in lines 5, 13, and 28, in each instance, strike "**COMMUNICATE OR OTHERWISE**"; in line 6, strike "**A**" and substitute "**EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A**"; in the same line, after "**COURT**" insert "**, TO THE EXTENT PRACTICABLE,**"; in lines 7 and 17, in each instance, strike the colon and substitute "**PERSONAL INFORMATION.**"; strike in their entirety lines 8 and 9; in line 12, after "**(A)**" insert "**(1)**"; in the same line, strike beginning with "**SECTION**" through "**PUBLICLY**" and substitute "**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER'S LICENSE NUMBER.

(3) "PUBLICLY";

in line 15, strike "**THE**" and substitute "**EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, THE**"; in the same line, after "**ASSEMBLY**" insert "**, TO THE EXTENT PRACTICABLE,**"; strike in their entirety lines 18 and 19; after line 26, insert:

"**(4) "MASK" MEANS TO REDACT FROM PUBLIC VIEW THOSE PORTIONS OF A PUBLIC RECORD THAT CONTAIN PERSONAL INFORMATION, WITHOUT PERMANENTLY ALTERING THE ORIGINAL PUBLIC RECORD.**

(5) "OFFICIAL CUSTODIAN" MEANS AN OFFICER OR EMPLOYEE OF THE STATE WHO, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD, IS RESPONSIBLE FOR KEEPING THE PUBLIC RECORD.

(6) "PERSON IN INTEREST" MEANS:

(I) AN INDIVIDUAL THAT IS THE SUBJECT OF PERSONAL INFORMATION CONTAINED IN A PUBLIC RECORD OR A DESIGNEE OF THE INDIVIDUAL; OR

(II) IF THE INDIVIDUAL HAS A LEGAL DISABILITY, THE PARENT OR LEGAL REPRESENTATIVE OF THE INDIVIDUAL.

(7) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER'S LICENSE NUMBER.

(8) (I) "PUBLIC RECORD" MEANS THE ORIGINAL OR ANY COPY OF ANY DOCUMENTARY MATERIAL THAT:

1. IS MADE BY A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT OR RECEIVED BY THE UNIT IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS; AND

2. IS IN ANY FORM, INCLUDING:

A. A CARD;

B. A COMPUTERIZED RECORD;

C. CORRESPONDENCE;

D. A DRAWING;

E. FILM OR MICROFILM;

F. A FORM;

G. A MAP;

H. A PHOTOGRAPH OR PHOTOSTAT;

I. A RECORDING; OR

J. A TAPE.

(II) "PUBLIC RECORD" INCLUDES A DOCUMENT THAT LISTS THE SALARY OF AN EMPLOYEE OF A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT.

(III) "PUBLIC RECORD" DOES NOT INCLUDE A DIGITAL PHOTOGRAPHIC IMAGE OR SIGNATURE OF AN INDIVIDUAL, OR THE ACTUAL STORED DATA THEREOF, RECORDED BY THE MOTOR VEHICLE ADMINISTRATION.";

and in line 27, strike "**(4)**" and substitute "**(9)**".

On page 3, in line 1, strike "**A**" and substitute "**EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A**"; in the same line, after "**UNIT**" insert "**, TO THE EXTENT PRACTICABLE,**"; in line 3, strike the colon and substitute "**PERSONAL INFORMATION.**"; and strike in their entirety lines 4 and 5.

AMENDMENT NO. 3

On page 3, after line 5, insert:

"**(C) (1) A PERSON IN INTEREST MAY REQUEST AN OFFICIAL CUSTODIAN TO MASK PERSONAL INFORMATION IN THE INTERNET VERSION OF A PUBLIC RECORD.**

(2) A REQUEST MADE IN ACCORDANCE WITH THIS SUBSECTION SHALL BE:

(I) IN WRITING; AND

(II) PROVIDE AN ADEQUATE DESCRIPTION OF THE PUBLIC RECORD INCLUDING A NAME AND ADDRESS OR TYPE AND LOCATION OF THE PUBLIC RECORD.

(3) WITHIN 30 DAYS AFTER RECEIVING A REQUEST UNDER THIS SECTION, AN OFFICIAL CUSTODIAN SHALL:

(I) MASK THE PERSONAL INFORMATION IN THE INTERNET VERSION OF THE RECORD; AND

(II) GIVE THE PERSON IN INTEREST WRITTEN NOTICE OF THE ACTION TAKEN.

(4) THIS SUBSECTION DOES NOT APPLY TO A PUBLIC RECORD AFTER 72 YEARS FROM THE DATE IT WAS MADE OR RECEIVED BY A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT.

9–1009.

(a) The Archives may:

(1) repair and preserve the records under the supervision of the State Archivist, as provided in the State budget;

(2) make a copy of any record in the Archives; and

(3) certify the copy.

(B) THE ARCHIVES MAY PUBLISH, ELECTRONICALLY OR IN PRINT, INDICES TO RECORDS, DESCRIPTIONS, SUMMARIES OF RECORD MATERIAL, OR ORIGINAL RECORD MATERIAL, IN WHOLE OR IN PART, THAT ARE NOT OTHERWISE RESTRICTED FROM ACCESS UNDER EXISTING LAW.

[(b)**] (C)** The Archives shall index or provide other finding aids for:

(1) the historical records acquired under § 9–1010 of this subtitle; and

(2) the land records in its custody under § 9–1011 of this subtitle.

[(c)**] (D)** (1) Except as provided in paragraph (2) of this subsection, the Archives may charge a reasonable fee for providing a copy of a record and for certifying the record.

(2) If, with the written approval of a judge of a circuit court, the clerk of court asks for a copy of a land record that a court has transferred to the Commission or Archives, the Archives shall provide, without charge, a micrographic copy of the land record.

Article – Real Property

3–111.

(A) IN THIS SECTION, "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:

(1) SOCIAL SECURITY NUMBER; OR

(2) DRIVER'S LICENSE NUMBER.

(B) ON OR AFTER JUNE 1, 2010, A PERSON MAY NOT SUBMIT FOR RECORDING A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION.

(C) IF A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION IS INADVERTENTLY RECORDED, THE INCLUSION OF THE PERSONAL INFORMATION DOES NOT AFFECT THE VALIDITY OF THE INSTRUMENT.

4–101.

(C) THE MASKING OF PERSONAL INFORMATION IN ACCORDANCE WITH § 8–504 OF THE STATE GOVERNMENT ARTICLE DOES NOT AFFECT THE VALIDITY OF A DEED OR OTHER RECORDABLE INSTRUMENT.

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 document, deed, or other material that was publicly posted or displayed before June 1, 2010, unless a person in interest makes a request to have personal information masked in accordance with this Act.";

in line 6, strike "2." and substitute "3."; and in lines 6 and 7, strike "shall take effect October 1, 2010" and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1042/203723/1
BY: Delegate Morhaim

AMENDMENT TO HOUSE BILL 1042, AS AMENDED

On page 5 of the Health and Government Operations Committee Amendments (HB1042/106288/1), in line 6 of Amendment No. 3, strike "**BE**"; and in line 7, before "**IN**" insert "**BE**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 1167 – Carroll County Delegation

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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1188 – Delegate Hubbard

AN ACT concerning

State Board of Professional Counselors and Therapists – Membership

HB1188/866586/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1188
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Therapists;" insert "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;".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 8 on page 3, inclusive.

On page 3, in lines 9, 11, and 19, strike "(e)", "(f)", and "(g)", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 1190 – Delegate Bromwell

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Providers – Failure to Comply with Governor's Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #12

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

House Bill 500 – Delegates Waldstreicher, Rosenberg, Anderson, Barnes, Branch, Dumais, Ivey, Lee, Levi, and Valderrama

AN ACT concerning

Child Support Guidelines – Revision

HB0500/502011/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 500
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "guidelines;" insert "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;"; in line 6, after "changes;" insert "providing for a delayed effective date;"; and in line 14, after "(k)" insert ", 12–202,".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

(b) **[**(1) Subject to the provisions of paragraph (2) of this subsection, the**]** **THE** adoption or revision of the guidelines set forth in this subtitle **[**may be grounds for requesting a modification of a child support award based on a material change in circumstances**]** **IS NOT A MATERIAL CHANGE OF CIRCUMSTANCE FOR THE PURPOSE OF A MODIFICATION OF A CHILD SUPPORT AWARD**.

[(2) The adoption or revision of the guidelines set forth in this subtitle may not be grounds for requesting a modification of a child support award based on a material change in circumstances unless the use of the guidelines would result in a change in the award of 25% or more.**]**

(c) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1246 of the State Government Article.".

AMENDMENT NO. 3

On pages 12 through 19, strike in their entirety the lines beginning with line 42 on page 12 through line 33 on page 19, inclusive.

AMENDMENT NO. 4

On page 21, in line 11, strike "2010" and substitute "2011".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

HB0829/182413/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 829
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Wood" and substitute "Wood, Norman, Frank, Harrison, McComas, Riley, Shewell, Stifler, and Stukes".

AMENDMENT NO. 2

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 "notice;" 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; establishing requirements for certain copies of a citation form;"; in the same line, after "changes;" insert "declaring the intent of the General Assembly; providing for the effective dates of this Act;".

AMENDMENT NO. 3

On page 1, in line 11, after "26–201(c)" insert ", (d), and (e) and 26–204"; and after line 13, insert:

"BY adding to

Article – Transportation

Section 26–201(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 4

On page 2, in line 2, after "**NOTICE**" insert "**IN BOLDFACE TYPE**"; in the same line, strike "**, THE**" and substitute "**:**

(I) THE";

in line 3, after "**FOLLOWING**" insert "**WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION**"; in lines 4, 5, and 8, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; in lines 8 and 9, strike "**, WITHIN 15 DAYS OF RECEIPT OF THE CITATION,**"; and in line 10, after "**NOTICE**;" 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".

AMENDMENT NO. 5

On page 2, after line 29, insert:

"**(D) IF A CITATION IS MARKED "YOU HAVE THE RIGHT TO STAND TRIAL":**

(1) THE FORM OF THE DEFENDANT'S COPY OF THE CITATION SHALL INCLUDE IN BOLDFACE TYPE A DESCRIPTION OF THE FOLLOWING OPTIONS:

(I) PAYMENT OF THE FINE;

(II) REQUEST A TRIAL; AND

(III) REQUEST A "GUILTY WITH AN EXPLANATION" HEARING REGARDING SENTENCING AND DISPOSITION IN LIEU OF A TRIAL; AND

(2) THE FORM OF THE "RETURN TO COURT" COPY OF THE CITATION SHALL INCLUDE IN BOLDFACE TYPE A CHECK–OFF BOX FOR EACH OF THE OPTIONS DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

[(d)**]** **(E)** A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21–1003 or § 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer's certification under penalty of perjury that the facts stated in the citation are true.

[(e)**]** **(F)** (1) A police officer who discovers a motor vehicle parked in violation of § 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

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.".

AMENDMENT NO. 6

On page 3, strike in their entirety lines 1 and 2 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding of up to $250,000 be provided to the Judicial Branch in fiscal 2011 by the Governor's Office of Crime Control and Prevention to the Administrative Office of the Courts for computer programming changes to the case management system and written and electronic citations.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2010.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1011 – Delegates Carter, Anderson, Oaks, Pena–Melnyk, and Simmons

AN ACT concerning

Juvenile Law – Lead Testing – Required

HB1011/352017/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1011
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Required" and substitute "Authorized"; strike beginning with "requiring" in line 3 down through "child" in line 4 and substitute "authorizing the juvenile court to order a child to undergo blood lead level testing"; in line 5, strike "requiring" and substitute "authorizing"; and strike beginning with "the" in line 6 down through "child" in line 7 and substitute "the child to undergo blood lead level testing".

AMENDMENT NO. 2

On page 1, in line 25, strike "**SHALL**" and substitute "**MAY**".

On page 2, in line 1, strike "**DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PERFORM A**" and substitute "**CHILD TO UNDERGO**"; in line 2, strike "**TEST ON THE CHILD**" and substitute "**TESTING**"; in line 3, strike the second "**THE**" and substitute "**A**"; in line 12, strike "**SHALL**" and substitute "**MAY**"; strike beginning with "**DEPARTMENT**" in line 12 down through "**A**" in line 13 and substitute "**CHILD TO UNDERGO**"; in line 13, strike "**TEST ON THE CHILD**" and substitute "**TESTING**"; and in line 14, strike the second "**THE**" and substitute "**A**".

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 WAYS AND MEANS REPORT #8

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

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 – Spouses of Predeceasing Descendants

HB0443/885169/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Spouses" insert "Surviving"; and in line 5, after "decedent" insert "under certain circumstances; altering a certain definition".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"**(IV) "SURVIVING SPOUSE" MEANS A SURVIVING SPOUSE WHO HAS NOT REMARRIED.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0464/695667/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 464
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "certifications;" insert "prohibiting the Administration from issuing initial credit certificates for less than a certain amount;".

AMENDMENT NO. 2

On page 4, after line 19, insert:

"**(9) THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS LESS THAN $1,000.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 466 – The Speaker (By Request – Administration) and Delegates Hixson and Conway

AN ACT concerning

Governor's P–20 Leadership Council of Maryland

HB0466/545861/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 466
(First Reading File Bill)

On page 4, after line 9, insert:

"**(VI) TWO REPRESENTATIVES OF NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS;**";

in lines 10, 11, 12, 13, 15, 17, 20, and 22, strike "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", and "**(XIII)**", respectively, and substitute "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively; in line 21, strike "**AND**"; and in line 23, after "**COMMUNITY**" insert "**; AND**

(XV) SIX ADDITIONAL MEMBERS WITH EXPERIENCE AND KNOWLEDGE THAT WILL BENEFIT THE WORK OF THE COUNCIL, INCLUDING AT LEAST TWO MEMBERS OF EMPLOYEE ORGANIZATIONS THAT REPRESENT ELEMENTARY AND SECONDARY SCHOOL PERSONNEL IN THE STATE".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #8

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

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Archery Hunting – Safety Zone

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

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

House Bill 1562 – Delegate Serafini

CONSTITUTIONAL AMENDMENT

AN ACT concerning

General Assembly Compensation Commission – Legislative Pension Plan

The Bill was re–referred to the Committee on Appropriations.

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

House Bill 1566 – Delegate Hubbard

AN ACT concerning

Creation of a State Debt – Prince George's County – Thomas Johnson Middle School Sign Board

The Bill was re–referred to the Committee on Appropriations.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #9

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably with amendments:

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

HB0496/953924/1
BY: Rules and Executive Nominations Committee

AMENDMENTS TO HOUSE BILL 496
(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 2, after line 3, 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 23, 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.

FLOOR AMENDMENT

HB0496/373622/1
BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 496, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in lines 3, 4, and 8, in each instance, strike "incarcerated".

AMENDMENT NO. 2

On page 1 of the Rules and Executive Nominations Committee Amendments (HB0496/953924/1), in line 7 of Amendment No. 2, after "**(1)**" insert "**(I)**"; and in line 8, strike "**(I)**" and substitute "**1.**".

On page 2 of the Rules and Executive Nominations Committee Amendments, in lines 1 and 3 of Amendment No. 2, strike "**(II)**" and "**(2)**", respectively, and substitute "**2.**" and "**(II)**", respectively; in line 6, after "**STATE**" insert "**; AND**

(2) (I) MAY NOT INCLUDE INDIVIDUALS WHO ARE NOT DOMICILED IN THE STATE AND:

1. ARE MILITARY PERSONNEL STATIONED WITHIN THE STATE; OR

2. ARE STUDENTS ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE; AND

(II) SHALL COUNT INDIVIDUALS WHO ARE MILITARY PERSONNEL STATIONED WITHIN THE STATE OR WHO ARE STUDENTS ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR PERMANENT RESIDENCE IF THE INDIVIDUALS ARE DOMICILED IN THE STATE".

AMENDMENT NO. 3

On page 2 of the bill, in line 10, after "**(1)**" insert "**(I)**"; in lines 11, 13, and 15, strike "**(I)**", "**(II)**", and "**(2)**", respectively, and substitute "**1.**", "**2.**", and "**(II)**", respectively; in line 18, after "**STATE**" insert "**; AND**

(2) (I) MAY NOT INCLUDE INDIVIDUALS WHO ARE NOT DOMICILED IN THE STATE AND:

1. ARE MILITARY PERSONNEL STATIONED WITHIN THE STATE; OR

2. ARE STUDENTS ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE; AND

(II) SHALL COUNT INDIVIDUALS WHO ARE MILITARY PERSONNEL STATIONED WITHIN THE STATE OR WHO ARE STUDENTS ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE, AS DETERMINED BY THE

DECENNIAL CENSUS, AT THEIR PERMANENT RESIDENCE IF THE INDIVIDUALS ARE DOMICILED IN THE STATE".

AMENDMENT NO. 4

On page 2 of the bill, in line 24, after "**(1)**" insert "**(I)**"; and in lines 25 and 27, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 3 of the bill, in line 1, strike "**(2)**" and substitute "**(II)**"; and in line 4, after "**STATE**" insert "**; AND**

(2) (I) MAY NOT INCLUDE INDIVIDUALS WHO ARE NOT DOMICILED IN THE STATE AND:

1. ARE MILITARY PERSONNEL STATIONED WITHIN THE STATE; OR

2. ARE STUDENTS ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE; AND

(II) SHALL COUNT INDIVIDUALS WHO ARE MILITARY PERSONNEL STATIONED WITHIN THE STATE OR WHO ARE STUDENTS ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR PERMANENT RESIDENCE IF THE INDIVIDUALS ARE DOMICILED IN THE STATE".

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 45 Negative – 92 (See Roll Call No. 638)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #A01

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

GOVERNOR MARTIN O'MALLEY –
2009 RECESS APPOINTMENTS
REQUIRING CONFIRMATION BY THE MARYLAND HOUSE OF DELEGATES

(See Exhibit B of Appendix II)

The favorable report of the Committee was adopted by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 639)

The preceding appointments were confirmed by the House.

SPECIAL ORDERS

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

House Bill 190 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

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

Delegate Stein moved to make the Bill a Special Order for the end of Special Order calendar.

The motion was adopted.

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

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Delegate Hixson moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

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

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

Read the second time and ordered prepared for Third Reading.

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

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

Read the second time and ordered prepared for Third Reading.

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

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

Read the second time and ordered prepared for Third Reading.

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

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

FLOOR AMENDMENT

HB0943/343523/1
BY: Delegate Walkup

AMENDMENTS TO HOUSE BILL 943, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0943/900518/1), in line 9 of Amendment No. 1, after "requirements;" insert "requiring the Trust to conduct a certain gap analysis for a certain purpose; requiring the gap analysis to establish a certain baseline to be used to make a certain comparison on the impacts of the Corps Program on certain existing volunteer conservation organizations and programs; requiring the Trust to submit an annual report to the Governor and the General Assembly;".

AMENDMENT NO. 2

On page 9 of the Environmental Matters Committee Amendments, in line 12 of Amendment No. 5, after "**PLANNED.**" insert:

"**(E) (1) THE TRUST SHALL CONDUCT A GAP ANALYSIS IN ORDER TO COMPARE THE POTENTIAL CONTRIBUTIONS OF THE CORPS PROGRAM WITH EXISTING VOLUNTEER CONSERVATION ORGANIZATIONS AND PROGRAMS IN THE STATE.**

(2) THE GAP ANALYSIS SHALL:

(I) ESTABLISH A BASELINE OF EXISTING VOLUNTEER CONSERVATION ORGANIZATIONS AND PROGRAMS; AND

(II) CONDUCT AN ANNUAL REVIEW TO:

1. COMPARE EMPIRICAL DATA ON ANY COLLATERAL IMPACTS OF THE CORPS PROGRAM ON EXISTING VOLUNTEER CONSERVATION ORGANIZATIONS AND PROGRAMS; AND

2. ASSESS ANY OVERLAP OR CONFLICT IN THE ABILITY OF EXISTING VOLUNTEER CONSERVATION ORGANIZATIONS AND PROGRAMS TO CONTINUE TO ACHIEVE THEIR GOALS IN COMPETITION WITH THE STIPEND VOLUNTEER POSITIONS FUNDED THROUGH THE CORPS PROGRAM.

(3) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST SHALL SUBMIT A REPORT OF ITS FINDINGS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.".

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

Affirmative – 43 Negative – 93 (See Roll Call No. 640)

Read the second time and ordered prepared for Third Reading.

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

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

Read the second time and ordered prepared for Third Reading.

House Bill 190 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

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

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

The motion was adopted.

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

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

HB0304/105062/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 304
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "altering" insert "provisions of law relating to a waiver from the maintenance of effort requirement for funding public education; altering provisions specifying to whom and"; in line 4, strike "to the State Board of Education"; in line 6, strike "Board of Education" and substitute "Superintendent of Schools"; in line 8, strike "Board of Education" and substitute "Superintendent"; and in line 9, after "denied;" insert "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;"; and in line 14, after "5–202(d)" insert "and 5–213".

AMENDMENT NO. 2

On page 3, in lines 4 and 10, in each instance, strike "State Board of Education" and substitute "**STATE SUPERINTENDENT**"; in line 12, strike "**MAY 1**" and substitute "**APRIL 20**"; in lines 13 and 19, in each instance, strike "**BOARD OF EDUCATION**" and substitute "**SUPERINTENDENT**"; in line 15, strike "**ITS**" and substitute "**THE**"; and in the same line, after "**REGULATIONS**" insert "**OF THE DEPARTMENT**".

AMENDMENT NO. 3

On page 4, in lines 4 and 8, in each instance, strike "State Board of Education" and substitute "**STATE SUPERINTENDENT**"; in line 4, after "county" insert "**IN WRITING**"; in line 6, strike "**45**" and substitute "**30**"; in line 7, strike "**JUNE 1**" and substitute "**MAY 20**"; and after line 13, insert:

"**(VII) 1. IF THE STATE SUPERINTENDENT DENIES A COUNTY A WAIVER FOR A FISCAL YEAR IN WHOLE OR IN PART UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE COUNTY MAY APPEAL THE DECISION OF THE STATE SUPERINTENDENT TO THE STATE BOARD.**

2. THE APPEAL TO THE STATE BOARD SHALL BE IN WRITING AND FILED NO LATER THAN 5 DAYS AFTER THE COUNTY RECEIVES THE DECISION OF THE STATE SUPERINTENDENT.

3. THE STATE BOARD PROMPTLY SHALL CONDUCT A HEARING ON THE APPEAL AND RENDER A WRITTEN DECISION WHETHER TO UPHOLD, MODIFY, OR OVERTURN THE DECISION OF THE STATE SUPERINTENDENT BY JUNE 1 OF THE PRIOR FISCAL YEAR.

4. THE DECISION OF THE STATE BOARD SHALL BE MADE ON SUBSTANTIVE GROUNDS IN ACCORDANCE WITH THE FACTORS DESCRIBED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

5. THE DECISION OF THE STATE BOARD IS FINAL.

5–213.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, as the case may be, the Comptroller shall suspend, until notification of compliance is received**:**

(I) FOR NONCOMPLIANCE WITH SUBTITLE 4 OF THIS TITLE, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year**; AND**

(II) FOR NONCOMPLIANCE WITH § 5–202(D) OF THIS SUBTITLE, PAYMENT OF ANY FUNDS DUE THE COUNTY FOR THE FOLLOWING FISCAL YEAR, AS PROVIDED UNDER § 5–202 OF THIS SUBTITLE WHICH ARE APPROPRIATED IN THE GENERAL STATE SCHOOL FUND, IN THE AMOUNT THAT THE STATE'S AID DUE THE COUNTY IN THE CURRENT FISCAL YEAR UNDER THAT SECTION IN THE FUND EXCEEDED THE AMOUNT THAT THE COUNTY RECEIVED IN THE PRIOR FISCAL YEAR.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0304/515565/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 304
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, before "making" insert "requiring the Maryland State Department of Education to report to the General Assembly on or before a certain

date;"; and in the same line, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, before line 14, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Maryland State Department of Education shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.";

in line 14, strike "2." and substitute "3."; and in line 18, after "enacted." insert "It shall remain effective through June 30, 2013, and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of prohibiting the use of certain firearms in the commission of certain crimes of violence or felonies; defining a certain term; and generally relating to the use of certain firearms in the commission of certain crimes of violence or felonies.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–204
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Senate Bill 97 – ~~**Senator Mooney**~~ **Senators Mooney, Muse, Frosh, and Raskin**

AN ACT concerning

Office of the Public Defender – Board of Trustees – ~~Composition~~ Membership

FOR the purpose of ~~altering the composition of the Board of Trustees of the Office of the Public Defender; altering the manner by which members of the Board of Trustees are appointed; establishing qualifications of members of the Board of Trustees; establishing the number of members of the Board of Trustees necessary for a quorum; authorizing a certain number of members of the Board of Trustees to call for additional meetings; providing for diversity of membership of the Board of Trustees; providing for the manner in which vacancies are filled on the Board of Trustees~~ 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; and generally relating to ~~the Board of Trustees of~~ the Office of the Public Defender.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 16–203(a) and 16–301
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of repealing the requirement that the Maryland Parole Commission administer extended sexual offender parole supervision; 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; 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; authorizing 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; requiring the sentencing court to order a certain risk assessment under certain circumstances; authorizing a certain sentencing court to adjust certain conditions of lifetime sexual offender supervision under certain circumstances; 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; 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~~ 11–503, 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 Judiciary.

Senate Bill 330 – Senators Zirkin, Frosh, Mooney, Muse, and Stone

AN ACT concerning

Human Services – Quality Care – Juvenile Facilities

FOR the purpose of requiring each committed facility licensed by the Department of Juvenile Services to serve no more than 48 children at one time; and generally relating to juvenile facilities.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 9–238.1(a)
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

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"

FOR the purpose of establishing penalties for the crime of sexual offense in the fourth degree between a person in a position of authority and a minor student; establishing increased penalties for a certain violation if the offender was previously convicted of a certain sexual offense; requiring the State to comply with certain procedural rules relating to the indictment and trial of a subsequent offender under certain circumstances; making conforming changes; and generally relating to the crime of sexual offense in the fourth degree between a person in a position of authority and a minor student.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–308
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

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

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; prohibiting the Department from designating a new oyster sanctuary in State waters before a certain date; and generally relating to unlawfully taking oysters ~~and~~, license revocation, and designation of oyster sanctuaries.

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 Environmental Matters.

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

FOR the purpose of 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; requiring certain persons to be licensed as marine contractors by the ~~Department of the Environment~~ Board before performing certain work in this State; ~~authorizing the Secretary of the Environment to exercise certain powers to carry out the Secretary's duties~~ establishing certain powers and duties of the Board with respect to the licensing and regulation of marine contractors; requiring the Board to recommend certain regulations for adoption by the Secretary ~~to adopt certain regulations and~~ of the Environment and to keep a certain ~~roster~~ record containing certain information relating to licensed marine contractors; providing that an applicant for a marine contractor's license must meet certain criteria; requiring an applicant for a marine contractor's license to submit certain documents and pay a certain fee; requiring that the application form provided by the ~~Secretary~~ Board require certain information from the applicant; requiring that the application form provided by the ~~Secretary~~ Board contain a certain statement; requiring the applicant to sign the application form under oath; prohibiting the ~~Secretary~~ Board from issuing a license under certain circumstances; requiring the ~~Secretary~~ Board to issue a license of a certain duration to certain applicants; requiring the ~~Secretary~~ Board to include certain information on the license; ~~providing that a license is void under certain circumstances;~~ providing that while a license is in effect, it authorizes the licensee to take certain actions; requiring a licensed marine contractor to include the contractor's license number in certain advertising and to display it on certain equipment; requiring the Secretary to adopt regulations to stagger the terms of licenses; providing for the expiration and renewal of certain licenses; requiring the ~~Secretary~~ Board to mail a renewal form and notice containing certain information to the applicant at a certain address by a certain time; authorizing a licensed marine contractor to renew ~~the~~ a license under certain circumstances, including payment of ~~a certain fee~~ certain fees; requiring the ~~Secretary~~ Board to renew the license of a licensed marine contractor under certain circumstances; requiring a licensee that is ~~a firm~~ an entity to provide written notice to the ~~Secretary~~ Board under certain circumstances; authorizing the ~~Secretary~~ Board to deny, suspend, or revoke the license under certain circumstances; requiring the ~~Secretary~~ Board to follow certain notice procedures and hold a certain hearing before taking final action to deny, refuse to renew, revoke, or suspend the license; providing that acts or omissions by certain parties may be attributed to certain applicants or licensees; providing for certain penalties for knowingly violating certain provisions of law; 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; ~~requiring the Department to grant, deny, or condition certain nontidal wetlands permits on or before a certain length of time under certain circumstances; exempting a certain project from a certain permit application fee; requiring a flat application fee for certain wetlands permits or authorizations under certain circumstances; providing licensed marine contractors with immunity from civil suit under certain circumstances; requiring the Department to provide certain information on the Department's website and make a final decision on a certain permit application by a certain time under certain circumstances; requiring the Department to exempt licensed marine contractors from certain permitting requirements for certain projects; requiring the Department to adopt by regulation certain criteria to identify the projects qualifying for exemption in consultation with a certain association;~~ requiring a person to hire ~~or consult~~ a licensed marine contractor under certain circumstances; providing that certain property owners are not required to hire a licensed marine contractor under certain circumstances; establishing a certain ~~administrative fines~~ fine for failing to hire ~~or consult~~ a licensee as required; 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; requiring the Department to adopt certain regulations for certain purposes; defining certain terms ~~and altering the definition of a certain term~~; 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 generally relating to the licensure and regulation of marine contractors ~~and the wetlands permitting and authorization process~~.

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)

BY adding to
Article – ~~Business Occupations and Professions~~ Environment
Section ~~22–101 through 22–401~~ 16–101(h) and 16–106; and 17–101 through 17–403 to be under the new title "Title ~~22.~~ 17. Marine Contractors"
Annotated Code of Maryland

(~~2004~~ 2007 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 1–607(b), 5–101, 5–203.1(a)(3), (b), (d), and (e), and 16–101~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Environment~~
~~Section 5–203.1(a)(1)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – Environment~~
~~Section 5–203.1(d), 16–106, 16–107, and 16–108~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

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

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

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 Rules and Executive Nominations.

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

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;~~ 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; 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 Economic Matters.

Senate Bill 531 – Senators Forehand, Haines, Jacobs, Klausmeier, and Muse

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 Judiciary.

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

FOR the purpose of prohibiting, on or after certain dates, the manufacturing, processing, or distributing of certain products that contain decabrominated diphenyl ether; providing that this Act does not prohibit certain retailers from selling, recycling, or disposing of certain products that contain decabrominated diphenyl ether under certain circumstances; providing that this Act does not prohibit a person from transporting or storing certain products that contain decabrominated diphenyl ether under certain circumstances; defining ~~a~~ certain ~~term~~ terms; and generally relating to the use of decabrominated diphenyl ether.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–1201
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Environment
Section 6–1202.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 557 – Senator Pinsky

AN ACT concerning

Education – Alternate Maryland School Assessment – Review ~~and Revision~~

FOR the purpose of requiring the State Department of Education to review ~~and revise~~ the Alternate Maryland School Assessment (ALT–MSA) on or before a certain date; requiring the Department to survey certain teachers regarding satisfaction, or lack thereof, of the ALT–MSA, solicit certain recommendations, and consider certain courses of action as part of a certain review; requiring the Department to report to the Governor and to certain legislative committees regarding a certain review; and generally relating to the review ~~and revision~~ of the ALT–MSA.

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

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

FOR the purpose of altering the Motor Vehicle Administration's authority to establish an Ignition Interlock System Program to require the Administration to establish the Program; requiring rather than authorizing the Administration to establish a protocol for the Program by certain regulations; altering the circumstances under which individuals may participate in the Program; requiring the Administration to require an individual convicted of~~, or granted probation for,~~ certain alcohol–related driving offenses to participate in the Program for certain minimum amounts of time; requiring the Administration to require a certain individual to successfully complete the Program; requiring the Administration to impose a certain license restriction for a certain minimum amount of time; requiring the Administration to suspend the drivers' licenses of certain individuals who are in violation of the Program for certain amounts of time;

requiring the Administration to establish a certain fee; requiring individuals who are in the Program to be monitored by the Administration and to pay a certain fee under certain circumstances; requiring certain service providers to demonstrate a certain ability under certain circumstances; altering the authority of the Administration to require certain individuals to participate in the Program; establishing that ~~an individual shall be credited for any successful participation in the Program that occurs before a hearing in court; providing a certain mandatory minimum penalty for a person who is convicted of driving while the person's license to drive is suspended or revoked if the person's license to drive was suspended or revoked as a result of certain alcohol–related driving offenses or a failure to successfully complete the Program~~ Program participation that is required under certain circumstances shall run concurrently to participation ordered by a court; and generally relating to participation in the Ignition Interlock System Program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–404.1(b) and (f) ~~and 27–101(j)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(h) and 27–107(g)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 635 – Senator Pipkin

SECOND PRINTING

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; repealing certain provisions providing for the election of a certain candidate to fill a certain vacancy on the Board; requiring certain members of the Board to be elected in a certain general election; ~~providing for the application of certain provisions of this Act;~~ 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 Ways and Means.

Senate Bill 637 – Senators Pipkin ~~and Astle~~, Astle, Klausmeier, Exum, and Garagiola

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 Health and Government Operations.

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

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 Economic Matters.

Senate Bill 647 – Senator Pugh

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 Economic Matters.

Senate Bill 650 – Senator Pipkin

AN ACT concerning

Maryland Transportation Authority – Proposed Toll or Fee Charges – Public Comments

FOR the purpose of requiring certain staff of the Maryland Transportation Authority to ~~receive and maintain written comments submitted by the public regarding proposed toll or fee charges for certain transportation facilities projects; requiring the staff to provide the members of the Authority with copies of the written comments~~ 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; and generally relating to public comments submitted to the Maryland Transportation Authority regarding certain proposed toll or fee charges.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–101(h)

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

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–312
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 688 – Senator Raskin

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 Economic Matters.

Senate Bill 690 – Senators Raskin and Frosh

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
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 Economic Matters.

Senate Bill 695 – Senator Haines

AN ACT concerning

Criminal Procedure – Violent Offenders – Parole as Condition for Alcohol or Drug Abuse Treatment

FOR the purpose of providing that a defendant who has been sentenced to the Division of Correction after being convicted of a certain violent crime is not eligible for commitment for alcohol or drug abuse treatment until the defendant is eligible for parole; and generally relating to the eligibility of violent offenders for drug or alcohol abuse treatment.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 7–301(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 8–507(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 8–507(p)
Annotated Code of Maryland
(2009 Replacement Volume)

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

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

FOR the purpose of ~~providing that 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~~ authorizing certain health maintenance organization contracts, health insurance policies or contracts, and policies or contracts of nonprofit health service plans to contain a provision that requires certain personal injury protection benefits to be paid before benefits under the contracts and policies 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; 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 Health and Government Operations.

Senate Bill 723 – Senator Munson

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 Health and Government Operations.

Senate Bill 726 – Cecil County Senators

AN ACT concerning

Cecil County – Collective Bargaining – Representation of Deputy Sheriffs ~~– Arbitration – Referendum~~

FOR the purpose of authorizing the representatives of certain full–time sworn law enforcement deputy sheriffs in the Cecil County Sheriff's Office and the County Commissioners of Cecil County to bargain collectively with the Sheriff and the County Commissioners on certain issues; authorizing certain sworn law enforcement deputy sheriffs to take or refrain from taking certain actions in connection with certain labor organizations with regard to certain collective bargaining activities; providing for the procedures for certifying a labor organization as a certified labor organization for certain collective bargaining negotiations; requiring the certified labor organization, the Sheriff, and the County Commissioners to follow certain procedures for collective bargaining; providing for certain means to resolve a dispute if the certified labor organization and the Sheriff and the County Commissioners are unable to negotiate a certain agreement; requiring a collective bargaining agreement to contain certain matters; providing for certain rights and responsibilities of the Sheriff that are not impaired by the provisions of this Act; requiring that any additional funding required as a result of a certain agreement be subject to approval by the County Commissioners; providing a certain cost–sharing cap for certain costs associated with this Act; providing for the construction of this Act; ~~submitting this Act to a referendum of the legally qualified voters of Cecil County;~~ and generally relating to collective bargaining of deputy sheriffs in Cecil County.

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(i)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 780 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Forehand, Jacobs, Muse, Simonaire, and Stone

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 Environmental Matters.

Senate Bill 820 – Senators Forehand, Colburn, Klausmeier, Lenett, ~~and Stone~~ Stone, Jacobs, and Simonaire

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 Judiciary.

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

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 Health and Government Operations.

Senate Bill 876 – Senator Dyson

AN ACT concerning

St. Mary's County – Certificated Public School Employees – Service or Representation Fee

FOR the purpose of authorizing the St. Mary's County Board of Education to negotiate with the employee organization designated as the exclusive representative for a unit of certain certificated employees as to a service or representation fee for representing nonmember certificated employees in the unit in certain matters; making the Act applicable only to certain employees hired on or after a certain date; and generally relating to negotiations for a service or representation fee for an employee organization that represents certain public school employees in St. Mary's County.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–407(a) and (b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 6–407(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 884 – Senators Klausmeier and Stone

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

FOR the purpose of altering certain provisions of law relating to the designation of the exclusive representative for certain public school employees in Baltimore County; repealing provisions that authorized Baltimore County to designate as a separate bargaining unit only certain registered nurses in certain schools in the county; prohibiting more than two bargaining units in Baltimore County and requiring each unit to consist of certain employees; and generally relating to bargaining units for public school employees in Baltimore County.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–401(d)(1) and (3)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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 Ways and Means.

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

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; authorizing a depository institution to conduct a savings promotion raffle for the exclusive benefit of eligible customers of the depository institution; specifying the conditions under which a credit union and a depository institution may conduct a savings promotion raffle; exempting ~~a~~ certain savings promotion ~~raffle~~ raffles 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 and a certain depository institution to conduct a savings promotion raffle notwithstanding any other provision of the Criminal Law Article; defining certain terms; 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; 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 1–211 and 6–716
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 893 – Senator Garagiola

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~~ subjecting the Maryland Clean Energy Center to the procurement procedures relating to minority business participation; and generally relating to the Maryland Clean Energy Center.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–809 and 10–814

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 Economic Matters and the Committee on Appropriations.

Senate Bill 899 – The President (By Request – Administration)

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 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 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 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; 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, contingent on the receipt of certain federal funds~~ 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; 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 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 Ways and Means.

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

FOR the purpose of 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~~ surplus in a certain amount as of certain dates; altering a certain percentage of certain premiums for certain title insurance that certain title insurers must originally assign to certain reserves; altering the dates as of which certain reserves shall be calculated in a certain manner; altering the portions and timing of release of certain excess reserves; prohibiting the release of certain unearned premium reserves under certain circumstances; requiring certain unearned premium reserves to be considered a certain reserve; and generally relating to title insurance and required reserves, capital stock, and surplus.

BY adding to
Article – Insurance
Section 4–104.1 and 4–105.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–206
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

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

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 Health and Government Operations.

Senate Bill 923 – Carroll County Senators

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 Health and Government Operations.

Senate Bill 924 – Carroll County Senators

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 Appropriations.

Senate Bill 925 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

FOR the purpose of altering certain authority for the governing body of Carroll County to grant, by law, a green building tax credit against the county property tax imposed on certain properties on which a person installs certain environmentally friendly technologies; providing for the application of this Act; and generally relating to property tax credits in Carroll County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–308(e)
Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 947 – Senator Edwards

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; 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 credit; providing for the application of this Act; and generally relating to property tax credits for certain property 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 Ways and Means.

Senate Bill 955 – Senators Exum, Garagiola, Gladden, Kelley, and Peters

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 Economic Matters.

Senate Bill 957 – Senator Miller

AN ACT concerning

Calvert County – Special Taxing Districts

FOR the purpose of providing that any 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; 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 Ways and Means.

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Residential 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 Environmental Matters.

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

FOR the purpose of repealing a certain requirement that the Maryland Insurance Administration report annually to certain committees of the General Assembly on complaints relating to the denial of coverage for the surgical treatment of morbid obesity; and generally relating to the insurance coverage of the surgical treatment of morbid obesity.

BY repealing
Chapter 486 of the Acts of the General Assembly of 2004, as amended by Chapter 301 of the Acts of the General Assembly of 2005
Section 3

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

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

FOR the purpose of ~~requiring~~ authorizing the office of the Commissioner of Financial Regulation to serve as a clearinghouse for information on financial education resources, services, and programs available to residents of the State; ~~requiring~~ authorizing the Commissioner to ~~develop and maintain a~~ include on the Commissioner's website ~~to make certain information available to the public~~ 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; authorizing the Commissioner to designate an individual to administer the clearinghouse operations within the office of the Commissioner; and generally relating to the office of the Commissioner of Financial Regulation.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–107

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

BY adding to
Article – Financial Institutions
Section 2–120
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1050 – Senator Kelley

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 Economic Matters.

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

FOR the purpose of establishing a Task Force on Solar Hot Water Systems in Prince George's County; providing for the members of the Task Force; providing for the designation of a chair of the Task Force; requiring the Prince George's County government to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing that a member of the Task Force may receive reimbursement of certain expenses; requiring the Task Force to study certain matters and make certain findings and recommendations; requiring the Task Force to report its findings and recommendations to the Prince George's County Senators, the Prince George's County Delegation, ~~and~~ the Prince George's County Council, the Prince George's County Executive, and certain committees of the General Assembly on or before a certain date; stating certain intent of the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Solar Hot Water Systems in Prince George's County.

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

INTRODUCTION OF BILLS

Delegate McHale moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 641)

In compliance with the rules, the Bill was introduced.

House Bill 1567 – Delegate McHale

AN ACT concerning

State Highway Administrator – County Construction Projects – Duty to Provide Notice

FOR the purpose of requiring the State Highway Administrator, on receipt of a request from a county for an engineering review or approval that is required for a construction project to receive federal funding, to notify certain persons of the request; and generally relating to duties of the State Highway Administrator.

BY adding to
Article – Transportation
Section 8–204(j)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 642)

ADJOURNMENT

At 1:29 P.M. on motion of Delegate Barve the House adjourned until 1:29 P.M., on Legislative Day March 24, 2010, Calendar Day Friday, March 26, 2010.

Annapolis, Maryland
Legislative Day: March 24, 2010
Calendar Day: Friday, March 26, 2010

The House met at 1:29 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Melvin L. Stukes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 643)

The Journal of March 23, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 644)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #40

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the Senate.

House Bill 566 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Community Association Property Management Services – Registration

PG 419–10

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

Affirmative – 141 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the Senate.

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

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

Affirmative – 125 Negative – 14 (See Roll Call No. 647)

The Bill was then sent to the Senate.

House Bill 860 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Tenant Credit Check Restriction Act

MC 4–10

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

Affirmative – 130 Negative – 9 (See Roll Call No. 648)

The Bill was then sent to the Senate.

House Bill 907 – Delegates Valderrama, G. Clagett, Frank, Jennings, Kramer, Ramirez, Schuler, and Waldstreicher

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

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

Affirmative – 137 Negative – 3 (See Roll Call No. 649)

The Bill was then sent to the Senate.

House Bill 963 – Delegates G. Clagett, Benson, DeBoy, Hecht, Heller, Shewell, Sossi, and Stocksdale

AN ACT concerning

Child Support Enforcement – Interception of Abandoned Property

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

Affirmative – 140 Negative – 0 (See Roll Call No. 650)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 651)

The Bill was then sent to the Senate.

House Bill 1016 – Delegates Jones and DeBoy

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

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

Affirmative – 104 Negative – 36 (See Roll Call No. 652)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 1076 – Delegate Feldman

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

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

Affirmative – 141 Negative – 0 (See Roll Call No. 653)

The Bill was then sent to the Senate.

House Bill 1109 – Caroline County Delegation

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

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

Affirmative – 140 Negative – 1 (See Roll Call No. 654)

The Bill was then sent to the Senate.

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

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

The motion was adopted.

House Bill 1399 – ~~**Delegate Lafferty**~~ **Delegates Lafferty and Stein**

AN ACT concerning

Residential Mortgage Loans – Required Notice of Housing Counseling Programs and Services

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

Affirmative – 137 Negative – 1 (See Roll Call No. 655)

The Bill was then sent to the Senate.

House Bill 1432 – Delegates McComas, Bartlett, Jameson, Kullen, and Norman

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

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

Affirmative – 141 Negative – 0 (See Roll Call No. 656)

The Bill was then sent to the Senate.

House Bill 1466 – Delegates Bohanan, O'Donnell, and Wood

AN ACT concerning

St. Mary's County – Property Tax Credit – Property Leased to Nonprofit Schools

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

Affirmative – 140 Negative – 0 (See Roll Call No. 657)

The Bill was then sent to the Senate.

House Bill 1471 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Residential Real Property – Real Estate Settlements – Disclosures

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

Affirmative – 140 Negative – 0 (See Roll Call No. 658)

The Bill was then sent to the Senate.

House Bill 1514 – Delegates Beidle and Stein

AN ACT concerning

Real Property – Condominiums – Cancellation of Insurance

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

Affirmative – 141 Negative – 0 (See Roll Call No. 659)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #42

House Bill 298 – Delegates Morhaim, Nathan–Pulliam, and Stein

AN ACT concerning

Office of Student Financial Assistance – Service Obligation – ~~Waiver~~ Financial Counseling Session Required

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

Affirmative – 140 Negative – 0 (See Roll Call No. 660)

The Bill was then sent to the Senate.

House Bill 1200 – Calvert County Delegation

AN ACT concerning

Calvert County – Special Taxing Districts

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

Affirmative – 141 Negative – 0 (See Roll Call No. 661)

The Bill was then sent to the Senate.

House Bill 1336 – Washington County Delegation

AN ACT concerning

Washington County – Domestic Violence – GPS Tracking System Pilot Program for Offenders

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

Affirmative – 140 Negative – 0 (See Roll Call No. 662)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 663)

RECESS

At 1:48 P.M. on motion of Delegate Barve the House recessed until 5:00 P.M. on Legislative Day March 24, 2010, Calendar Day Friday, March 26, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 24, 2010
Calendar Day: Friday, March 26, 2010

At 5:38 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Eric M. Bromwell of Baltimore County.

QUORUM CALL

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

(See Roll Call No. 664)

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #9

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 34 – Delegate Waldstreicher

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

HB0034/926688/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 34
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Waldstreicher" and substitute "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"; and in lines 16 and 17, strike "**HISPANIC AMERICANS**" and substitute "**HISPANICS**".

The preceding amendment was withdrawn.

SUBSTITUTE AMENDMENT

HB0034/926688/3

BY: Health and Government Operations Committee

SUBSTITUTE AMENDMENT TO HOUSE BILL 34
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Waldstreicher" and substitute "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".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 323 – Delegates Morhaim and Hammen

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

HB0323/106786/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 323
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 5 down through "occupations;" in line 6; in lines 8, 10, 15, and 16, in each instance, strike "State"; strike beginning with "repealing" in line 11 down through "Committee;" in line 13 and substitute "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;"; strike beginning with "limiting" in line 13 down through "repealing" in line 14 and substitute "altering"; strike beginning with "authorizing" in line 17 down through "days;" in line 23 and substitute "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;"; strike beginning with "requiring" in line 25 down through "manner;" in line 26; in lines 27 and 28, strike "or alternate"; and in line 30, strike "or alternate".

On page 2, in line 2, strike "prepare and"; in the same line, after "dispense" insert "a sample or"; strike beginning with "authorizing" in line 5 down through "status;" in line 6; in line 6, after "licenses" insert "and delegation agreements"; in lines 7, 11, and 17, in each instance, strike "State"; strike beginning with "authorizing" in line 7 down through "circumstances;" in line 10 and substitute "establishing a certain administrative penalty for failure to report certain changes;"; strike beginning with "authorizing" in line 13 down through "circumstances;" in line 15 and substitute

"authorizing certain physician assistants to perform under certain supervision during certain disasters without being required to maintain certain documentation;"; in line 24, strike "15–102,"; in the same line, after "15–103," insert "15–202, 15–203,"; in the same line, after "15–302," insert "15–302.1,"; in the same line, after "15–302.2," insert "15–302.3,"; in line 25, strike "15–305,"; in line 26, strike "15–314,"; strike in its entirety line 31 and substitute "Section 15–305 and 15–314"; after line 33, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–102, 15–201, and 15–204
Annotated Code of Maryland
(2009 Replacement Volume)";

in line 36, strike "15–308.1 and 15–316" and substitute "15–305, 15–316, 15–317, and 15–402.1".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"**(C) "AMBULATORY SURGICAL FACILITY" MEANS A FACILITY:**

(1) ACCREDITED BY:

(I) THE AMERICAN ASSOCIATION FOR ACCREDITATION OF AMBULATORY SURGICAL FACILITIES;

(II) THE ACCREDITATION ASSOCIATION FOR AMBULATORY HEALTH CARE; OR

(III) THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS; OR

(2) CERTIFIED TO PARTICIPATE IN THE MEDICARE PROGRAM, AS ENACTED BY TITLE XVIII OF THE SOCIAL SECURITY ACT.";

in line 6, strike "(c)" and substitute "**(D)**"; in line 9, after "title." insert a closing bracket; in lines 10, 11, 13, 14, 16, and 18, in each instance, strike the brackets; in

lines 11, 13, 14, and 16, strike "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 18, strike "**§§ 15–302 AND 15–302.1**"; after line 26, insert:

"**(J) "DISPENSE" MEANS TO DISPENSE DRUG SAMPLES OR STARTER DOSAGES.**

(K) "DRUG SAMPLE" MEANS A UNIT OF A PRESCRIPTION DRUG THAT IS INTENDED TO PROMOTE THE SALE OF THE DRUG AND IS NOT INTENDED FOR SALE.";

and in line 27, strike "**(H)**" and substitute "**(L)**".

On page 4, in lines 9, 11, 16, 19, and 27, strike "**(I)**", "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(M)**", "**(N)**", "**(O)**", "**(P)**", and "**(Q)**", respectively; in line 15, after "**ASSISTANTS**" insert "**OR ITS SUCCESSOR**"; in lines 21 and 23, in each instance, strike "**PRIMARY OR ALTERNATE**"; in line 26, strike "**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**".

On page 5, in lines 3, 23, and 28, strike "**(N)**", "**(O)**", and "**(P)**", respectively, and substitute "**(R)**", "**(S)**", and "**(U)**", respectively; in lines 10 and 13, in each instance, strike "**SEEKS TO ENSURE**" and substitute "**ENSURES**"; after line 27, insert:

"**(T) "STARTER DOSAGE" MEANS AN AMOUNT OF A DRUG SUFFICIENT TO BEGIN THERAPY:**

(1) OF SHORT DURATION OF 72 HOURS OR LESS; OR

(2) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO COMPLETE THERAPY.";

in line 28, strike the third bracket; and strike beginning with the bracket in line 30 down through "**ASSISTANT**" in line 32.

On page 6, in lines 1, 5, 10, and 16, in each instance, strike the bracket; strike beginning with "**DOES**" in line 5 down through "**TELECOMMUNICATION**" in line 8; and in line 27, strike "**, ON THE FORM PRESCRIBED BY THE BOARD,**".

AMENDMENT NO. 3

On page 8, in lines 27, 29, and 30, in each instance, strike the bracket.

On page 9, in line 3, strike "certified" and substitute "**LICENSED**"; in line 7, strike "and"; in line 9, after "specialty" insert "**; AND**

(III) 1 SHALL BE A BOARD MEMBER";

in lines 10 and 11, strike ": (i) Appoint" and substitute "**APPOINT**"; in lines 13 and 14, strike "1." and "2.", respectively, and substitute "**(I)**" and "**(II)**", respectively; and strike beginning with the semicolon in line 15 down through "Committee" in line 19.

On page 10, in line 4, after "(c)" insert "**(1)**"; in the same line, strike "certified" and substitute "**LICENSED**"; in line 6, strike "(d)" and substitute "**(2)**"; after line 8, insert:

"**(3) OF THE 3 PHYSICIAN ASSISTANT MEMBERS OF THE COMMITTEE:**

(I) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A HOSPITAL; AND

(II) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A NONHOSPITAL SETTING.".

in lines 9 and 11, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively; in lines 12, 13, 22, 23, 25, 26, and 27, in each instance, strike the brackets; in lines 20 and 21, in each instance, strike "Secretary" and substitute "**BOARD**"; in line 26, strike "**15–201.**".

On page 11, in line 2, strike "certification" and substitute "**LICENSURE**"; in lines 8, 10, 13, 14, 15, 17, 19, and 26, in each instance, strike the brackets; in line 14, strike "**(B)**"; in lines 15, 17, and 19, strike "**(1)**", "**(2)**", and "**(3)**", respectively; after line 25, insert:

"**(4) IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER THIS SUBTITLE, INCLUDING AN INVESTIGATION OR DETERMINATION OF**

COMPLIANCE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND AN AUDIT TO DETERMINE COMPLIANCE WITH THE BOARD'S REQUIREMENTS WITH RESPECT TO PHYSICIAN ASSISTANT PRACTICE, THE EXECUTIVE DIRECTOR OF THE BOARD OR OTHER DULY AUTHORIZED AGENT OR INVESTIGATOR MAY ENTER AT ANY REASONABLE HOUR A PLACE OF BUSINESS OF A LICENSED PHYSICIAN OR A LICENSED PHYSICIAN ASSISTANT OR PUBLIC PREMISES.

(5) (I) A PERSON MAY NOT DENY OR INTERFERE WITH AN ENTRY UNDER THIS SUBSECTION.

(II) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $100.";

and in line 26, strike "**15–202.**".

AMENDMENT NO. 4

On page 13, in line 4, strike "**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**"; in lines 9 and 31, in each instance, strike the bracket; in lines 16 and 29, in each instance, after "the" insert "**PRIMARY OR ALTERNATE**"; in line 23, after the first "the" insert "**PRIMARY OR ALTERNATE**"; in line 30, strike "an approved" and substitute "**A**".

On page 14, in line 1, strike the brackets; in the same line, strike "**(C)**".

On pages 14 and 15, strike in their entirety the lines beginning with line 13 on page 14 through line 23 on page 15, inclusive.

On page 15, in lines 24 and 28, in each instance, strike the brackets; and in the same lines, strike "**(H)**" and "**(I)**", respectively.

On page 16, in lines 2 and 9, in each instance, after "**ASSISTANT**" insert "**OR ITS SUCCESSOR**"; in lines 5 and 10, in each instance, strike the first set of brackets; in lines 5 and 10, strike "**(J)**" and "**(K)**", respectively; strike beginning with the comma in line 14 down through "**STATE**" in line 20; in lines 23 and 27, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 17, in line 3, after "**BOARD**" insert "**; AND**

(2) ANY ADVANCED DUTIES HAVE BEEN AUTHORIZED AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION";

strike beginning with "**AS**" in line 17 down through "**PHYSICIAN**" in line 18; in line 20, after the first "the" insert "**PRIMARY**".

On pages 17 and 18, strike in their entirety the lines beginning with line 32 on page 17 through line 5 on page 18, inclusive, and substitute:

"**(C) (1) THE BOARD MAY NOT REQUIRE PRIOR APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, IF AN ADVANCED DUTY WILL BE PERFORMED IN A HOSPITAL OR AMBULATORY SURGICAL FACILITY, PROVIDED THAT:**

(I) A PHYSICIAN, WITH CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF, SUPERVISES THE PHYSICIAN ASSISTANT;

(II) THE PHYSICIAN ASSISTANT HAS CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF; AND

(III) EACH ADVANCED DUTY TO BE DELEGATED TO THE PHYSICIAN ASSISTANT IS REVIEWED AND APPROVED WITHIN A PROCESS APPROVED BY THE GOVERNING BODY OF THE HEALTH CARE FACILITY BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(2) IN ANY SETTING THAT DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT THAT

INCLUDES ADVANCED DUTIES, BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT BEFORE THE PHYSICIAN ASSISTANT MAY ADMINISTER, MONITOR, OR MAINTAIN GENERAL ANESTHESIA OR NEUROAXIAL ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES, UNDER THE AGREEMENT.".

On page 18, in lines 6, 23, 24, 26, 27, and 28, in each instance, strike the brackets; in line 6, strike "The" and substitute "**FOR A DELEGATION AGREEMENT CONTAINING ADVANCED DUTIES THAT REQUIRE BOARD APPROVAL, THE**"; in line 9, after "the" insert "**PRIMARY**"; in line 11, after "(f)" insert "**(1)**"; in the same line, after "a" insert "**PRIMARY**"; in line 12, strike "medical acts" and substitute "**ADVANCED DUTIES**"; in lines 14 and 15, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; in lines 15, 18, 19, and 22, strike "(i)", "(ii)", "1.", and "2.", respectively, and substitute "**1.**", "**2.**", "**A.**", and "**B.**", respectively; in line 19, after the first "the" insert "**PRIMARY**"; after line 23, insert:

"**(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL APPROVE A DELEGATION AGREEMENT OR TAKE OTHER ACTION AUTHORIZED UNDER THIS SUBSECTION WITHIN 90 DAYS AFTER RECEIVING A COMPLETED DELEGATION AGREEMENT INCLUDING ANY INFORMATION FROM THE PHYSICIAN ASSISTANT AND PRIMARY SUPERVISING PHYSICIAN NECESSARY TO APPROVE OR TAKE ACTION.**";

in line 24, strike "**(D)**"; and in the same line, after "**PRIMARY**" insert "**OR ALTERNATE**".

On page 19, after line 6, insert:

"**(H) A PRIMARY SUPERVISING PHYSICIAN MAY NOT DELEGATE MEDICAL ACTS UNDER A DELEGATION AGREEMENT TO MORE THAN FOUR PHYSICIAN ASSISTANTS AT ANY ONE TIME, EXCEPT IN A HOSPITAL OR IN THE FOLLOWING NONHOSPITAL SETTINGS:**

(1) A CORRECTIONAL FACILITY;

(2) A DETENTION CENTER; OR

(3) A PUBLIC HEALTH FACILITY.";

in line 7, strike "**(E)**" and substitute "**(I)**"; in lines 9 and 31, in each instance, strike the brackets; in line 9, strike "(k)" and substitute "**(J)**"; in line 10, strike "In" and substitute "**AS A PRIMARY SUPERVISING PHYSICIAN IN**"; in line 27, after the second "the" insert "**PRIMARY SUPERVISING PHYSICIAN AND**"; and after line 28, insert:

"**(K) IN THE EVENT OF A SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF A PRIMARY SUPERVISING PHYSICIAN, A DESIGNATED ALTERNATE SUPERVISING PHYSICIAN MAY ASSUME THE ROLE OF THE PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD WITHIN 15 DAYS.**".

AMENDMENT NO. 6

On page 20, in line 1, strike "**(F)**" and substitute "**(M)**"; in lines 3, 21, and 22, in each instance, strike the brackets; after line 3, insert:

"**(A) IF A DELEGATION AGREEMENT DOES NOT INCLUDE ADVANCED DUTIES OR THE ADVANCED DUTIES HAVE BEEN APPROVED UNDER § 15–302(C)(1) OF THIS SUBTITLE, A PHYSICIAN ASSISTANT MAY ASSUME THE DUTIES UNDER A DELEGATION AGREEMENT ON THE DATE OF RECEIPT BY THE BOARD OF THE DELEGATION AGREEMENT.**";

in lines 4, 9, and 18, strike "(a)", "(b)", and "(c)", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively; in line 4, after "agreement" insert "**THAT INCLUDES DELEGATION OF ADVANCED DUTIES IN A SETTING THAT DOES NOT MEET THE REQUIREMENTS UNDER § 15–302(C)(1) OF THIS SUBTITLE**"; in line 5, strike "Committee for review" and substitute "**BOARD FOR ITS APPROVAL**"; in line 9, strike "(c)" and substitute "**(D)**"; in line 11, strike "practice in accordance with the pending delegation agreement" and substitute "**PERFORM THE ADVANCED DUTY**"; in line 13, after "The" insert "**PRIMARY**"; strike beginning with "proposed" in line 14 down through "practice" in line 15 and substitute "**PERFORMANCE OF THE ADVANCED DUTY**"; strike beginning with "for" in line 16 down through "setting" in line 17 and

substitute "**BY THE BOARD TO PERFORM THE ADVANCED DUTY**"; in line 19, after the third "the" insert "**PRIMARY SUPERVISING**"; strike beginning with "practice" in line 20 down through "agreement" in line 21 and substitute "**PERFORM THE ADVANCED DUTY THAT HAS NOT RECEIVED THE APPROVAL OF THE BOARD**"; after line 21, insert:

"**(E) THE BOARD MAY DISAPPROVE ANY DELEGATION AGREEMENT IF IT BELIEVES THAT:**

(1) THE AGREEMENT DOES NOT MEET THE REQUIREMENTS OF THIS SUBTITLE; OR

(2) THE PHYSICIAN ASSISTANT IS UNABLE TO PERFORM SAFELY THE DELEGATED DUTIES.

(F) IF THE BOARD DISAPPROVES A DELEGATION AGREEMENT OR THE DELEGATION OF ANY FUNCTION UNDER AN AGREEMENT, THE BOARD SHALL PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT WITH WRITTEN NOTICE OF THE DISAPPROVAL.

(G) A PHYSICIAN ASSISTANT WHO RECEIVES NOTICE THAT THE BOARD HAS DISAPPROVED A DELEGATION AGREEMENT OR AN ADVANCED FUNCTION UNDER THE DELEGATION AGREEMENT SHALL IMMEDIATELY CEASE TO PRACTICE UNDER THE AGREEMENT OR TO PERFORM THE DISAPPROVED FUNCTION.";

and strike beginning with "**15–302.1.**" in line 22 down through "**PATIENT.**" in line 30.

On page 21, strike in their entirety lines 1 through 5, inclusive; in line 6, strike the brackets; in the same line, strike "**(B)**"; in the same line, after "A" insert "**PRIMARY**"; in line 16, strike "**AND**"; in lines 20 and 26, in each instance, strike "Evidence demonstrating" and substitute "**AN ATTESTATION THAT THE PHYSICIAN ASSISTANT HAS**"; in line 21, strike "Passage of" and substitute "**PASSED**"; in line 24, strike "Successful completion of" and substitute "**SUCCESSFULLY COMPLETED**"; in line 27, after "equivalent;" insert "**OR**"; in line 28, before "2" insert "**SUCCESSFULLY COMPLETED**"; strike beginning with "; or" in line 28 down through the bracket in line 30.

On page 22, in line 1, strike the brackets; in the same line, strike "**(C)**"; in lines 1, 4, and 9, in each instance, strike "**OR ALTERNATE**"; in lines 14, 26, and 31, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 14, strike "**PREPARE AND**"; in line 15, after "**DOSAGE**" insert "**OR DISPENSE DRUG SAMPLES**"; strike beginning with "**(I)**" in line 17 down through "**(2)**" in line 21; in line 21, after "**DOSAGE**" insert "**OR DRUG SAMPLE**"; in line 22, strike "**§ 12–509**" and substitute "**§ 12–505**"; in lines 23 and 24, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; in line 26, strike "**PREPARES AND**"; in line 27, after "**DRUG**" insert "**SAMPLE OR STARTER DOSAGE**"; and in line 28, strike "**(B)**" and substitute "**(C)**".

On page 23, after line 3, insert:

"15–302.3.

(a) On a quarterly basis, the Board shall provide to the Board of Pharmacy a list of physician assistants whose delegation agreements include the delegation of **[**authority to exercise**]** prescriptive authority.

(b) The list required under subsection (a) of this section shall specify whether each physician assistant has been delegated the authority to prescribe controlled dangerous substances, prescription drugs, or medical devices.

(c) If a **PRIMARY** supervising physician who has delegated authority to exercise prescriptive authority to a physician assistant subsequently restricts or removes the delegation, the **PRIMARY** supervising physician shall notify the Board of the restriction or removal within 5 business days.";

in line 5, strike "be"; in line 6, strike "Of" and substitute "**BE OF**"; in line 7, strike "Fluent in the English language" and substitute "**DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN THE ENGLISH LANGUAGE AS REQUIRED BY THE BOARD**"; in line 8, strike "At" and substitute "**BE AT**"; in line 9, strike "A" and substitute "**(I) BE A**"; in lines 9 and 10, in each instance, strike the brackets; in line 9, strike "**EDUCATIONAL**"; strike beginning with "**ACCREDITED**" in line 10 down through "**PROGRAMS**" in line 14 and substitute "**; OR**

(II) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS PRIOR TO 1986, MAINTAINED ALL CONTINUING EDUCATION AND RECERTIFICATION REQUIREMENTS, AND BEEN IN CONTINUOUS PRACTICE SINCE PASSAGE OF THE EXAMINATION";

in lines 15 and 16, in each instance, strike the brackets; in line 15, strike "**THE**"; strike beginning with "**THE**" in line 16 down through "**ASSISTANTS**" in line 18; and strike in their entirety, lines 25 through 31, inclusive.

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

"**15–305.**

THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.";

and in line 21, after "assistant" insert "**UNDER A DELEGATION AGREEMENT**".

AMENDMENT NO. 7

On page 25, in line 12, strike "and"; in line 18, after "section" insert "**; AND**

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR RENEWAL OF A LICENSE".

On page 26, after line 2, insert:

"**(F) FOR THE FAILURE OF A LICENSEE TO OBTAIN CONTINUING MEDICAL EDUCATION CREDITS AS REQUIRED BY THE BOARD, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED $100 FOR EACH MEDICAL EDUCATION CREDIT NOT OBTAINED BY THE LICENSEE.**";

in line 8, strike "and"; in line 11, after "reinstatements" insert "**; AND**

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR REINSTATEMENT";

and strike in their entirety, lines 12 through 25, inclusive.

On page 27, in line 1, after "**LICENSE**" insert "**AND DELEGATION AGREEMENT**"; in line 3, after "(b)" insert "**(1)**"; after line 4, insert:

"**(2) A LICENSEE WHO FAILS TO COMPLY WITH THIS SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF $100.**";

in line 7, strike the brackets; in line 8, strike "**PHYSICIAN ASSISTANT REHABILITATION PROGRAM**"; in line 17, after "assistant" insert "**OR APPLICANT**"; and strike beginning with the comma in line 21 down through "**ASSISTANT**" in line 22.

On page 28, in line 7, strike "its members then serving" and substitute "**A QUORUM**"; strike beginning with the colon in line 8 down through "Any" in line 11 and substitute "**ANY**"; in line 23, after "**LICENSE**" insert "**OR TO REJECT OR MODIFY A DELEGATION AGREEMENT OR ADVANCED DUTY**".

On page 29, in line 3, after "**LICENSE**" insert "**OR REJECTING OR MODIFYING A DELEGATION AGREEMENT OR ADVANCED DUTY**".

AMENDMENT NO. 8

On pages 29 and 30, strike in their entirety the lines beginning with line 7 on page 29 through line 29 on page 30, inclusive, and substitute:

"**15–314.**

(A) SUBJECT TO THE HEARING PROVISIONS OF § 15–315 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM, MAY REPRIMAND ANY PHYSICIAN ASSISTANT, PLACE ANY PHYSICIAN ASSISTANT ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE PHYSICIAN ASSISTANT:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS GUILTY OF:

(I) IMMORAL CONDUCT IN THE PRACTICE OF MEDICINE; OR

(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MEDICINE;

(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

(5) SOLICITS OR ADVERTISES IN VIOLATION OF § 14–503 OF THIS TITLE;

(6) ABANDONS A PATIENT;

(7) HABITUALLY IS INTOXICATED;

(8) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE;

(9) PROVIDES PROFESSIONAL SERVICES:

(I) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR

(II) WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(10) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(11) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF MEDICINE;

(12) WILLFULLY FAILS TO FILE OR RECORD ANY MEDICAL REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

(13) ON PROPER REQUEST, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE, FAILS TO PROVIDE DETAILS OF A PATIENT'S MEDICAL RECORD TO THE PATIENT, ANOTHER PHYSICIAN, OR HOSPITAL;

(14) SOLICITS PROFESSIONAL PATRONAGE THROUGH AN AGENT OR OTHER PERSON OR PROFITS FROM THE ACTS OF A PERSON WHO IS REPRESENTED AS AN AGENT OF THE PHYSICIAN;

(15) PAYS OR AGREES TO PAY ANY SUM TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM FROM ANY PERSON FOR BRINGING OR REFERRING A PATIENT;

(16) AGREES WITH A CLINICAL OR BIOANALYTICAL LABORATORY TO MAKE PAYMENTS TO THE LABORATORY FOR A TEST OR TEST SERIES FOR A PATIENT, UNLESS THE LICENSED PHYSICIAN ASSISTANT DISCLOSES ON THE BILL TO THE PATIENT OR THIRD–PARTY PAYOR:

(I) THE NAME OF THE LABORATORY;

(II) THE AMOUNT PAID TO THE LABORATORY FOR THE TEST OR TEST SERIES; AND

(III) THE AMOUNT OF PROCUREMENT OR PROCESSING CHARGE OF THE LICENSED PHYSICIAN, IF ANY, FOR EACH SPECIMEN TAKEN;

(17) MAKES A WILLFUL MISREPRESENTATION IN TREATMENT;

(18) PRACTICES MEDICINE WITH AN UNAUTHORIZED PERSON OR AIDS AN UNAUTHORIZED PERSON IN THE PRACTICE OF MEDICINE;

(19) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(21) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

(22) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL AND SURGICAL CARE PERFORMED IN AN OUTPATIENT SURGICAL FACILITY, OFFICE, HOSPITAL, OR ANY OTHER LOCATION IN THIS STATE;

(23) WILLFULLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH SERVICES ARE NOT PROVIDED;

(24) WAS SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION AND THE LICENSEE:

(I) SURRENDERED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO THE STATE OR COUNTRY; OR

(II) ALLOWED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;

(25) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE;

(26) FAILS TO EDUCATE A PATIENT BEING TREATED FOR BREAST CANCER OF ALTERNATIVE METHODS OF TREATMENT AS REQUIRED BY § 20–113 OF THE HEALTH – GENERAL ARTICLE;

(27) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

(28) FAILS TO COMPLY WITH THE PROVISIONS OF § 12–102 OF THIS ARTICLE;

(29) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE PHYSICIAN ASSISTANT IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(30) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN CONTINUOUS EXISTENCE SINCE JULY 1, 1963:

(I) ASSOCIATES WITH A PHARMACIST AS A PARTNER OR CO–OWNER OF A PHARMACY FOR THE PURPOSE OF OPERATING A PHARMACY;

(II) EMPLOYS A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY; OR

(III) CONTRACTS WITH A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY;

(31) EXCEPT IN AN EMERGENCY LIFE–THREATENING SITUATION WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

(32) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 14–415 OF THIS SUBTITLE;

(33) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(34) IS CONVICTED OF INSURANCE FRAUD AS DEFINED IN § 27–801 OF THE INSURANCE ARTICLE;

(35) IS IN BREACH OF A SERVICE OBLIGATION RESULTING FROM THE APPLICANT'S OR LICENSEE'S RECEIPT OF STATE OR FEDERAL FUNDING FOR THE PHYSICIAN ASSISTANT'S MEDICAL EDUCATION;

(36) WILLFULLY MAKES A FALSE REPRESENTATION WHEN SEEKING OR MAKING APPLICATION FOR LICENSURE OR ANY OTHER APPLICATION RELATED TO THE PRACTICE OF MEDICINE;

(37) BY CORRUPT MEANS, THREATS, OR FORCE, INTIMIDATES OR INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(38) BY CORRUPT MEANS, THREATS, OR FORCE, HINDERS, PREVENTS, OR OTHERWISE DELAYS ANY PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE OF ANY INVESTIGATION OF THE BOARD;

(39) INTENTIONALLY MISREPRESENTS CREDENTIALS FOR THE PURPOSE OF TESTIFYING OR RENDERING AN EXPERT OPINION IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(40) FAILS TO KEEP ADEQUATE MEDICAL RECORDS;

(41) PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE OF THE DELEGATION AGREEMENT FILED WITH THE BOARD OR AFTER NOTIFICATION FROM THE BOARD THAT AN ADVANCED DUTY HAS BEEN DISAPPROVED; OR

(42) PERFORMS DELEGATED MEDICAL ACTS WITHOUT THE SUPERVISION OF A PHYSICIAN.

(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE SUSPENSION OF A LICENSE IF THE PHYSICIAN ASSISTANT IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.".

On page 31, in line 2, strike "§ 15–314" and substitute "**§ 15–314(A)**"; strike in their entirety lines 22 through 31, inclusive, and substitute:

"**(A) IF AFTER A HEARING UNDER § 15–315 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER § 15–314(A) OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT OR TO DENY A LICENSE TO AN APPLICANT OR TO REPRIMAND A LICENSED PHYSICIAN ASSISTANT, THE BOARD MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.**

(B) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

15–317.

(A) A PHYSICIAN ASSISTANT IN THIS STATE OR IN ANY OTHER STATE IS AUTHORIZED TO PERFORM ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN

ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE DURING A DISASTER AS DEFINED BY THE GOVERNOR, WITHIN A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED, OR COUNTIES CONTIGUOUS TO A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED.

(B) THE PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD IN WRITING OF THE NAMES, PRACTICE LOCATIONS, AND TELEPHONE NUMBERS FOR THE PHYSICIAN ASSISTANT AND EACH PRIMARY SUPERVISING PHYSICIAN WITHIN 30 DAYS OF THE FIRST PERFORMANCE OF MEDICAL ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT DURING THE DISASTER.

(C) A TEAM OF PHYSICIAN AND PHYSICIAN ASSISTANTS OR PHYSICIAN ASSISTANTS PRACTICING UNDER THIS SECTION MAY NOT BE REQUIRED TO MAINTAIN ON–SITE DOCUMENTATION DESCRIBING SUPERVISORY ARRANGEMENTS AS OTHERWISE REQUIRED UNDER THIS TITLE.".

AMENDMENT NO. 9

On page 32, after line 15, insert:

"**15–402.1.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING $1,000 FOR A VIOLATION OF THIS SECTION.

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE BOARD OF PHYSICIANS FUND.".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 435 – Delegates Kach and Jones

AN ACT concerning

Health Insurance – Reimbursement of Physicians – Services Outside of Office Hours, by Telephone, or Online

HB0435/576882/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 435
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Jones" and substitute ", 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"; strike beginning with "Physicians" in line 2 down through "Online" in line 3 and substitute "Primary Care Providers – Bonus Payments"; in lines 4 and 5, in each instance, after "requiring" insert "certain"; in lines 4 and 5, strike "reimburse physicians a bonus payment" and substitute "pay a bonus to primary care providers"; strike beginning with "reimburse" in line 6 down through "circumstances" in line 8 and substitute "include certain items in their contracts with primary care providers"; in line 8, after the first semicolon insert "specifying the contracts and policies to which this Act applies; making certain provisions of this Act applicable to health maintenance organizations;"; and in line 9, strike "physicians" and substitute "primary care providers".

AMENDMENT NO. 2

On page 2, in line 8, after the semicolon insert "**OR**"; strike beginning with "**A**" in line 9 down through "**(5)**" in line 10; after line 11, insert:

"**(B) THIS SECTION APPLIES ONLY TO CONTRACTS OR POLICIES THAT:**

(1) ARE ISSUED OR DELIVERED BY A CARRIER; AND

(2) PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS.";

in line 12, strike "**(B)**" and substitute "**(C) (1)**"; strike beginning with "**REIMBURSE**" in line 12 down through "**PAYMENT**" in line 13 and substitute "**PAY A BONUS TO PRIMARY CARE PROVIDERS**"; strike beginning with "**AT**" in line 14 down through "**HOURS**" in line 15 and substitute "**AFTER 6 P.M. AND BEFORE 8 A.M.**"; in line 16, strike "**ON DAYS WHEN THE OFFICE IS NORMALLY CLOSED; AND**" and substitute "**ON WEEKENDS AND NATIONAL HOLIDAYS.**"; strike beginning with "**A**" in line 17 down through "**COMMUNICATION**" in line 23 and substitute "**A CARRIER SHALL PROVIDE FOR AND DESCRIBE THE TERMS OF THE BONUS PAYMENT REQUIRED IN PARAGRAPH (1) OF THE SUBSECTION IN A SEPARATE CLAUSE IN THE CARRIER'S CONTRACT WITH THE PRIMARY CARE PROVIDER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 647 – Delegates Reznik and Hammen

AN ACT concerning

Department of Natural Resources – Conservation Service Opportunities – Procurement Exemption

HB0647/236588/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 647

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "and Hammen" and substitute "Hammen, Donoghue, Pena–Melnyk, Riley, and V. Turner"; and in line 7, after "entities;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in lines 15 and 16, strike "shall take effect October 1, 2010" and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 910 – Delegates Malone, Conway, Costa, Jennings, Mathias, Morhaim, Stull, and Weir

AN ACT concerning

State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers

HB0910/376587/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 910
(First Reading File Bill)

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1093 – Delegate Donoghue

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

HB1093/696084/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1093
(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.";

and in line 29, after "**ORGANIZATION**" insert "**SPECIFYING THE TYPE AND PROPOSED USE OF MEDICAL INFORMATION TO BE SHARED**".

AMENDMENT NO. 4

On page 4, in lines 9 and 10, in each instance, after "**COVERED**" insert "**MEDICAL**"; and in line 11, 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 12 through 20, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1353 – Delegates Stein, Aumann, Beitzel, Boteler, Burns, Cardin, Frush, McHale, Minnick, Morhaim, Reznik, and Tarrant

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

HB1353/586188/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1353
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Tarrant" and substitute "Tarrant, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, and V. Turner"; in line 9, strike "a"; and in the same line, strike "report" and substitute "reports".

AMENDMENT NO. 2

On page 1, in line 15, after "including" insert "current and"; in line 21, strike "and"; and in line 22, after "Board" insert "; and

(5) the Maryland Higher Education Commission".

On page 2, strike beginning with the comma in line 10 down through "opportunities" in line 24; in line 25, strike "2010" and substitute "2011"; after line 25, insert:

"(g) On or before December 1, 2010, the Department shall submit an interim report on its findings to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

in line 26, strike "(g)" and substitute "(h)"; in the same line, strike "2011" and substitute "2012"; and in line 30, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1501 – Delegate Rice

AN ACT concerning

State Government – Human Relations – Closed–Captioning Activation Required

HB1501/796189/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1501
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Rice" and substitute "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"; and in line 4, after "captioning" insert "on request".

AMENDMENT NO. 2

On page 2, in line 2, strike "**TELEVISION THAT HAS A BUILT–IN DECODER TO DISPLAY CLOSED CAPTIONING**" and substitute "**RECEIVER OF TELEVISION PROGRAMMING THAT HAS THE ABILITY TO DISPLAY CLOSED CAPTIONING, INCLUDING A TELEVISION, DIGITAL SET TOP BOX, AND ANY OTHER TECHNOLOGY CAPABLE OF DISPLAYING CLOSED CAPTIONING**".

AMENDMENT NO. 3

On page 2, in line 8, strike "**A**" and substitute "**ON REQUEST, A**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 190 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

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

Delegate Stein moved to reconsider the vote by which the favorable report as amended was adopted.

The motion was adopted.

Committee amendment HB0190/800816/2 was withdrawn.

SUBSTITUTE AMENDMENTS

HB0190/460618/2

BY: Environmental Matters Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 190
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Video" insert "and Electronic"; strike beginning with "altering" in line 3 down through "vehicle" in line 7 and substitute "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"; in line 7, after "video" insert "and electronic"; and after line 13, insert:

"BY adding to
Article – Transportation
Section 21–1128 and 22–414.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 9 on page 2, inclusive, and substitute:

"**21–1128.**

A PERSON MAY NOT DRIVE A MOTOR VEHICLE ON A HIGHWAY IF THE MOTOR VEHICLE IS EQUIPPED WITH TELEVISION–TYPE RECEIVING EQUIPMENT OR VIDEO DISPLAY EQUIPMENT, AS DEFINED UNDER § 22–414.1 OF THIS ARTICLE, THAT IS TURNED ON AND DISPLAYING AN IMAGE VISIBLE TO THE DRIVER.

22–414.

(a) A motor vehicle driven on a highway in this State may not be equipped with television–type receiving equipment in front of the back of the driver's seat or otherwise visible to the driver.

(b) This section does not prevent:

(1) The use of television–type receiving equipment in a vehicle exclusively for safety or law enforcement purposes, as approved by the Department of State Police;

(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; or

(3) The use in a vehicle of electronic display equipment **[**used in conjunction with a**]:**

(I) USED IN CONJUNCTION WITH:

1. **A** vehicle navigation system**; OR**

2. BROADCAST AND SATELLITE RADIO SYSTEM GRAPHICS; OR

(II) DISPLAYING INFORMATION OR IMAGES RELATED TO THE OPERATION OF A MOTOR VEHICLE.

22–414.1.

(A) IN THIS SECTION, "VIDEO DISPLAY EQUIPMENT" MEANS EQUIPMENT CAPABLE OF DISPLAYING A DYNAMIC VISUAL IMAGE, OTHER THAN TEXT, FROM A DIGITAL VIDEO DISC OR OTHER STORAGE DEVICE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A MOTOR VEHICLE DRIVEN ON A HIGHWAY IN THE STATE MAY BE EQUIPPED WITH VIDEO DISPLAY EQUIPMENT ONLY IF THE VIDEO DISPLAY EQUIPMENT IS TURNED OFF WHEN THE SCREEN ON THE VIDEO DISPLAY EQUIPMENT IS VISIBLE TO THE DRIVER.

(C) THIS SECTION DOES NOT APPLY TO EQUIPMENT ON A VEHICLE USED BY A PUBLIC SERVICE COMPANY.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 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

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

Read the second time and ordered prepared for Third Reading.

House Bill 815 – Delegates DeBoy, Jones, Barkley, Bromwell, G. Clagett, Costa, Glenn, Guzzone, Haynes, Malone, McHale, Olszewski, Schuler, and Sophocleus

AN ACT concerning

Maryland Transportation Authority Police Officers – Collective Bargaining

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

FLOOR AMENDMENT

HB0815/543029/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 815, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike "Collective Bargaining"; and strike beginning with "collective" in line 18 down through "officers" in line 19.

AMENDMENT NO. 2

On page 1 of the Appropriations Committee Amendments (HB0815/274267/1), in line 2 of Amendment No. 1, strike "and"; and strike beginning with "expanding" in line 13 down through "unit;" in line 19.

AMENDMENT NO. 3

On page 2 of the Appropriations Committee Amendments, in line 5 of Amendment No. 1, strike "and the"; in line 6, strike "Department of"; and strike in their entirety lines 8 through 17, inclusive.

AMENDMENT NO. 4

On pages 3 through 5 of the Appropriations Committee Amendments, in Amendment No. 2, strike beginning with "Article" in line 2 on page 3 down through "**UNIT.**" in line 11 on page 5.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 36 Negative – 104 (See Roll Call No. 665)

Read the second time and ordered prepared for Third Reading.

House Bill 842 – Delegates Conway, Bobo, Frush, Glenn, Lafferty, Mathias, Niemann, Stein, and Stull

AN ACT concerning

Condominiums and Homeowners Associations – Priority of Liens – "The Residential Association Sustainability Act of 2010"

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

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

The motion was adopted.

House Bill 878 – Delegate Mizeur

AN ACT concerning

Health Insurance – Annual Preventive Care

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

Read the second time and ordered prepared for Third Reading.

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

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

Read the second time and ordered prepared for Third Reading.

House Bill 1138 – Delegate Davis

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

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

Read the second time and ordered prepared for Third Reading.

House Bill 1340 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

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

FLOOR AMENDMENT

HB1340/383429/1
BY: Delegate Carr

AMENDMENTS TO HOUSE BILL 1340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "circumstances;" insert "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;"; and in line 23, after "supplier" insert "; requiring a certain competitive supplier to include certain information in certain marketing materials sent to certain customers".

AMENDMENT NO. 2

On page 4, in line 14, after "**SHALL**" insert "**:**

A.";

and in line 15, after "**UPDATE**" insert "**; AND**

B. NOTIFY THE COMPETITIVE SUPPLIER THAT THE CUSTOMER HAS WITHDRAWN AUTHORIZATION.

3. ON RECEIVING NOTICE FROM A DISTRIBUTION UTILITY THAT A CUSTOMER HAS WITHDRAWN AUTHORIZATION UNDER THIS PARAGRAPH, THE COMPETITIVE SUPPLIER SHALL:

A. REDACT THE CUSTOMER'S INFORMATION FROM ITS RECORDS; AND

B. REFRAIN FROM CONTACTING THE CUSTOMER DIRECTLY BY MAIL OR TELEPHONE TO MARKET SERVICES TO THE CUSTOMER".

AMENDMENT NO. 3

On page 5, in line 5, after "**SUBSECTION.**" insert:

"**(G) A COMPETITIVE SUPPLIER SHALL INCLUDE IN ANY MARKETING MATERIALS SENT TO A RESIDENTIAL CUSTOMER OR SMALL COMMERCIAL CUSTOMER INFORMATION ON HOW A CUSTOMER MAY CONTACT THE CUSTOMER'S DISTRIBUTION UTILITY TO WITHDRAW AUTHORIZATION FOR THE DISTRIBUTION UTILITY TO PROVIDE TO COMPETITIVE SUPPLIERS INFORMATION ABOUT THE CUSTOMER'S ACCOUNT.**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 666)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 368 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Local Departments of Social Services – Audits

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

Affirmative – 141 Negative – 0 (See Roll Call No. 667)

The Bill was then sent to the Senate.

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

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

Affirmative – 112 Negative – 28 (See Roll Call No. 668)

The Bill was then sent to the Senate.

House Bill 601 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Tattoo Artist and Body Piercing Services

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

Affirmative – 141 Negative – 0 (See Roll Call No. 669)

The Bill was then sent to the Senate.

House Bill 715 – Delegates Kipke, Dwyer, George, and Schuh

AN ACT concerning

Department of Planning – Disposition of Real Property

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

Affirmative – 140 Negative – 1 (See Roll Call No. 670)

The Bill was then sent to the Senate.

House Bill 837 – Washington County Delegation

AN ACT concerning

Washington County – Procurement of Professional or Technical Services

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

Affirmative – 141 Negative – 0 (See Roll Call No. 671)

The Bill was then sent to the Senate.

House Bill 989 – Delegates Proctor and Vallario

AN ACT concerning

State Personnel – Natural Resources Law Enforcement Officers – Appointment to Major or Lieutenant Colonel

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

Affirmative – 141 Negative – 0 (See Roll Call No. 672)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #44

House Bill 1011 – Delegates Carter, Anderson, Oaks, Pena–Melnyk, and Simmons

AN ACT concerning

Juvenile Law – Lead Testing – ~~Required~~ Authorized

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

Affirmative – 140 Negative – 0 (See Roll Call No. 673)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 674)

The Bill was then sent to the Senate.

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

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

Affirmative – 110 Negative – 30 (See Roll Call No. 675)

The Bill was then sent to the Senate.

House Bill 1167 – Carroll County Delegation

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 – 139 Negative – 0 (See Roll Call No. 676)

The Bill was then sent to the Senate.

House Bill 1188 – Delegate Hubbard

AN ACT concerning

State Board of Professional Counselors and Therapists – Membership

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

Affirmative – 141 Negative – 0 (See Roll Call No. 677)

The Bill was then sent to the Senate.

House Bill 1190 – Delegate Bromwell

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Providers – Failure to Comply with Governor's Order

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

Affirmative – 139 Negative – 1 (See Roll Call No. 678)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #45

House Bill 325 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

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

Affirmative – 139 Negative – 1 (See Roll Call No. 679)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 680)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 681)

The Bill was then sent to the Senate.

House Bill 926 – Delegates Proctor and Vallario

AN ACT concerning

State Retirement and Pension System – Retiree ~~Organizations~~ Organization – Direct Mailings

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

Affirmative – 114 Negative – 27 (See Roll Call No. 682)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 5 (See Roll Call No. 683)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 684)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 685)

The Bill was then sent to the Senate.

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

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

Affirmative – 127 Negative – 13 (See Roll Call No. 686)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #46

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

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

Affirmative – 139 Negative – 1 (See Roll Call No. 687)

The Bill was then sent to the Senate.

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

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

Affirmative – 120 Negative – 18 (See Roll Call No. 688)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 689)

The Bill was then sent to the Senate.

House Bill 466 – The Speaker (By Request – Administration) and Delegates Hixson and Conway

AN ACT concerning

Governor's P–20 Leadership Council of Maryland

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

Affirmative – 138 Negative – 3 (See Roll Call No. 690)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 691)

The Bill was then sent to the Senate.

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

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

Affirmative – 110 Negative – 29 (See Roll Call No. 692)

The Bill was then sent to the Senate.

House Bill 995 – Delegate Kach

AN ACT concerning

Regulation of Crematories

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

Affirmative – 138 Negative – 0 (See Roll Call No. 693)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 140 Negative – 0 (See Roll Call No. 694)

The Bill was then sent to the Senate.

THE COMMITTEE ON JUDICIARY REPORT #13

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

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

HB1250/932516/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1250
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "term;" in line 13 and substitute "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;".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"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)";

and in line 17, strike "5–807" and substitute "5–807(b) and (c)".

AMENDMENT NO. 3

On page 2, in line 4, strike the brackets; in line 9, strike "**AND**"; in lines 10 and 13, in each instance, strike the bracket; and in line 11, after "inhibit" insert "**OR INHIBITS**".

AMENDMENT NO. 4

On page 2, in line 19, after "body" insert "**OR ANY ISSUE OF PUBLIC CONCERN**".

AMENDMENT NO. 5

On pages 2 through 4, strike in their entirety the lines beginning with line 20 on page 2 through line 13 on page 4, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1275/412115/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1275
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "applying" insert "certain provisions of"; and in line 7, after "Act;" insert "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;".

AMENDMENT NO. 2

On page 27, in line 1, strike "**A**" and substitute "**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A**"; and after line 3, insert:

"**(B) UNLESS A COURT OF THIS STATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A FOREIGN COUNTRY APPLIES AND FOLLOWS SUBSTANTIVE AND PROCEDURAL DUE PROCESS CONSISTENT WITH THE PRACTICES AND POLICIES OF THE STATE OF MARYLAND, THE COURT:**

(1) MAY NOT REQUEST A COURT IN THE FOREIGN COUNTRY TO ISSUE AN ORDER OR HOLD A HEARING;

(2) MAY NOT DECLINE TO EXERCISE JURISDICTION IF, BY DECLINING JURISDICTION IN THIS STATE, A COURT IN THE FOREIGN COUNTRY MAY OBTAIN JURISDICTION;

(3) MAY NOT DISMISS OR STAY A PROCEEDING IN THIS STATE REQUESTED OR ORDERED BY A COURT IN THE FOREIGN COUNTRY;

(4) MAY NOT DETERMINE THAT A COURT IN THE FOREIGN COUNTRY IS AN APPROPRIATE FORUM;

(5) MAY DECLINE TO COMPLY WITH NOTICE REQUIREMENTS OF THE FOREIGN COUNTRY OR THIS TITLE;

(6) MAY PROCEED WITH THE CASE IF THIS STATE IS OTHERWISE AN APPROPRIATE FORUM;

(7) MAY NOT ISSUE AN ORDER OR PROVISIONAL ORDER TO TRANSFER A GUARDIANSHIP OR CONSERVATORSHIP TO THE FOREIGN COUNTRY; AND

(8) MAY NOT RECOGNIZE UNDER ANY PROVISION OF LAW A GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM THE FOREIGN COUNTRY.".

AMENDMENT NO. 3

On page 29, in line 22, strike the second "**OR**" and substitute "**AND**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1454 – Delegate McConkey

AN ACT concerning

Family Law – Child Support – Change of Address or Employment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1473 – Delegate Anderson

AN ACT concerning

Public Safety – Missing Offenders – Blue Alert Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Conway moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 695)

In compliance with the rules, the Bill was introduced.

House Bill 1568 – Delegates Conway and Mathias

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)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 696)

RECESS

At 6:45 P.M. on motion of Delegate Barve the House recessed until 11:00 A.M. on Legislative Day March 24, 2010, Calendar Day Saturday, March 27, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 24, 2010
Calendar Day: Saturday, March 27, 2010

At 11:33 A.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Tanya Thornton Shewell of Carroll County.

QUORUM CALL

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

(See Roll Call No. 698)

SPECIAL ORDERS

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

House Bill 842 – Delegates Conway, Bobo, Frush, Glenn, Lafferty, Mathias, Niemann, Stein, and Stull

AN ACT concerning

Condominiums and Homeowners Associations – Priority of Liens – "The Residential Association Sustainability Act of 2010"

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

FLOOR AMENDMENT

HB0842/483924/1
BY: Delegate McIntosh

AMENDMENTS TO HOUSE BILL 842, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with ", including" in line 5 down through "lien," in line 6; in line 7, after "circumstances;" insert "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;"; and strike beginning with ", including" in line 11 down through "lien," in line 12.

On page 1 of the Environmental Matters Committee Amendments (HB0842/240517/1), in line 3 of Amendment No. 1, after "limitations;" insert "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;".

AMENDMENT NO. 2

On page 2 of the bill, in line 30, after the first "**LIEN**" insert "**CREATED UNDER THE MARYLAND CONTRACT LIEN ACT**"; in the same line, strike the first "**THE**" and substitute "**A**"; and strike beginning with "**CONSISTING**" in line 31 down through "**CONDOMINIUM,**" in line 34.

On page 3 of the bill, after line 2, insert:

"**(III) THE PRIORITY GIVEN TO A CONDOMINIUM'S LIEN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL:**

1. CONSIST OF THAT PORTION OF THE LIEN THAT REPRESENTS UP TO 4 MONTHS OF UNPAID ASSESSMENTS REGULARLY PROVIDED AND LEVIED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE CONDOMINIUM; AND

2. INCLUDE UP TO $500 TOTAL IN LATE FEES, INTEREST, AND ATTORNEY'S FEES AND COSTS ASSOCIATED WITH ESTABLISHING THE LIEN.".

AMENDMENT NO. 3

On page 3 of the bill, in line 12, strike "**SUBSECTION (D)**" and substitute "**SUBSECTIONS (D) AND (E)**"; in line 14, after "**LIEN**" insert "**CREATED UNDER THE MARYLAND CONTRACT LIEN ACT**"; in line 15, strike "**THAT PORTION OF A**" and

substitute "**A PORTION OF THE**"; strike beginning with "**CONSISTING**" in line 15 down through "**ASSOCIATION,**" in line 19; after line 21, insert:

"**(D) THE PRIORITY GIVEN TO A HOMEOWNERS ASSOCIATION'S LIEN UNDER SUBSECTION (C) OF THIS SECTION SHALL:**

(1) CONSIST OF THAT PORTION OF THE LIEN THAT REPRESENTS UP TO 4 MONTHS OF UNPAID ASSESSMENTS REGULARLY PROVIDED AND LEVIED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION; AND

(2) INCLUDE UP TO $500 TOTAL IN LATE FEES, INTEREST, AND ATTORNEY'S FEES AND COSTS ASSOCIATED WITH ESTABLISHING THE LIEN.";

and in line 22, strike "**(D)**" and substitute "**(E)**".

On page 2 of the Environmental Matters Committee Amendments, in line 2 of Amendment No. 2, strike "**SUBPARAGRAPH (I)**" and substitute "**SUBPARAGRAPHS (I) AND (III)**"; and in lines 3 and 4, in each instance, strike "**4**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 699)

The Bill was then sent to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #18

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

House Bill 88 – Chair, Economic Matters Committee and Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Other Tobacco Products Licenses

HB0088/593392/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 88
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "acts" insert "in the State"; in line 5, after "warehouse," insert "tobacconist,"; in the same line, strike "in the State"; in line 6, after "retailers" insert "and wholesalers"; in the same line, after "retailer" insert "or a tobacconist"; in line 7, after "retailer" insert "or the tobacconist"; in line 13, after "wholesalers" insert "in the State"; in line 14, after "retailers" insert "and tobacconists"; in line 15, after "licenses;" insert "providing certain provisions for retailers defined as tobacconists and retailers that sell premium cigars and pipe tobacco;"; in line 20, after the second "act" insert "in the State"; in line 21, after "warehouse," insert "tobacconist,"; and in the same line, strike "in the State".

AMENDMENT NO. 2

On page 2, in line 5, in each instance, strike "certain"; in the same line, after "licensees" insert "and certain wholesalers"; in the same line, after "file" insert "a"; in line 6, strike "returns" and substitute "return"; strike beginning with "altering" in line 6 down through "products;" in line 8; in line 10, strike "manufacturer or"; in line 11, after "in" insert "a"; in the same line, strike "amounts" and substitute "amount"; in line 14, after "warehouses," insert "tobacconists,"; in the same line, after "wholesalers" insert "in the State"; and in line 34, strike "12–304(a),".

AMENDMENT NO. 3

On page 4, in line 8, strike "**AN**" and substitute "**A LICENSED**"; in line 14, after "**RETAILER**" insert "**OR A TOBACCONIST**"; in line 17, strike "**TO ACT AS AN OTHER TOBACCO PRODUCTS MANUFACTURER**" and substitute "**WHO:**

(1) MANUFACTURES OR OTHERWISE PRODUCES OTHER TOBACCO PRODUCTS IN THE STATE INTENDED FOR SALE IN THE STATE, INCLUDING OTHER TOBACCO PRODUCTS INTENDED FOR SALE IN THE STATE THROUGH AN IMPORTER; AND

(2) (I) SELLS OTHER TOBACCO PRODUCTS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID TO A LICENSED OTHER TOBACCO PRODUCTS WHOLESALER IN THE STATE;

(II) SELLS OTHER TOBACCO PRODUCTS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID AND WHICH MAY LAWFULLY BE SOLD IN THE STATE TO A LICENSED OTHER TOBACCO PRODUCTS WHOLESALER LOCATED OUTSIDE OF THE STATE;

(III) UNLESS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTES SAMPLE OTHER TOBACCO PRODUCTS TO CONSUMERS LOCATED IN THE STATE; OR

(IV) STORES OTHER TOBACCO PRODUCTS IN AN OTHER TOBACCO PRODUCTS WAREHOUSE IN THE STATE FOR SUBSEQUENT SHIPMENT TO LICENSED WHOLESALERS, FEDERAL RESERVATIONS, OR PERSONS OUTSIDE OF THE STATE";

and in line 27, after "**(H)**" insert "**"LICENSED TOBACCONIST" MEANS A PERSON LICENSED BY THE CLERK OF A CIRCUIT COURT UNDER § 16A–204(B) OF THIS TITLE TO ACT AS A TOBACCONIST.**

(I)".

AMENDMENT NO. 4

On page 5, in line 4, strike "**(I)**" and substitute "**(J)**"; in line 9, strike "**AND**"; in line 24, after "**STATE**" insert "**; OR**

(3) IS A LICENSED OTHER TOBACCO PRODUCTS MANUFACTURER UNDER THIS TITLE";

in lines 25 and 29, strike "**(J)**" and "**(K)**", respectively, and substitute "**(K)**" and "**(L)**", respectively; and in line 32, strike "**A LICENSED**" and substitute "**AN**".

AMENDMENT NO. 5

On page 6, in lines 1 and 7, strike "**(L)**" and "**(M)**", respectively, and substitute "**(M)**" and "**(N) (1)**", respectively; after line 10, insert:

"**(2) "PACKAGE" INCLUDES NOT MORE THAN 10 CIGARS OFFERED FOR SALE, SOLD, OR DISTRIBUTED AS SINGLE CIGARS.**

(O) "PIPE TOBACCO" MEANS ANY TOBACCO THAT, BECAUSE OF ITS APPEARANCE, TYPE, PACKAGING, OR LABELING, IS SUITABLE FOR USE AND LIKELY TO BE OFFERED TO, OR PURCHASED BY, CONSUMERS AS TOBACCO TO SMOKE IN A PIPE.

(P) "PREMIUM CIGARS" MEANS CIGARS THAT:

(1) HAVE HAND–ROLLED WRAPPERS MADE FROM WHOLE TOBACCO LEAVES WHERE THE FILLER, BINDER, AND WRAPPER ARE MADE OF ALL TOBACCO, AND MAY INCLUDE ADHESIVES OR OTHER MATERIALS USED TO MAINTAIN SIZE, TEXTURE, OR FLAVOR; OR

(2) ARE DESIGNATED AS PREMIUM CIGARS BY THE COMPTROLLER BY REGULATION.";

in lines 11 and 14, strike "**(N)**" and "**(O)**", respectively, and substitute "**(Q)**" and "**(R)**", respectively; after line 15, insert:

"**(S) "TOBACCONIST" MEANS AN OTHER TOBACCO PRODUCTS BUSINESS THAT DERIVES AT LEAST 70% OF ITS REVENUES, MEASURED BY AVERAGE DAILY**

RECEIPTS, FROM THE SALE OF OTHER TOBACCO PRODUCTS AND TOBACCO–RELATED ACCESSORIES.";

in line 23, strike "**AN**" and substitute "**A LICENSED**"; in the same line, before the second "**OTHER**", insert "**A LICENSED**"; in lines 24 and 25, in each instance, before "**OTHER**" insert "**A LICENSED**"; in line 24, strike "**OR**"; in line 25, after "**WHOLESALER**" insert "**, OR A LICENSED TOBACCONIST**"; and in lines 30 and 32, in each instance, after "**RETAILER**" insert "**OR A TOBACCONIST**".

AMENDMENT NO. 6

On page 7, in line 1, strike "**A PERSON LICENSED AS AN**" and substitute "**AN**"; in line 2, strike "**A LICENSED**" and substitute "**AN**"; in line 14, strike "**AN**" and substitute "**A LICENSED**"; in line 15, after "**MAINTAIN**" insert "**IN THE STATE**"; and in line 29, strike "**AN**" and substitute "**A LICENSED**".

AMENDMENT NO. 7

On page 8, in line 3, after "**RETAILER**" insert "**OR A TOBACCONIST**"; in line 24, after "**(D)**" insert "**(1)**"; in lines 26 and 29, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 29, before "**PAY**" insert "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**"; and after line 29, insert:

"**(2) A PERSON WHO HAS A LICENSE ISSUED UNDER TITLE 16 OF THIS ARTICLE TO ACT AS A CIGARETTE WHOLESALER IS NOT REQUIRED TO PAY THE LICENSE FEE.**".

AMENDMENT NO. 8

On page 9, in line 9, strike "**AN**" and substitute "**A LICENSED**"; in line 12, after "**CLERK**" insert "**OF THE CIRCUIT COURT**"; in line 14, after "**RETAILER**" insert "**OR A TOBACCONIST**"; strike beginning with "**LICENSE**" in line 16 down through "**TO**" in line 17 and substitute "**MAY**"; in line 24, after "**MARYLAND;**" insert "**OR**"; after line 24, insert:

"**(III) A LICENSED TOBACCONIST;**

(2) SELL PREMIUM CIGARS OR PIPE TOBACCO ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID TO A LICENSED OTHER TOBACCO PRODUCTS RETAILER;";

in lines 25 and 29, strike "**(2)**" and "**(3)**", respectively, and substitute "**(3)**" and "**(4)**", respectively; in line 28, strike "**AND**"; and in line 33, after "**STATE**" insert "**; AND**

(5) ON APPROVAL OF THE COMPTROLLER, ACT AS AN AGENT OF A MARYLAND OTHER TOBACCO PRODUCTS WHOLESALER FOR DISTRIBUTION OF OTHER TOBACCO PRODUCTS".

AMENDMENT NO. 9

On page 10, in line 3, strike "**AND**"; in line 5, after "**WHOLESALER**" insert "**; AND**

(3) BUY PREMIUM CIGARS OR PIPE TOBACCO ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID FROM AN OTHER TOBACCO PRODUCTS MANUFACTURER";

and after line 32, insert:

"**(E) A TOBACCONIST LICENSE AUTHORIZES THE LICENSEE TO:**

(1) ACT AS A TOBACCONIST; AND

(2) BUY OTHER TOBACCO PRODUCTS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID FROM AN OTHER TOBACCO PRODUCTS MANUFACTURER.".

AMENDMENT NO. 10

On page 11, in line 23, after "**RETAILER**" insert "**OR A LICENSED TOBACCONIST**".

AMENDMENT NO. 11

On page 12, in line 12, after "**RETAILER**" insert "**OR A LICENSED TOBACCONIST**"; and in line 25, strike "**A LICENSED**" and substitute "**AN**".

AMENDMENT NO. 12

On page 15, in line 28, strike "**AN**" and substitute "**A LICENSED**"; in line 29, before the second "**OTHER**", insert "**A LICENSED**"; in line 30, in each instance, before

"**OTHER**" insert "**A LICENSED**"; in the same line, strike "**OR**"; and in line 31, after "**WHOLESALER**" insert "**, OR A LICENSED TOBACCONIST**".

AMENDMENT NO. 13

On page 16, in line 28, after "**RETAILERS**" insert "**AND TOBACCONISTS**".

AMENDMENT NO. 14

On page 17, in line 2, after "**RETAILER**" insert "**AND TOBACCONIST**"; in line 6, after "**RETAILER**" insert "**AND EACH TOBACCONIST**"; and after line 26, insert:

"**(D) A LICENSED OTHER TOBACCO PRODUCTS RETAILER WHO PURCHASES PREMIUM CIGARS OR PIPE TOBACCO FROM AN OTHER TOBACCO PRODUCTS MANUFACTURER OR A LICENSED TOBACCONIST SHALL, FOR A PERIOD OF 2 YEARS, KEEP AND MAINTAIN AVAILABLE FOR INSPECTION AT THE LICENSE LOCATION DURING BUSINESS HOURS:**

(1) ALL INVOICES AND BILLS OF LADING; AND

(2) ALL RECORDS COVERING ALL PURCHASES AND SALES OF OTHER TOBACCO PRODUCTS.".

AMENDMENT NO. 15

On page 19, in lines 29, 32, and 33, in each instance, after "**RETAILER**" insert "**OR LICENSED TOBACCONIST**"; and in line 30, strike "**NO**" and substitute "**NOT**".

AMENDMENT NO. 16

On page 21, in line 3, after "**(E)**" insert "**"OTHER TOBACCO PRODUCTS RETAILER" MEANS A PERSON AUTHORIZED UNDER § 16A–205(B) OF THE BUSINESS REGULATION ARTICLE TO PURCHASE OTHER TOBACCO PRODUCTS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID.**

(F)";

in line 6, strike "**(F)**" and substitute "**(G)**"; in line 9, strike "**(G)**" and substitute "**(H) "TOBACCONIST" MEANS A PERSON AUTHORIZED UNDER § 16A–205(E) OF THE BUSINESS REGULATION ARTICLE TO PURCHASE OTHER TOBACCO PRODUCTS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID.**

(I)";

and in lines 11 and 14, strike "**(H)**" and "**(I)**", respectively, and substitute "**(J)**" and "**(K)**", respectively.

AMENDMENT NO. 17

On page 23, in line 11, strike "**A LICENSED**" and substitute "**AN**"; strike beginning with "**OR**" in line 17 down through "**PRODUCTS**" in line 18; strike beginning with "**OR**" in line 20 down through "**PRODUCTS**" in line 21; after line 21, insert:

"**(B) A LICENSED OTHER TOBACCO PRODUCTS MANUFACTURER SHALL FILE THE INFORMATION RETURN THAT THE COMPTROLLER REQUIRES.**";

in line 22, strike "(b)" and substitute "**(C)**"; and in the same line, after "operator" insert "**AND A LICENSED OTHER TOBACCO PRODUCTS STORAGE WAREHOUSE OPERATOR**".

AMENDMENT NO. 18

On page 24, in lines 14, 15, and 18, in each instance, strike "**OR OTHER TOBACCO PRODUCTS**"; after line 27, insert:

"**(D) (1) A LICENSED OTHER TOBACCO PRODUCTS RETAILER OR A LICENSED TOBACCONIST SHALL PAY THE TOBACCO TAX ON OTHER TOBACCO PRODUCTS ON WHICH THE TOBACCO TAX HAS NOT BEEN PAID BY FILING A QUARTERLY TAX RETURN, WITH ANY SUPPORTING SCHEDULES, ON FORMS PROVIDED BY THE COMPTROLLER ON THE FOLLOWING DATES COVERING TAX LIABILITIES IN THE PRECEDING QUARTER:**

(I) JANUARY 21;

(II) APRIL 21;

(III) JULY 21; AND

(IV) OCTOBER 21.

(2) A LICENSED OTHER TOBACCO PRODUCTS RETAILER OR A LICENSED TOBACCONIST REQUIRED TO FILE A TAX RETURN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PAY A TOBACCO TAX AT THE RATE PROVIDED IN § 12–105(B) OF THIS TITLE BASED ON THE INVOICE AMOUNT CHARGED BY THE LICENSED OTHER TOBACCO PRODUCTS MANUFACTURER, EXCLUSIVE OF ANY DISCOUNT, TRADE ALLOWANCE, REBATE, OR OTHER REDUCTION.".

On pages 24 and 25, strike the lines beginning with line 28 on page 24 through line 2 on page 25, inclusive.

AMENDMENT NO. 19

On page 25, in line 19, strike "**CIGARETTE**"; and in lines 27 and 28, strike "**MANUFACTURER OR**".

The preceding 19 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 399 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Beer Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 558 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit

HB0558/573596/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 558
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "licenses;" insert "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;"; in line 9, after "Board;" insert "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;"; in line 10, after "premises;" insert "authorizing the Board to prohibit, condition, or restrict the type of entertainment offered by a holder of the permit under certain circumstances;"; in line 11, after "fee;" insert "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;"; in line 11, after "regulations;" insert "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 in line 20, after "6–201(r)(18)" insert "and 9–217(n)".

AMENDMENT NO. 2

On page 2, in line 3, strike "**7–DAY**"; after line 5, insert:

"**(II) THE BOARD SHALL DETERMINE THE NUMBER OF DAYS IN A WEEK THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE PERMIT.**

(III) 1. BEFORE APPROVING AN APPLICATION FOR AND ISSUING A PERMIT UNDER THIS PARAGRAPH, THE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS FOR A PUBLIC HEARING ON AN APPLICATION FOR A LICENSE UNDER § 10–202(I) OF THIS ARTICLE.

2. AT THE PUBLIC HEARING, THE BOARD SHALL GIVE THE APPLICANT, SUPPORTERS OF THE APPLICANT, AND OPPONENTS OF THE APPLICANT AN OPPORTUNITY TO BE HEARD.

3. IN MAKING ITS DETERMINATION WHETHER TO APPROVE THE APPLICATION AND ISSUE THE PERMIT, THE BOARD SHALL CONSIDER WHETHER:

A. APPROVAL AND ISSUANCE OF THE PERMIT IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;

B. THE APPLICANT IS A FIT PERSON TO RECEIVE THE PERMIT;

C. THE APPLICANT HAS MADE ANY MATERIAL FALSE STATEMENT IN THE APPLICATION;

D. THE APPLICANT HAS COMMITTED ANY FRAUDULENT ACT IN CONNECTION WITH THE APPLICATION;

E. THE OPERATION OF THE BUSINESS, IF THE PERMIT IS ISSUED, WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD WHERE THE PLACE OF BUSINESS IS LOCATED OR TO BE LOCATED; AND

F. THERE ARE ANY OTHER REASONS THAT JUSTIFY THE DISAPPROVAL OF THE APPLICATION OR THE REFUSAL TO ISSUE THE PERMIT.

4. THE BOARD SHALL HOLD A SIMILAR PUBLIC HEARING ON RECEIPT OF A PETITION TO:

A. REVOKE AN ENTERTAINMENT PERMIT; OR

B. PROTEST THE RENEWAL OF AN ENTERTAINMENT PERMIT.";

in lines 6 and 9, strike "**(II)**" and "**(III)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively; in line 10, strike "**SUBMIT**" and substitute "**:**

1. SUBMIT";

in line 11, strike "**1.**" and substitute "**A.**"; in the same line, after "**LICENSE;**" insert "**AND**"; strike in their entirety lines 12 through 14, inclusive; in line 15, strike "**3.**" and substitute "**B.**"; in the same line, strike "**PRINCE GEORGE'S COUNTY**"; in line 16, before "**PERMIT**" insert "**ENTERTAINMENT**"; in the same line, strike the period and substitute "**; AND**

2. A. DEVELOP A SECURITY PLAN TO PREVENT THE PREMISES FOR WHICH THE PERMIT IS SOUGHT FROM POSING A THREAT TO THE PEACE AND SAFETY OF THE SURROUNDING AREA; AND

B. SUBMIT THE PLAN FOR REVIEW TO THE BOARD AND THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT.

(VI) 1. THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT MAY SUBMIT COMMENTS TO THE BOARD ON THE ADEQUACY OF THE SECURITY PLAN WITHIN 30 DAYS AFTER RECEIPT OF THE PLAN.

2. THE BOARD SHALL CONSIDER THE COMMENTS, IF ANY, OF THE CHIEF OF POLICE AND SUBSEQUENTLY ISSUE THE PERMIT, REFUSE TO ISSUE THE PERMIT, OR CONDITION THE ISSUANCE OF THE PERMIT ON CHANGES TO THE SECURITY PLAN.

3. IF THE BOARD ISSUES THE PERMIT WITH A SECURITY PLAN THAT THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT DOES NOT SUPPORT, THE BOARD SHALL SPECIFY IN WRITING TO THE CHIEF THE REASONS WHY THE BOARD HAS DETERMINED THAT THE SECURITY PLAN IS ADEQUATE.

4. EACH PERMIT HOLDER SHALL FOLLOW THE APPROVED SECURITY PLAN AT ALL TIMES WHEN THE PERMIT HOLDER EXERCISES THE PRIVILEGES OF THE PERMIT.";

in lines 17 and 21, strike "**(IV)**", and "**(V)**", respectively, and substitute "**(VII)**" and "**(IX)**", respectively; in line 20, after "**ISSUED**" insert "**, UNLESS THE INDIVIDUAL IS EMPLOYED BY OR IS AN IMMEDIATE FAMILY MEMBER OF THE HOLDER**";

after line 20, insert:

"**(VIII) THE BOARD AT ANY TIME MAY PROHIBIT, CONDITION, OR RESTRICT THE TYPE OF ENTERTAINMENT OFFERED BY A HOLDER OF THE PERMIT, INCLUDING LEWD, EXOTIC, LOUD, OR RAUCOUS ENTERTAINMENT, IF AFTER A HEARING THE BOARD DETERMINES THAT THE ENTERTAINMENT ADVERSELY IMPACTS OR UNDULY DISTURBS THE COMMUNITY AND IS NOT CONDUCIVE TO THE PEACE, HEALTH, WELFARE, OR SAFETY OF THE RESIDENTS OF THE COUNTY.**";

after line 22, insert:

"**(X) A PERMIT HOLDER MAY EMPLOY SWORN SECURITY PERSONNEL AS PART OF THE SECURITY PLAN IF THE SWORN SECURITY PERSONNEL HAVE FULL POLICE POWERS IN THE JURISDICTION WHERE THE PREMISES OF THE PERMIT HOLDER IS LOCATED.**

(XI) 1. THE CIRCUIT COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER TO IMMEDIATELY CLOSE TO THE PUBLIC THE ENTIRE OPERATION OF THE PREMISES IF THE COUNTY ESTABLISHES THAT THE SECURITY PLAN HAS NOT BEEN IMPLEMENTED AND THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

2. ON ISSUANCE OF A TEMPORARY RESTRAINING ORDER UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COUNTY SHALL GIVE THE PERMIT HOLDER WRITTEN NOTICE OF AND REASONS FOR THE CLOSURE.

3. THE PERMIT HOLDER PROMPTLY SHALL BE GIVEN AN OPPORTUNITY FOR A HEARING IN CIRCUIT COURT ON THE GRANTING OF THE TEMPORARY RESTRAINING ORDER IN ACCORDANCE WITH CHAPTER 500 OF THE MARYLAND RULES.

(XII) SUBJECT TO SUBPARAGRAPH (XIII) OF THIS PARAGRAPH, THE BOARD MAY IMMEDIATELY SUSPEND A PERMIT IF THE BOARD REASONABLY BELIEVES THAT THE PERMIT HOLDER VIOLATED THIS PARAGRAPH.

(XIII) IF THE BOARD IMMEDIATELY SUSPENDS A PERMIT, THE BOARD SHALL:

1. GIVE THE PERMIT HOLDER NOTICE OF THE SUSPENSION AND A HEARING ON THE SUSPENSION AT WHICH THE PERMIT HOLDER MAY BE HEARD AND PRESENT EVIDENCE; AND

2. HOLD THE HEARING WITHIN 30 DAYS AFTER THE SUSPENSION IS IMPOSED.

(XIV) AT THE HEARING, THE BOARD SHALL DETERMINE:

1. WHETHER THE PERMIT HOLDER VIOLATED THIS PARAGRAPH; AND

2. IF A VIOLATION OCCURRED, WHAT PENALTY TO IMPOSE AMONG THOSE LISTED IN SUBPARAGRAPHS (XV) AND (XVI) OF THIS PARAGRAPH.

(XV) SUBJECT TO SUBPARAGRAPH (XVI) OF THIS PARAGRAPH, IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS PARAGRAPH, THE BOARD:

1. MAY REVOKE OR CONTINUE THE SUSPENSION OF THE PERMIT; AND

2. SHALL IMPOSE ON THE PERSON A PENALTY OF:

A. FOR A FIRST OFFENSE, AT LEAST $1,000 BUT NOT MORE THAN $12,500; AND

B. FOR EACH SUBSEQUENT OFFENSE, AT LEAST $5,000.

(XVI) THE BOARD:

1. SHALL REVOKE THE PERMIT OF A PERSON WHO THE BOARD DETERMINES VIOLATED THIS PARAGRAPH TWICE WITHIN A 24–MONTH PERIOD; AND

2. UNTIL AT LEAST 12 MONTHS AFTER THE ORDER OF REVOCATION WAS ISSUED, MAY NOT CONSIDER AN APPLICATION FROM THE PERSON FOR A NEW PERMIT OR AN APPLICATION FOR A NEW PERMIT FOR THE PREMISES THAT WAS THE SUBJECT OF THE REVOCATION.

(XVII) IF THE BOARD DETERMINES THAT THE PERMIT HOLDER DID NOT VIOLATE THIS PARAGRAPH, THE BOARD SHALL IMMEDIATELY REINSTATE THE PERMIT.";

in line 23, strike "**(VI)**" and substitute "**(XVIII)**"; after line 24, insert:

"9–217.

(N) A HOLDER OF A LICENSE ISSUED BY THE BOARD MAY NOT IMPOSE A COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, OR PROVIDE

ENTERTAINMENT UNLESS THE HOLDER IS SPECIFICALLY AUTHORIZED UNDER THIS ARTICLE AND MEETS ALL REQUIREMENTS UNDER COUNTY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2013, the Board of License Commissioners shall report to the Prince George's County House and Senate Delegations of the Maryland General Assembly, in accordance with § 2–1246 of the State Government Article, on the activities of permit holders and the impact of entertainment permits on Prince George's County. The Board shall include in the report the amount of revenue raised by the permit fees, and the number of permits issued, suspended, or revoked, permit violations committed by permit holders, and complaints lodged against permit holders during the period of July 1, 2010, through June 30, 2013.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 880 – Delegates Kramer, Conaway, Ivey, McConkey, Montgomery, Ramirez, Shank, Simmons, and Smigiel

AN ACT concerning

Telephone Companies and Resellers – Third–Party Vendor Billing

HB0880/533996/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 880
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Smigiel" and substitute "Smigiel, Hecht, Manno, Mathias, and Taylor"; 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 lines 4, 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.

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

House Bill 908 – Delegates Feldman, Hecht, and Rice

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

HB0908/743592/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 908
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rice" and substitute "Rice, Stein, and Bronrott"; and strike beginning with "authorizing" in line 6 down through "System;" in line 11.

On page 2, strike in their entirety lines 1 through 15, inclusive.

AMENDMENT NO. 2

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.

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

House Bill 947 – Delegates Frush, Barnes, Beidle, Kipke, Love, McConkey, Pena–Melnyk, Schuh, and Sophocleus

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Tasting Licenses

HB0947/573990/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 947
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Delegates" down through "Sophocleus" and substitute "Anne Arundel County Delegation"; in lines 3, 4, and 5, in each instance, strike "CBWT" and substitute "BWST"; in line 3, strike "cordial, beer, and wine" and substitute "beer, wine and spirits"; and in line 8, after "consumption;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in lines 1, 4, 18, and 20, in each instance, strike "**CBWT**" and substitute "**BWST**"; in line 9, strike "**CBWT OR**"; in the same line, strike the colon and substitute "**$150.**"; strike in their entirety lines 12 through 17, inclusive, and substitute:

"**(3) THE ANNUAL FEE FOR A CLASS BWST LICENSE IS $500.**";

in line 23, strike "**CORDIALS**" and substitute "**LIQUOR**"; in line 24, strike "**OF LIQUOR**"; in the same line, strike "**GIVEN BRAND**" and substitute "**OF ANY OF FIVE BRANDS**"; and in line 25, after "**PERSON**" insert "**PER DAY**".

On page 2, in lines 18 and 20, and on page 3 in line 1, strike "(3)", "**(4)**", and "**(5)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively.

AMENDMENT NO. 3

On page 4, in line 5, 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1009 – Delegate Feldman

AN ACT concerning

Corporations – B (For–Benefit) Corporation

HB1009/723590/1
BY: Economic Matters Committe

AMENDMENTS TO HOUSE BILL 1009
(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 the first "**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.

Delegate Bromwell moved the previous question.

The motion was adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1169 – Delegates Bartlett, Cane, Elmore, Frick, Hecht, Kipke, Krebs, McHale, Sossi, and Stull

AN ACT concerning

Agricultural Energy Production Act of 2010

HB1169/673999/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1169
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stull" and substitute "Stull, Barkley, Feldman, Haddaway, Impallaria, Manno, Mathias, Miller, Rudolph, Stifler, Taylor, and Walkup"; strike beginning with "providing" in line 3 down through "circumstances;" in line 5 and substitute "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;"; in line 6, after "defining" insert "a"; and in the same line, strike "terms" and substitute "term".

AMENDMENT NO. 2

On page 2, in line 6, strike "**(I)**"; strike in their entirety lines 11 and 12; and strike in their entirety lines 20 through 30, inclusive.

On page 3, in line 9, strike "subsection (g)" and substitute "**SUBSECTIONS (G) AND (H)**".

On page 4, in line 22, after "(h)" insert "**THE COMMISSION MAY ADOPT REGULATIONS THAT:**

(1) ALLOW METER AGGREGATION; AND

(2) ESTABLISH A FEE OR TARIFF TO BE PAID BY THE ELIGIBLE CUSTOMER–GENERATOR TO THE ELECTRIC COMPANY TO OFFSET THE COSTS OF METER AGGREGATION SERVICE.

(I)".

On page 5, strike in their entirety lines 7 through 18, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1169/363899/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1169
(First Reading File Bill)

On page 1, in line 2, after "Agricultural" insert "and Net"; and in the same line, after "Energy" insert "Metering".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1217 – Delegates Ramirez, Barnes, Ivey, Niemann, Ross, Taylor, Valderrama, and Vaughn

AN ACT concerning

Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

HB1217/883994/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1217
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Secondhand" insert "Prince George's County –"; in line 5, after "dealers" insert "in Prince George's County"; and in line 6, after "objects" insert "in Prince George's County".

AMENDMENT NO. 2

On page 1, in line 16, after "(1)" insert "**(I)**"; in line 18, strike the brackets; in the same line, strike "**30**"; and after line 19, insert:

"**(II) A DEALER WHO HOLDS A LICENSE IN PRINCE GEORGE'S COUNTY AND WHO ACQUIRES A PRECIOUS METAL OBJECT SHALL KEEP IT IN PRINCE GEORGE'S COUNTY FROM THE TIME OF ACQUISITION UNTIL AT LEAST 30 DAYS AFTER SUBMITTING A COPY OF A RECORD OF ITS ACQUISITION UNDER § 12–304 OF THIS SUBTITLE.**".

On page 2, in line 1, strike "**[**18–day**] 30–DAY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1254 – Delegates Vaughn and Miller

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

HB1254/693992/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1254
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "services or goods" and substitute "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"; in line 4, after "process" insert "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 in line 8, after "Section" insert "12–801 and".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"12–801.

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

(b) "Borrower" means an individual who obtains a loan or advance of money.

(C) "COMMISSIONER" MEANS THE COMMISSIONER OF FINANCIAL REGULATION.

[(c)**] (D)** "Finder's fee" means any compensation or commission directly or indirectly imposed by a broker and paid by or on behalf of the borrower for the broker's services in procuring, arranging, or otherwise assisting a borrower in obtaining a loan or advance of money.

[(d)**] (E)** "Lender" means a person defined as a mortgage lender under § 11–501(j)(1)(ii) of the Financial Institutions Article.

[(e)**] (F)** "Mortgage broker" means a person defined as a mortgage lender under § 11–501(j)(1)(i) of the Financial Institutions Article.

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

in line 19, strike "or" and substitute a comma; in the same line, after "report" insert "**, CONDOMINIUM DOCUMENT, OR SUBORDINATION AGREEMENT DOCUMENT**"; and in the same line, after "broker" insert "**AT THE WRITTEN REQUEST OF THE BORROWER**".

On page 2, in line 1, strike "**SERVICE OR GOOD**" and substitute "**GOOD OR SERVICE, AS SPECIFIED IN REGULATIONS ADOPTED BY THE COMMISSIONER, THAT IS**"; in line 2, strike "**THAT**" and substitute "**AND THAT, AT THE WRITTEN REQUEST OF THE BORROWER,**"; in the same line, strike "**OR PAYABLE**"; and in line 3, strike "**SERVICE OR GOOD**" and substitute "**GOOD OR SERVICE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1372 – Delegates Hecht, Davis, Feldman, Haddaway, Krysiak, Manno, McHale, Rudolph, and Taylor

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

HB1372/623590/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1372
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Hecht," insert "Rosenberg,"; in the same line, strike "and Taylor" and substitute "Taylor, Carter, Hammen, Oaks, Barkley, Braveboy, Burns, King, Mathias, Minnick, and Vaughn"; strike beginning with "requiring" in line 3 down through "customer;" in line 5; in line 9, after the first "to" insert "comply with certain standards and to"; in line 17, after "Assembly" insert "each year"; in line 18, after "membership" insert "and duties"; in line 19, after "workgroup;" insert "requiring the workgroup to report to the Commission and certain committees by a certain date;"; strike beginning with the first comma in line 19 down through "on" in line 21 and substitute "to implement"; in line 21, after "recommendations" insert "by a certain date"; strike beginning with "requiring" in line 21 down through "term;" in line 23; and strike in their entirety lines 25 through 29, inclusive.

On page 2, in line 1, strike "with" and substitute "without"; and in line 3, strike "7–510(c)(3)" and substitute "7–504 and 7–505(a)(1)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 24, inclusive.

On pages 2 through 4, strike in their entirety the lines beginning with line 28 on page 2 through line 13 on page 4, inclusive, and substitute:

"7–504.

The General Assembly finds and declares that the purpose of this subtitle is to:

(1) establish customer choice of electricity supply and electricity supply services;

(2) create competitive retail electricity supply and electricity supply services markets;

(3) deregulate the generation, supply, and pricing of electricity;

(4) provide economic benefits for all customer classes; and

(5) ensure compliance with federal and State environmental standards.

7–505.

(a) (1) In assessing and approving each electric company's restructuring plan, and overseeing the transition process and regulation of the restructured electric industry, the Commission shall provide that the transition to a competitive electricity supply and electricity supply services market shall be orderly, maintain electric system reliability, and ensure compliance with federal and State environmental regulations, be fair to customers, electric company investors, customers of municipal electric utilities, electric companies, and electricity suppliers, and provide economic benefits to all customer classes.".

AMENDMENT NO. 3

On page 4, in line 17, after "**SHALL**" insert "**:**

(I)";

in line 18, after "**WEBSITE**" insert "**THAT COMPLIES WITH STANDARDS ISSUED UNDER § 508 OF THE FEDERAL REHABILITATION ACT OF 1973;**"; in the same line, after "**AND**" insert:

"**(II)**";

in line 26, strike "**AND**"; and after line 31, insert:

"**4. THE CURRENT PRICE OF STANDARD OFFER SERVICE IN THE SERVICE TERRITORY OF EACH ELECTRIC COMPANY; AND**

5. THE CONTINUING ROLE OF THE ELECTRIC COMPANY IN DELIVERING ELECTRICITY TO A CUSTOMER THAT CHOOSES AN ELECTRICITY SUPPLIER;".

On page 5, in line 10, strike "**ZIP CODE**" and substitute "**SERVICE TERRITORY OR JURISDICTION**".

On page 6, in line 6, strike "**AS PROVIDED UNDER**" and substitute "**IN ACCORDANCE WITH**".

AMENDMENT NO. 4

On page 6, in line 13, strike "The" and substitute "On or before July 1, 2010, the"; strike beginning with "make" in line 14 down through "by" in line 16 and substitute "advise it on improvements to the Commission's website information and presentation concerning customer choice as required by this Act, and on additional information and methods of consumer education that can effectively supplement the requirements of"; in line 17, strike "(1)"; in line 19, after "(i)" insert "the Attorney General or the Attorney General's designee;

(ii) the Secretary of Disabilities or the Secretary's designee;

(iii) the People's Counsel or the People's Counsel's designee;

(iv)";

in line 21, strike "(ii)" and substitute "(v) the staff of the Commission;

(vi)";

in line 22, strike "(iii)" and substitute "(vii) at least"; in line 24, after "Association" insert ";

(ix) a website design specialist;

(x) an educational production and publication consultant";

in lines 24, and 26, strike "(iv)", and "(v)", respectively, and substitute "(viii)", and "(xi)", respectively; in line 26, strike "a representative" and substitute

"representatives"; in the same line, after "of" insert "residential and small commercial"; after line 26, insert:

"(c) The workgroup shall:

(1) study issues relating to:

(i) development and improvement of materials concerning customer choice on the Commission's website; and

(iii) options and recommendations for development of a customer education program by public units and private entities that will provide pertinent factual information to the public on the availability of customer choice, especially to customer classes that largely rely on standard offer service and to groups that may not adequately be able to rely on website–based sources of information on customer choice such as senior citizens and individuals with certain disabilities, and additional questions and issues that switching to or among competitive suppliers may present;

(2) develop recommendations for implementing suggested changes, new materials, and public outreach, including as appropriate a schedule for developing, funding, and deploying customer education and materials on customer choice; and

(3) on or before December 31, 2010, report its recommendations to the Commission and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee.";

in line 27, strike "(2)" and substitute "(d)"; in the same line, strike "December 1, 2010" and substitute "March 31, 2011"; and strike beginning with "establish" in line 27 down through "on" in line 28 and substitute "implement"; and strike in their entirety lines 30 through 33, inclusive.

On page 7, in line 1, strike "4." and substitute "3."; and in line 2, strike "July" and substitute "June".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #19

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

House Bill 1326 – Delegates Robinson, Anderson, Glenn, Haynes, McHale, Oaks, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants

HB1326/893495/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1326
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "conditions;" insert "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;".

AMENDMENT NO. 2

On page 3, after line 9, insert:

"**(D) (1) THE BALTIMORE CITY POLICE DEPARTMENT MAY IMMEDIATELY CLOSE ALL OPERATIONS OF AN ESTABLISHMENT IF THE DEPARTMENT DETERMINES THAT THE ESTABLISHMENT IS IN VIOLATION OF THIS SECTION AND THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.**

(2) THE ESTABLISHMENT SHALL BE CLOSED UNTIL THE BALTIMORE CITY POLICE DEPARTMENT DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE HAS BEEN RESTORED.

(3) THE OWNER OR OPERATOR OF THE ESTABLISHMENT SHALL BE GIVEN AN OPPORTUNITY TO REQUEST A PROMPT HEARING IN CIRCUIT COURT ON WHEN THE ESTABLISHMENT MAY REOPEN.";

and in line 10, strike "(d)" and substitute "**(E)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1431 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages – Pub–Breweries and Micro–Breweries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1478 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Beer and Wine Tastings

PG 320–10

HB1478/623395/2
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1478
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 4, in each instance, strike "and" and substitute a comma; in line 2, after "Wine" insert ", and Liquor"; and in line 5, after "license" insert ", and a beer, wine and liquor tasting license".

AMENDMENT NO. 2

On page 2, after line 26, insert:

"**(B) (1) IN PRINCE GEORGE'S COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER, WINE, AND LIQUOR TASTING (BWLT) LICENSE.**

(2) A BEER, WINE, AND LIQUOR TASTING LICENSE MAY BE ISSUED ONLY TO HOLDERS OF A BEER, WINE AND LIQUOR LICENSE.

(3) A BEER, WINE, AND LIQUOR TASTING LICENSE AUTHORIZES THE CONSUMPTION OF ONE–HALF AN OUNCE OF LIQUOR FROM A GIVEN BRAND AND 1.5 OUNCES FROM ALL BRANDS BY ANY ONE PERSON IN A SINGLE DAY FOR TASTING AND SAMPLING PURPOSES ONLY.

(4) THE LIMITATIONS ON THE CONSUMPTION OF BEER AND WINE UNDER SUBSECTION (A)(4) OF THIS SECTION APPLY TO A BEER, WINE, AND LIQUOR TASTING LICENSE.

(5) THE BOARD SHALL SET THE ANNUAL FEE FOR A BEER, WINE, AND LIQUOR TASTING LICENSE.";

and in line 27, strike "(b)" and substitute "**(C)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1496 – Delegate Aumann

AN ACT concerning

Baltimore County – Alcoholic Beverages – Tasting Licenses – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1531 – Delegates Busch, V. Clagett, and George

EMERGENCY BILL

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Renewal of Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #20

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

House Bill 1435 – Delegates Harrison, Branch, Glenn, Haynes, Kirk, and Stukes

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #15

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 527 – Delegate V. Clagett

AN ACT concerning

Natural Resources – Abandoned Vessel – Definition

HB0527/440210/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, in each instance, strike the bracket; in the same line strike "**30**"; in line 20, after "marina;" insert "**OR**"; and after line 22, insert:

"**(3) HAS REMAINED AT THE FOLLOWING LOCATIONS FOR MORE THAN 30 DAYS WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE PROPERTY:**".

AMENDMENT NO. 2

On page 2, in lines 1, 2, 3, and 6, strike "(iii)", "(iv)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(4)**", and "**(5)**", respectively; and in line 4, strike "item (2)" and substitute "**ITEMS (2) AND (3)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 851 – Talbot County Delegation

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 858 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Leghold or Body–Gripping Traps – Prohibition

MC 16–10

Favorable report adopted.

Delegate Impallaria moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

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

House Bill 966 – Washington County Delegation

AN ACT concerning

Washington County – Salary Study Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1110 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1416 – Delegate Frush

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1464 – Delegates Myers, Beitzel, Kelly, Lafferty, Norman, Serafini, Stein, and Stull

AN ACT concerning

Land Bank Authorities – Establishment by Municipal Corporations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1476/100510/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1476
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "appointed;" insert "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;"; in line 11, strike "terms" and substitute "term"; in the same line, strike "certain commissioners" and substitute "a certain commissioner"; and in line 17, after "2–102" insert ", 2–105,".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"2–105.

The **[**County Executive of Prince George's County, subject to the approval of the County Council, by a vote of a majority of the full Council, and the**]** County Council of Montgomery County, subject to the approval of the County Executive as provided in this title, shall **[**each**]** designate a member for the position of chairman or vice–chairman. Upon designation by the Montgomery County Council, the name of the

designee shall be delivered within three days to the Montgomery County Executive who within 30 days thereafter shall either approve or disapprove the designation. In the event that the County Executive disapproves a designee, he shall return the name of the designee to the Council with the reasons for his disapproval stated in writing. The Council, by the affirmative vote of 6 of its members, may designate a member of the Commission for the position of chairman or vice–chairman over the disapproval of the County Executive. Any designation which has not been disapproved by the County Executive in this manner shall be deemed to have been confirmed. **THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL DESIGNATE A MEMBER OF THE COMMISSION FROM PRINCE GEORGE'S COUNTY WHOSE TERM BEGINS ON FEBRUARY 1 OF THE YEAR FOLLOWING A GUBERNATORIAL ELECTION FOR THE POSITION OF CHAIRMAN OR VICE–CHAIRMAN.** The Commission shall elect a chairman and vice–chairman from those members designated as above. The chairman shall preside at meetings of the Commission and perform the other customary duties of the office. The vice–chairman shall preside in the absence of the chairman. The chairman and the vice–chairman of the Commission also serve as chairmen of their respective county planning boards, as constituted in this article. **THE TERM OF THE CHAIRMAN OF THE PRINCE GEORGE'S COUNTY PLANNING BOARD SHALL COINCIDE WITH THAT INDIVIDUAL'S TERM OF OFFICE AS COMMISSIONER.**".

On page 4, in line 1, after "That," insert "notwithstanding Article 28, § 2–102 of the Annotated Code of Maryland, the term of each commissioner of the Maryland–National Capital Park and Planning Commission appointed from Prince George's County in office on the effective date of this Act shall terminate on January 31 of the year in which that commissioner's term is to expire.

SECTION 3. AND BE IT FURTHER ENACTED, That,";

in line 2, after "§" insert "§"; in the same line, after "2–102" insert "and 2–105"; in the same line, after "Maryland" insert "and Section 2 of this Act"; in the same line, strike "terms of each" and substitute "term"; in lines 3, 6, 9, and 10, in each instance, strike "commissioners" and substitute "commissioner"; in line 4, after "County" insert "who also holds the position of the chairman of the county planning board"; in lines 4 and 5 and 7 and 8, in each instance, strike "their successors" and substitute "that individual's successor"; in line 5, strike "terms" and substitute "term"; in line 8, strike "are" and substitute "is"; in the same line, strike "qualify" and substitute "qualifies"; in line 9, after "2015" insert "who also holds the position of chairman of the Prince George's County Planning Board"; and in line 12, strike "3." 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.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #10

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB0114/206784/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 114
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 5, strike "**ADMINISTRATIVE**" and substitute "**ADMINISTRATOR**".

AMENDMENT NO. 2

On page 4, in line 15, after "**INFORMATION;**" insert "**OR**"; and strike beginning with "**ACTS**" in line 16 down through "**(6)**" in line 18.

AMENDMENT NO. 3

On page 5, after line 6, insert:

"**(C) A HEALTH OCCUPATIONS BOARD MAY REFER A LICENSEE TO THE PROGRAM.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 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

HB0319/866283/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 319
(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 3, in line 2, strike the first comma and substitute "**OR**"; and in the same line, strike "**, OR ACUTE**".

AMENDMENT NO. 3

On page 3, in line 9, after the semicolon insert "**AND**"; and strike beginning with the semicolon in line 10 down through "**FACILITY**" in line 11.

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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB0900/336284/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 900
(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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1033 – Delegate G. Clagett

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

HB1033/526085/1
BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1033
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate G. Clagett" and substitute "Frederick County Delegation".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1073 – Delegates Pena–Melnyk and Vallario

AN ACT concerning

Insurance – Coordination of Benefits – Health Insurance and Personal Injury Protection

HB1073/486382/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1073
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vallario" and substitute ", 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"; in line 4, strike "providing that" and substitute "prohibiting"; strike beginning with "are" in line 5 down through the second "policies" in line 8; and strike beginning with "defining" in line 10 down through "contracts;" in line 13.

On page 2, strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On page 2, in line 36, strike the colon.

On page 3, strike beginning with "**(I)**" in line 1 down through "**MAY**" in line 3 and substitute "**MAY**"; and strike beginning with the colon in line 19 down through "**(2)**" in line 22.

On pages 3 and 4, strike beginning with "19–507." in line 25 on page 3 down through the period in line 26 on page 4.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1302 – Delegates Kipke, Kach, Kullen, and Montgomery

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities

HB1302/156784/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1302
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Montgomery" and substitute "Montgomery, Bromwell, Donoghue, Elliott, Hammen, Krebs, McDonough, Nathan–Pulliam, Oaks, Pendergrass, Tarrant, and V. Turner"; 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 lines 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1564 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan)

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

HB1564/926883/2

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1564
(First Reading File Bill)

On page 1, in the sponsor line, after "Plan)" insert "and Delegates Benson, Donoghue, Hammen, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner".

On page 5, in line 14, strike "take into account" and substitute "consider".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

THE COMMITTEE ON JUDICIARY REPORT #14

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

House Bill 659 – Delegates Simmons, Dwyer, Kipke, Kramer, Schuh, and Sophocleus

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta's Law)

HB0659/192914/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 659
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike the first comma and substitute "and Dumais, and Delegates"; and in the same line, strike "and Sophocleus" and substitute "Sophocleus, Barkley, Barve, Beidle, Bobo, Bronrott, Carr, G. Clagett, Conway, DeBoy, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, James, Jameson, Jones, Kaiser, Kullen, Lee, Love, Malone, Manno, Mathias, McHale, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Olszewski, Pendergrass, Reznik, Rice, Robinson, Rudolph, Shewell, Stocksdale, Taylor, F. Turner, and Waldstreicher".

AMENDMENT NO. 2

On page 1, in line 7, after "circumstances;" insert "authorizing a principal or an interested person to file a certain petition for injunctive relief in a certain court for certain purposes;"; in line 15, after "attorney;" insert "providing that a certain power of attorney is durable, with a certain exception; providing for the effect of certain acts performed for a certain incapacitated principal; requiring a certain attorney in fact or agent to account to a certain guardian under certain circumstances; providing that a certain guardian has the same power as the principal under certain circumstances; providing that the death, disability, or incompetence of a certain principal does not revoke or terminate a certain agency under certain circumstances; establishing that a certain affidavit executed by a certain attorney in fact is conclusive proof of a certain event; establishing that a report that a certain member of the armed forces of the United States is missing in action does not operate to revoke a certain power of attorney, with a certain exception; providing that a power of attorney executed in the State is valid and enforceable as to persons dealing with the agent; providing that a power of attorney executed outside the State is valid and enforceable as to persons dealing with the agent under certain circumstances; providing that a certain photocopy or electronically transmitted copy of an original power of attorney is as valid and binding as the original power of attorney under certain circumstances; authorizing a clerk of court to refuse to record a certain copy of a power of attorney;

providing exceptions to the applicability of this Act; requiring a power of attorney to have certain characteristics; providing for when a power of attorney becomes effective; providing for the termination of a power of attorney; requiring a certain agent to act in a certain manner; providing for reimbursement of expenses and compensation for a certain agent under certain circumstances; prohibiting a person from requiring an additional or different form of a power of attorney than a certain statutory form; subjecting a certain person to a certain liability for refusal to accept a certain power of attorney; providing that this Act does not supersede certain other laws; authorizing this Act to be cited in a certain manner;"; in line 16, strike "by an agent to certify certain facts concerning a" and substitute "to create a certain statutory form";

and in line 26, strike "17–202" and substitute "17–204".

AMENDMENT NO. 3

On page 3, after line 23, insert:

"**(C) "INCAPACITY" MEANS THE INABILITY OF AN INDIVIDUAL TO MANAGE PROPERTY OR BUSINESS AFFAIRS BECAUSE THE INDIVIDUAL:**

(1) MEETS THE GROUNDS REQUIRED FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY OF A DISABLED PERSON DESCRIBED IN § 13–201 OF THIS ARTICLE; OR

(2) IS:

(I) MISSING;

(II) DETAINED, INCLUDING INCARCERATED IN A PENAL SYSTEM; OR

(III) OUTSIDE THE UNITED STATES AND UNABLE TO RETURN.";

in line 24, strike "**(C)**" and substitute "**(D)**"; in line 27, strike "**(D)**" and substitute "**(E)**"; and after line 28, insert:

"**(F) "STATUTORY FORM POWER OF ATTORNEY" MEANS A POWER OF ATTORNEY THAT IS SUBSTANTIALLY IN THE SAME FORM AS ONE OF THE POWERS OF ATTORNEY SET FORTH IN SUBTITLE 2 OF THIS TITLE.**".

AMENDMENT NO. 4

On page 4, in line 7, after "**(B)**" insert "**(1)**"; and after line 11, insert:

"**(2) A PRINCIPAL OR AN INTERESTED PERSON MAY FILE A PETITION UNDER TITLE 15, CHAPTER 500 OF THE MARYLAND RULES IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE POWER OF ATTORNEY IS RECORDED TO ENJOIN AN AGENT TO COMPLY WITH THIS SECTION.**".

AMENDMENT NO. 5

On page 5, in line 8, after "**FOR**" insert "**ANY**"; in the same line, strike "**THE**" and substitute "**A**"; in line 9, strike "**DESCRIBED IN § 17–201 OF THIS TITLE**"; after line 18, insert:

"**17–105.**

(A) IN THIS SECTION, "DURABLE POWER OF ATTORNEY" MEANS A POWER OF ATTORNEY BY WHICH A PRINCIPAL DESIGNATES ANOTHER AS AN ATTORNEY IN FACT OR AGENT AND THE AUTHORITY IS EXERCISABLE NOTWITHSTANDING THE PRINCIPAL'S SUBSEQUENT DISABILITY OR INCAPACITY.

(B) WHEN A PRINCIPAL DESIGNATES ANOTHER AS AN ATTORNEY IN FACT OR AGENT BY A POWER OF ATTORNEY IN WRITING, IT IS A DURABLE POWER OF ATTORNEY UNLESS OTHERWISE PROVIDED BY ITS TERMS.

(C) ANY ACT DONE BY THE ATTORNEY IN FACT OR AGENT IN ACCORDANCE WITH THE POWER OF ATTORNEY DURING ANY PERIOD OF DISABILITY OR INCOMPETENCE OF THE PRINCIPAL OR DURING ANY PERIOD OF UNCERTAINTY AS TO WHETHER THE PRINCIPAL IS DEAD OR ALIVE HAS THE SAME EFFECT AND INURES TO THE BENEFIT OF AND BINDS THE PRINCIPAL AS IF THE PRINCIPAL WERE ALIVE, COMPETENT, AND NOT DISABLED.

(D) (1) IF A GUARDIAN IS APPOINTED FOR THE PRINCIPAL, THE ATTORNEY IN FACT OR AGENT SHALL ACCOUNT TO THE GUARDIAN RATHER THAN THE PRINCIPAL.

(2) THE GUARDIAN HAS THE SAME POWER THE PRINCIPAL WOULD HAVE BUT FOR THE PRINCIPAL'S DISABILITY OR INCOMPETENCE TO REVOKE, SUSPEND, OR TERMINATE ALL OR ANY PART OF THE POWER OF ATTORNEY OR AGENCY.

17–106.

(A) (1) THE DEATH, DISABILITY, OR INCOMPETENCE OF A PRINCIPAL WHO HAS EXECUTED A POWER OF ATTORNEY IN WRITING DOES NOT REVOKE OR TERMINATE THE AGENCY AS TO THE ATTORNEY IN FACT, AGENT, OR OTHER PERSON WHO, WITHOUT ACTUAL KNOWLEDGE OF THE DEATH, DISABILITY, OR INCOMPETENCE OF THE PRINCIPAL, ACTS IN GOOD FAITH UNDER THE POWER OF ATTORNEY OR AGENCY.

(2) UNLESS OTHERWISE INVALID OR UNENFORCEABLE, ANY ACTION TAKEN BY THE ATTORNEY IN FACT, AGENT, OR OTHER PERSON WHO ACTS IN GOOD FAITH UNDER THE POWER OF ATTORNEY OR AGENCY BINDS THE PRINCIPAL AND THE PRINCIPAL'S HEIRS, LEGATEES, AND PERSONAL REPRESENTATIVES.

(B) (1) IN THE ABSENCE OF FRAUD, AN AFFIDAVIT EXECUTED BY THE ATTORNEY IN FACT OR AGENT AND STATING THAT THE ATTORNEY IN FACT OR AGENT DID NOT HAVE, AT THE TIME OF DOING AN ACT IN ACCORDANCE WITH THE POWER OF ATTORNEY, ACTUAL KNOWLEDGE OF THE REVOCATION OR TERMINATION OF THE POWER OF ATTORNEY BY DEATH, DISABILITY, OR INCOMPETENCE, IS CONCLUSIVE PROOF OF THE NONREVOCATION OR NONTERMINATION OF THE POWER AT THAT TIME.

(2) IF THE EXERCISE OF THE POWER REQUIRES EXECUTION AND DELIVERY OF ANY INSTRUMENT THAT IS RECORDABLE, THE AFFIDAVIT WHEN AUTHENTICATED FOR RECORD IS LIKEWISE RECORDABLE.

(C) THIS SECTION MAY NOT BE CONSTRUED TO ALTER OR AFFECT ANY PROVISION FOR REVOCATION OR TERMINATION CONTAINED IN THE POWER OF ATTORNEY.

17–107.

IF ANY MEMBER OF THE ARMED SERVICES OF THE UNITED STATES HAS EXECUTED A POWER OF ATTORNEY, THE FACT THAT THAT PERSON HAS BEEN REPORTED OR LISTED, OFFICIALLY OR OTHERWISE, AS "MISSING IN ACTION", AS THAT PHRASE IS USED TO DESCRIBE A CASUALTY CATEGORY APPLICABLE TO MEMBERS OF THE ARMED SERVICES, DOES NOT OPERATE TO REVOKE THE POWER OF ATTORNEY, UNLESS THE INSTRUMENT OTHERWISE PROVIDES.

17–108.

(A) A POWER OF ATTORNEY EXECUTED IN THIS STATE IS VALID AND ENFORCEABLE AS TO PERSONS DEALING WITH THE AGENT.

(B) A POWER OF ATTORNEY EXECUTED OTHER THAN IN THIS STATE IS VALID AND ENFORCEABLE IN THIS STATE AS TO PERSONS DEALING WITH THE AGENT IF, WHEN THE POWER OF ATTORNEY WAS EXECUTED, THE EXECUTION COMPLIED WITH:

(1) THE LAW OF THE JURISDICTION THAT DETERMINES THE MEANING AND EFFECT OF THE POWER OF ATTORNEY; OR

(2) THE REQUIREMENTS FOR A MILITARY POWER OF ATTORNEY IN ACCORDANCE WITH 10 U.S.C. § 1044B.

(C) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW OTHER THAN THIS TITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PHOTOCOPY OR ELECTRONICALLY TRANSMITTED COPY OF AN ORIGINAL POWER OF ATTORNEY IS AS VALID AND BINDING AS THE ORIGINAL POWER OF ATTORNEY.

(2) A CLERK OF COURT MAY REFUSE TO RECORD A PHOTOCOPY OR ELECTRONICALLY TRANSMITTED COPY OF AN ORIGINAL POWER OF ATTORNEY.

(D) (1) A PRINCIPAL MAY DELEGATE TO ONE OR MORE AGENTS THE AUTHORITY TO DO ANY ACT SPECIFIED IN THE STATUTORY FORMS IN SUBTITLE 2 OF THIS TITLE.

(2) THE ACTS SPECIFIED IN THE STATUTORY FORMS MAY NOT, NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, BE DEEMED TO INVALIDATE OR LIMIT THE VALIDITY OF OTHER AUTHORIZED ACTS THAT A PRINCIPAL MAY DELEGATE TO AN AGENT.

17–109.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS TITLE APPLIES TO ALL POWERS OF ATTORNEY.

(B) THIS TITLE DOES NOT APPLY TO:

(1) A POWER THAT IS COUPLED WITH AN INTEREST IN THE SUBJECT OF THE POWER, IS GIVEN AS SECURITY, OR IS GIVEN FOR CONSIDERATION, REGARDLESS OF WHETHER THE POWER IS HELD FOR THE BENEFIT OF THE AGENT OR ANOTHER PERSON, INCLUDING A POWER GIVEN TO OR FOR THE BENEFIT OF A CREDITOR IN CONNECTION WITH A CREDIT TRANSACTION;

(2) AN ADVANCE DIRECTIVE APPOINTING A HEALTH CARE AGENT UNDER TITLE 5, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE OR ANY OTHER POWER TO MAKE HEALTH CARE DECISIONS;

(3) A PROXY OR OTHER DELEGATION TO EXERCISE ANY RIGHT WITH RESPECT TO AN ENTITY, INCLUDING VOTING RIGHTS OR MANAGEMENT RIGHTS OR BOTH, OR A DELEGATION OF AUTHORITY TO EXECUTE, BECOME A PARTY TO, OR AMEND A DOCUMENT OR AGREEMENT GOVERNING AN ENTITY OR ENTITY OWNERSHIP INTEREST;

(4) A POWER CREATED ON A FORM PRESCRIBED BY A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY FOR A GOVERNMENTAL PURPOSE;

(5) A POWER CREATED AS PART OF, OR IN CONNECTION WITH, AN AGREEMENT ESTABLISHING AN ATTORNEY AND CLIENT RELATIONSHIP;

(6) A POWER OF ATTORNEY THAT STATES THAT IT IS NOT SUBJECT TO THIS TITLE;

(7) A POWER AUTHORIZING ANOTHER TO PREPARE, EXECUTE, DELIVER, SUBMIT, OR FILE, ON BEHALF OF AN ENTITY OR THE GOVERNING BODY OR MANAGEMENT OF AN ENTITY, A DOCUMENT OR INSTRUMENT WITH A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY OR WITH A THIRD PARTY;

(8) A POWER OR OTHER DELEGATION OF AUTHORITY CONTAINED IN A DOCUMENT OR AGREEMENT GOVERNING OR BINDING ON AN ENTITY THAT AUTHORIZES A PERSON TO TAKE ACTION WITH RESPECT TO THE ENTITY; AND

(9) A POWER WITH RESPECT TO AN ENTITY CREATED IN ACCORDANCE WITH AUTHORIZATION PROVIDED BY A FEDERAL OR STATE STATUE THAT SPECIFICALLY CONTEMPLATES CREATION OF THE POWER.

17–110.

(A) A POWER OF ATTORNEY UNDER THIS TITLE SHALL BE:

(1) IN WRITING;

(2) SIGNED BY THE PRINCIPAL OR BY SOME OTHER PERSON FOR THE PRINCIPAL, IN THE PRESENCE OF THE PRINCIPAL, AND AT THE EXPRESS DIRECTION OF THE PRINCIPAL;

(3) ACKNOWLEDGED BY THE PRINCIPAL BEFORE A NOTARY PUBLIC; AND

(4) ATTESTED AND SIGNED BY TWO OR MORE ADULT WITNESSES WHO SIGN IN THE PRESENCE OF THE PRINCIPAL AND IN THE PRESENCE OF EACH OTHER.

(B) THE NOTARY PUBLIC BEFORE WHOM THE PRINCIPAL ACKNOWLEDGES THE POWER OF ATTORNEY MAY ALSO SERVE AS ONE OF THE TWO OR MORE ADULT WITNESSES.

17–111.

(A) A POWER OF ATTORNEY IS EFFECTIVE WHEN EXECUTED, UNLESS THE PRINCIPAL PROVIDES IN THE POWER OF ATTORNEY THAT IT BECOMES EFFECTIVE AT A FUTURE DATE OR ON THE OCCURRENCE OF A FUTURE EVENT OR CONTINGENCY.

(B) IF A POWER OF ATTORNEY BECOMES EFFECTIVE ON THE OCCURRENCE OF A FUTURE EVENT OR CONTINGENCY, THE PRINCIPAL, IN THE POWER OF ATTORNEY, MAY AUTHORIZE ONE OR MORE PERSONS TO DETERMINE IN A WRITING OR OTHER RECORD THAT THE EVENT OR CONTINGENCY HAS OCCURRED.

(C) IF A POWER OF ATTORNEY BECOMES EFFECTIVE ON THE PRINCIPAL'S INCAPACITY AND THE PRINCIPAL HAS NOT AUTHORIZED A PERSON TO DETERMINE WHETHER THE PRINCIPAL IS INCAPACITATED, OR THE PERSON AUTHORIZED IS UNABLE OR UNWILLING TO MAKE THE DETERMINATION, THE POWER OF ATTORNEY BECOMES EFFECTIVE ON A DETERMINATION IN A WRITING OR OTHER RECORD BY:

(1) A PHYSICIAN OR LICENSED PSYCHOLOGIST THAT THE PRINCIPAL IS INCAPACITATED WITHIN THE MEANING OF § 17–101(C) OF THIS SUBTITLE; OR

(2) AN ATTORNEY AT LAW, A JUDGE, OR AN APPROPRIATE

GOVERNMENTAL OFFICIAL THAT THE PRINCIPAL IS INCAPACITATED WITHIN THE MEANING OF § 17–101(C) OF THIS SUBTITLE.

(D) A PERSON AUTHORIZED BY THE PRINCIPAL IN THE POWER OF ATTORNEY TO DETERMINE THAT THE PRINCIPAL IS INCAPACITATED MAY ACT AS THE PRINCIPAL'S PERSONAL REPRESENTATIVE TO OBTAIN ACCESS TO THE PRINCIPAL'S HEALTH–CARE INFORMATION AND COMMUNICATE WITH THE PRINCIPAL'S HEALTH–CARE PROVIDER:

(1) THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT;

(2) SECTIONS 1171 THROUGH 1179 OF THE SOCIAL SECURITY ACT, 42 U.S.C. SECTION 1320D, AS AMENDED; AND

(3) APPLICABLE REGULATIONS.

17–112.

(A) A POWER OF ATTORNEY TERMINATES WHEN:

(1) THE PRINCIPAL DIES;

(2) THE PRINCIPAL BECOMES INCAPACITATED, IF THE POWER OF ATTORNEY IS NOT DURABLE;

(3) THE PRINCIPAL REVOKES THE POWER OF ATTORNEY;

(4) THE POWER OF ATTORNEY PROVIDES THAT IT TERMINATES;

(5) THE PURPOSE OF THE POWER OF ATTORNEY IS ACCOMPLISHED; OR

(6) THE PRINCIPAL REVOKES THE AGENT'S AUTHORITY OR THE AGENT DIES, BECOMES INCAPACITATED, OR RESIGNS, AND THE POWER OF ATTORNEY DOES NOT PROVIDE FOR ANOTHER AGENT TO ACT UNDER THE

POWER OF ATTORNEY.

(B) AN AGENT'S AUTHORITY TERMINATES WHEN:

(1) THE PRINCIPAL REVOKES THE AUTHORITY;

(2) THE AGENT DIES, BECOMES INCAPACITATED, OR RESIGNS;

(3) AN ACTION IS FILED FOR THE DISSOLUTION OR ANNULMENT OF THE AGENT'S MARRIAGE TO THE PRINCIPAL OR THEIR LEGAL SEPARATION, UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES; OR

(4) THE POWER OF ATTORNEY TERMINATES.

(C) UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES, AN AGENT'S AUTHORITY IS EXERCISABLE UNTIL THE AUTHORITY TERMINATES UNDER SUBSECTION (B) OF THIS SECTION, EVEN IF THERE HAS BEEN A LAPSE OF TIME SINCE THE EXECUTION OF THE POWER OF ATTORNEY.

17–113.

(A) NOTWITHSTANDING PROVISIONS IN THE POWER OF ATTORNEY, AN AGENT THAT HAS ACCEPTED APPOINTMENT SHALL:

(1) ACT IN ACCORDANCE WITH THE PRINCIPAL'S REASONABLE EXPECTATIONS TO THE EXTENT ACTUALLY KNOWN BY THE AGENT AND, OTHERWISE, ACT IN THE PRINCIPAL'S BEST INTEREST;

(2) ACT WITH CARE, COMPETENCE, AND DILIGENCE FOR THE BEST INTEREST OF THE PRINCIPAL; AND

(3) ACT ONLY WITHIN THE SCOPE OF AUTHORITY GRANTED IN THE POWER OF ATTORNEY.

(B) EXCEPT AS OTHERWISE PROVIDED IN THE POWER OF ATTORNEY, AN AGENT THAT HAS ACCEPTED APPOINTMENT SHALL:

(1) ACT LOYALLY FOR THE PRINCIPAL'S BENEFIT;

(2) ACT SO AS NOT TO CREATE A CONFLICT OF INTEREST THAT IMPAIRS THE AGENT'S ABILITY TO ACT IMPARTIALLY IN THE PRINCIPAL'S BEST INTEREST;

(3) KEEP A RECORD OF ALL RECEIPTS, DISBURSEMENTS, AND TRANSACTIONS MADE ON BEHALF OF THE PRINCIPAL;

(4) COOPERATE WITH A PERSON THAT HAS AUTHORITY TO MAKE HEALTH–CARE DECISIONS FOR THE PRINCIPAL TO CARRY OUT THE PRINCIPAL'S REASONABLE EXPECTATIONS TO THE EXTENT ACTUALLY KNOWN BY THE AGENT AND, OTHERWISE, ACT IN THE PRINCIPAL'S BEST INTEREST; AND

(5) ATTEMPT TO PRESERVE THE PRINCIPAL'S ESTATE PLAN, TO THE EXTENT ACTUALLY KNOWN BY THE AGENT, IF PRESERVING THE PLAN IS CONSISTENT WITH THE PRINCIPAL'S BEST INTEREST BASED ON ALL RELEVANT FACTORS, INCLUDING:

(I) THE VALUE AND NATURE OF THE PRINCIPAL'S PROPERTY;

(II) THE PRINCIPAL'S FORESEEABLE OBLIGATIONS AND NEED FOR MAINTENANCE;

(III) THE EXTENT TO WHICH THE PRINCIPAL'S LIABILITY FOR TAXES, INCLUDING INCOME, ESTATE, INHERITANCE, GENERATION–SKIPPING TRANSFER, AND GIFT TAXES, CAN BE MINIMIZED; AND

(IV) THE PRINCIPAL'S ELIGIBILITY FOR A BENEFIT, A PROGRAM, OR ASSISTANCE UNDER A STATUTE OR REGULATION.

(C) AN AGENT THAT ACTS AS PROVIDED IN THIS SECTION IS NOT LIABLE TO ANY BENEFICIARY OF THE PRINCIPAL'S ESTATE PLAN FOR FAILURE TO PRESERVE THE PLAN.

(D) AN AGENT THAT ACTS WITH CARE, COMPETENCE, AND DILIGENCE FOR THE BEST INTEREST OF THE PRINCIPAL IS NOT LIABLE SOLELY BECAUSE THE AGENT ALSO BENEFITS FROM AN ACT TAKEN BY THE AGENT OR HAS AN INDIVIDUAL OR CONFLICTING INTEREST IN RELATION TO THE PROPERTY OR AFFAIRS OF THE PRINCIPAL.

(E) IF AN AGENT IS SELECTED BY THE PRINCIPAL BECAUSE OF SPECIAL SKILLS OR EXPERTISE POSSESSED BY THE AGENT OR IN RELIANCE ON THE AGENT'S REPRESENTATION THAT THE AGENT HAS SPECIAL SKILLS OR EXPERTISE, THE SPECIAL SKILLS OR EXPERTISE MUST BE CONSIDERED IN DETERMINING WHETHER THE AGENT HAS ACTED WITH CARE, COMPETENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES.

(F) ABSENT A BREACH OF DUTY TO THE PRINCIPAL, AN AGENT IS NOT LIABLE IF THE VALUE OF THE PRINCIPAL'S PROPERTY DECLINES.

(G) AN AGENT THAT EXERCISES AUTHORITY TO DELEGATE TO ANOTHER PERSON THE AUTHORITY GRANTED BY THE PRINCIPAL OR THAT ENGAGES ANOTHER PERSON ON BEHALF OF THE PRINCIPAL IS NOT LIABLE FOR AN ACT, ERROR OF JUDGMENT, OR DEFAULT OF THAT PERSON IF THE AGENT EXERCISES CARE, COMPETENCE, AND DILIGENCE IN SELECTING AND MONITORING THE PERSON.

(H) THIS SECTION MAY NOT BE CONSTRUED TO REDUCE ANY DUTY OF AN AGENT TO THE PRINCIPAL UNDER EXISTING STATE LAW.

17–114.

(A) UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES, AN AGENT IS ENTITLED TO REIMBURSEMENT OF EXPENSES REASONABLY INCURRED ON BEHALF OF THE PRINCIPAL BUT THE AGENT IS NOT ENTITLED TO COMPENSATION.

(B) IF THE PRINCIPAL INDICATES IN THE POWER OF ATTORNEY THAT THE AGENT IS ENTITLED TO COMPENSATION, THE AGENT MAY RECEIVE

COMPENSATION BASED ON WHAT IS REASONABLE UNDER THE CIRCUMSTANCES OR ON ANOTHER BASIS AS SET FORTH IN THE POWER OF ATTORNEY.

17–115.

THIS TITLE DOES NOT SUPERSEDE OTHER LAWS APPLICABLE TO FINANCIAL INSTITUTIONS OR OTHER ENTITIES, AND TO THE EXTENT THOSE OTHER LAWS ARE INCONSISTENT WITH THE TITLE, THE OTHER LAWS PREVAIL.

17–116.

THIS TITLE MAY BE CITED AS THE MARYLAND GENERAL AND LIMITED POWER OF ATTORNEY ACT.".

AMENDMENT NO. 6

On page 5, in line 21, after "**IN**" insert "**ONE OF**"; in the same line, strike "**FORM**" and substitute "**FORMS**"; in line 23, strike the colon and substitute a period; and after line 23, insert:

"**17–202.**

"MARYLAND
STATUTORY FORM PERSONAL FINANCIAL POWER OF ATTORNEY

IMPORTANT INFORMATION AND WARNING

YOU SHOULD BE VERY CAREFUL IN DECIDING WHETHER OR NOT TO SIGN THIS DOCUMENT. THE POWERS GRANTED BY YOU (THE PRINCIPAL) IN THIS DOCUMENT ARE BROAD AND SWEEPING. THIS POWER OF ATTORNEY AUTHORIZES ANOTHER PERSON (YOUR AGENT) TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU (THE PRINCIPAL). YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL

CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

YOU NEED NOT GRANT ALL OF THE POWERS LISTED BELOW. IF YOU CHOOSE TO GRANT LESS THAN ALL OF THE LISTED POWERS, YOU MAY INSTEAD USE A MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY AND MARK ON THAT MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY WHICH POWERS YOU INTEND TO DELEGATE TO YOUR ATTORNEY–IN–FACT (THE AGENT) AND WHICH YOU DO NOT WANT THE AGENT TO EXERCISE.

THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

YOU SHOULD OBTAIN COMPETENT LEGAL ADVICE BEFORE YOU SIGN THIS POWER OF ATTORNEY IF YOU HAVE ANY QUESTIONS ABOUT THE DOCUMENT OR THE AUTHORITY YOU ARE GRANTING TO YOUR AGENT.

DESIGNATION OF AGENT

I, _____,

(NAME OF PRINCIPAL)

NAME THE FOLLOWING PERSON AS MY AGENT:

NAME OF AGENT: _____

AGENT'S ADDRESS: _____

AGENT'S TELEPHONE NUMBER: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

IF MY AGENT IS UNABLE OR UNWILLING TO ACT FOR ME, I NAME AS MY SUCCESSOR AGENT:

NAME OF SUCCESSOR AGENT: _____

SUCCESSOR AGENT'S ADDRESS: _____

SUCCESSOR AGENT'S TELEPHONE NUMBER: _____

IF MY SUCCESSOR AGENT IS UNABLE OR UNWILLING TO ACT FOR ME, I NAME AS MY SECOND SUCCESSOR AGENT:

NAME OF SECOND SUCCESSOR AGENT: _____

SECOND SUCCESSOR AGENT'S ADDRESS: _____

SECOND SUCCESSOR AGENT'S TELEPHONE NUMBER: _____

GRANT OF GENERAL AUTHORITY

I ("THE PRINCIPAL") GRANT MY AGENT AND ANY SUCCESSOR AGENT, WITH RESPECT TO EACH SUBJECT LISTED BELOW, THE AUTHORITY TO DO ALL ACTS THAT I COULD DO TO:

(1) CONTRACT WITH ANOTHER PERSON, ON TERMS AGREEABLE TO THE AGENT, TO ACCOMPLISH A PURPOSE OF A TRANSACTION AND PERFORM, RESCIND, CANCEL, TERMINATE, REFORM, RESTATE, RELEASE, OR MODIFY THE CONTRACT OR ANOTHER CONTRACT MADE BY OR ON BEHALF OF THE PRINCIPAL;

(2) EXECUTE, ACKNOWLEDGE, SEAL, DELIVER, FILE, OR RECORD ANY INSTRUMENT OR COMMUNICATION THE AGENT CONSIDERS DESIRABLE TO ACCOMPLISH A PURPOSE OF A TRANSACTION;

(3) SEEK ON THE PRINCIPAL'S BEHALF THE ASSISTANCE OF A COURT OR OTHER GOVERNMENTAL AGENCY TO CARRY OUT AN ACT AUTHORIZED IN THIS POWER OF ATTORNEY;

(4) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO A CLAIM EXISTING IN FAVOR OF OR AGAINST THE PRINCIPAL OR INTERVENE IN LITIGATION RELATING TO THE CLAIM;

(5) ENGAGE, COMPENSATE, AND DISCHARGE AN ATTORNEY, ACCOUNTANT, DISCRETIONARY INVESTMENT MANAGER, EXPERT WITNESS, OR OTHER ADVISOR;

(6) PREPARE, EXECUTE, AND FILE A RECORD, REPORT, OR OTHER DOCUMENT TO SAFEGUARD OR PROMOTE THE PRINCIPAL'S INTEREST UNDER A STATUTE OR REGULATION AND COMMUNICATE WITH REPRESENTATIVES OR EMPLOYEES OF A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, ON BEHALF OF THE PRINCIPAL; AND

(7) DO LAWFUL ACTS WITH RESPECT TO THE SUBJECT AND ALL PROPERTY RELATED TO THE SUBJECT.

MY AGENT'S AUTHORITY SHALL INCLUDE THE AUTHORITY TO ACT AS STATED BELOW WITH REGARD TO EACH OF THE FOLLOWING SUBJECTS:

SUBJECTS AND AUTHORITY

REAL PROPERTY – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: DEMAND, BUY, LEASE, RECEIVE, ACCEPT AS A GIFT OR AS SECURITY FOR AN EXTENSION OF CREDIT, OR OTHERWISE ACQUIRE OR REJECT AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY; PLEDGE OR MORTGAGE AN INTEREST IN REAL PROPERTY OR RIGHT INCIDENT TO REAL PROPERTY AS SECURITY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL, INCLUDING A REVERSE MORTGAGE; RELEASE, ASSIGN, SATISFY, OR ENFORCE BY LITIGATION OR OTHERWISE A MORTGAGE, DEED OF TRUST, CONDITIONAL SALE CONTRACT, ENCUMBRANCE, LIEN, OR OTHER CLAIM TO REAL PROPERTY THAT EXISTS OR IS ASSERTED; AND MANAGE OR CONSERVE AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY OWNED OR CLAIMED TO BE OWNED BY THE PRINCIPAL, INCLUDING: (1)

INSURING AGAINST LIABILITY OR CASUALTY OR OTHER LOSS; (2) OBTAINING OR REGAINING POSSESSION OF OR PROTECTING THE INTEREST OR RIGHT BY LITIGATION OR OTHERWISE; (3) PAYING, ASSESSING, COMPROMISING, OR CONTESTING TAXES OR ASSESSMENTS OR APPLYING FOR AND RECEIVING REFUNDS IN CONNECTION WITH THEM; AND (4) PURCHASING SUPPLIES, HIRING ASSISTANCE OR LABOR, AND MAKING REPAIRS OR ALTERATIONS TO THE REAL PROPERTY.

STOCKS AND BONDS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: BUY, SELL, AND EXCHANGE STOCKS AND BONDS; ESTABLISH, CONTINUE, MODIFY, OR TERMINATE AN ACCOUNT WITH RESPECT TO STOCKS AND BONDS; PLEDGE STOCKS AND BONDS AS SECURITY TO BORROW, PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL; RECEIVE CERTIFICATES AND OTHER EVIDENCES OF OWNERSHIP WITH RESPECT TO STOCKS AND BONDS; EXERCISE VOTING RIGHTS WITH RESPECT TO STOCKS AND BONDS IN PERSON OR BY PROXY, ENTER INTO VOTING TRUSTS, AND CONSENT TO LIMITATIONS ON THE RIGHT TO VOTE.

BANKS AND OTHER FINANCIAL INSTITUTIONS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: CONTINUE, MODIFY, AND TERMINATE AN ACCOUNT OR OTHER BANKING ARRANGEMENT MADE BY OR ON BEHALF OF THE PRINCIPAL; ESTABLISH, MODIFY, AND TERMINATE AN ACCOUNT OR OTHER BANKING ARRANGEMENT WITH A BANK, TRUST COMPANY, SAVINGS AND LOAN ASSOCIATION, CREDIT UNION, THRIFT COMPANY, BROKERAGE FIRM, OR OTHER FINANCIAL INSTITUTION SELECTED BY THE AGENT; CONTRACT FOR SERVICES AVAILABLE FROM A FINANCIAL INSTITUTION, INCLUDING RENTING A SAFE DEPOSIT BOX OR SPACE IN A VAULT; WITHDRAW, BY CHECK, MONEY ORDER, ELECTRONIC FUNDS TRANSFER, OR OTHERWISE, MONEY OR PROPERTY OF THE PRINCIPAL DEPOSITED WITH OR LEFT IN THE CUSTODY OF A FINANCIAL INSTITUTION; RECEIVE STATEMENTS OF ACCOUNT, VOUCHERS, NOTICES, AND SIMILAR DOCUMENTS FROM A FINANCIAL INSTITUTION AND ACT WITH RESPECT TO THEM; ENTER A SAFE DEPOSIT BOX OR VAULT AND WITHDRAW OR ADD TO THE CONTENTS; BORROW MONEY AND PLEDGE AS SECURITY PERSONAL PROPERTY OF THE PRINCIPAL NECESSARY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL; MAKE, ASSIGN, DRAW, ENDORSE, DISCOUNT,

GUARANTEE, AND NEGOTIATE PROMISSORY NOTES, CHECKS, DRAFTS, AND OTHER NEGOTIABLE OR NONNEGOTIABLE PAPER OF THE PRINCIPAL OR PAYABLE TO THE PRINCIPAL OR THE PRINCIPAL'S ORDER, TRANSFER MONEY, RECEIVE THE CASH OR OTHER PROCEEDS OF THOSE TRANSACTIONS; AND APPLY FOR, RECEIVE, AND USE CREDIT CARDS AND DEBIT CARDS, ELECTRONIC TRANSACTION AUTHORIZATIONS, AND TRAVELER'S CHECKS FROM A FINANCIAL INSTITUTION.

INSURANCE AND ANNUITIES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: CONTINUE, PAY THE PREMIUM OR MAKE A CONTRIBUTION ON, MODIFY, EXCHANGE, RESCIND, RELEASE, OR TERMINATE A CONTRACT PROCURED BY OR ON BEHALF OF THE PRINCIPAL THAT INSURES OR PROVIDES AN ANNUITY TO EITHER THE PRINCIPAL OR ANOTHER PERSON, WHETHER OR NOT THE PRINCIPAL IS A BENEFICIARY UNDER THE CONTRACT; PROCURE NEW, DIFFERENT, AND ADDITIONAL CONTRACTS OF INSURANCE AND ANNUITIES FOR THE PRINCIPAL AND SELECT THE AMOUNT, TYPE OF INSURANCE OR ANNUITY, AND MODE OF PAYMENT; PAY THE PREMIUM OR MAKE A CONTRIBUTION ON, MODIFY, EXCHANGE, RESCIND, RELEASE, OR TERMINATE A CONTRACT OF INSURANCE OR ANNUITY PROCURED BY THE AGENT; APPLY FOR AND RECEIVE A LOAN SECURED BY A CONTRACT OF INSURANCE OR ANNUITY; SURRENDER AND RECEIVE THE CASH SURRENDER VALUE ON A CONTRACT OF INSURANCE OR ANNUITY; EXERCISE AN ELECTION; EXERCISE INVESTMENT POWERS AVAILABLE UNDER A CONTRACT OF INSURANCE OR ANNUITY; CHANGE THE MANNER OF PAYING PREMIUMS ON A CONTRACT OF INSURANCE OR ANNUITY; CHANGE OR CONVERT THE TYPE OF INSURANCE OR ANNUITY WITH RESPECT TO WHICH THE PRINCIPAL HAS OR CLAIMS TO HAVE AUTHORITY DESCRIBED IN THIS SECTION; APPLY FOR AND PROCURE A BENEFIT OR ASSISTANCE UNDER A STATUTE OR REGULATION TO GUARANTEE OR PAY PREMIUMS OF A CONTRACT OF INSURANCE ON THE LIFE OF THE PRINCIPAL; COLLECT, SELL, ASSIGN, HYPOTHECATE, BORROW AGAINST, OR PLEDGE THE INTEREST OF THE PRINCIPAL IN A CONTRACT OF INSURANCE OR ANNUITY; SELECT THE FORM AND TIMING OF THE PAYMENT OF PROCEEDS FROM A CONTRACT OF INSURANCE OR ANNUITY; PAY, FROM PROCEEDS OR OTHERWISE, COMPROMISE OR CONTEST, AND APPLY FOR REFUNDS IN CONNECTION WITH A TAX OR ASSESSMENT LEVIED BY A TAXING AUTHORITY WITH RESPECT TO A CONTRACT OF INSURANCE OR

ANNUITY OR THE PROCEEDS OR LIABILITY FROM THE CONTRACT OF INSURANCE OR ANNUITY ACCRUING BY REASON OF THE TAX OR ASSESSMENT.

CLAIMS AND LITIGATION – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: ASSERT AND MAINTAIN BEFORE A COURT OR ADMINISTRATIVE AGENCY A CLAIM, CLAIM FOR RELIEF, CAUSE OF ACTION, COUNTERCLAIM, OFFSET, RECOUPMENT, OR DEFENSE, INCLUDING AN ACTION TO RECOVER PROPERTY OR OTHER THING OF VALUE, RECOVER DAMAGES SUSTAINED BY THE PRINCIPAL, ELIMINATE OR MODIFY TAX LIABILITY, OR SEEK AN INJUNCTION, SPECIFIC PERFORMANCE, OR OTHER RELIEF; ACT FOR THE PRINCIPAL WITH RESPECT TO BANKRUPTCY OR INSOLVENCY, WHETHER VOLUNTARY OR INVOLUNTARY, CONCERNING THE PRINCIPAL OR SOME OTHER PERSON, OR WITH RESPECT TO A REORGANIZATION, RECEIVERSHIP, OR APPLICATION FOR THE APPOINTMENT OF A RECEIVER OR TRUSTEE THAT AFFECTS AN INTEREST OF THE PRINCIPAL IN PROPERTY OR OTHER THING OF VALUE; PAY A JUDGMENT, AWARD, OR ORDER AGAINST THE PRINCIPAL OR A SETTLEMENT MADE IN CONNECTION WITH A CLAIM OR LITIGATION; AND RECEIVE MONEY OR OTHER THING OF VALUE PAID IN SETTLEMENT OF OR AS PROCEEDS OF A CLAIM OR LITIGATION.

BENEFITS FROM GOVERNMENTAL PROGRAMS OR CIVIL OR MILITARY SERVICE (INCLUDING ANY BENEFIT, PROGRAM, OR ASSISTANCE PROVIDED UNDER A STATUTE OR REGULATION INCLUDING SOCIAL SECURITY, MEDICARE, AND MEDICAID) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: EXECUTE VOUCHERS IN THE NAME OF THE PRINCIPAL FOR ALLOWANCES AND REIMBURSEMENTS PAYABLE BY THE UNITED STATES OR A FOREIGN GOVERNMENT OR BY A STATE OR SUBDIVISION OF A STATE TO THE PRINCIPAL; ENROLL IN, APPLY FOR, SELECT, REJECT, CHANGE, AMEND, OR DISCONTINUE, ON THE PRINCIPAL'S BEHALF, A BENEFIT OR PROGRAM; PREPARE, FILE, AND MAINTAIN A CLAIM OF THE PRINCIPAL FOR A BENEFIT OR ASSISTANCE, FINANCIAL OR OTHERWISE, TO WHICH THE PRINCIPAL MAY BE ENTITLED UNDER A STATUTE OR REGULATION; INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION CONCERNING A BENEFIT OR ASSISTANCE THE PRINCIPAL MAY BE ENTITLED TO RECEIVE UNDER A STATUTE OR REGULATION; AND RECEIVE THE FINANCIAL PROCEEDS OF A CLAIM

DESCRIBED ABOVE AND CONSERVE, INVEST, DISBURSE, OR USE FOR A LAWFUL PURPOSE ANYTHING SO RECEIVED.

RETIREMENT PLANS (INCLUDING A PLAN OR ACCOUNT CREATED BY AN EMPLOYER, THE PRINCIPAL, OR ANOTHER INDIVIDUAL TO PROVIDE RETIREMENT BENEFITS OR DEFERRED COMPENSATION OF WHICH THE PRINCIPAL IS A PARTICIPANT, BENEFICIARY, OR OWNER, INCLUDING A PLAN OR ACCOUNT UNDER THE FOLLOWING SECTIONS OF THE INTERNAL REVENUE CODE: (1) AN INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408, 26 U.S.C. § 408; (2) A ROTH INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408(A), 26 U.S.C. § 408(A); (3) A DEEMED INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408(Q), 26 U.S.C. § 408(Q); (4) AN ANNUITY OR MUTUAL FUND CUSTODIAL ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 403(B), 26 U.S.C. § 403(B); (5) A PENSION, PROFIT–SHARING, STOCK BONUS, OR OTHER RETIREMENT PLAN QUALIFIED UNDER INTERNAL REVENUE CODE SECTION 401(A), 26 U.S.C. § 401(A); (6) A PLAN UNDER INTERNAL REVENUE CODE SECTION 457(B), 26 U.S.C. § 457(B); AND (7) A NONQUALIFIED DEFERRED COMPENSATION PLAN UNDER INTERNAL REVENUE CODE SECTION 409(A), 26 U.S.C. § 409(A) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: SELECT THE FORM AND TIMING OF PAYMENTS UNDER A RETIREMENT PLAN AND WITHDRAW BENEFITS FROM A PLAN; MAKE A ROLLOVER, INCLUDING A DIRECT TRUSTEE–TO–TRUSTEE ROLLOVER, OF BENEFITS FROM ONE RETIREMENT PLAN TO ANOTHER; ESTABLISH A RETIREMENT PLAN IN THE PRINCIPAL'S NAME; MAKE CONTRIBUTIONS TO A RETIREMENT PLAN; EXERCISE INVESTMENT POWERS AVAILABLE UNDER A RETIREMENT PLAN; BORROW FROM, SELL ASSETS TO, OR PURCHASE ASSETS FROM A RETIREMENT PLAN.

TAXES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: PREPARE, SIGN, AND FILE FEDERAL, STATE, LOCAL, AND FOREIGN INCOME, GIFT, PAYROLL, PROPERTY, FEDERAL INSURANCE CONTRIBUTIONS ACT, AND OTHER TAX RETURNS, CLAIMS FOR REFUNDS, REQUESTS FOR EXTENSION OF TIME, PETITIONS REGARDING TAX MATTERS, AND OTHER TAX–RELATED DOCUMENTS, INCLUDING RECEIPTS, OFFERS, WAIVERS, CONSENTS, INCLUDING CONSENTS AND AGREEMENTS UNDER INTERNAL REVENUE CODE SECTION

2032(A), 26 U.S.C. § 2032(A), CLOSING AGREEMENTS, AND OTHER POWERS OF ATTORNEY REQUIRED BY THE INTERNAL REVENUE SERVICE OR OTHER TAXING AUTHORITY WITH RESPECT TO A TAX YEAR ON WHICH THE STATUTE OF LIMITATIONS HAS NOT RUN AND THE FOLLOWING 25 TAX YEARS; PAY TAXES DUE, COLLECT REFUNDS, POST BONDS, RECEIVE CONFIDENTIAL INFORMATION, AND CONTEST DEFICIENCIES DETERMINED BY THE INTERNAL REVENUE SERVICE OR OTHER TAXING AUTHORITY; EXERCISE ELECTIONS AVAILABLE TO THE PRINCIPAL UNDER FEDERAL, STATE, LOCAL, OR FOREIGN TAX LAW; AND ACT FOR THE PRINCIPAL IN ALL TAX MATTERS FOR ALL PERIODS BEFORE THE INTERNAL REVENUE SERVICE, OR OTHER TAXING AUTHORITY.

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

_____

_____

_____

_____

_____

_____

_____

EFFECTIVE DATE

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY UNLESS I HAVE STATED OTHERWISE IN THE SPECIAL INSTRUCTIONS.

TERMINATION DATE (OPTIONAL)

THIS POWER OF ATTORNEY SHALL TERMINATE ON_____, 20__.

(USE A SPECIFIC CALENDAR DATE)

NOMINATION OF GUARDIAN (OPTIONAL)

IF IT BECOMES NECESSARY FOR A COURT TO APPOINT A GUARDIAN OF MY ESTATE OR GUARDIAN OF MY PERSON, I NOMINATE THE FOLLOWING PERSON(S) FOR APPOINTMENT:

NAME OF NOMINEE FOR GUARDIAN OF MY PROPERTY:

( ) MY AGENT (OR SUCCESSOR AGENT) NAMED ABOVE

OR

_____

NOMINEE'S ADDRESS: _____

NOMINEE'S TELEPHONE NUMBER: _____

NAME OF NOMINEE FOR GUARDIAN OF MY PERSON:

( ) MY AGENT (OR SUCCESSOR AGENT) NAMED ABOVE

OR

_____

NOMINEE'S ADDRESS: _____

NOMINEE'S TELEPHONE NUMBER: _____

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

YOUR SIGNATURE DATE

_____

YOUR NAME PRINTED

_____

_____

YOUR ADDRESS

_____

YOUR TELEPHONE NUMBER

STATE OF MARYLAND
(COUNTY) OF _____

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON

_____,

(DATE)

BY _____ TO BE HIS/HER ACT.
(NAME OF PRINCIPAL)

_____ (SEAL, IF ANY)

SIGNATURE OF NOTARY

MY COMMISSION EXPIRES: _____

WITNESS ATTESTATION

THE FOREGOING POWER OF ATTORNEY WAS, ON THE DATE WRITTEN ABOVE, PUBLISHED AND DECLARED BY

_____

(NAME OF PRINCIPAL)

IN OUR PRESENCE TO BE HIS/HER POWER OF ATTORNEY. WE, IN HIS/HER PRESENCE AND AT HIS/HER REQUEST, AND IN THE PRESENCE OF EACH OTHER, HAVE ATTESTED TO THE SAME AND HAVE SIGNED OUR NAMES AS ATTESTING WITNESSES.

_____

WITNESS #1 SIGNATURE

_____

WITNESS #1 NAME PRINTED

_____

_____

WITNESS #1 ADDRESS

_____

WITNESS #1 TELEPHONE NUMBER

_____

WITNESS #2 SIGNATURE

_____

WITNESS #2 NAME PRINTED

_____

_____

WITNESS #2 ADDRESS

_____

WITNESS #2 TELEPHONE NUMBER"

17–203.";

in line 25, after "**FORM**" insert "**LIMITED**"; in line 28, strike "**ALL**"; in line 29, strike "**HAVE AN ALTERNATIVE**" and substitute "**NEED NOT GIVE TO YOUR AGENT ALL THE AUTHORITIES LISTED BELOW**"; in the same line, after "**GIVE**" insert "**THE AGENT**"; strike beginning with "**A**" in line 29 down through "**AGENT**" in line 30 and substitute "**THOSE LIMITED POWERS THAT YOU SPECIFICALLY INDICATE**"; in the same line, after "**THIS**" insert "**POWER OF ATTORNEY**"; in line 31, after "**SHOULD**" insert "**VERY CAREFULLY**"; and in the same line, strike "**TO**" and substitute "**AS TO WHAT POWERS YOU**".

AMENDMENT NO. 7

On page 6, strike beginning with "**AN**" in line 1 down through "**CAREFULLY**" in line 2; strike beginning with "**ENTITLED**" in line 14 down through "**INSTRUCTIONS**" in line 15 and substitute "**NOT ENTITLED TO COMPENSATION UNLESS YOU INDICATE OTHERWISE IN THE SPECIAL INSTRUCTIONS OF THIS POWER OF ATTORNEY. IF YOU INDICATE THAT YOUR AGENT IS TO RECEIVE COMPENSATION, YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION OR COMPENSATION AS SPECIFIED IN THE SPECIAL INSTRUCTIONS**".

AMENDMENT NO. 8

On page 8, in line 34, after the period insert "**CROSS THROUGH EACH AUTHORITY IN ANY SUBJECT THAT YOU WANT TO EXCLUDE.**".

AMENDMENT NO. 9

On page 24, strike beginning with the first "**THE**" in line 28 down through "**, AND**" in line 30.

AMENDMENT NO. 10

On page 25, after line 26, insert:

"**TERMINATION DATE (OPTIONAL)**

THIS POWER OF ATTORNEY SHALL TERMINATE ON _____, 20__.

(USE A SPECIFIC CALENDAR DATE)";

in lines 29 and 31, in each instance, strike "**ESTATE**" and substitute "**PROPERTY**".

AMENDMENT NO. 11

On page 26, after line 30, insert:

"**WITNESS ATTESTATION**

THE FOREGOING POWER OF ATTORNEY WAS, ON THE DATE WRITTEN ABOVE, PUBLISHED AND DECLARED BY

_____

(NAME OF PRINCIPAL)

IN OUR PRESENCE TO BE HIS/HER POWER OF ATTORNEY. WE, IN HIS/HER PRESENCE AND AT HIS/HER REQUEST, AND IN THE PRESENCE OF EACH OTHER, HAVE ATTESTED TO THE SAME AND HAVE SIGNED OUR NAMES AS ATTESTING WITNESSES.

_____

WITNESS #1 SIGNATURE

_____

WITNESS #1 NAME PRINTED

_____

_____

WITNESS #1 ADDRESS

_____

WITNESS #1 TELEPHONE NUMBER

_____

WITNESS #2 SIGNATURE

_____

WITNESS #2 NAME PRINTED

_____

_____

WITNESS #2 ADDRESS

_____

WITNESS #2 TELEPHONE NUMBER".

AMENDMENT NO. 12

On page 26, strike in their entirety lines 7 through 10, inclusive.

AMENDMENT NO. 13

On page 27, in line 13, strike "**IN GOOD FAITH**" and substitute "**WITH CARE, COMPETENCE, AND DILIGENCE FOR THE BEST INTEREST OF THE PRINCIPAL**"; strike line 26 in its entirety; and in lines 27 and 29, strike "**(4)**" and "**(5)**", respectively, and substitute "**(3)**" and "**(4)**", respectively.

AMENDMENT NO. 14

On page 28, in line 1, strike "**(6)**" and substitute "**(5)**"; in lines 23 and 24, in each instance, strike "**UNIFORM**"; and in line 30, strike "**17–202.**" and substitute "**17–204.**".

The preceding 14 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1149 – Delegates Carter, Anderson, Bates, Simmons, and Walker

AN ACT concerning

Denial or Dismissal of Domestic Violence Petition – Expungement of Records

HB1149/842516/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1149
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Domestic Violence" and substitute "Peace Order or Protective Order"; in the same line, strike "Expungement" and substitute "Shielding"; in line 3, strike "domestic violence" and substitute "peace order or protective order"; in

line 4, strike "expunge" and substitute "shield"; in lines 5 and 9, in each instance, strike "expungement" and substitute "shielding"; in line 12, strike "expunged" and substitute "shielded"; in line 13, after "circumstances;" insert "requiring the court to review certain court records before granting, denying, or modifying a final protective order; establishing that the failure to review certain records does not affect the validity of a final protective order;"; strike beginning with "domestic" in line 13 down through "expungement" in line 14 and substitute "the shielding and review"; after line 14, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 3–1510
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY renumbering
Article – Family Law
Section 4–506(e) through (j), respectively
to be Section 4–506(f) through (k), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)";

in line 17, after "Section" insert "4–506(e) and"; and in line 21, after "That" insert "Section(s) 4–506(e) through (j), respectively, of Article – Family Law of the Annotated Code of Maryland be renumbered to be Section(s) 4–506(f) through (k), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That".

On page 4, in line 5, strike "2." and substitute "3.".

AMENDMENT NO. 2

On page 2, in line 10, strike "**EXPUNGE**" and substitute "**SHIELD**"; in line 12, strike "**EXPUNGEMENT**" and substitute "**SHIELDING**"; in line 22, strike "**EXPUNGE**" and substitute "**SHIELD**"; in lines 24 and 29, in each instance, strike "**EXPUNGEMENT**" and substitute "**SHIELDING**"; in line 14, strike "**REMOVAL**" and substitute "**REMOVING**"; in line 18, strike "**REMOVAL OF**" and substitute "**REMOVING**"; and in the same line, after the second "**THE**" insert "**PUBLIC**".

On page 3, in lines 3, 12, 13, and 14, in each instance, strike "**EXPUNGEMENT**" and substitute "**SHIELDING**"; and in lines 25 and 29, in each instance, strike "**EXPUNGED**" and substitute "**SHIELDED**".

On page 4, in line 3, strike "**EXPUNGEMENT**" and substitute "**SHIELDING**".

AMENDMENT NO. 3

On page 2, after line 18, insert:

"**(5) "VICTIM SERVICES PROVIDER" MEANS A NONPROFIT ORGANIZATION THAT HAS BEEN AUTHORIZED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION OR THE DEPARTMENT OF HUMAN SERVICES TO HAVE ACCESS TO RECORDS OF SHIELDED PROTECTIVE ORDERS IN ORDER TO ASSIST VICTIMS OF ABUSE.**".

On page 3, strike beginning with "**A**" in line 21 down through "**RECORD**" in line 23 and substitute "**THE FOLLOWING PERSONS FROM ACCESSING A SHIELDED RECORD FOR A LEGITIMATE REASON:**

(I) A LAW ENFORCEMENT OFFICER;

(II) AN ATTORNEY WHO REPRESENTS OR HAS REPRESENTED THE PETITIONER OR THE RESPONDENT IN A PROCEEDING;

(III) A STATE'S ATTORNEY;

(IV) AN EMPLOYEE OF A LOCAL DEPARTMENT; OR

(V) A VICTIM SERVICES PROVIDER";

in line 25, after "**MAY**" insert "**SUBPOENA, OR**"; in the same line, after "**TO**" insert a comma; and strike beginning with the second "**AND**" in line 33 down through "**DANGER**" in line 34.

AMENDMENT NO. 4

On page 3, in line 7, strike "**AND**"; in line 8, after "**ORDER**" insert "**OR PEACE ORDER**"; strike beginning with "**AGAINST**" in line 9 down through "**HEARING**" in line

11 and substitute "**IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT; AND**

(III) THAT NONE OF THE FOLLOWING ARE PENDING AT THE TIME OF THE HEARING:

1. AN INTERIM OR TEMPORARY PROTECTIVE ORDER OR PEACE ORDER ISSUED IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT; OR

2. A CRIMINAL CHARGE AGAINST THE RESPONDENT ARISING FROM ALLEGED ABUSE AGAINST THE PETITIONER";

and strike in their entirety lines 15 through 18, inclusive, and substitute:

"**(II) IN DETERMINING WHETHER THERE IS GOOD CAUSE TO GRANT THE REQUEST TO SHIELD COURT RECORDS, THE COURT SHALL BALANCE THE PRIVACY OF THE RESPONDENT AND POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO THE PETITIONER AND THE COMMUNITY.**".

AMENDMENT NO. 5

On page 1, after line 21, insert:

"Article – Courts and Judicial Proceedings

3–1510.

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

(2) (I) "COURT RECORD" MEANS AN OFFICIAL RECORD OF A COURT ABOUT A PROCEEDING THAT THE CLERK OF A COURT OR OTHER COURT PERSONNEL KEEPS.

(II) "COURT RECORD" INCLUDES:

1. AN INDEX, A DOCKET ENTRY, A PETITION, A MEMORANDUM, A TRANSCRIPTION OF PROCEEDINGS, AN ELECTRONIC RECORDING, AN ORDER, AND A JUDGMENT; AND

2. ANY ELECTRONIC INFORMATION ABOUT A PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY.

(3) "SHIELD" MEANS TO REMOVE INFORMATION FROM PUBLIC INSPECTION IN ACCORDANCE WITH THIS SECTION.

(4) "SHIELDING" MEANS:

(I) WITH RESPECT TO A RECORD KEPT IN A COURTHOUSE, REMOVING TO A SEPARATE SECURE AREA TO WHICH PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED ACCESS; AND

(II) WITH RESPECT TO ELECTRONIC INFORMATION ABOUT A PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY, REMOVING THE INFORMATION FROM THE PUBLIC WEBSITE.

(5) "VICTIM SERVICES PROVIDER" MEANS A NONPROFIT ORGANIZATION THAT HAS BEEN AUTHORIZED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION OR THE DEPARTMENT OF HUMAN SERVICES TO HAVE ACCESS TO RECORDS OF SHIELDED PEACE ORDERS IN ORDER TO ASSIST VICTIMS OF ABUSE.

(B) IF A PETITION FILED UNDER THIS SUBTITLE IS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING UNDER THIS SUBTITLE, THE RESPONDENT MAY FILE A WRITTEN REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING.

(C) A REQUEST FOR SHIELDING UNDER THIS SECTION MAY NOT BE FILED WITHIN 3 YEARS AFTER THE DENIAL OR DISMISSAL OF THE PETITION UNLESS THE RESPONDENT FILES WITH THE REQUEST A GENERAL WAIVER AND RELEASE OF ALL THE RESPONDENT'S TORT CLAIMS RELATED TO THE PROCEEDING UNDER THIS SUBTITLE.

(D) (1) ON THE FILING OF A REQUEST FOR SHIELDING UNDER THIS SECTION, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.

(2) THE COURT SHALL GIVE NOTICE OF THE HEARING TO THE PETITIONER OR THE PETITIONER'S COUNSEL OF RECORD.

(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, AFTER THE HEARING, THE COURT SHALL ORDER THE SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE COURT FINDS:

(I) THAT THE PETITION WAS DENIED OR DISMISSED AT THE INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF THE PROCEEDING;

(II) THAT A FINAL PEACE ORDER OR PROTECTIVE ORDER HAS NOT BEEN PREVIOUSLY ISSUED IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT; AND

(III) THAT NONE OF THE FOLLOWING ARE PENDING AT THE TIME OF THE HEARING:

1. AN INTERIM OR TEMPORARY PEACE ORDER OR PROTECTIVE ORDER ISSUED IN A PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT; OR

2. A CRIMINAL CHARGE AGAINST THE RESPONDENT ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3–1503(A) OF THIS ARTICLE AGAINST THE PETITIONER.

(4) (I) IF THE PETITIONER APPEARS AT THE SHIELDING HEARING AND OBJECTS TO THE SHIELDING, THE COURT MAY, FOR GOOD CAUSE, DENY THE SHIELDING.

(II) IN DETERMINING WHETHER THERE IS GOOD CAUSE TO GRANT THE REQUEST TO SHIELD COURT RECORDS, THE COURT SHALL BALANCE THE PRIVACY OF THE RESPONDENT AND POTENTIAL DANGER OF ADVERSE

CONSEQUENCES TO THE RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO THE PETITIONER AND THE COMMUNITY.

(5) INFORMATION ABOUT THE PROCEEDING MAY NOT BE REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

(E) (1) THIS SECTION DOES NOT PRECLUDE THE FOLLOWING PERSONS FROM ACCESSING A SHIELDED RECORD FOR A LEGITIMATE REASON:

(I) A LAW ENFORCEMENT OFFICER;

(II) AN ATTORNEY WHO REPRESENTS OR HAS REPRESENTED THE PETITIONER OR THE RESPONDENT IN A PROCEEDING;

(III) A STATE'S ATTORNEY;

(IV) AN EMPLOYEE OF A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR

(V) A VICTIM SERVICES PROVIDER.

(2) (I) A PERSON NOT LISTED IN PARAGRAPH (1) OF THIS SUBSECTION MAY SUBPOENA, OR FILE A MOTION FOR ACCESS TO, A RECORD SHIELDED UNDER THIS SECTION.

(II) IF THE COURT FINDS THAT THE PERSON HAS A LEGITIMATE REASON FOR ACCESS, THE COURT MAY GRANT THE PERSON ACCESS TO THE SHIELDED RECORD UNDER THE TERMS AND CONDITIONS THAT THE COURT DETERMINES.

(III) IN RULING ON A MOTION UNDER THIS PARAGRAPH, THE COURT SHALL BALANCE THE PERSON'S NEED FOR ACCESS TO THE RECORD WITH THE RESPONDENT'S RIGHT TO PRIVACY AND THE POTENTIAL HARM OF UNWARRANTED ADVERSE CONSEQUENCES TO THE RESPONDENT THAT THE DISCLOSURE MAY CREATE.

(F) WITHIN 60 DAYS AFTER ENTRY OF AN ORDER UNDER SUBSECTION (D)(3) OF THIS SECTION, EACH CUSTODIAN OF COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF SHIELDING SHALL ADVISE IN WRITING THE COURT AND THE RESPONDENT OF COMPLIANCE WITH THE ORDER.".

AMENDMENT NO. 6

On page 1, after line 22, insert:

"4–506.

(E) (1) BEFORE GRANTING, DENYING, OR MODIFYING A FINAL PROTECTIVE ORDER UNDER THIS SECTION, THE COURT SHALL REVIEW ALL OPEN AND SHIELDED COURT RECORDS INVOLVING THE PERSON ELIGIBLE FOR RELIEF AND THE RESPONDENT, INCLUDING RECORDS OF PROCEEDINGS UNDER:

(I) THE CRIMINAL LAW ARTICLE;

(II) TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE; AND

(III) THIS ARTICLE.

(2) THE COURT'S FAILURE TO REVIEW RECORDS UNDER THIS SUBSECTION DOES NOT AFFECT THE VALIDITY OF AN ORDER ISSUED UNDER THIS SECTION.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #9

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

House Bill 11 – Delegates Sophocleus, Robinson, Cane, DeBoy, Sossi, Glenn, Riley, Wood, Frush, Love, and Carr

AN ACT concerning

Student Stigma Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 59 – Delegate Pena–Melnyk

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

HB0059/185360/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 59
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Pena–Melnyk" and substitute "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"; 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 4, 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 5, 7, 16, 18, 20, 26, and 28, strike "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)", respectively, and substitute "(6)", "(7)", "(8)", "(9)", "(10)", "(11)", and "(12)", respectively; in line 20, strike "three" and substitute "five"; strike beginning with the second "in" in line 20 down through "spans" in line 21; in line 22, 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 28, 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 pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 7 on page 3.

On page 3, strike line 15 in its entirety and substitute:

"(1) study the effectiveness of Universal Design for Learning as a";

and in line 27, strike "how to" and substitute "the feasibility of"; in line 28, strike "incorporate and apply" and substitute "incorporating and applying"; in line 29, strike "the policies, practices, and curriculum of".

On page 4, in line 10, strike "evaluate" and substitute "evaluating"; in line 13, strike "for the minimum standards to be used" and substitute "relating to the incorporation of the principles of Universal Design for Learning"; in line 15, strike "incorporating the principles of Universal Design for Learning"; and in line 18, strike "June 30, 2011" and substitute "December 31, 2010".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 282 – Delegate Pena–Melnyk

AN ACT concerning

Transportation Projects – Bicycle and Pedestrian Access – Funding and Reporting

HB0282/175165/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 282
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Pena–Melnyk" and substitute "Delegates Pena–Melnyk and Bobo"; in line 6, strike "a" and substitute "an appropriate"; and in line 10, strike "revised" and substitute "reviewed and updated".

AMENDMENT NO. 2

On page 2, in line 17, strike "**A**" and substitute "**AN APPROPRIATE**"; and in line 22, strike "**HIGH**" and substitute "**HIGHWAY**".

On page 3, strike beginning with "**WITHIN**" in line 14 down through "**ARTICLE**" in line 15; and in line 17, strike "**REVISED**" and substitute "**REVIEWED AND UPDATED**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0439/915169/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 439
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 7 down through "Fund;" in line 10.

On page 2, strike in their entirety lines 17 through 23, inclusive; and in line 24, strike "3." and substitute "2.".

AMENDMENT NO. 2

On page 2, in line 15, strike "**THESE**" and substitute "**THE**"; and in the same line, after "**MODELS**" insert "**THAT ARE DETERMINED TO BE MOST EFFECTIVE IN ENHANCING STUDENT ACHIEVEMENT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 855 – Montgomery County Delegation

AN ACT concerning

Sales and Use Tax – Exemption – Lodging at Corporate Training Center in Montgomery County

MC 22–10

HB0855/465864/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 855
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "at" insert "a"; in the same line, strike "in"; in line 3, strike "Montgomery County"; strike in its entirety line 4; in line 6, strike "in a"; in line 7, strike "certain county"; and in the same line, strike "primarily".

AMENDMENT NO. 2

On page 1, in line 21, strike "**IN MONTGOMERY COUNTY**".

AMENDMENT NO. 3

On page 2, in line 1, strike "**PRIMARILY**" and substitute "**SOLELY**"; in line 4, strike "**PREDOMINANTLY**" and substitute "**SOLELY**"; and in line 5, after "**INVITEES**" insert "**OF THE CORPORATION THAT OWNS THE DORMITORY OR LODGING FACILITY**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #10

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

House Bill 178 – Delegates McConkey, Barnes, Costa, Dwyer, George, King, Kipke, Pena–Melnyk, and Sophocleus

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – Accountability Policy

HB0178/955760/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 178
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Delegates" down through "Sophocleus" and substitute "Anne Arundel County Delegation"; in line 3, strike "Accountability"; strike beginning with "to" in line 4 down through "year;" in line 8 and substitute "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;"; in line 9, strike "submit" and substitute "present"; in the same line, strike "General Assembly on or before a certain date" and substitute "Anne Arundel County Delegation before the end of a certain period of time"; and in line 11, strike "an accountability" and substitute "a".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 14, inclusive, and substitute:

"**(B) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL ESTABLISH A COMMITTEE TO DEVELOP A POLICY AND GUIDELINES FOR ADMINISTERING OFFICE DISCIPLINE REFERRALS IN THE COUNTY.**

(C) THE COMMITTEE ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CONSIST OF:

(1) TWO MEMBERS OF THE TEACHERS ASSOCIATION OF ANNE ARUNDEL COUNTY, OF WHOM:

(I) ONE SHALL BE AN ELEMENTARY SCHOOL TEACHER; AND

(II) ONE SHALL BE A SECONDARY SCHOOL TEACHER;

(2) TWO MEMBERS OF THE ASSOCIATION OF EDUCATIONAL LEADERS, OF WHOM:

(I) ONE SHALL BE AN ADMINISTRATOR OF AN ELEMENTARY SCHOOL; AND

(II) ONE SHALL BE AN ADMINISTRATOR OF A SECONDARY SCHOOL;

(3) ONE MEMBER OF THE ANNE ARUNDEL COUNTY–WIDE CITIZEN ADVISORY COMMITTEE;

(4) ONE MEMBER SHALL BE A DESIGNEE OF THE COUNTY SUPERINTENDENT; AND

(5) TWO MEMBERS OF THE ANNE ARUNDEL COUNTY PARENT TEACHER ASSOCIATION; AND

(6) ONE MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION APPOINTED BY THE CURRENT CHAIRMAN OF THE BOARD OF EDUCATION.

(D) THE MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION APPOINTED IN ACCORDANCE WITH SUBSECTION (C)(6) OF THIS SECTION SHALL SERVE AS THE CHAIR OF THE COMMITTEE.

(E) ON OR BEFORE JANUARY 1, 2011, THE COMMITTEE SHALL DEVELOP AND RECOMMEND A POLICY AND GUIDELINES FOR THE ADMINISTRATION OF OFFICE DISCIPLINE REFERRALS IN THE COUNTY TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION FOR THE COUNTY BOARD'S APPROVAL.";

in line 15, strike "**(D)**" and substitute "**(F)**"; in the same line, strike "**ON OR BEFORE DECEMBER 31, 2013**" and substitute "**BEFORE THE END OF THE 2011 SESSION OF THE GENERAL ASSEMBLY**"; in line 16, strike "**SUBMIT**" and substitute "**PRESENT**"; in line 17, strike "**GENERAL ASSEMBLY**" and substitute "**ANNE ARUNDEL COUNTY DELEGATION**"; in line 18, strike "**IMPLEMENTATION AND STATUS OF THE**" and substitute "**APPROVED**"; in line 19, strike "**ACCOUNTABILITY**"; in line 21, strike "4 years" and substitute "1 year"; and in line 22, strike "2014" and substitute "2011".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 217 – Delegates Cardin, Ali, Elmore, Frick, Rice, Ross, and Walker

AN ACT concerning

Elections – Voter Registration and Voting – Age

HB0217/725165/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 217
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute ", Walker, and Ivey"; in line 2, strike "Elections – Voter Registration and Voting – Age" and substitute "Election Law – Voter Registration and Nomination by Petition – Requirements"; strike beginning with "specifying" in line 4 down through the second "vote" in line 7 and substitute "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"; in line 10, after "3–102" insert ", 3–303, and 5–703(e)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Election Law
Section 3–302
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, strike beginning with "**IS**" in line 3 down through "**OLDER**" in line 5 and substitute "**UNDER THE AGE OF 18 YEARS:**

(I) MAY VOTE IN A PRIMARY ELECTION IN WHICH CANDIDATES ARE NOMINATED FOR A GENERAL OR SPECIAL ELECTION THAT WILL OCCUR WHEN THE INDIVIDUAL IS AT LEAST 18 YEARS OLD; AND

(II) MAY NOT VOTE IN ANY OTHER ELECTION".

AMENDMENT NO. 3

On page 2, after line 11, insert:

"3–302.

(a) Registration is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

3–303.

(a) **[**Except as provided in subsections (b) and (c) of this section, a**] A** local board, at the signed request of a registered voter, shall change that voter's party affiliation, or change the voter to or from a decline, at any time that registration is open.

(b) **[**(1) Except as provided in paragraph (2) of this subsection, party affiliation may not be changed:

(i) from 9 p.m. on the Monday, or the next regular business day if the Monday is a legal holiday, that is 12 weeks before the day on which a primary election is to be held under § 8–201 of this article, until and including the day on which the registration reopens after the primary election is held; and

(ii) from and including the day of issuance of a gubernatorial proclamation calling a special election, pursuant to § 8–710 of this article, or from 5 p.m. on the next regular business day if the day of issuance is a legal holiday, until and including the day on which that special election is held.

(2) If a voter requests a party affiliation change during a period specified in paragraph (1) of this subsection, the local board shall make the change if**] IF A LOCAL BOARD RECEIVES A REQUEST FOR A PARTY AFFILIATION CHANGE AFTER THE CLOSE OF REGISTRATION, THE LOCAL BOARD SHALL MAKE THE CHANGE AND IT SHALL BECOME EFFECTIVE FOR THE NEXT ELECTION PROVIDED**:

[(i)**] (1)** there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed **[**before the beginning of the period specified in paragraph (1) of this

subsection**]** **ON OR BEFORE THE CLOSE OF REGISTRATION FOR THAT ELECTION**; or

[(ii)**] (2)** the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board **[**before the beginning of the period specified in paragraph (1) of this subsection**]** **ON OR BEFORE THE CLOSE OF REGISTRATION FOR THAT ELECTION**.

[(c) If a registered voter has moved from one county to another within the State since the last general election, the voter may change party affiliation or change to or from a decline, one time only, during a period specified in subsection (b)(1) of this section.

(d) An individual whose registration has been canceled at the individual's request within a period specified in subsection (b) of this section may not reregister in the same county during the same period with a party affiliation or nonaffiliation different from the previous registration.**]**

5–703.

(e) (1) A candidate who seeks nomination by petition may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board petitions signed by not less than 1% of the total number of registered voters who are eligible to vote for the office for which the nomination by petition is sought, except that the petitions shall be signed by at least 250 registered voters who are eligible to vote for the office.

(2) The petitions shall be filed as required in Title 6 of this article.

(3) The number of registered voters required to satisfy the requirements of paragraph (1) of this section shall be determined as of **[**the deadline for changing party affiliation before**]** **JANUARY 1 OF THE YEAR OF** the primary election for which the nomination is sought.";

and in line 13, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 269 – Delegates Kaiser, Boteler, Carr, Feldman, Healey, Hecht, Ivey, Manno, Montgomery, O'Donnell, Reznik, Robinson, Schuler, Shewell, Sophocleus, Stocksdale, and Stukes

AN ACT concerning

Child with a Disability – Individualized Education Program

HB0269/505462/2
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stukes" and substitute "Stukes, Kramer, and Glenn"; in line 6, after "meeting" insert ", 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"; and in line 11, after "format;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 14, strike "**AT**" and substitute:

"**(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT**";

in the same line, strike "**5**" and substitute "**3**"; in line 18, strike "**A**" and substitute "**AN ACCESSIBLE**"; and after line 20, insert:

"**(II) AN ASSESSMENT, REPORT, DATA CHART, OR OTHER DOCUMENT PREPARED BY A SCHOOL PSYCHOLOGIST OR OTHER MEDICAL PROFESSIONAL THAT EITHER TEAM PLANS TO DISCUSS AT THE MEETING MAY BE PROVIDED TO THE PARENTS OF THE CHILD ORALLY AND IN WRITING PRIOR TO THE MEETING.**

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, APPROPRIATE SCHOOL PERSONNEL ARE NOT REQUIRED TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION IN THE EVENT OF AN EXTENUATING CIRCUMSTANCE.

(II) IN THE EVENT OF AN EXTENUATING CIRCUMSTANCE, APPROPRIATE SCHOOL PERSONNEL WHO FAIL TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL DOCUMENT THE EXTENUATING CIRCUMSTANCE AND COMMUNICATE THAT INFORMATION TO THE PARENTS OF THE CHILD.".

AMENDMENT NO. 3

On page 2, after line 31, insert:

"**(E) FAILURE TO COMPLY WITH THIS SECTION DOES NOT CONSTITUTE A SUBSTANTIVE VIOLATION OF THE REQUIREMENT TO PROVIDE A STUDENT WITH A FREE APPROPRIATE PUBLIC EDUCATION.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 272 – Delegate King

AN ACT concerning

Classroom Placement – Multiple–Birth Children – Parental Discretion

HB0272/755168/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 272
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "circumstances;" insert "providing for the application of this Act;"; and strike beginning with "providing" in line 10 down through "appeal;" in line 13.

AMENDMENT NO. 2

On page 2, after line 3, insert:

"**(B) THIS SECTION APPLIES ONLY TO CHILDREN ENTERING KINDERGARTEN THROUGH SECOND GRADE.**";

in lines 4, 15, 18, and 30, strike "**(B)**", "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively; in lines 15 and 17, strike "**(D)**" and "**(B)**", respectively, and substitute "**(E)**" and "**(C)**", respectively; in line 18, strike "**(1)**"; strike beginning with the second "**THE**" in line 18 down through "**60**" in line 19 and substitute "**30**"; and strike in their entirety lines 24 through 29, inclusive.

On page 3, in line 4, strike "**(F)**" and substitute "**(G)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 788 – Delegates Olszewski, Frank, Heller, Kach, Kaiser, Manno, Morhaim, Riley, and Shewell

AN ACT concerning

Campaign Finance – Contributions – Disclosure

HB0788/735360/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 788
(First Reading File Bill)

On page 3, in line 12, strike "**$5,000**" and substitute "**$25,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 980 – Harford County Delegation

AN ACT concerning

Harford County – Casino Events

HB0980/375161/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 980
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike "nights" and substitute "events".

AMENDMENT NO. 2

On page 2, in line 9, after the second "**GAME,**" insert "**OR**"; and strike beginning with "**, OR**" in line 9 down through "**RACES**" in line 10, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 983 – Delegates Rice, Ivey, Levi, Ross, and Walker

AN ACT concerning

Public Schools – Law Enforcement Officers – Cultural Competency Training Program

HB0983/885265/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 983
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Competency" insert "Model"; in line 3, strike "Program" and substitute "Curriculum"; in line 4, strike "State Department of Education" and substitute "Maryland Police Training Commission"; in line 5, strike "Maryland Police Training Commission" and substitute "State Department of Education"; in the same line, strike "and implement"; in lines 6, 7, 9, and 10, in each instance, after "competency" insert "model"; in the same lines, in each instance, strike "program" and substitute "curriculum"; in line 7, strike "requiring" and substitute "encouraging"; and in line 8, strike "employed by a county board of education" and substitute "assigned to public schools".

AMENDMENT NO. 2

On page 1, in line 21, strike "**DEPARTMENT**" and substitute "**MARYLAND POLICE TRAINING COMMISSION**"; in lines 21 and 22, strike "**MARYLAND POLICE TRAINING COMMISSION**" and substitute "**DEPARTMENT**"; in line 22, strike "**AND IMPLEMENT**"; in line 23, after "**COMPETENCY**" insert "**MODEL**"; in the same line, strike "**PROGRAM**" and substitute "**CURRICULUM**"; and in line 24, strike "**EMPLOYED BY COUNTY BOARDS FOR ASSIGNMENT IN**" and substitute "**ASSIGNED TO**".

AMENDMENT NO. 3

On page 2, in lines 1, 7, and 15, in each instance, after "**COMPETENCY**" insert "**MODEL**"; in the same lines, in each instance, strike "**PROGRAM**" and substitute "**CURRICULUM**"; in lines 13 and 14, strike "**EMPLOYED BY A COUNTY BOARD AND IS**"; and in line 15, strike "**SHALL**" and substitute "**IS ENCOURAGED TO**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1086 – Delegates Bartlett, Boteler, Hecht, Hucker, Kaiser, Rice, and Riley

AN ACT concerning

Election Law – Campaign Advertisements – Closed Captioning

HB1086/875765/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1086
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "a" insert "certain"; and in line 7, after the first "a" insert "certain".

AMENDMENT NO. 2

On page 2, after line 25, insert:

"**(A) THIS SECTION ONLY APPLIES TO THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE FOR ELECTION TO THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR COMPTROLLER.**";

in line 26, strike "**(A)**" and substitute "**(B)**"; in the same line, strike "**(B)**" and substitute "**(C)**"; and in line 27, after "**ENTITY**" insert "**SUBJECT TO THIS SECTION**".

On page 3, in line 1, strike "**(A)**" and substitute "**(B)**"; in lines 1, 8, and 18, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 9, strike "**(B)(2)**" and substitute "**(C)(2)**"; and in line 18, after "**ENTITY**" insert "**SUBJECT TO THIS SECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1108 – Carroll County Delegation

AN ACT concerning

Carroll County – Gaming

HB1108/665663/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1108
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in lines 6 and 7, strike beginning with the first "**CARD**" in line 6 down through "**NIGHT**" in line 7 and substitute "**GAMING CONTEST**".

On page 3, in line 6, strike "**CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT**" and substitute "**GAMING CONTEST**".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"**(II) A GAMING CONTEST MAY ONLY BE HELD IN A STRUCTURE OR AT A LOCATION THAT IS OWNED, LEASED, OR OCCUPIED BY THE QUALIFIED ORGANIZATION THAT HOLDS THE PERMIT.**";

and in line 12, strike "**(II)**" and substitute "**(III)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1155 – Delegates Lafferty, Ali, Anderson, Beidle, Bobo, Bronrott, Cardin, Carr, Frush, Gilchrist, Hecht, Hucker, Lee, Manno, Montgomery, Morhaim, Niemann, Reznik, Rosenberg, Schuh, Schuler, Stein, and Waldstreicher

AN ACT concerning

Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects

HB1155/925162/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1155
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 7 down through "elements;" in line 9 and substitute "certain criteria, and a certain statement that describes the purpose and need for each major capital project; requiring an entity that proposes a major capital project to submit a request and a certain statement justifying the project to the Secretary of Transportation;"; strike beginning with "a" in line 11 down through "criteria" in line 13 and substitute "certain goals and criteria; requiring that certain indicators or benchmarks acknowledge the difference between urban and rural transportation needs"; and in line 15, after "projects;" insert "requiring the Department and a certain advisory committee to consider certain factors when establishing certain transportation goals, benchmarks, and indicators; requiring the Department to include certain information concerning the cost effectiveness of transportation investments in a certain report;".

AMENDMENT NO. 2

On page 2, in line 29, after "**A**" insert "**BRIEF**".

On page 3, in line 21, strike "**THE**" and substitute "**FOR PROJECTS IN THE CONSTRUCTION PHASE, THE**".

On page 5, strike beginning with "**, STATE**" in line 22 down through "**GOALS,**" in line 23; and in line 29, strike "**THE PROJECT EVALUATION, BASED ON**" and substitute "**A SUMMARY OF HOW THE PROJECT MEETS**".

On page 6, in line 9, after "**THE**" insert "**CONSTRUCTION PROGRAM OF THE**"; in line 14, strike "**AND**"; strike in their entirety lines 15 through 30, inclusive, and substitute:

"**(II) THE NEED FOR THE PROJECT; AND**

(III) A DISCUSSION OF HOW THE PROJECT:

1. ADDRESSES STATE TRANSPORTATION GOALS; AND

2. SUPPORTS LOCAL GOVERNMENT LAND USE PLANS AND GOALS.";

in line 31, after "**(6)**" insert "**(I)**"; and in line 32, after "**AND**" insert "**, AS APPROPRIATE,**".

AMENDMENT NO. 3

On page 7, after line 2, insert:

"**(II) AS PART OF THE EVALUATION UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL ACKNOWLEDGE THE DIFFERENCE BETWEEN URBAN AND RURAL TRANSPORTATION NEEDS.**".

On page 8, after line 13, insert:

"**(3) THE PERFORMANCE INDICATORS OR BENCHMARKS DESCRIBED IN THIS SUBSECTION SHALL ACKNOWLEDGE THE DIFFERENCE BETWEEN URBAN AND RURAL TRANSPORTATION NEEDS.**";

and strike beginning with the first "**THAT**" in line 17 down through "**PROGRAM**" in line 18.

AMENDMENT NO. 4

On page 9, in line 32, strike "**AND**".

On page 10, strike beginning with "**THE**" in line 1 down through "**INVESTMENT**" in line 2 and substitute "**THE IMPACT OF TRANSPORTATION INVESTMENT ON:**

1. THE ENVIRONMENT;

2. ENVIRONMENTAL JUSTICE AS DEFINED IN § 1–701 OF THE ENVIRONMENT ARTICLE; AND

3. COMMUNITIES; AND

(IX) THE CLIMATE ACTION PLAN GOALS REQUIRED BY THE GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2–1205(B) OF THE ENVIRONMENT ARTICLE";

strike beginning with "**TO**" in line 26 down through "**BENEFITS**" in line 27; and strike beginning with "**COST**" in line 29 down through "**PROJECT**" in line 30 and substitute "**ESTIMATED ANNUAL COST OF MAINTENANCE AND OPERATIONS**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1175 – Kent County Delegation

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

HB1175/105864/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1175
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Board" insert "under certain circumstances"; in line 7, strike "providing for the application of certain provisions of this Act;" and substitute "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;".

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.**"; strike beginning with "and" in line 8 down through "1981." in line 11; and in line 27, after "qualifies" insert "**AT THE GENERAL ELECTION NEXT FOLLOWING THE CREATION OF THE VACANCY AND FOR WHICH THE DEADLINE FOR THE FILING OF CANDIDATES HAS NOT EXPIRED**".

AMENDMENT NO. 4

On page 3, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Two members of the Kent County Board of Education shall be elected in the November general election of 2010.

(b) The terms of the members of the Kent County Board of Education shall expire as follows:

(1) 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:

(i) 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

(ii) 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.

(2) 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.

(3) 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.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 700)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #47

House Bill 620 – **Delegates Frush, Barnes, and Pena–Melnyk**

AN ACT concerning

Condominiums and Homeowners Associations – Common Elements and Common Areas – Implied Warranties

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

Affirmative – 141 Negative – 0 (See Roll Call No. 701)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 702)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 1 (See Roll Call No. 703)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 704)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 705)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 706)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #48

House Bill 197 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

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

Affirmative – 139 Negative – 0 (See Roll Call No. 707)

The Bill was then sent to the Senate.

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

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

Affirmative – 119 Negative – 21 (See Roll Call No. 708)

The Bill was then sent to the Senate.

House Bill 500 – Delegates Waldstreicher, Rosenberg, Anderson, Barnes, Branch, Dumais, Ivey, Lee, Levi, and Valderrama

AN ACT concerning

Child Support Guidelines – Revision

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 114 Negative – 25 (See Roll Call No. 709)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 1 (See Roll Call No. 710)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 1 (See Roll Call No. 711)

The Bill was then sent to the Senate.

House Bill 873 – Delegate Davis

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – ~~Registration~~ Examination Requirements

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

Affirmative – 140 Negative – 1 (See Roll Call No. 712)

The Bill was then sent to the Senate.

House Bill 1345 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Recreational Fishing Licenses – Licensing and Registration

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

Affirmative – 135 Negative – 6 (See Roll Call No. 713)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #49

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

Delegate Shank moved to make the Bill a Special Order for the end of this calendar.

The motion was adopted.

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

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

Affirmative – 139 Negative – 1 (See Roll Call No. 714)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

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

STATUS OF BILL: BILL ON 3RD READING.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 99 Negative – 40 (See Roll Call No. 715)

The Bill was then sent to the Senate.

House Bill 858 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Leghold or Body–Gripping Traps – Prohibition

MC 16–10

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

FLOOR AMENDMENT

HB0858/603326/1
BY: Delegate Impallaria

AMENDMENTS TO HOUSE BILL 858
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Prohibition" insert "and Tax Credit"; in line 6, after "County;" insert "allowing a person to claim a credit against the State income tax for the cost of removing certain furbearers from the person's property;"; and after line 18, insert:

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

AMENDMENT NO. 2

On page 2, after line 15, insert:

"Article – Tax – General

10–728.

(A) IN THIS SECTION, "FURBEARERS" MEANS AN ANIMAL THAT MAY BE TRAPPED USING A LEGHOLD OR BODY–GRIPPING TRAP.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR THE COST OF REMOVING A FURBEARER FROM THE PERSON'S PROPERTY.

(C) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED $100 FOR EACH FURBEARER REMOVED.

(D) (1) THE TOTAL AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR MAY NOT EXCEED THE STATE INCOME TAX FOR THAT TAXABLE YEAR.

(2) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.";

and in line 17, after "2010" insert ", and shall be applicable to all taxable years beginning after December 31, 2009".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

HB0858/743528/1
BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 858
(First Reading File Bill)

On page 2, in line 12, strike "**A TRAP**" and substitute "**:**

(I) TRAPS SET ON FARMLAND BY:

1. THE OWNER OF THE FARMLAND;

2. THE OWNER'S AGENT OR TENANT;

3. THE OWNER'S LESSEE; OR

4. ANY MEMBER OF THE OWNER'S OR TENANT'S IMMEDIATE FAMILY WHO RESIDES ON THE FARMLAND; OR

(II) TRAPS".

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

Affirmative – 40 Negative – 93 (See Roll Call No. 716)

Read the second time and ordered prepared for Third Reading.

House Bill 1564 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan)

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

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

FLOOR AMENDMENT

HB1564/453622/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 1564
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland Health Insurance Plan" and substitute "Health Insurance"; in line 3, after "Program" insert "and Participation in Health Insurance Systems and Plans"; in line 15, after "enacted;" insert "establishing that, notwithstanding certain provisions of law, a person has the right to choose to participate in a private health insurance system or private health insurance plan; establishing that, notwithstanding certain provisions of law and subject to a certain exception, a person has the right to pay for lawful medical services without interference, and a penalty, tax, fee, or fine of any type may not be imposed on a person who declines to contract for health insurance coverage or to participate in a particular health insurance system or plan; providing for the construction of certain provisions of this Act;"; in line 16, after "of" insert "certain provisions of"; and strike beginning with "the" in line 17 down through "Plan" in line 18 and substitute "health insurance".

On page 2, in line 5, strike "and" and substitute ","; and in the same line, after "14–508(d)" insert ", and 15–134".

AMENDMENT NO. 2

On page 5, after line 10, insert:

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

Article – Insurance

15–134.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON HAS THE RIGHT TO CHOOSE TO PARTICIPATE IN A PRIVATE HEALTH INSURANCE SYSTEM OR A PRIVATE HEALTH INSURANCE PLAN.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AND EXCEPT AS REQUIRED BY A COURT FOR A NAMED PARTY IN A LEGAL DISPUTE, A PERSON HAS THE RIGHT TO PAY FOR LAWFUL MEDICAL SERVICES WITHOUT INTERFERENCE, AND A PENALTY, TAX, FEE, OR FINE OF ANY TYPE MAY NOT BE IMPOSED ON A PERSON WHO DECLINES TO CONTRACT FOR HEALTH INSURANCE COVERAGE OR TO PARTICIPATE IN A PARTICULAR HEALTH INSURANCE SYSTEM OR PLAN.

(C) THIS SECTION MAY NOT BE CONSTRUED TO EXPAND, LIMIT, OR OTHERWISE MODIFY A LEGAL DETERMINATION OF WHAT CONSTITUTES LAWFUL MEDICAL SERVICES IN THE STATE.";

in lines 11, 18, and 27, strike "2.", "3.", and "4.", respectively, and substitute "3.", "4.", and "5.", respectively; and in line 23, strike "This" and substitute "Section 1 of this".

The preceding 2 amendments were read only.

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 43 Negative – 96 (See Roll Call No. 717)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #14

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

House Bill 678 – Frederick County Delegation

AN ACT concerning

Frederick County – Pay–As–You–Throw Pilot Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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 – Road Salt Management Programs

HB0903/280417/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 903
(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 27, inclusive.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 2

On page 2, in line 4, strike "Environment" and substitute "Transportation"; strike in their entirety lines 5 and 6 and substitute "**8–602.1.**"; in line 12, after "**STATE;**" insert "**AND**"; strike beginning with "**A**" in line 13 down through "**(3)**" in line 15; and strike in their entirety lines 21 through 30, 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.

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

House Bill 982 – Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, and Montgomery

AN ACT concerning

Solid Waste Management – Recycling – Requirements

HB0982/310718/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 982
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Montgomery" and substitute "Montgomery, and Manno"; strike beginning with "requiring" in line 9 down through "requirements;" in line 15; and strike beginning with "requiring" in line 22 down through "purposes;" in line 23.

On page 2, in line 9, strike "and (6)"; in line 10, after "9–1704," insert "and"; and strike ", and 9–1707(f)".

AMENDMENT NO. 2

On page 5, in line 2, after "subtitle**;**" insert "**AND**"; and strike beginning with "**; AND**" in line 9 down through "**RESTAURANT**" in line 13.

AMENDMENT NO. 3

On pages 6 and 7, strike in their entirety the lines beginning with line 20 on page 6 through line 4 on page 7, inclusive.

AMENDMENT NO. 4

On pages 9 through 11, strike in their entirety the lines beginning with line 23 on page 9 through line 18 on page 11, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Jenkins moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1201 – Calvert County Delegation

AN ACT concerning

Calvert County – Noise Control Ordinance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1344 – Delegates Beidle, Barnes, Holmes, Love, McConkey, and Sophocleus

AN ACT concerning

Construction and Development – Permits and Approvals – Expiration Dates

HB1344/580418/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1344
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "permits" insert "and approvals"; after line 5, insert "providing for the tolling of the duration of certain permits for a certain period of time;"; in line 10, after "date;" insert "providing that certain persons are required to pay certain permit extension fees notwithstanding the tolling of the running of certain periods;"; and in line 12, after "terms;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 2, in line 8, after "permit" insert "**OR APPROVAL**"; in line 19, after "under" insert "**THE FOLLOWING PROVISIONS OF THE ENVIRONMENT ARTICLE:**

(I)";

in lines 19 and 20, in each instance, strike the bracket; in line 20, strike "of the Environment Article" and substitute "**;**

(II) TITLE 5, SUBTITLE 5; OR

(III) TITLE 9";

in line 21, after "permit" insert "**OR OF THE DURATION OF ANY PERMIT**"; and in line 27, strike "will expire" and substitute "**WOULD HAVE EXPIRED**".

AMENDMENT NO. 3

On page 4, in line 15, in each instance, strike the bracket; and in line 26, after "fees" insert "**OR PERMIT EXTENSION FEES**".

AMENDMENT NO. 4

On page 6, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect the applicability of any requirement under:

(1) Title 8, Subtitle 18 of the Natural Resources Article;

(2) any regulation adopted under the authority of Title 8, Subtitle 18 of the Natural Resources Article; or

(3) any local program requirement or other legal requirement adopted in accordance with the Critical Area Program.";

and in line 3, 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.

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

House Bill 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Consolidation and Administration of Environmental Funds

HB1425/270819/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1425

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 10 down through "Fund;" in line 13.

AMENDMENT NO. 2

On page 8, in line 26, strike "and"; in line 28, strike the period and substitute a semicolon; and in line 31, after "**ARTICLE;**" insert "**AND**".

AMENDMENT NO. 3

On page 9, strike beginning with "**THE**" in line 4 down through "**INCLUDING**" in line 5; strike in their entirety lines 12 through 15, inclusive; and in lines 16, 18, 19, 24, and 31, strike "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively.

AMENDMENT NO. 4

On page 10, strike in their entirety lines 7 through 17, inclusive; and in lines 18, 19, 24, 28, and 29, strike "**(E)**", "**(C)(6)**", "**(F)**", "**(C)(6)**", and "**(G)**", respectively, and substitute "**(D)**", "**(C)(5)**", "**(E)**", "**(C)(5)**", and "**(F)**", respectively.

On page 11, strike "**(H)**" and substitute "**(G)**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1508 – Delegate Rudolph

AN ACT concerning

Environment – Coal Combustion By–Products – Disposal Sites

HB1508/680716/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1508
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Disposal" insert "and Noncoal Mine Reclamation"; in line 5, after "disposal" insert "or for new noncoal mine reclamation using certain coal combustion by–products"; in the same line, after "system" insert "or noncoal mine reclamation"; and in line 6, strike "or adjacent to".

AMENDMENT NO. 2

On page 2, in line 11, after "**DISPOSAL**" insert "**OR FOR NEW NONCOAL MINE RECLAMATION USING COAL COMBUSTION BY–PRODUCTS**"; in the same line, after "**SYSTEM**" insert "**OR NONCOAL MINE RECLAMATION**"; and in line 12, strike "**OR ADJACENT TO**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 718)

RECESS

At 2:43 P.M. on motion of Delegate Barve the House recessed until 3:15 P.M. on Legislative Day March 24, 2010, Calendar Day Saturday, March 27, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 24, 2010
Calendar Day: Saturday, March 27, 2010

At 3:53 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 719)

EXCUSES:
Del. Bromwell – back problems from surgery

THE COMMITTEE ON ECONOMIC MATTERS REPORT #21

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

House Bill 852 – Delegates George, Barkley, Elmore, Haddaway, Hecht, Impallaria, King, Love, Mathias, McHale, Minnick, and Shewell

AN ACT concerning

Energy Companies – Net Energy Metering Credit Transfers – Municipalities

HB0852/833292/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 852
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Shewell" and substitute "Shewell, Jameson, Manno, Rudolph, Taylor, and Walkup".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1174 – Delegate Kullen

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

HB1174/963093/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1174
(First Reading File Bill)

In the sponsor line, strike "Delegate Kullen" and substitute "Delegates Kullen, Sophocleus, and Mathias".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 99 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

SB0099/143491/2

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 99
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "preempting" and substitute "providing that"; in the same line, after "municipalities" insert "are not preempted by certain provisions of this Act"; in line 8, strike "superseding" and substitute "providing that"; and in the same line, after "municipalities" insert "are not superseded by certain provisions of this Act".

AMENDMENT NO. 2

On page 7, in line 16, strike the first "**THE**" and substitute "**THIS**"; in the same line, strike "**PREEMPTS**" and substitute "**DOES NOT PREEMPT**"; and in line 21, strike "**SUPERSEDES**" and substitute "**DOES NOT SUPERSEDE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #16

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

House Bill 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

HB0611/880314/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 611
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "vendors;" insert "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;"; and in line 10, after "mobile" insert "seafood and".

AMENDMENT NO. 2

On page 3, in line 8, after "(a)" insert "**(1)**"; after line 11, insert:

"**(2) THE STATE MAY REQUIRE A MOBILE SEAFOOD OR PRODUCE VENDOR TO SUBMIT AN APPLICATION AND PAY A REASONABLE FEE TO BE APPLIED TO ADMINISTRATIVE COSTS.**";

and after line 29, insert:

"**(C) THE STATE HIGHWAY ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**".

AMENDMENT NO. 3

On page 3, before line 12, insert:

"**(3) THE STATE MAY NOT ENTER INTO A LEASE WITH A MOBILE PRODUCE VENDOR UNLESS THE APPLICABLE COUNTY LICENSES MOBILE PRODUCE VENDORS.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1182 – Delegates Ivey, Benson, Frush, McIntosh, Niemann, Pena–Melnyk, Ramirez, and Valderrama

AN ACT concerning

Business Improvement Districts

HB1182/350917/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "resolutions" and substitute "local laws"; in line 6, strike ", organization, and alteration" and substitute "and organization"; in line 11, strike "application and"; strike beginning with "requiring" in line 12 down through "impose" in line 13 and substitute "providing for the imposition of"; strike beginning with "authorizing" in line 15 down through "bonds;" in line 16 and substitute "requiring the governing body of a county or municipal corporation in which a district is established to review and evaluate the desirability of continuing the existence of a district at certain times and to develop policies and procedures for evaluating the desirability or continuing the district under certain circumstances; providing for the termination of a district and a district corporation under certain circumstances;"; and in line 20, strike "12–412" and substitute "12–411".

AMENDMENT NO. 2

On page 2, in line 14, after "**(F)**" insert "**"MEMBERS OF THE DISTRICT" MEANS OWNERS OF NONEXEMPT PROPERTY IN THE DISTRICT.**

(G)".

AMENDMENT NO. 3

On page 2, in line 25, strike "**§ 12–409**" and substitute "**§ 12–408**"; and in line 28, strike "**RESOLUTION**" and substitute "**LOCAL LAW**".

On page 3, strike in their entirety lines 1 through 7, inclusive; in lines 8 and 12, strike "**(C)**" and "**(D)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in lines 9 and 10, strike "**AN AUTHORITY**" and substitute "**A DISTRICT**"; in line 12, strike "**RESOLUTION**" and substitute "**LOCAL LAW**"; strike beginning with "**PROPOSED**" in line 13 down through "**STATE**" in line 14; in line 23, strike "**AND**"; and in line 25, after "**SUBTITLE**" insert "**; AND**

(7) **IF APPLICABLE, ARTICLES OF INCORPORATION OF THE DISTRICT CORPORATION**".

On pages 3 through 5, strike in their entirety the lines beginning with line 26 on page 3 through line 6 on page 5, inclusive.

AMENDMENT NO. 4

On page 5, in line 14, strike "**RESOLUTION**" and substitute "**LOCAL LAW**"; strike beginning with "**(C)**" in line 15 down through "**RESOLUTION.**" in line 19; and in lines 20, 22, and 25, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively.

On page 6, in lines 1 and 2, strike "**(G)**" and "**(H)**", respectively, and substitute "**(F)**" and "**(G)**", respectively; in line 6, strike "**AND**"; in line 7, after "**(3)**" insert "**ANY PROPOSED REVISIONS TO THE BUSINESS PLAN; AND**

(4)";

strike beginning with "**12–405**" in line 9 down through "**CORPORATION.**" in line 14; in line 15, strike "**12–406.**" and substitute "**12–405.**"; and strike beginning with "**EXCEPT**" in line 16 down through "**THE**" in line 18 and substitute "**THE**".

AMENDMENT NO. 5

On page 6, in line 20, strike "**12–407.**" and substitute "**12–406.**"; and strike beginning with "**ISSUE**" in line 27 down through "**(III)**" in line 28.

On page 7, in lines 1 and 3, strike "**(IV)**" and "**(V)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively; and strike beginning with "**FOR**" in line 4 down through "**(I)**" in line 8.

On pages 7 and 8, strike in their entirety the lines beginning with line 11 on page 7 through line 4 on page 8, inclusive.

AMENDMENT NO. 6

On page 8, in line 5, strike "**12–408.**" and substitute "**12–407.**"; in line 6, strike "**PROPOSER OF**" and substitute "**OWNERS OF NONEXEMPT PROPERTY WHO SEEK TO ESTABLISH**"; strike beginning with "**AN**" in line 6 down through "**DISTRICT**" in

line 7 and substitute "**APPROPRIATE DOCUMENTATION AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION**"; in line 12, strike "**APPLICATION**" and substitute "**APPROPRIATE DOCUMENTATION**"; in line 19, after "**STATEMENT**" insert "**EXPRESSING THE INTENT TO ESTABLISH A DISTRICT CORPORATION THAT IS**"; in the same line, after "**BY**" insert "**AT LEAST 80% OF THE**"; and strike beginning with "**AT**" in line 19 down through "**RECORD**" in line 21 and substitute "**THE TOTAL NUMBER OF PARCELS OF NONEXEMPT PROPERTY**".

On page 9, in line 16, strike "**THE**" and substitute "**WITHIN 45 DAYS AFTER RECEIVING ALL APPROPRIATE DOCUMENTATION UNDER SUBSECTION (B) OF THIS SECTION, THE**"; and in line 18, strike "**12–409.**" and substitute "**12–408.**".

AMENDMENT NO. 7

On page 9, strike beginning with "**PROPOSER**" in line 23 down through "**CORPORATION**" in line 24 and substitute "**OWNERS OF NONEXEMPT PROPERTY WHO SEEK TO ESTABLISH A DISTRICT**".

On page 10, in line 6, strike "**DISTRICT MEETS**" and substitute "**NEEDS OF THE DISTRICT MEET**"; in line 9, strike "**12–410.**" and substitute "**12–409.**"; in line 10, after "**AUTHORIZATION**" insert "**BY THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION**"; in line 11, strike "**A**" and substitute "**THE**"; in line 18, after "**IMPOSE**" insert "**ON MEMBERS OF THE DISTRICT**"; in line 18, after "**AT**" insert "**A**"; strike beginning with "**SUFFICIENT**" in line 18 down through "**DISTRICT**" in line 19 and substitute "**SPECIFIED BY THE BOARD**"; after line 19, insert:

"**(3) THE TAX IMPOSED UNDER THIS SUBSECTION MAY NOT COUNT AGAINST A COUNTY OR MUNICIPAL CORPORATION TAX CAP.**";

and in line 21, after "**COLLECTED**" insert "**AND DISTRIBUTED EACH QUARTER TO THE DISTRICT**".

AMENDMENT NO. 8

On page 10, in line 25, strike "**12–411.**" and substitute "**12–410.**"; in line 26, strike "**(A)**"; and strike beginning with "**OWNERS**" in line 28 down through "**THE**" in line 31 and substitute "**A PETITION FOR INCLUSION IS SUBMITTED FROM AT LEAST 80% OF THE OWNERS OF THE TOTAL NUMBER OF PARCELS OF**

NONEXEMPT PROPERTY IN THE GEOGRAPHIC AREA PROPOSED FOR INCLUSION IN THE".

On page 11, strike beginning with "**THE**" in line 4 down through "**CORPORATION**" in line 6 and substitute "**THE APPROPRIATE DOCUMENTS, AS APPLICABLE, ARE SUBMITTED UNDER § 12–407 OF THIS SUBTITLE AND A HEARING IS HELD UNDER § 12–408 OF THIS SUBTITLE**"; and strike beginning with "**(B)**" in line 7 down through "**CORPORATION.**" in line 9.

AMENDMENT NO. 9

On page 11, in line 10, strike "**12–412.**" and substitute "**12–411.**"; and after line 10, insert:

"**(A) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION IN WHICH A DISTRICT IS ESTABLISHED UNDER THIS SECTION SHALL:**

(1) REVIEW THE EFFECTIVENESS AND DESIRABILITY OF CONTINUING THE DISTRICT EVERY 3 YEARS FROM THE TIME THE DISTRICT IS AUTHORIZED BY LOCAL LAW UNDER § 12–403 OF THIS SUBTITLE; AND

(2) DEVELOP POLICIES AND PROCEDURES FOR EVALUATING THE DESIRABILITY OF CONTINUING THE DISTRICT IF REQUESTED BY OWNERS OF NONEXEMPT PROPERTY IN THE DISTRICT.

(B) IF THE CONTINUING EXISTENCE OF THE DISTRICT IS NOT APPROVED BY THE GOVERNING BODY:

(1) THE DISTRICT SHALL CEASE TO EXIST AS DIRECTED BY THE GOVERNING BODY; AND

(2) THE DISTRICT CORPORATION SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO TERMINATE OPERATION IN A REASONABLE MANNER.".

On pages 11 through 13, strike in their entirety the lines beginning with line 11 on page 11 through line 14 on page 13, inclusive.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1182/210311/1
BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1182, AS AMENDED

On page 4 of the Environmental Matters Committee Amendments (HB1182/350917/1), in line 5 of Amendment No. 7, after "**BOARD**" insert "**AND APPROVED BY THE GOVERNING BODY**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1199 – Delegate Malone

AN ACT concerning

Motor Vehicles – Salvage – Standards and Requirements

HB1199/550315/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1199
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "creating a certain additional salvage application statement that an insurance company is required to provide under certain circumstances;"; in line 5, after "program;" insert "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;"; strike beginning with "providing" in line 5 down through "circumstances;" in line 9 and substitute "altering a certain definition;"; in line 13, before "13–506" insert "11–152,"; and in the same line, strike "and 13–506.1" and substitute ", 13–506.1, and 13–507".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"11–152.

(a) "Salvage" means any vehicle that:

(1) Has been damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost to repair the vehicle for legal operation on a highway exceeds 75% of the fair market value of the vehicle prior to sustaining the damage**, AS DETERMINED UNDER § 13–506(C)(4) OF THIS ARTICLE**;

(2) Has been acquired by an insurance company as a result of a claim settlement; or

(3) Has been acquired by an automotive dismantler and recycler:

(i) As an abandoned vehicle, as defined under § 25–201 of this article; or

(ii) For rebuilding or for use as parts only.

(b) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company.".

AMENDMENT NO. 3

On page 3, in line 13, strike "or"; in line 14, strike "and" and substitute "**OR**"; after line 14, insert:

"**6. THE VEHICLE HAS BEEN ACQUIRED BY AN INSURANCE COMPANY AS A RESULT OF A CLAIM SETTLEMENT AND THE COST TO**

REPAIR THE VEHICLE IS 75% OR LESS OF THE FAIR MARKET VALUE OF THE VEHICLE PRIOR TO SUSTAINING THE DAMAGE FOR WHICH THE CLAIM WAS PAID; AND";

in line 21, after the first "**OF**" insert "**§ 11–152 OF THIS ARTICLE AND**"; in line 22, after "**USE**" insert "**THE COST OF**"; in line 23, strike "**THE COST OF TOWING**" and substitute "**TOWING**"; and strike in their entirety lines 25 through 32, inclusive, and substitute:

"**(II) REPAIRING NONSTRUCTURAL DAMAGE.**

(5) THE CALCULATION UNDER THE 75% COST OF REPAIR THRESHOLD UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT AFFECT THE RIGHT OF AN INSURER OR A VEHICLE OWNER TO MAKE AN ECONOMIC OR SAFETY RELATED DECISION TO NOT REPAIR THE VEHICLE.

(6) THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF STATE POLICE AND OTHER INTERESTED PARTIES, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.".

AMENDMENT NO. 4

On page 4, in line 18, strike the brackets; and strike beginning with the colon in line 18 down through "**MILES**" in line 22.

AMENDMENT NO. 5

On page 5, in line 4, strike "2,"; in lines 9 and 21, in each instance, strike ", 2,"; and after line 23, insert:

"13–507.

(a) (1) An application for a certificate of title of a vehicle for which a salvage certificate has been issued shall be made by the owner of the vehicle on a form that the Administration requires.

(2) An application under paragraph (1) of this subsection shall be accompanied by:

(i) Except as provided in subsection (c)(3) of this section, the salvage certificate for the vehicle;

(ii) **[**A**]** **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A** certificate of inspection issued by a county police department or the Department of State Police; and

(iii) A certificate of inspection as required under Title 23 of this article.

(3) (i) The Administration may establish a fee for an inspection under paragraph (2)(ii) of this subsection.

(ii) 1. The fees established under this paragraph shall be collected by the Administration or the Automotive Safety Enforcement Division of the Department of State Police.

2. The fees collected under this subparagraph shall be paid to the Automotive Safety Enforcement Division of the Department of State Police for the purpose of recovering the cost of administering the salvage inspection program and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(4) A CERTIFICATE OF INSPECTION IS NOT REQUIRED IF THE SALVAGE CERTIFICATE BEARS A NOTATION UNDER § 13–506(C)(2)(II)2 OF THIS SUBTITLE AND THE ORIGINAL OWNER OF THE VEHICLE RETAINS POSSESSION OF THE VEHICLE AFTER THE CLAIM SETTLEMENT.

(b) (1) The certificate of title issued by the Administration shall be:

(i) Issued in the name of the applicant; and

(ii) In a form as provided in this subsection.

(2) (i) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "rebuilt salvage" if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)1 of this subtitle.

(ii) The Administration may not issue a certificate of title for a vehicle if the salvage certificate for the vehicle bears a notation under § 13–506(c)(2)(ii)3 of this subtitle.

(3) **[**The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle sustained cosmetic damage if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)2 of this subtitle.

(4)**]** The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "Flood Damaged" if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)5 of this subtitle.

[(5) Except for a flood damaged vehicle, the Administration shall issue a certificate of title that does not bear a notation or other similar statement under this section if an insurance company makes a claim settlement on a vehicle that has sustained damage that costs 75% or less than the fair market value of the vehicle to repair.**]**

(4) THE ADMINISTRATION SHALL ISSUE A CERTIFICATE OF TITLE THAT CONTAINS A CONSPICUOUS NOTATION THAT THE VEHICLE IS "X–SALVAGE" IF THE SALVAGE CERTIFICATE ACCOMPANYING THE APPLICATION BEARS A NOTATION UNDER § 13–506(C)(2)(II)6 OF THIS SUBTITLE OR IS ISSUED UNDER § 13–506(D) OF THIS SUBTITLE.

(c) (1) When an insurance company makes a claim settlement on a vehicle that has been stolen, the company shall apply for a salvage certificate as provided in § 13–506(c) of this subtitle.

(2) On receipt of an application under this subsection, the Administration:

(i) Shall make the appropriate notation in its records; and

(ii) May not issue the salvage certificate until the vehicle is recovered.

(3) When a vehicle that has been stolen is recovered, the Administration shall:

(i) Issue a salvage certificate for the vehicle if the insurance company submits a certification under § 13–506(c)(2)(ii)1, 2, 3, **[**or**]** 5**, OR 6** of this subtitle; or

(ii) Issue a certificate of title in the name of the insurance company in lieu of a salvage certificate if the insurance company states that the vehicle has sustained damage, except for flood damage, that costs 75% or less than the fair market value of the vehicle to repair.

(4) The provisions of subsection (b) of this section apply to a certificate of title issued under this subsection.

(5) A vehicle for which a certificate of title was issued under paragraph (3)(ii) of this subsection is exempt from the vehicle excise tax as provided in § 13–810(a)(9) of this title.

(d) If the Administration receives an application for a certificate of title for a vehicle accompanied by an ownership document issued by another state containing a notation under the laws of the issuing state that the vehicle is in a condition that is substantially similar to a vehicle that is rebuilt salvage under Maryland law, the certificate of title issued by the Administration shall contain a similar notation.

(e) The Administration may adopt regulations to implement this section.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1352/890812/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1352
(First Reading File Bill)

On page 2, in line 24, after "(2)" insert "**(I)**"; in the same line, strike "The" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; in lines 25 and 28, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; and after line 30, insert:

"**(II) IF A LOCAL JURISDICTION ESTABLISHES RATES FOR PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR PROJECTS INSIDE OF A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1467 – Delegate Stein

AN ACT concerning

Environment – Coal Combustion By–Products – Minimum Standards – Beneficial Uses

HB1467/470712/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1467
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "standards" insert "and regulations"; and in line 9, after "standard;" insert "defining certain terms;".

AMENDMENT NO. 2

On page 2, in line 1, strike beginning with the comma through "coal" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) (I) "COAL";

in line 3, strike "(2)" and substitute "**(II)**"; in lines 4, 5, 6, 7, and 8, strike "(i)", "(ii)", "(iii)", "(iv)", and "(v)", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively; after line 9, insert:

"**(3) "POZZOLAN" MEANS THE FINELY DIVIDED RESIDUE THAT RESULTS FROM COMBUSTION OF GROUND OR POWDERED COAL AND IS RELEASED BY COMBUSTION GASES, AS DEFINED BY THE TEST METHODS PUBLISHED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.**

(4) (I) "STRUCTURAL FILL" MEANS THE MATERIAL USED TO CREATE A BASE TO PROVIDE BEARING CAPACITY TO SUPPORT A BUILDING.

(II) "STRUCTURAL FILL" DOES NOT INCLUDE MATERIAL THAT:

1. WILL SUPPORT A ROADWAY; OR

2. MEETS THE STANDARDS FOR CONCRETE ESTABLISHED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS AND THE AMERICAN CONCRETE INSTITUTE.";

in line 19, strike "**WITH BEST**" and substitute "**WITH:**

(I) BEST";

in line 21, after "**EMISSIONS**" insert "**; AND**

(II) REGULATIONS FOR:

1. THE LANDFILL DISPOSAL OF COAL COMBUSTION BY–PRODUCTS;

2. COAL AND NONCOAL MINE RECLAMATION USING COAL COMBUSTION BY–PRODUCTS; OR

3. BENEFICIAL USE OF COAL COMBUSTION BY–PRODUCTS";

in line 20, strike "**PREVENT**" and substitute "**MINIMIZE THE IMPACT FROM**"; in lines 23 and 28, in each instance, strike "**BUILDING**" and substitute "**FILL**"; in line 25, strike "**SILT CONTROL**" and substitute "**APPLICABLE**"; in line 28, after "**OR**" insert "**NONMINE**"; and in line 31, after "**BY–PRODUCTS**" insert "**OR FOR COAL AND NONCOAL MINE RECLAMATION USING COAL COMBUSTION BY–PRODUCTS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Frush moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 1472 – Dorchester County Delegation, Somerset County Delegation, and Wicomico County Delegation

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 217 – Delegates Cardin, Ali, Elmore, Frick, Rice, Ross, and Walker

AN ACT concerning

Elections – Voter Registration and Voting – Age

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

FLOOR AMENDMENT

HB0217/913329/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 217, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (HB0217/725165/1), in line 9 of Amendment No. 1, after "determined;" insert "requiring a local board of elections, in accordance with certain regulations adopted by the State Board of Elections, maintain a separate registry of certain minors who registered to vote under certain provisions of law; exempting the records of a certain registry from certain provisions of law that authorize the inspection and copying of the records; providing for the removal of certain records from a certain registry at a certain time;"; and after line 17, insert:

"BY adding to
Article – Election Law
Section 3–507
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2 of the bill, before line 12, insert:

"**3–507.**

(A) EACH LOCAL BOARD, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, SHALL MAINTAIN A SEPARATE REGISTRY OF INDIVIDUALS WHO REGISTERED TO VOTE UNDER § 3–102(B)(2) OF THIS TITLE.

(B) THE RECORDS MAINTAINED IN THE REGISTRY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION ARE NOT SUBJECT TO THE PROVISIONS OF §§ 3–506 AND 3–507 OF THIS SUBTITLE.

(C) THE VOTER REGISTRATION RECORD OF AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY:

(1) BE ADDED TO THE VOTER REGISTRY MAINTAINED BY A LOCAL BOARD UNDER § 3–501 AT THE TIME THE INDIVIDUAL IS ELIGIBLE TO VOTE IN A PRIMARY ELECTION IN ACCORDANCE WITH § 3–102 OF THIS TITLE; AND

(2) BE STRICKEN FROM THE REGISTRY MAINTAINED UNDER THIS SECTION.".

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

Affirmative – 41 Negative – 89 (See Roll Call No. 720)

FLOOR AMENDMENT

HB0217/673127/2
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 217
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "at least 16 years old" and substitute "between the ages of 16 years old and 18 years old"; and in the same line, after "vote" insert "if the individual has the written permission of the individual's parent or guardian".

AMENDMENT NO. 2

On page 2, in line 6, after "(b)" insert "**(1)**"; in lines 7, 10, and 11, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and after line 11, insert:

"**(2) AN INDIVIDUAL WHO IS BETWEEN THE AGES OF 16 YEARS OLD AND 18 YEARS OLD MAY BECOME REGISTERED TO VOTE UNDER SUBSECTION (A) OF THIS SECTION IF THE INDIVIDUAL HAS THE WRITTEN PERMISSION OF THE INDIVIDUAL'S PARENT OR GUARDIAN.**".

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

Affirmative – 34 Negative – 102 (See Roll Call No. 721)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 722)

ADJOURNMENT

At 4:33 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 25, 2010, Calendar Day Monday, March 29, 2010.

Annapolis, Maryland
Legislative Day: March 25, 2010
Calendar Day: Monday, March 29, 2010

The House met at 11:34 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Donna Stifler of Harford County.

QUORUM CALL

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

(See Roll Call No. 723)

The Journal of March 24, 2010 was read and approved.

EXCUSES:
Del. Mathias – late – car trouble
Del. Riley – late – doctor's appointment

THE COMMITTEE ON ECONOMIC MATTERS REPORT #22

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

House Bill 409 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Home Improvement Commission – Guaranty Fund Jurisdiction

HB0409/863594/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 409
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 5 down through "made;" in line 9; and in line 13, strike "and (f)(2)"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–405(f)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in lines 10 and 12, in each instance, strike the bracket; and strike in their entirety lines 13 through 14.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 751 – Delegates Miller, Haddaway, Jameson, King, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

HB0751/893392/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 751
(First Reading File Bill)

On page 1, in line 3, strike "a credit for" and substitute "that"; and in the same line, after "insurer" insert "may be entitled to a credit".

On page 2, in line 14, strike "**SHALL**" and substitute "**MAY**"; and in line 24, after "**PROVIDED**" insert "**FOR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Schuler moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

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

House Bill 799 – Delegates Kramer and Manno

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

HB0799/833595/2
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 799
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Manno" and substitute ", Manno, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn"; strike beginning with "authorizing" in line 3 down through "statement" in line 14 and substitute "providing that certain provisions of this Act do not require a lender that offers to make a reverse mortgage loan to offer a reverse mortgage loan with certain payment plans or to a certain borrower; requiring certain lenders and arrangers of financing to conform to the requirements of certain federal laws and guidelines under certain circumstances; providing that certain reverse mortgage loans are not subject to certain federal laws or guidelines; providing that certain lenders or arrangers of loans are not subject to certain regulatory approval requirements under certain circumstances"; in line 15, after "annuity" insert ", a long–term care policy, or other financial or insurance product"; strike beginning with "prohibiting" in line 16 down through "products;" in line 18; and strike beginning with "providing" in line 23 down through "application" in line 27 and substitute "requiring a lender or an arranger of financing to provide a certain borrower with a certain checklist at a certain time".

On pages 1 and 2, strike beginning with "prohibiting" in line 29 on page 1 down through "period;" in line 4 on page 2.

On page 2, in line 5, after "Act" insert "by certain lenders or arrangers of financing; providing that certain lenders or arrangers of financing that violate certain provisions of this Act engage in an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and are subject to certain enforcement and penalty provisions; providing that a violation of certain provisions of this Act does not constitute a violation of certain other provisions of law".

On page 2, in line 10, strike "12–1225" and substitute "12–1208"; and in line 11, after "Loans" insert "Act".

AMENDMENT NO. 2

On page 2, in line 17, after "**LOANS**" insert "**ACT**"; strike line 18 in its entirety; after line 21, insert:

"**(B) "ARRANGER OF FINANCING" MEANS A PERSON THAT:**

(1) FOR A FEE OR OTHER VALUABLE CONSIDERATION, WHETHER RECEIVED DIRECTLY OR INDIRECTLY, AIDS OR ASSISTS A BORROWER IN OBTAINING A REVERSE MORTGAGE LOAN; AND

(2) IS NOT NAMED AS THE LENDER IN THE REVERSE MORTGAGE LOAN AGREEMENT.";

in lines 22, 24, 27, and 29, strike "**(B)**", "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(C)**", "**(D)**", "**(F)**", and "**(G)**", respectively; and after line 26, insert:

"**(E) "DWELLING" HAS THE MEANING STATED IN § 11–501 OF THE FINANCIAL INSTITUTIONS ARTICLE.**".

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**(G)**" and substitute "**(H)**"; in line 5, strike "**RESIDENTIAL REAL PROPERTY**" and substitute "**THE BORROWER'S PRINCIPAL DWELLING**"; in line 6, after "**WITH**" insert "**PURCHASE MONEY PROCEEDS,**"; in line 7, strike the first "**OR**"; in the same line, after "**CREDIT**" insert "**, OR ANY COMBINATION OF THOSE PAYMENT PLANS**"; and

in line 8, strike "**RESIDENTIAL REAL PROPERTY**" and substitute "**BORROWER'S PRINCIPAL DWELLING**".

AMENDMENT NO. 3

On page 3, in line 13, strike "**ALL**" and substitute "**A**"; in the same line, strike "**LOANS**" and substitute "**LOAN**"; and in line 14, strike "**RESIDENTIAL REAL PROPERTY**" and substitute "**A BORROWER'S PRINCIPAL DWELLING**".

AMENDMENT NO. 4

On page 3, in line 19, strike "**RESERVED.**"; and after line 19, insert:

"**THIS SUBTITLE DOES NOT REQUIRE A LENDER THAT OFFERS TO MAKE A REVERSE MORTGAGE LOAN TO OFFER A REVERSE MORTGAGE LOAN:**

(1) WITH ANY ONE OR MORE PARTICULAR PAYMENT PLANS; OR

(2) TO A PROSPECTIVE BORROWER WHO HOLDS TITLE TO A DWELLING IN OTHER THAN FEE SIMPLE INTEREST.".

AMENDMENT NO. 5

On page 3, strike beginning with "**RESERVED.**" in line 20 down through "**PENALTY**" in line 27 and substitute:

"**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LENDER THAT OFFERS OR MAKES A REVERSE MORTGAGE LOAN SECURED BY A DWELLING IN THE STATE SHALL CONFORM TO THE REQUIREMENTS OF 12 U.S.C. § 1715Z–20, AND ANY REGULATIONS AND GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20, REGARDLESS OF WHETHER THE REVERSE MORTGAGE LOAN IS INSURED UNDER 12 U.S.C. § 1715Z–20.**

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN ARRANGER OF FINANCING THAT AIDS OR ASSISTS, OR OFFERS TO AID OR ASSIST, A BORROWER IN OBTAINING A REVERSE MORTGAGE LOAN SECURED BY A DWELLING IN THE STATE SHALL CONFORM TO THE REQUIREMENTS OF 12 U.S.C. § 1715Z–20, AND ANY REGULATIONS AND GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20, REGARDLESS OF WHETHER THE REVERSE MORTGAGE LOAN IS INSURED UNDER 12 U.S.C. § 1715Z–20";

and strike line 28 in its entirety and substitute:

"**12–1205.**

(A) A REVERSE MORTGAGE LOAN THAT IS NOT INSURED UNDER 12 U.S.C. § 1715Z–20 IS NOT SUBJECT TO THE ORIGINATION FEE, MAXIMUM CLAIM AMOUNT OR OTHER LOAN LIMIT RESTRICTIONS, OR MORTGAGE INSURING PROVISIONS IN 12 U.S.C. § 1715Z–20, OR IN ANY REGULATIONS OR GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20.

(B) A LENDER OR AN ARRANGER OF FINANCING IS NOT SUBJECT TO THE FEDERAL REGULATORY APPROVAL REQUIREMENTS OF 24 C.F.R., PART 202 WHEN MAKING OR ARRANGING A REVERSE MORTGAGE LOAN THAT IS NOT INSURED UNDER 12 U.S.C. § 1715Z–20.".

AMENDMENT NO. 6

On pages 4 through 6, strike in their entirety the lines beginning with line 1 on page 4 through line 7 on page 6, inclusive.

On page 6, in line 8, strike "**12–1214.**" and substitute "**12–1206.**"; in line 9, strike "**A**" and substitute "**(A)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in the same line, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**"; in the same line, after "**ANNUITY**" insert "**, A LONG–TERM CARE POLICY, OR OTHER FINANCIAL OR INSURANCE PRODUCT**"; after line 10, insert:

"**(2) A LENDER OR AN ARRANGER OF FINANCING MAY REQUIRE A BORROWER TO PURCHASE TITLE INSURANCE, HAZARD, FLOOD, OR OTHER PERIL INSURANCE, AND ANY OTHER FINANCIAL OR INSURANCE PRODUCT THAT IS REQUIRED FOR REVERSE MORTGAGE LOANS INSURED UNDER 12 U.S.C. § 1715Z–20.**";

strike in their entirety lines 11 through 22, inclusive; and in line 23, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**".

On page 7, in line 1, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**"; and in line 5, strike "**SIMILAR**" and substitute "**OTHER**".

AMENDMENT NO. 7

On pages 7 and 8, strike in their entirety the lines beginning with line 7 on page 7 through line 14 on page 8, inclusive, and substitute:

"**12–1207.**".

On page 8, in line 15, strike "**(C)**" and substitute "**(A)**"; in the same line, strike "**A**" and substitute "**ON RECEIVING AN APPLICATION FOR A REVERSE MORTGAGE LOAN, A**"; in the same line, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**"; and in the same line, after the first "**A**" insert "**PROSPECTIVE**".

On page 9, in lines 9 and 12, strike "**(D)**" and "**(C)**", respectively, and substitute "**(B)**" and "**(A)**", respectively.

On pages 9 through 12, strike in their entirety the lines beginning with line 14 on page 9 through line 4 on page 12, inclusive, and substitute:

"**12–1208.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

(1) A LENDER OR ARRANGER OF FINANCING FOR A REVERSE MORTGAGE LOAN INSURED UNDER 12 U.S.C. § 1715Z–20 THAT VIOLATES THIS SUBTITLE IS SUBJECT TO THE PENALTIES PROVIDED IN 12 U.S.C. § 1715Z–20, AND IN ANY REGULATIONS AND GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20; AND

(2) A LENDER OR ARRANGER OF FINANCING FOR A REVERSE MORTGAGE LOAN NOT INSURED UNDER 12 U.S.C. § 1715Z–20 THAT VIOLATES THIS SUBTITLE:

(I) ENGAGES IN AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

(II) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE, EXCEPT § 13–411.

(B) A VIOLATION OF THIS SUBTITLE DOES NOT CONSTITUTE A VIOLATION OF ANY OTHER SUBTITLE OF THIS TITLE.".

AMENDMENT NO. 8

On page 12, after line 4, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to reverse mortgage loans applied for on or after the effective date of this Act.";

and in line 5, strike "2." and substitute "3.".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1223 – Delegates Taylor, Ali, Barnes, Carter, Conaway, Frush, Gutierrez, Haynes, Hixson, Levi, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, and Vaughn

AN ACT concerning

Financial Institutions – Credit Unions – Member Business Loans – Limitation on Aggregate Amount

HB1223/463196/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1223

(First Reading File Bill)

AMENDMENT NO. 1

In lines 2 and 3, strike "– Limitation on Aggregate Amount"; and strike beginning with "establishing" in line 4 down through "union" in line 6 and substitute

"authorizing a credit union to make member business loans in a total amount equal to an amount approved by a certain federal board in a certain manner".

AMENDMENT NO. 2

Strike in their entirety lines 16 through 18, inclusive, and substitute:

"**A CREDIT UNION MAY MAKE MEMBER BUSINESS LOANS IN A TOTAL AMOUNT EQUAL TO AN AMOUNT APPROVED BY THE NATIONAL CREDIT UNION ADMINISTRATION BOARD IN ACCORDANCE WITH 12 C.F.R. § 723.20.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1280 – Delegates Feldman, Barkley, Braveboy, Harrison, Hecht, King, Kirk, Love, Manno, Mathias, McHale, Minnick, Taylor, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

HB1280/373097/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "met;" insert "providing for the construction and application for this Act;"; in line 21, strike "A" and substitute "**THERE IS A REBUTTABLE PRESUMPTION THAT A**"; and in line 25, strike the second "is".

On page 2, in line 1, strike "presumed to have" and substitute "**HAS**".

AMENDMENT NO. 2

On page 3, in line 5, strike "**, MULTIPLE MYELOMA, MELANOMA,**"; strike beginning with "**LYMPHATIC,**" in line 6 down through "**URETHRAL**" in line 7 and substitute "**BRAIN, OR LUNG**"; and in line 8, strike "**, OR CANCER LOCATED IN THE DIGESTIVE SYSTEM**".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 23 on page 3 through line 4 on page 4, inclusive.

On page 4, in line 5, strike the brackets; and in the same line, strike "**(E)**".

On page 5, in line 11, strike the brackets; and in the same line, strike "**(F)**".

AMENDMENT NO. 4

On page 5, after line 28, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to carry out the intent of the Maryland General Assembly that workers' compensation presumptions related to occupational diseases and cancers be considered rebuttable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any workers' compensation claim filed before the effective date of this Act.".

and in line 29, strike "2." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1299 – Delegates Davis, Barkley, Braveboy, Burns, Feldman, Hecht, Hubbard, Hucker, Kirk, Krysiak, Love, Manno, McHale, Taylor, and Vaughn

AN ACT concerning

Labor and Employment – Healthy Retail Employee Act

HB1299/113793/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1299
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Delegates" insert "Manno,"; in the same line, strike "Manno,"; in line 10, strike "authorizing" and substitute "requiring"; in line 11, after "circumstances;" insert "subjecting certain provisions of this Act to certain notice and hearing requirements; requiring the Commissioner to consider certain factors when determining whether a violation of this Act has occurred or the amount of a certain civil penalty;"; and strike beginning with "authorizing" in line 12 down through "award" in line 13 and substitute "specifying that a certain employee may be entitled to a certain monetary amount and"; and in line 14, after "terms;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, in line 16, strike "**AT LEAST**"; in the same line, after "**50**" insert "**OR MORE**"; in the same line, after "**EMPLOYEES**" insert "**FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR**"; in line 18, strike "**AT LEAST**"; in the same line, after "**50**" insert "**OR MORE RETAIL**"; in line 19, after "**STATE**" insert "**FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR**"; in line 22, after "**(4)**" insert "**(I)**"; strike beginning with "**HAS**" in line 22 down through "**ARTICLE**" in line 23 and substitute "**MEANS A PLACE OF BUSINESS WITH THE PRIMARY PURPOSE OF SELLING GOODS TO A CONSUMER WHO IS PRESENT AT THE PLACE OF BUSINESS AT THE TIME OF SALE**"; after line 23, insert:

"**(II) "RETAIL ESTABLISHMENT" DOES NOT INCLUDE:**

1. A WHOLESALER, AS DEFINED IN § 11–401(I) OF THE COMMERCIAL LAW ARTICLE; OR

2. A RESTAURANT.";

and in line 29, strike "**OR**".

On page 3, in line 2, after "**MUNICIPALITY**" insert "**;**

(4) WHO WORKS IN A CORPORATE OFFICE OR OTHER OFFICE LOCATION; OR

(5) WHO WORKS FOR AT LEAST 4 CONSECUTIVE HOURS FOR AN EMPLOYER AT A SINGLE LOCATION WITH 5 OR FEWER EMPLOYEES";

in line 3, after "**IN**" insert "**PARAGRAPH (4) OF THIS SUBSECTION OR**"; in line 4, after "**EMPLOYEE**" insert "**AT A RETAIL ESTABLISHMENT**"; strike beginning with the colon in line 4 down through "**1.**" in line 5; in line 6, strike "**; OR**" and substitute a period; after line 6, insert:

"**(II) AN EMPLOYEE IS NOT ENTITLED TO A 15 MINUTE SHIFT BREAK UNDER THIS PARAGRAPH IF THE EMPLOYEE IS ENTITLED TO A 30 MINUTE SHIFT BREAK UNDER PARAGRAPH (2) OF THIS SUBSECTION.**";

in line 7, strike "**2.**" and substitute "**(2) AN EMPLOYER MAY NOT EMPLOY AN EMPLOYEE AT A RETAIL ESTABLISHMENT FOR**"; after line 8, insert:

"**(3) IF AN EMPLOYEE WORKS 8 CONSECUTIVE HOURS IN A SINGLE SHIFT, THE EMPLOYER SHALL PROVIDE AN ADDITIONAL NONWORKING SHIFT BREAK OF AT LEAST 15 MINUTES FOR EVERY ADDITIONAL 4 CONSECUTIVE HOURS THE EMPLOYER EMPLOYS THE EMPLOYEE IN THE SHIFT.**";

in line 9, strike "**(II)**" and substitute "**(4)**"; strike beginning with "**SUBPARAGRAPH**" in line 10 down through "**PARAGRAPH**" in line 11 and substitute "**PARAGRAPH (1) OF THIS SUBSECTION**"; in line 13, strike "**(2) THE**" and substitute "**(5) A**"; in the same line, strike "**PARAGRAPH (1) OF**"; in line 15, after "**1.**" insert "**A.**"; in line 17, strike "**2.**" and substitute "**B.**"; in line 20, strike "**(II)**" and substitute "**2.**"; in the same line, after "**AGREE**" insert "**IN WRITING**"; in line 21, strike "**AND DOCUMENT THE AGREEMENT**"; strike beginning with "**DETERMINES**" in line 25 down through

"**SECTION**" in line 26 and substitute "**RECEIVES A COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION**"; in line 28, after "**(II)**" insert "**DETERMINE WHETHER THE EMPLOYER HAS VIOLATED THIS SECTION.**

(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS VIOLATED THIS SECTION, THE COMMISSIONER SHALL:

(I)";

and strike beginning with "**CONSISTENT**" in line 29 down through "**ARTICLE**" in line 30 and substitute "**; AND**

(II) IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF:

1. UP TO $300 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION; OR

2. UP TO $600 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION IF THE VIOLATION OCCURRED WITHIN 3 YEARS AFTER AN EMPLOYEE FILED A PREVIOUS COMPLAINT THAT LED TO A DETERMINATION THAT A VIOLATION HAD OCCURRED.

(4) THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION ARE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(5) (I) IN DETERMINING WHETHER THERE IS A VIOLATION OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER IF THERE WAS A THREAT TO PUBLIC HEALTH OR SAFETY AT THE TIME THE VIOLATION IS ALLEGED TO HAVE OCCURRED.

(II) IN DETERMINING THE AMOUNT OF ANY CIVIL PENALTY TO BE IMPOSED, THE COMMISSIONER SHALL CONSIDER THE:

1. SERIOUSNESS OF THE VIOLATION;

2. SIZE OF THE EMPLOYER'S BUSINESS;

3. EMPLOYER'S GOOD FAITH IN COMPLYING WITH THIS SECTION; AND

4. EMPLOYER'S HISTORY OF VIOLATIONS UNDER THIS SECTION".

On page 4, in line 1, strike "**(3)**" and substitute "**(6)**"; in line 2, strike "**FIRST**"; in the same line, strike "**(2) (II)**" and substitute "**(3)**"; strike beginning with the colon in line 3 down through "**(I)**" in line 4; in line 4, after "**ORDER**" insert "**AND CIVIL PENALTY**"; strike beginning with the semicolon in line 5 down through "**(II)**" in line 18 and substitute "**.**

(7) IF THE EMPLOYER FAILS TO COMPLY WITH AN ORDER ISSUED FOR A SUBSEQUENT VIOLATION AGAINST THE SAME EMPLOYEE UNDER PARAGRAPH (3) OF THIS SUBSECTION WITHIN 3 YEARS AFTER THE EMPLOYEE FILED A COMPLAINT THAT IS DETERMINED TO BE A VIOLATION UNDER SUBSECTION (D) OF THIS SECTION,";

strike in their entirety lines 21 through 26, inclusive; after line 26, insert:

"**(8) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER PARAGRAPH (7) OF THIS SUBSECTION, THE EMPLOYEE MAY BE ENTITLED TO:**

(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S HOURLY WAGE FOR EACH SHIFT BREAK VIOLATION OF THIS SECTION OCCURRING AFTER THE MOST RECENT VIOLATION AGAINST THE SAME EMPLOYEE; AND

(II) REASONABLE ATTORNEY'S FEES AND OTHER COSTS OF THE EMPLOYEE.";

and in line 28, strike "October 1, 2010" and substitute "March 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.

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

House Bill 1318 – Delegates Krysiak, Davis, and Kelly

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

HB1318/393590/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1318
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Death"; in line 3, after the first "of" insert "repealing a certain provision of law that allows dependents of certain employees to receive workers' compensation benefits awarded for certain occupational diseases in addition to certain retirement benefits;"; and in line 22, strike "death".

On page 2, in line 1, after "Section" insert "9–503(e),".

AMENDMENT NO. 2

On page 2, after line 16, insert:

"9–503.

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, a park police officer or employee of the Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section [or the dependents of those

individuals**]** shall receive the benefits in addition to any benefits that the individual **[**or the dependents of the individual are**]** **IS** entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, a park police officer or employee of the Maryland–National Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George's County or Montgomery County correctional officer.".

On page 6, after line 24, insert:

"**(7) (I) THIS PARAGRAPH APPLIES TO A DEATH BENEFIT PAID TO A DEPENDENT OF A DECEASED COVERED EMPLOYEE OF A COUNTY, MUNICIPAL CORPORATION, OR OTHER LOCAL GOVERNMENTAL UNIT OR QUASI–PUBLIC CORPORATION.**

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEATH BENEFIT PAID UNDER THIS SECTION SHALL BE REDUCED ON A DOLLAR–FOR–DOLLAR BASIS BY ANY DEATH BENEFIT PAID ON BEHALF OF THE DECEASED COVERED EMPLOYEE BY ANY RETIREMENT OR PENSION SYSTEM RELATED TO THE EMPLOYMENT COVERED BY THE PRESUMPTION IN WHICH THE DECEASED COVERED EMPLOYEE WAS A PARTICIPANT AT THE TIME OF DEATH.".

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

Affirmative – 60 Negative – 67 (See Roll Call No. 724)

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #15

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

House Bill 665 – Delegate Barnes

AN ACT concerning

Domestic Violence – Conditions of Probation – Order to Carry or Wear a Global Positioning System Device

HB0665/182915/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 665
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Domestic" insert "Prince George's County –"; strike beginning with "Conditions" in line 2 down through "Device" in line 3 and substitute "GPS Tracking System Pilot Program for Offenders"; strike beginning with "authorizing" in line 4 down through "violence" in line 14 and substitute "requiring the court in Prince George's County to implement a global positioning satellite tracking system pilot program that authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a certain protective order, to order that the defendant be supervised by means of active electronic monitoring as a condition of bail under certain circumstances; requiring the court in Prince George's County to implement a global positioning satellite tracking system pilot program that 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, to order that the defendant be supervised by active electronic monitoring as a condition of probation under certain circumstances; authorizing the court to consider the preferences of the victim and the parties before issuing a certain order; 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 Prince George's County and the administrative judge for the District Court in Prince George's 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 global positioning satellite tracking system pilot program in Prince George's County".

On pages 1 and 2, strike in their entirety the lines beginning with line 15 on page 1 through line 6 on page 2 and substitute:

"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)".

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 10 on page 2 through line 26 on page 7 and substitute:

"5–202.

(e) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:

(i) the provisions of a temporary protective order described in § 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4–506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or

(ii) the provisions of an order for protection, as defined in § 4–508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the Family Law Article.

(2) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:

(i) suitable bail;

(ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or

(iii) both bail and other conditions described under subparagraph (ii) of this paragraph.

(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(G) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) THE COURT SHALL IMPLEMENT A GLOBAL POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PRETRIAL RELEASE OF A DEFENDANT DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

(3) (I) THE COURT MAY ORDER THAT, AS A CONDITION OF BAIL, THE DEFENDANT BE:

1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC MONITORING; AND

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.

(II) BEFORE ISSUING AN ORDER UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE COURT MAY CONSIDER THE PREFERENCES OF THE VICTIM AND THE PARTIES.

(III) IF THE COUNTY DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

6–221.

(A) On entering a judgment of conviction, the court may suspend the imposition or execution of sentence and place the defendant on probation on the conditions that the court considers proper.

(B) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) THE COURT SHALL IMPLEMENT A GLOBAL POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PROBATION FOR A DEFENDANT CONVICTED UNDER § 4–509 OF THE FAMILY LAW ARTICLE.

(3) (I) ON ENTERING A JUDGMENT OF CONVICTION UNDER § 4–509 OF THE FAMILY LAW ARTICLE, IF THE COURT SUSPENDS THE IMPOSITION OR EXECUTION OF SENTENCE AND PLACES THE DEFENDANT ON PROBATION, THE COURT MAY ORDER THAT, AS A CONDITION OF PROBATION, THE DEFENDANT BE:

1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC MONITORING FOR THE DURATION OF THE PROTECTIVE ORDER; AND

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.

(II) BEFORE ISSUING AN ORDER UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE COURT MAY CONSIDER THE PREFERENCES OF THE VICTIM AND THE PARTIES.

(II) IF THE COUNTY DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

Article – Family Law

4–509.

(a) A person who fails to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (e) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding $1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding $2,500 or imprisonment not exceeding 1 year or both.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1, 2012, the Sheriff of Prince George's County and the administrative judge for the District Court in Prince George's County jointly shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, that evaluates the global positioning satellite tracking system pilot program established by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act at the end of September 30, 2012, as provided in Section 4 of this Act, may not be

interpreted or applied to terminate the obligation of a defendant to comply with any order entered by a court under this Act on or before September 30, 2012.".

On page 7, in line 27, strike "2." and substitute "4."; and in line 28, after the period insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0665/992815/1
BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 665, AS AMENDED

On page 4 of the House Judiciary Committee Amendments (HB0665/182915/1), in line 10 of Amendment No. 2, strike "**(II)**" and substitute "**(III)**".

On page 5 of the House Judiciary Committee Amendments, in line 16 of Amendment No. 2, strike "**(II)**" and substitute "**(III)**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #11

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

House Bill 789 – Delegates Howard, Cane, G. Clagett, DeBoy, Glenn, Harrison, Haynes, Kirk, Proctor, Robinson, Sophocleus, Stukes, and F. Turner

AN ACT concerning

Elementary and Secondary Education – Health Curriculum – Diabetes Education

HB0789/845768/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 789
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Howard," insert "Walker, Carter, Hucker, Stein,"; in the same line, strike "and F. Turner" and substitute "F. Turner, Krebs, Bartlett, Doory, Frick, Gutierrez, Hixson, Ivey, Kaiser, Montgomery, Murphy, Myers, Olszewski, Rice, Ross, V. Turner, Anderson, Carr, Dumais, Love, McComas, Oaks, Pena–Melnyk, Shank, Simmons, Taylor, and Cardin"; strike in their entirety lines 2 and 3, inclusive, and substitute "Education – Children and Youth – Implementation of Programs and Reporting of Information Concerning Student Health, Well–Being, and Growth"; strike beginning with "board" in line 4 down through "schools" in line 8 and substitute "superintendent of schools to report certain information concerning certain matters relating to student growth, health, and well–being to the State Superintendent of Schools on or before a certain date each year; requiring the State Department of Education to report certain information to the Governor and General Assembly concerning certain matters relating to student growth, health, and well–being on or before a certain date each year; requiring the Department to report certain information to the Governor and the General Assembly concerning a certain program for early child care and education, including information about participating agencies' and other entities' involvement in the implementation of the program; and generally relating to the implementation of programs and the reporting of information relating to children and youth in educational programs and schools in the State"; after line 8, insert:

"BY adding to
Article – Education
Section 4–111.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–217(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)";

and in line 11, strike "7–401" and substitute "5–217(k), 7–401, and 7–411.1".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"**4–111.1.**

(A) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH COUNTY SUPERINTENDENT SHALL REPORT TO THE STATE SUPERINTENDENT ON THE IMPLEMENTATION OF THE PERSONAL FINANCIAL LITERACY STATE CURRICULUM IN THE COUNTY.

(B) 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 A SUMMARY OF THE INFORMATION REPORTED TO THE STATE SUPERINTENDENT UNDER SUBSECTION (A) OF THIS SECTION.

5–217.

(b) (1) There is a Judith P. Hoyer Early Child Care and Education Enhancement Program in the Department.

(2) The purpose of the Program is to promote school readiness through the development and expansion of collaborative approaches to the delivery of high quality, comprehensive, full–day early child care and education programs and family support services.

(k) The Department shall submit to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly:

(1) On or before January 1 of each year, a report on the implementation of the Program **AND THE PARTICIPATING AGENCIES AND PROGRAMS**, including a description of the Program's **AND PARTICIPATING AGENCIES' AND PROGRAMS'** expenditures**, ENROLLMENT, AND STATEWIDE PERFORMANCE DATA, INCLUDING SCHOOL READINESS DATA DISAGGREGATED BY PROGRAM AND BY JURISDICTION**; and

(2) On or before January 1, 2004, a separate report that includes an evaluation, based on objective performance criteria established by the Department, of the effectiveness of:

(i) The Judy Centers; and

(ii) Early child care and education services and family support services that are purchased with funds from Early Child Care and Education Enhancement Grants.".

AMENDMENT NO. 3

On page 1, in line 21, after "including" insert "**INFORMATION CONCERNING:**

(I) DIABETES AND ITS TREATMENT AND PREVENTION; AND

(II)";

in the same line, strike "the" and substitute "**THE**"; and in line 22, strike "**AND DIABETES EDUCATION**" and substitute "**, INCLUDING THWARTING AND CONTROLLING DIABETES**".

On page 2, after line 22, insert:

"**(D) (1) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH COUNTY SUPERINTENDENT SHALL REPORT TO THE STATE SUPERINTENDENT ON THE IMPLEMENTATION OF THE HEALTH EDUCATION REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.**

(2) 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 A SUMMARY OF THE INFORMATION REPORTED TO THE STATE SUPERINTENDENT UNDER SUBSECTION (A) OF THIS SECTION.

7–411.1.

(A) The State Board shall encourage the county boards to incorporate age–appropriate lessons on dating violence into the county boards' health education curriculum.

(B) (1) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH COUNTY SUPERINTENDENT SHALL REPORT TO THE STATE SUPERINTENDENT ON THE IMPLEMENTATION OF AGE–APPROPRIATE LESSONS ON DATING VIOLENCE IN THE HEALTH EDUCATION CURRICULUM IN THE COUNTY.

(2) 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 A SUMMARY OF THE INFORMATION REPORTED TO THE STATE SUPERINTENDENT UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 861 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Enterprise Zones – County Tax Credits

MC 2–10

HB0861/855664/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 861
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike the second "County"; strike beginning with "authorizing" in line 4 down through "zone" in line 16 and substitute "requiring a

lessor of real property in Montgomery County eligible for certain property tax credits to reduce by a certain amount the amount of tax for which the tenant is contractually liable under the lease under certain circumstances; authorizing the governing body of Montgomery County or of a municipal corporation in Montgomery County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property located in certain enterprise zones; authorizing the governing body of Montgomery County or of a municipal corporation in Montgomery County to provide, by law, for the amount and duration of the credit, additional eligibility criteria and restrictions for the credit, and any other provision necessary to carry out the credit; requiring the governing body of Montgomery County or of a municipal corporation in Montgomery County to define certain improvements eligible for a tax credit; providing for the application of this Act; and generally relating to enterprise zones".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 17 through 21, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–103(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property
Section 9–317(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 26 on page 2, inclusive, and substitute:

"Article – Tax – Property

9–103.

(b) **(1)** The governing body of a county or of a municipal corporation shall grant a tax credit under this section against the property tax imposed on the eligible assessment of qualified property.

(2) IN MONTGOMERY COUNTY THE LESSOR OF REAL PROPERTY ELIGIBLE FOR A CREDIT UNDER THIS SECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A TENANT IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT ALLOWED UNDER THIS SECTION THAT IS ATTRIBUTABLE TO IMPROVEMENTS MADE BY THE TENANT.

9–317.

(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "ELIGIBLE BUSINESS ENTITY" MEANS A PERSON WHO OPERATES OR CONDUCTS A TRADE OR BUSINESS ON QUALIFIED ENTERPRISE ZONE PROPERTY BUT DOES NOT OWN THE QUALIFIED ENTERPRISE ZONE PROPERTY.

(III) "QUALIFIED ENTERPRISE ZONE PROPERTY" MEANS REAL PROPERTY THAT:

1. IS NOT USED FOR RESIDENTIAL PURPOSES;

2. IS USED IN A TRADE OR BUSINESS BY AN ELIGIBLE BUSINESS ENTITY;

3. IS LOCATED IN AN ENTERPRISE ZONE THAT IS DESIGNATED UNDER TITLE 5, SUBTITLE 7 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

4. IS ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER § 9–103 OF THIS TITLE.

(2) SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE GOVERNING BODY OF MONTGOMERY COUNTY OR OF A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON:

(I) IMPROVEMENTS MADE BY AN ELIGIBLE BUSINESS ENTITY TO QUALIFIED ENTERPRISE ZONE PROPERTY; AND

(II) PERSONAL PROPERTY OWNED BY AN ELIGIBLE BUSINESS ENTITY LOCATED ON QUALIFIED ENTERPRISE ZONE PROPERTY.

(3) (I) THE GOVERNING BODY OF MONTGOMERY COUNTY OR OF A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY MAY PROVIDE, BY LAW, FOR:

1. THE AMOUNT AND DURATION OF A CREDIT UNDER THIS SUBSECTION;

2. ADDITIONAL ELIGIBILITY CRITERIA FOR A CREDIT UNDER THIS SUBSECTION; AND

3. ANY OTHER PROVISION NECESSARY TO CARRY OUT A CREDIT UNDER THIS SUBSECTION.

(II) THE GOVERNING BODY OF MONTGOMERY COUNTY OR OF A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY SHALL DEFINE, BY LAW, THE IMPROVEMENTS ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION.

(4) THE LESSOR OF REAL PROPERTY GRANTED A CREDIT UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH AN ELIGIBLE BUSINESS ENTITY IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT GRANTED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION FOR IMPROVEMENTS MADE BY THE ELIGIBLE BUSINESS ENTITY.

(5) THE LESSOR OF REAL PROPERTY THAT RECEIVES A CREDIT UNDER § 9–103 OF THIS TITLE MAY NOT BE GRANTED A CREDIT UNDER THIS SUBSECTION.".

AMENDMENT NO. 4

On page 2, in line 28, strike "July" and substitute "June"; and in the same line, after "2010" insert ", and shall be applicable to all taxable years beginning after June 30, 2010".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1362 – Delegates Boteler, Aumann, Bartlett, Barve, Elmore, George, Kach, Murphy, Myers, Schuler, Shank, Shewell, Sossi, Stocksdale, and Stukes

AN ACT concerning

Education – Public Schools – Virtual Schools

HB1362/625665/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 8 down through "technology" in line 9; and strike beginning with "authorizing" in line 11 down through "costs;" in line 12.

AMENDMENT NO. 2

On page 3, in line 4, strike "**AN INDEPENDENT**" and substitute "**A**"; in line 19, after "**CURRICULUM**" insert "**APPROVED BY THE STATE BOARD**"; strike beginning with "**READING**" in line 26 down through "**STUDIES**" in line 27 and substitute "**THE**

CORE AREAS OF INSTRUCTION AS REQUIRED BY REGULATIONS ADOPTED BY THE STATE BOARD UNDER § 7–1408 OF THIS SUBTITLE".

On page 4, in line 3, strike "**MATERIALS;**" and substitute "**MATERIALS, INCLUDING SOFTWARE; AND**"; strike beginning with "**ACCESS**" in line 4 down through "**SCHOOLWORK**" in line 7 and substitute "**INFORMATION ON THE CLOSEST PUBLIC FACILITY THAT OFFERS ACCESS TO A COMPUTER, PRINTER, AND INTERNET CONNECTION**"; strike beginning with "**(1)**" in line 8 down through "**A**" in line 9 and substitute "**A**"; and strike in their entirety lines 12 through 15, inclusive.

On page 5, in line 7, after "**THE**" insert "**ESTABLISHMENT AND**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 751 – Delegates Miller, Haddaway, Jameson, King, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

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

FLOOR AMENDMENT

HB0751/373920/1
BY: Delegate Schuler

AMENDMENT TO HOUSE BILL 751
(First Reading File Bill)

On page 2, in line 25, after "**ONLY**" insert "**:**

(I)";

and in line 27, after "**SUSPENDED**" insert "**; AND**

(II) IF THE DELAY OR SUSPENSION OF THE MEDICAL TREATMENT WAS UNREASONABLE".

The preceding amendment was withdrawn.

Read the second time and ordered prepared for Third Reading.

House Bill 982 – Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, and Montgomery

AN ACT concerning

Solid Waste Management – Recycling – Requirements

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

Delegate McIntosh moved the Bill be recommitted.

The motion was adopted.

House Bill 1467 – Delegate Stein

AN ACT concerning

Environment – Coal Combustion By–Products – Minimum Standards – Beneficial Uses

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

Delegate Beitzel moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 725)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #50

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

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

Affirmative – 130 Negative – 8 (See Roll Call No. 726)

The Bill was then sent to the Senate.

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

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

Affirmative – 126 Negative – 13 (See Roll Call No. 727)

The Bill was then sent to the Senate.

House Bill 878 – Delegate Mizeur

AN ACT concerning

Health Insurance – Annual Preventive Care

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

Affirmative – 139 Negative – 0 (See Roll Call No. 728)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 729)

The Bill was then sent to the Senate.

House Bill 1454 – Delegate McConkey

AN ACT concerning

Family Law – Child Support – Change of Address or Employment

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

Affirmative – 139 Negative – 0 (See Roll Call No. 730)

The Bill was then sent to the Senate.

House Bill 1473 – Delegate Anderson

AN ACT concerning

Public Safety – Missing Offenders – Blue Alert Program

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

Affirmative – 138 Negative – 0 (See Roll Call No. 731)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #51

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 732)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 733)

The Bill was then sent to the Senate.

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

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

Affirmative – 107 Negative – 31 (See Roll Call No. 734)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 735)

The Bill was then sent to the Senate.

House Bill 1138 – Delegate Davis

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

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

Affirmative – 137 Negative – 2 (See Roll Call No. 736)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 1 (See Roll Call No. 737)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 738)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #52

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 739)

The Bill was then sent to the Senate.

House Bill 908 – Delegates Feldman, Hecht, ~~and Rice~~ Rice, Stein, and Bronrott

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

Affirmative – 139 Negative – 0 (See Roll Call No. 740)

The Bill was then sent to the Senate.

House Bill 1110 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

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

Affirmative – 138 Negative – 0 (See Roll Call No. 741)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 3 (See Roll Call No. 742)

The Bill was then sent to the Senate.

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

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

Affirmative – 107 Negative – 32 (See Roll Call No. 743)

The Bill was then sent to the Senate.

House Bill 1340 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

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

Affirmative – 138 Negative – 1 (See Roll Call No. 744)

The Bill was then sent to the Senate.

House Bill 1496 – Delegate Aumann

AN ACT concerning

Baltimore County – Alcoholic Beverages – Tasting Licenses – Fees

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

Affirmative – 134 Negative – 4 (See Roll Call No. 745)

The Bill was then sent to the Senate.

House Bill 1531 – Delegates Busch, V. Clagett, and George

EMERGENCY BILL

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Renewal of Licenses

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

Affirmative – 136 Negative – 0 (See Roll Call No. 746)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #53

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 747)

The Bill was then sent to the Senate.

House Bill 678 – Frederick County Delegation

AN ACT concerning

Frederick County – Pay–As–You–Throw Pilot Program

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

Affirmative – 136 Negative – 3 (See Roll Call No. 748)

The Bill was then sent to the Senate.

House Bill 858 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Leghold or Body–Gripping Traps – Prohibition

MC 16–10

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

Affirmative – 91 Negative – 46 (See Roll Call No. 749)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 1 (See Roll Call No. 750)

The Bill was then sent to the Senate.

House Bill 1254 – Delegates Vaughn and Miller

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

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

Affirmative – 138 Negative – 0 (See Roll Call No. 751)

The Bill was then sent to the Senate.

House Bill 1416 – Delegate Frush

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

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

Affirmative – 137 Negative – 1 (See Roll Call No. 752)

The Bill was then sent to the Senate.

House Bill 1508 – Delegate Rudolph

AN ACT concerning

Environment – Coal Combustion By–Products – Disposal and Noncoal Mine Reclamation Sites

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

Affirmative – 138 Negative – 0 (See Roll Call No. 753)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #54

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 754)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 755)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 756)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 757)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 758)

The Bill was then sent to the Senate.

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

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

Affirmative – 102 Negative – 38 (See Roll Call No. 759)

The Bill was then sent to the Senate.

House Bill 1472 – Dorchester County Delegation, Somerset County Delegation, and Wicomico County Delegation

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

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

Affirmative – 139 Negative – 0 (See Roll Call No. 760)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #55

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

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 97 Negative – 43 (See Roll Call No. 761)

The Bill was then sent to the Senate.

House Bill 272 – Delegate King

AN ACT concerning

Classroom Placement – Multiple–Birth Children – Parental Discretion

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

Affirmative – 137 Negative – 1 (See Roll Call No. 762)

The Bill was then sent to the Senate.

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

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

Affirmative – 126 Negative – 14 (See Roll Call No. 763)

The Bill was then sent to the Senate.

House Bill 788 – Delegates Olszewski, Frank, Heller, Kach, Kaiser, Manno, Morhaim, Riley, and Shewell

AN ACT concerning

Campaign Finance – Contributions – Disclosure

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

Affirmative – 130 Negative – 9 (See Roll Call No. 764)

The Bill was then sent to the Senate.

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

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

Affirmative – 131 Negative – 6 (See Roll Call No. 765)

The Bill was then sent to the Senate.

House Bill 1201 – Calvert County Delegation

AN ACT concerning

Calvert County – Noise Control Ordinance

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

Affirmative – 139 Negative – 0 (See Roll Call No. 766)

The Bill was then sent to the Senate.

House Bill 1344 – Delegates Beidle, Barnes, Holmes, Love, McConkey, and Sophocleus

AN ACT concerning

Construction and Development – Permits and Approvals – Expiration Dates

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

Affirmative – 138 Negative – 2 (See Roll Call No. 767)

The Bill was then sent to the Senate.

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

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

Affirmative – 103 Negative – 35 (See Roll Call No. 768)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #56

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"

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

Affirmative – 113 Negative – 23 (See Roll Call No. 769)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 770)

The Bill was then sent to the Senate.

House Bill 980 – Harford County Delegation

AN ACT concerning

Harford County – Casino Events

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

Affirmative – 121 Negative – 12 (See Roll Call No. 771)

The Bill was then sent to the Senate.

House Bill 1033 – ~~Delegate C. Clagett~~ Frederick County Delegation

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

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

Affirmative – 131 Negative – 3 (See Roll Call No. 772)

The Bill was then sent to the Senate.

House Bill 1086 – Delegates Bartlett, Boteler, Hecht, Hucker, Kaiser, Rice, and Riley

AN ACT concerning

Election Law – Campaign Advertisements – Closed Captioning

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

Affirmative – 139 Negative – 1 (See Roll Call No. 773)

The Bill was then sent to the Senate.

House Bill 1093 – Delegate Donoghue

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

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

Affirmative – 140 Negative – 0 (See Roll Call No. 774)

The Bill was then sent to the Senate.

House Bill 1108 – Carroll County Delegation

AN ACT concerning

Carroll County – Gaming

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

Affirmative – 125 Negative – 8 (See Roll Call No. 775)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 776)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #57

House Bill 282 – ~~**Delegate Pena-Melnyk**~~ **Delegates Pena–Melnyk and Bobo**

AN ACT concerning

Transportation Projects – Bicycle and Pedestrian Access – Funding and Reporting

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

Affirmative – 138 Negative – 0 (See Roll Call No. 777)

The Bill was then sent to the Senate.

House Bill 323 – **Delegates Morhaim and Hammen**

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

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

Affirmative – 135 Negative – 0 (See Roll Call No. 778)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 1 (See Roll Call No. 779)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 780)

The Bill was then sent to the Senate.

House Bill 558 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit

PG 315–10

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

Affirmative – 131 Negative – 7 (See Roll Call No. 781)

The Bill was then sent to the Senate.

House Bill 851 – Talbot County Delegation

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

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

Affirmative – 128 Negative – 9 (See Roll Call No. 782)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 134 Negative – 0 (See Roll Call No. 783)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 784)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 785)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 786)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #58

House Bill 11 – Delegates Sophocleus, Robinson, Cane, DeBoy, Sossi, Glenn, Riley, Wood, Frush, Love, and Carr

AN ACT concerning

Student Stigma Act

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

Affirmative – 139 Negative – 1 (See Roll Call No. 787)

The Bill was then sent to the Senate.

House Bill 88 – Chair, Economic Matters Committee and Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Other Tobacco Products Licenses

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

Affirmative – 139 Negative – 1 (See Roll Call No. 788)

The Bill was then sent to the Senate.

House Bill 190 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Video and Electronic Display Equipment

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

Affirmative – 135 Negative – 4 (See Roll Call No. 789)

The Bill was then sent to the Senate.

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

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

Affirmative – 122 Negative – 12 (See Roll Call No. 790)

The Bill was then sent to the Senate.

House Bill 399 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Beer Tasting License

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

Affirmative – 137 Negative – 0 (See Roll Call No. 791)

The Bill was then sent to the Senate.

House Bill 527 – Delegate V. Clagett

AN ACT concerning

Natural Resources – Abandoned Vessel – Definition

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

Affirmative – 139 Negative – 1 (See Roll Call No. 792)

The Bill was then sent to the Senate.

House Bill 966 – Washington County Delegation

AN ACT concerning

Washington County – Salary Study Process

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

Affirmative – 139 Negative – 0 (See Roll Call No. 793)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 1 (See Roll Call No. 794)

The Bill was then sent to the Senate.

House Bill 1175 – Kent County Delegation

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 – 139 Negative – 0 (See Roll Call No. 795)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #59

House Bill 983 – Delegates Rice, Ivey, Levi, Ross, and Walker

AN ACT concerning

Public Schools – Law Enforcement Officers – Cultural Competency Model Training ~~Program~~ Curriculum

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

Affirmative – 131 Negative – 6 (See Roll Call No. 796)

The Bill was then sent to the Senate.

House Bill 1174 – Delegate Kullen

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

Delegate Davis moved to reconsider the vote by which **House Bill 1174** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB1174/963929/1
BY: Delegate Davis

AMENDMENTS TO HOUSE BILL 1174
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 7, strike "preempting" and substitute "providing that"; in the same line, after "municipalities" insert "are not preempted by certain provisions of this Act"; in line 8, strike "superseding" and substitute "providing that"; and in the same line, after "municipalities" insert "are not superseded by certain provisions of this Act".

AMENDMENT NO. 2

On page 7, in line 16, strike "**PREEMPTS**" and substitute "**DOES NOT PREEMPT**"; and in line 21, strike "**SUPERSEDES**" and substitute "**DOES NOT SUPERSEDE**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Affirmative – 138 Negative – 1 (See Roll Call No. 797)

The Bill was then sent to the Senate.

House Bill 1326 – Delegates Robinson, Anderson, Glenn, Haynes, McHale, Oaks, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants

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

Affirmative – 137 Negative – 0 (See Roll Call No. 798)

The Bill was then sent to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 799)

The Bill was then sent to the Senate.

House Bill 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Consolidation and Administration of Environmental Funds

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

Affirmative – 140 Negative – 0 (See Roll Call No. 800)

The Bill was then sent to the Senate.

House Bill 1431 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages – Pub–Breweries and Micro–Breweries

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

Affirmative – 137 Negative – 0 (See Roll Call No. 801)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 1 (See Roll Call No. 802)

The Bill was then sent to the Senate.

House Bill 1478 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Beer ~~and~~, Wine, and Liquor Tastings

PG 320–10

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

Affirmative – 137 Negative – 1 (See Roll Call No. 803)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #60

House Bill 1435 – Delegates Harrison, Branch, Glenn, Haynes, Kirk, and Stukes

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

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

Affirmative – 140 Negative – 0 (See Roll Call No. 804)

The Bill was then sent to the Senate.

House Bill 1464 – Delegates Myers, Beitzel, Kelly, Lafferty, Norman, Serafini, Stein, and Stull

AN ACT concerning

Land Bank Authorities – Establishment by Municipal Corporations

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

Affirmative – 138 Negative – 1 (See Roll Call No. 805)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #61

House Bill 1009 – Delegate Feldman

AN ACT concerning

Corporations – ~~B (For-Benefit)~~ Benefit Corporation

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

Affirmative – 135 Negative – 5 (See Roll Call No. 806)

The Bill was then sent to the Senate.

House Bill 1199 – Delegate Malone

AN ACT concerning

Motor Vehicles – Salvage – Standards and Requirements

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

Affirmative – 137 Negative – 1 (See Roll Call No. 807)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #5

Senate Bill 99 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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

Affirmative – 138 Negative – 1 (See Roll Call No. 808)

The Bill was then returned to the Senate.

SPECIAL ORDERS

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

House Bill 1467 – Delegate Stein

AN ACT concerning

Environment – Coal Combustion By–Products – Minimum Standards – Beneficial Uses

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

FLOOR AMENDMENT

HB1467/953126/1

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 1467, AS AMENDED
(First Reading File Bill)

On page 2 of the Environmental Matters Committee Amendments (HB1467/470712/1), in line 5 of Amendment No. 2, strike "**BEST**" and substitute "**EXCEPT FOR COAL MINE RECLAMATION USING COAL COMBUSTION BY–PRODUCTS, BEST**"; in line 14, strike "**MINIMIZE**" and substitute "**:**

1. MINIMIZE";

in the same line, strike "**FROM**" and substitute "**OF LEACHATE GENERATION AND FUGITIVE DUST EMISSIONS; OR**

2. A. CONTROL FUGITIVE DUST EMISSIONS; AND

B. CONTROL AND CAPTURE LEACHATE GENERATION";

and in line 17, strike "**COAL AND**".

On page 2 of the bill, strike beginning with "**OR**" in line 20 down through "**EMISSIONS**" in line 21.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #17

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

House Bill 704 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Authorization to Merge the Redevelopment Authority, Revenue Authority, and Economic Development Corporation

PG 416–10

HB0704/920711/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 704
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike the first comma and substitute "and"; in the same line, strike ", and Economic Development Corporation"; strike beginning with "requiring" in line 6 down through "name;" in line 7; strike beginning with "requiring" in line 8 down through "law;" in line 9; and in line 9, after "terms;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 and 2, inclusive; in lines 3 and 6, strike "**(C)**" and "**(D)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; strike beginning with "**ECONOMIC**" in line 12 down through "**(2)**" in line 13; in line 13, strike "**AND**"; in line 14, strike "**(3)**" and substitute "**(2)**"; in the same line, after "**AUTHORITY**" insert "**; AND**

(3) ANY OTHER UNIT OF THE COUNTY GOVERNMENT THE PURPOSE OF WHICH RELATES TO ECONOMIC DEVELOPMENT IN THE COUNTY";

strike beginning with the colon in line 16 down through "**HAVE**" in line 19 and substitute "**HAVE**"; and strike in their entirety lines 23 through 25.

AMENDMENT NO. 3

On page 2, in line 27, strike "October 1, 2010" and substitute "January 1, 2011".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1404 – Delegates Gaines, Aumann, Barkley, Barnes, Barve, Beitzel, Branch, Braveboy, Bronrott, Feldman, Frick, Frush, Gutierrez, Healey, Holmes, Hucker, Ivey, Kramer, Lee, Levy, Manno, Mizeur, Niemann, Pena–Melnyk, Ramirez, and Ross

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

HB1404/780016/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1404
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "thresholds" insert ", and to identify certain priority treatment corridors"; and in line 6, after "date;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 19, strike "and"; in line 22, after "warranted" insert "; and

(4) Identify transit corridors that would be appropriate candidates for the implementation of transit priority treatments";

and in line 28, after "2010." insert "It shall remain effective for a period of 1 year and 3 months and, at the end of December 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1477 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems

PG 319–10

HB1477/250318/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1477
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, after "approval;" insert "providing that, in Prince George's County, or a municipal corporation of the county, a violation of the law relating to the use of speed monitoring systems applies to a segment of a highway within the grounds of a certain institution of higher education or within a certain distance of the grounds of a building or property used by the institution under certain circumstances; requiring Prince George's County, or a municipal corporation in Prince George's County, as appropriate, to ensure that certain speed limit signs are in accordance with a certain manual and specifications and indicate that a speed monitoring system is in use;".

AMENDMENT NO. 2

On page 2 in line 20, on page 3 in lines 6 and 7, and on page 4 in line 12, in each instance, strike "**OR ADJACENT TO**".

On page 4, in line 11, after "**SYSTEM**" insert "**CONSISTENT WITH THE REQUIREMENTS OF THIS SUBSECTION**".

On page 5, in line 2, strike "**OVERLAPS WITH**" and substitute "**IS WITHIN ONE–QUARTER MILE OF**"; in line 18, strike "or"; in line 20, after "subtitle" insert "**; OR**

3. IN PRINCE GEORGE'S COUNTY, ON THAT PART OF A HIGHWAY LOCATED WITHIN THE GROUNDS OF AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101(F) OF THE EDUCATION ARTICLE, OR WITHIN ONE–HALF MILE OF THE GROUNDS OF A BUILDING OR PROPERTY USED BY THE INSTITUTION OF HIGHER EDUCATION WHERE GENERALLY ACCEPTED

TRAFFIC AND ENGINEERING PRACTICES INDICATE THAT MOTOR VEHICLE, PEDESTRIAN, OR BICYCLE TRAFFIC IS SUBSTANTIALLY GENERATED OR INFLUENCED BY THE INSTITUTION OF HIGHER EDUCATION";

in line 24, strike "and"; and in line 26, after "zones" insert "**; AND**

3. WITH REGARD TO A SPEED MONITORING SYSTEM ESTABLISHED BASED ON PROXIMITY TO AN INSTITUTION OF HIGHER EDUCATION UNDER PARAGRAPH (1)(VI)3 OF THIS SUBSECTION, ENSURE THAT ALL SPEED LIMIT SIGNS APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON WHICH THE SPEED MONITORING SYSTEM IS LOCATED INCLUDE SIGNS THAT:

A. ARE IN ACCORDANCE WITH THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25–104 OF THIS ARTICLE; AND

B. INDICATE THAT A SPEED MONITORING SYSTEM IS IN USE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1481 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Montgomery County – Maryland–National Capital Park and Planning Commission – Lease, Contract, or Agreement – Terms

PG/MC 118–10

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Bromwell moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 809)

In compliance with the rules, the Bill was introduced.

House Bill 1569 – Delegates Bromwell, Schuler, and Boteler

AN ACT concerning

Creation of a State Debt – Baltimore County – Lavender Avenue and Harford Road Parking Lot

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

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

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 810)

ADJOURNMENT

At 1:52 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 26, 2010, Calendar Day Tuesday, March 30, 2010.

Annapolis, Maryland
Legislative Day: March 26, 2010
Calendar Day: Tuesday, March 30, 2010

The House met at 10:35 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Samuel I. Rosenberg of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 811)

The Journal of March 25, 2010 was read and approved.

EXCUSES:
Del. Hucker – business
Del. King – business meeting

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of prohibiting a person from distributing Salvia divinorum or Salvinorin A 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 or Salvinorin A; establishing that a person who violates this Act shall be issued a certain citation; authorizing certain individuals to issue certain citations under certain circumstances; requiring the District Court to prescribe a certain form of citation; requiring the jurisdiction that issues a

certain citation to forward a copy of the citation and a request for trial to the District Court having a certain venue; requiring the District Court to schedule a certain trial and summon a certain defendant to appear; providing that a willful failure to respond to a certain summons is contempt of court; establishing that a violation of a certain provision of this Act is a Code violation and a civil offense; providing that a minor is subject to certain procedures and dispositions; providing that an individual who is under the age of 21 years but not a minor is subject to certain provisions of this Act; establishing that an adjudication of a certain Code violation is not a criminal conviction for any purpose and does not impose certain disabilities; establishing certain procedures for a certain Code violation proceeding; establishing certain penalties for a certain violation of this Act; prohibiting the Chief Judge of the District Court from establishing a certain schedule for the prepayment of fines; authorizing a court to direct the payment of a certain fine be suspended or deferred; establishing that the willful failure to pay a certain fine is criminal contempt of court; providing that a certain defendant is liable for certain costs; establishing that a certain defendant has certain rights to appeal or file certain motions; authorizing the State's Attorney to prosecute a certain violation in a certain manner; authorizing a certain intake officer to refer a certain child to a substance abuse education or rehabilitation program under certain circumstances; requiring a certain intake officer to forward a certain citation to the State's Attorney if a certain child fails to comply with a substance abuse education or rehabilitation program referral; establishing that a violation of a certain provision of this Act is a violation for certain purposes; authorizing a certain law enforcement officer to issue a citation to a child for a violation of a certain provision of this Act under certain circumstances; requiring the Attorney General to submit a certain report to certain committees on or before a certain date; providing that this Act does not preempt certain local or municipal laws; defining a certain term; and generally relating to Salvia divinorum and Salvinorin A.

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 Judiciary.

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

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 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;~~ 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; 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 Economic Matters.

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

FOR the purpose of providing that certain annual retirement allowance adjustments shall be 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; making this Act an emergency measure; providing for the termination of this Act; and generally relating to annual retirement allowance adjustments for retirees of the several systems of the State Retirement and Pension System.

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

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

FOR the purpose of repealing certain limits on the right of the student member of the State Board of Education to vote on certain matters; and generally relating to the student member of the State Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 2–202(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of establishing as an independent unit of State government a Public School Labor Relations Board to assume certain duties previously held by the State Board of Education; requiring the Public School Labor Relations Board to hear certain controversies and disputes; establishing that certain decisions by the Public School Labor Relations Board are final; requiring the Public School Labor Relations Board to adopt certain rules and regulations related to the designation of an exclusive representative; requiring the Public School Labor Relations Board to supervise certain elections concerning employee representation; requiring a public school employer and an employee organization to negotiate in a certain manner under certain circumstances; including procedures regarding employee transfers and assignments among the matters a public school employer must meet and negotiate with a certain employee organization on request; establishing certain processes and requirements for the resolution of disputes over the negotiability of certain topics; authorizing the Public School Labor Relations Board to adopt certain regulations, guidelines, and policies; repealing certain provisions of law regarding the resolution of certain impasses in negotiations; requiring the Public School Labor Relations Board to facilitate the beginning of mediation of certain disputes within a certain period of time and in a certain manner; establishing a certain process for the mediation of certain disputes; requiring a mediator to conclude certain mediations within a certain period of time; requiring a public school employer and employee organization to share certain dispute resolution costs equally; establishing certain processes for arbitration of certain disputes left unresolved by mediation; requiring the Public School Labor Relations Board to facilitate certain arbitration processes within a certain period of time and in a certain manner; requiring the Public School Labor Relations Board to issue a certain award at the end of arbitration; subjecting

certain negotiated provisions or decisions to certain provisions of law concerning the fiscal relationship between public school employers and certain governing bodies; requiring public school employers to renegotiate certain agreements with employee organizations under certain circumstances in a certain manner; specifying the manner of appointment, membership, duties, and responsibilities of the Public School Labor Relations Board; providing for the staffing of the Public School Labor Relations Board; providing for the staggering of terms of the members of the Public School Labor Relations Board; requiring the Public School Labor Relations Board to decide certain controversies and disputes involving public school employers and employee organizations; authorizing a member of the Public School Labor Relations Board to petition a circuit court to seek enforcement of an order of the Public School Labor Relations Board; providing that a certain hearing and determination under this Act is a contested case; establishing the significance of certain prior orders, actions, and opinions of the State Board of Education in deciding certain matters arising after the enactment of this Act; providing for the application and construction of this Act; requiring the Public School Labor Relations Board to report to the General Assembly on or before a certain date; providing for the termination of this Act; defining certain terms; making stylistic changes; and generally relating to public school education, collective bargaining, and dispute resolution.

BY repealing and reenacting, with amendments,
Article – Education
Section 2–205(e), 6–401, 6–405(f), 6–408, 6–501, 6–506(f), 6–510, and 6–511
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 6–408.1; and 6–801 through 6–807 to be under the new subtitle "Subtitle 8. Public School Labor Relations Board"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–204
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of requiring the Maryland Medical Assistance Program to pay certain rates for certain emergency services; specifying that certain emergency services include services provided at certain facilities for the purposes of hospital rate setting; requiring the Health Services Cost Review Commission to set rates for hospital services provided at certain freestanding medical facilities; altering the circumstances under which the Department of Health and Mental Hygiene must issue a license to a freestanding medical facility; requiring certain payors to pay ~~claims submitted by freestanding medical facilities at~~ rates set by the Commission 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; declaring the intent of the General Assembly; requiring the Health Services Cost Review Commission to report to the General Assembly on or before a certain date on rates established under this Act; 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; and generally relating to freestanding medical facilities.

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 19–201(a), (b), and (c)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–105(d), 19–114, 19–201(d), 19–211, 19–3A–03, and 19–3A–07
Annotated Code of Maryland
(2009 Replacement Volume)

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)

BY adding to
Article – Health – General
Section 19–3A–08
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 654 – Senators Lenett, Gladden, Muse, and Raskin

~~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 Environmental Matters.

Senate Bill 761 – Senators Pugh, Forehand, and Kramer

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 Judiciary and the Committee on Health and Government Operations.

Senate Bill 796 – Senators Middleton and Forehand

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 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; 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 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 Appropriations.

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

FOR the purpose of exempting certain public charter schools from certain admission requirements; ~~authorizing public charter schools subject to this Act to be open to certain students on a certain basis and to certain other students under certain circumstances~~ 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; and generally relating to public charter schools located on a federal military base.

BY repealing and reenacting, with amendments,
Article – Education
Section 9–102
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 9–102.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

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

FOR the purpose of 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; 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 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; requiring certain notifications by certain registrants to be made by reporting in person; requiring certain registrants to notify ~~a~~ certain local law enforcement ~~unit~~ units 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 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; 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; 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; 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; making certain provisions of this Act subject to a certain contingency; and

generally relating to sex offender registration, commitment, and court procedures.

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)

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~~ 11–721, and 11–723 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 11–702 and 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)

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)

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

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

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 Judiciary.

Senate Bill 882 – Senators Edwards and Miller

AN ACT concerning

Gaming – Video Lottery Terminals

FOR the purpose of altering a certain requirement that the State Lottery Commission conduct certain hearings; clarifying the authority of the Video Lottery Facility Location Commission to award video lottery operation licenses under this subtitle; altering a certain requirement to allow certain individuals or business entities to enter into certain agreements; clarifying the authority of the State Lottery Commission to issue certain licenses under this subtitle; authorizing the State Lottery Commission to waive a certain requirement for certain investors; altering the time period for certain licenses issued by the State Lottery Commission; altering certain eligibility criteria and disqualifying criteria used by the State Lottery Commission for a video lottery operation license; providing that certain video lottery terminal operations may begin in a temporary facility under certain circumstances; providing for when the term for a video lottery operation license begins; providing that the admissions and amusement tax does not apply to the operation of video lottery terminals; altering certain

requirements for a video lottery facility in Allegany County; altering the distribution of certain proceeds to a video lottery facility in Allegany County under certain circumstances; clarifying that the Video Lottery Facility Location Commission may reissue a video lottery operation license under certain circumstances; 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; defining ~~a certain term~~ certain terms; altering certain definitions; making technical changes; and generally relating to the operation of video lottery terminals in the State.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–01, 9–1A–02(d), 9–1A–04(a), 9–1A–05, 9–1A–07, 9–1A–08, 9–1A–11, 9–1A–13(a), 9–1A–16, 9–1A–20(b), 9–1A–26, 9–1A–27, 9–1A–33(a), and 9–1A–36
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–02(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–510
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

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 Environmental Matters.

Senate Bill 1020 – Senator Dyson

EMERGENCY BILL

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

FOR the purpose of requiring the Secretary of Natural Resources to issue a permit to an applicant that authorizes an incidental taking of the endangered Puritan Tiger Beetle under certain circumstances; requiring the Secretary to adopt certain regulations relating to an incidental taking permit for the endangered Puritan Tiger Beetle; making this Act an emergency measure; and generally relating to an incidental taking permit for the endangered Puritan Tiger Beetle.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–2A–05.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

THE COMMITTEE ON APPROPRIATIONS REPORT #9

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

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

Budget Bill

(Fiscal Year 2011)

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

(See Exhibit I of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE
REPRINT TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit J of Appendix II)

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

(See Exhibit K of Appendix II)

Delegate Conway moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

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

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

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

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

(See Exhibit K of Appendix II)

SB0141/284264/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 7 down through "website;" in line 15.

On page 2, in line 2, after "funds;" insert "altering certain requirements governing expenditures from a certain fund;"; in the same line, after "altering" insert

"for a certain fiscal year"; strike beginning with "requiring" in line 10 down through "System;" in line 18; strike beginning with "requiring" in line 20 down through "year;" in line 25; strike beginning with "altering" in line 29 down through "years;" in line 30; in line 31, after "highway;" insert "repealing certain laws authorizing and relating to senatorial and delegate scholarships;"; and in line 45, after "Fund;" insert "prohibiting the expenditure of certain funds to support senatorial and delegate scholarships;".

On pages 2 and 3, strike beginning with "limiting" in line 47 on page 2 down through "funding;" in line 2 on page 3.

On page 3, in line 17, after "circumstances;" insert "authorizing the transferring of certain funds in the Fair Campaign Finance Fund for certain purposes; requiring that certain funds transferred from the Fair Campaign Finance Fund not used for certain purposes shall revert to the Fund; providing for a study and report by a certain date by an independent consultant regarding certain issues relating to certain voting systems;"; in line 18, strike "a"; in line 19, strike "appropriation" and substitute "appropriations"; in the same line, after "year;" insert "establishing a special fund in the Judiciary for a certain purpose; allowing certain judges to make contributions to the Special Fund; authorizing the Chief Judge of the Court of Appeals to process a budget amendment to appropriate money in the Special Fund for a certain purpose;"; and in line 20, after "year;" insert "requiring the Governor to design a certain supplemental prescription drug benefit plan for certain retirees;".

AMENDMENT NO. 2

On page 3, in line 26, after "9–1101" insert "(a)"; after line 28, insert:

"BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

and strike in their entirety lines 29 through 38, inclusive.

On page 4, in line 8, strike "4–214,"; in the same line, strike "and 10–523(a)(3)(i)"; in line 14, after "16–512(a)," insert "and"; strike beginning with the sixth comma in line 14 down through "23–503(b)(1)" in line 15; after line 33, insert:

"BY repealing and reenacting, with amendments,

Article – Human Services
Section 8–504
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)";

and strike in their entirety lines 34 through 38, inclusive.

On page 5, strike in their entirety lines 15 through 19, inclusive; in line 22, strike "21–304(a) and (b),"; in the same line, strike ", 21–308(a)(1) and (d)(1),"; strike in their entirety lines 26 through 30, inclusive; in line 33, after "2–1104," insert "and"; and in the same line, strike ", and 2–1302.2".

On page 6, strike in their entirety lines 27 through 31, inclusive, and substitute:

"BY repealing
Article – Education
Section 7–117; 18–401 through 18–408 and the subtitle "Subtitle 4. Senatorial Scholarships"; and 18–501 through 18–507 and the subtitle "Subtitle 5. Delegate Scholarships"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)".

On page 7, in line 20, after "35," insert "38,".

AMENDMENT NO. 3

On pages 8 and 9, strike in their entirety the lines beginning with line 1 on page 8 through line 17 on page 9, inclusive, and substitute:

"**[**9–1104.

The Governor shall include in the budget bill for each fiscal year a General Fund appropriation to Baltimore City of $3,075,000.**]**".

AMENDMENT NO. 4

On page 9, strike in their entirety lines 18 through 31, inclusive.

AMENDMENT NO. 5

On pages 10 through 12, strike in their entirety the lines beginning with line 1 on page 10 through line 20 on page 12, inclusive.

AMENDMENT NO. 6

On page 13, in line 22, strike "**AND FISCAL YEAR 2011**".

AMENDMENT NO. 7

On page 14, strike in their entirety lines 14 through 27, inclusive; and in line 31, strike "**$4,000,000**" and substitute "**$5,000,000**".

AMENDMENT NO. 8

On page 15, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 9

On page 17, in line 9, strike "fiscal year 2011" and substitute "**EACH OF FISCAL YEARS 2011 AND 2012**".

On page 18, in line 9, strike the bracket; and in the same line, strike "2012" and substitute "**2013**".

On page 19, in line 10, strike the bracket; in line 11, in each instance, strike the bracket; in the same line, strike "**(II)**"; in line 12, strike "**] IN**"; in the same line, strike "**2012**" and substitute "**2014**"; in lines 13, 17, 18, and 20, in each instance, strike the bracket; and in line 18, strike "(2)(ii)" and substitute "**(2)(III)**".

AMENDMENT NO. 10

On page 21, in lines 18, 25, and 31, strike "**23%**", "**24%**", and "**25%**", respectively, and substitute "**24%**", "**25%**", and "**26%**", respectively; strike beginning with "**AND**" in line 30 down through "**THEREAFTER**" in line 31; and in line 36, after "**YEAR**" insert "**;**

10. IN FISCAL YEAR 2018, NOT LESS THAN AN AMOUNT EQUAL TO 27% 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

11. IN FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 29% 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".

AMENDMENT NO. 11

On page 24, in lines 14, 17, 21, and 25, strike "**10%**", "**10.5%**", "**11%**", and "**11.5%**", respectively, and substitute "**9.5%**", "**10%**", "**10.5%**", and "**11%**", respectively.

AMENDMENT NO. 12

On pages 25 and 26, strike in their entirety the lines beginning with line 6 on page 25 through line 10 on page 26, inclusive.

AMENDMENT NO. 13

On page 29, in line 9, strike "**2011 AND FISCAL YEAR 2012**" and substitute "**2010**"; in line 10, strike "**$6,000,000**" and substitute "**$7,000,000**"; strike beginning with "**FOR**" in line 22 down through "**(C)**" in line 25; in line 25, strike "**2014**" and substitute "**2011**"; and in line 27, strike "**$13,000,000**" and substitute "**$6,000,000**".

AMENDMENT NO. 14

On page 30, in line 11, strike "**$13,000,000**" and substitute "**$9,850,000**".

AMENDMENT NO. 15

On page 31, after line 32, insert:

"Article – Human Services

8–504.

Expenditures from the Fund shall be made:

(1) in accordance with the **[**budget amendment procedure in § 7–209 of the**]** State Finance and Procurement Article; **AND**

(2) [to each county through the county's local management board to support a locally–driven interagency effort to maximize all available resources for children and family services; and

(3)] to reflect the priorities, policies, and procedures that the Children's Cabinet adopts.".

On page 72, after line 2, insert:

"SECTION 51. AND BE IT FURTHER ENACTED, That § 8–504 of the Human Services Article as enacted by this Act shall be construed to apply retroactively to July 1, 2009, and shall be applied to and interpreted to affect any contract invoices submitted on or after July 1, 2009.".

AMENDMENT NO. 16

On pages 31 through 33, strike in their entirety the lines beginning with line 33 on page 31 through line 30 on page 33, inclusive.

On page 69, after line 30, insert:

"SECTION 43. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 19–2201(e) of the Health – General Article or any other provision of law, in fiscal year 2011, the Governor may transfer by budget amendment up to $12,000,000 from the Community Health Resources Commission Fund to the Kidney Disease Treatment Program (M00Q01.06) in the Medical Care Programs Administration.".

AMENDMENT NO. 17

On pages 36 and 37, strike in their entirety the lines beginning with line 21 on page 36 through line 3 on page 37, inclusive.

AMENDMENT NO. 18

On pages 37 through 40, strike in their entirety the lines beginning with line 5 on page 37 through line 9 on page 40, inclusive.

On pages 41 through 43, strike in their entirety the lines beginning with line 1 on page 41 through line 28 on page 43, inclusive.

AMENDMENT NO. 19

On page 44, in line 26, strike "**$500,000**" and substitute "**$1,000,000**"; and in line 28, after the semicolon, insert "**AND**".

On pages 44 and 45, strike beginning with "**$500,000**" in line 29 on page 44 down through "**(III)**" in line 1 on page 45.

On page 45, strike in their entirety lines 2 through 14, inclusive.

AMENDMENT NO. 20

On page 48, strike in their entirety lines 5 through 12, inclusive.

AMENDMENT NO. 21

On page 48, in line 27, strike "**$81,900,000**" and substitute "**$85,013,000**"; and in line 29, strike "**$75,013,000**" and substitute "**$71,900,000**".

AMENDMENT NO. 22

On page 49, strike beginning with "**19%**" in line 9 down through "**(II)**" in line 11; in line 13, strike "**(III)**" and substitute "**(II)**"; in line 18, strike "**2012**" and substitute "**2014**"; in lines 22, 23, 24, and 28, strike "**19.6%**", "**22.5%**", "**20.1%**", and "**68.6%**", respectively, and substitute "**19.5%**", "**23%**", "**20.4%**", and "**68.5%**", respectively; in line 23, strike "**AND**"; and after line 24, insert:

"**4. 13.5% FOR FISCAL YEAR 2013; AND**

5. 7.5% FOR FISCAL YEAR 2014;".

On page 50, in line 1, strike "**FISCAL YEAR 2012**" and substitute "**EACH OF FISCAL YEARS 2012 THROUGH 2014**"; and in lines 10, 13, 17, 21, and 30, strike "**8.8%**", "**0.6%**", "**0.1%**", "**8.5%**", and "**8.2%**", respectively, and substitute "**11.4%**", "**14.2%**", "**2.9%**", "**8.6%**", and "**7.9%**", respectively.

On page 51, in lines 2 and 8, strike "**0.6%**" and "**7.8%**", respectively, and substitute "**0.5%**" and "**7.5%**", respectively; and after line 14, insert:

"**(4) FOR FISCAL YEAR 2013:**

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 7.5% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 5.8% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 1.7% OF TOTAL HIGHWAY USER REVENUES.

(5) FOR FISCAL YEAR 2014:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.4% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 10.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 2.1% OF TOTAL HIGHWAY USER REVENUES.".

AMENDMENT NO. 23

On page 54, after line 2, insert:

"SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 18–401 through 18–408 and the subtitle "Subtitle 4. Senatorial Scholarships"; and 18–501 through 18–507 and the subtitle "Subtitle 5. Delegate Scholarships" of Article – Education of the Annotated Code of Maryland be repealed.".

On page 62, after line 26, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That, notwithstanding Title 18, Subtitles 4 and 5 of the Education Article or any other provision of law, for fiscal

year 2011, no funds that are appropriated in the fiscal year 2011 State budget may be expended to support senatorial or delegate scholarships.".

On page 72, before line 3, insert:

"SECTION 52. AND BE IT FURTHER ENACTED, That Section 13 shall take effect July 1, 2011.".

AMENDMENT NO. 24

On page 54, after line 26, insert:

"$20,000,000 of the funds in the Injured Workers' Insurance Fund established under § 10–104 of the Labor and Employment Article;".

On page 55, after line 7, insert:

"$5,000,000 of the funds in the Circuit Court Real Property Records Improvement Fund established by § 13–602 of the Courts and Judicial Proceedings Article;";

strike in their entirety lines 11 and 12; and strike in their entirety lines 15 and 16.

On page 56, in line 5, strike "$1,100,000" and substitute "$2,100,000".

On page 57, in line 7, strike "$150,000" and substitute "$500,000".

On page 59, in line 10, strike "$55,532,294" and substitute "$61,731,321"; in line 18, strike "$1,783,395" and substitute "$2,511,748"; in line 20, strike "$1,051,307" and substitute "$1,301,307"; and in line 31, strike "$602,800" and substitute "$400,000".

AMENDMENT NO. 25

On page 61, after line 23, insert:

"SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer by budget amendment $250,000 from the Nurse Support Program Assistance Fund established under § 11–405 of the Education Article to the Foreign Trained Health Professionals Program under the Department of Labor, Licensing, and Regulation.".

AMENDMENT NO. 26

On page 62, strike in their entirety lines 23 through 26, inclusive.

AMENDMENT NO. 27

On page 62, in line 35, after "section" insert "and except as otherwise provided in this Act".

AMENDMENT NO. 28

On page 70, after line 30, insert:

"SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to $2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below $1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and **[**may only be transferred to the Maryland Election Modernization Fund established under § 2–107 of the Election Law Article**]** **SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND**.

(E) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO $150,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE DEPARTMENT OF LEGISLATIVE SERVICES FOR THE PURPOSE OF PAYING THE COST OF A CONTRACT WITH AN INDEPENDENT

CONSULTANT TO CONDUCT A STUDY OF THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(F) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE DEPARTMENT OF LEGISLATIVE SERVICES UNDER SUBSECTION (E) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF THE CONTRACT REQUIRED UNDER SUBSECTION (G) OF THIS SECTION MAY NOT BE RETAINED BY THE DEPARTMENT OF LEGISLATIVE SERVICES AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

(G) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT TO COMPLETE A STUDY OF THE FOLLOWING ISSUES:

(1) WHETHER THE STATE BOARD OF ELECTIONS VOTING SYSTEM SUPPORT SERVICES CONTRACT APPROVED BY THE BOARD OF PUBLIC WORKS ON FEBRUARY 24, 2010, IS MAXIMALLY COST–EFFECTIVE AND INCLUDES ONLY SERVICES THAT ARE CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(2) WHETHER THE STATE BOARD OF ELECTIONS PROPOSED PROCUREMENT OF AN OPTICAL SCAN VOTING SYSTEM FOR DEPLOYMENT IN THE 2010 ELECTIONS WAS MAXIMALLY COST–EFFECTIVE AND INCLUDED ONLY EQUIPMENT THAT IS CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(3) THE NECESSITY OF THE STATE BOARD'S PROPOSED PROCUREMENT OF VOTING BOOTHS AND SUPPLY CARTS TO IMPLEMENT AN OPTICAL SCAN VOTING SYSTEM FOR THE 2010 ELECTIONS;

(4) THE AMOUNT, IF ANY, BY WHICH VOTING SYSTEM OPERATIONS AND MAINTENANCE COSTS WOULD BE REDUCED IF AN OPTICAL SCAN VOTING SYSTEM IS IMPLEMENTED;

(5) CURRENT AND PROJECTED OPERATIONS AND MAINTENANCE COSTS FOR THE STATE'S CURRENT VOTING SYSTEM;

(6) THE PROJECTED LIFE SPAN OF THE STATE'S CURRENT VOTING SYSTEM;

(7) A COMPARISON OF THE OVERALL COST OF CONTINUING TO USE THE STATE'S CURRENT VOTING SYSTEM AS OPPOSED TO IMPLEMENTING AN OPTICAL SCAN SYSTEM; AND

(8) RECOMMENDATIONS FOR PROCURING AND IMPLEMENTING AN OPTICAL SCAN VOTING SYSTEM IN A COST–EFFECTIVE MANNER.

(H) THE INDEPENDENT CONSULTANT SHALL CONSULT WITH VOTING SYSTEM EXPERTS AND REVIEW THE VOTING SYSTEM CONTRACTS AND POLICIES OF OTHER JURISDICTIONS IN MAKING FINDINGS AND RECOMMENDATIONS CONCERNING THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(I) ON OR BEFORE DECEMBER 1, 2010, THE INDEPENDENT CONSULTANT SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(J) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO $500,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM.

(K) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER SUBSECTION (J) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.".

AMENDMENT NO. 29

On page 71, strike beginning with "L00A12.10" in line 24 down through "Fund" in line 26 and substitute "R00A03.04 Aid to Non–Public Schools in the Department of Education is reduced by $450,000"; and in line 27, strike "$700,000" and substitute "$450,000".

AMENDMENT NO. 30

On page 71, after line 29, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The unexpended appropriation in the fiscal year 2010 State budget for program C00A00.04 District Court is reduced by $1,513,427 and shall revert to the State General Fund. No part of this reduction may be allocated to Comptroller Object .01 Salaries and Wages.

(b) (1) A Special Fund is established in the Judiciary for the purpose of allowing Maryland judges to make a financial contribution as a method of participating in the Statewide furlough of State employees in order to replace funds reduced from appropriations for non–personnel expenses for the Judiciary in the fiscal year 2010 and fiscal year 2011 State budgets.

(2) Judges of the Maryland Court of Appeals, Court of Special Appeals, District Court, and Circuit Courts may make contributions to the Special Fund in an amount equal to up to 10 days pay.

(3) The Chief Judge of the Court of Appeals is authorized to process a budget amendment to appropriate funds in the Special Fund for the purpose of replacing funds reduced from appropriations for non–personnel expenses for the Judiciary in the fiscal year 2010 and fiscal year 2011 State budgets.

(4) No part of the Special Fund may be used to increase the appropriation for Comptroller Object .01 Salaries and Wages.".

AMENDMENT NO. 31

On page 71, before line 30, insert:

"SECTION 47. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor shall design a plan for a prescription benefit program for current Medicare–eligible State retirees that integrates retiree benefits with the federally managed Medicare Part D prescription drug benefit program by January 1, 2012. The Administration's plan should effect a material reduction in the State's long–term liabilities and ongoing costs by maximizing reliance on Medicare

Part D while minimizing the impact on current retirees and employees. The plan must be accomplished with input from the Blue Ribbon Commission and be proposed for inclusion in the fiscal year 2012 budget. The plan should also provide for an alternative retiree prescription benefit program for new employees, starting in fiscal year 2012 and thereafter, that relies on Medicare Part D for prescription coverage.".

AMENDMENT NO. 32

On page 13, in line 21, strike "**PARAGRAPH (2) OR (4)**" and substitute "**ANY OTHER PROVISION**".

On page 30, in line 7, strike "**JOHN**" and substitute "**JOHNS**".

On page 36, in line 2, strike "**EXECUTIVE BRANCH**" and substitute "**EXECUTIVE BRANCH**".

On page 49, in line 22, after "**FISCAL**" insert "**YEAR**".

On page 54, in lines 3, 8, 10, and 19, strike "13.", "14.", "15.", and "16.", respectively, and substitute "14.", "15.", "16.", and "17.", respectively.

On page 58, in line 15, strike "17." and substitute "18.", respectively.

On page 59, in line 7, strike "18." and substitute "19.".

On page 60, in lines 8, 28, and 34, strike "19.", "20.", and "21.", respectively, and substitute "20.", "21.", and "22.", respectively.

On page 61, in lines 3, 8, 12, 18, 24, and 33, strike "22.", "23.", "24.", "25.", "26.", and "27.", respectively, and substitute "23.", "24.", "25.", "26.", "28.", and "29.", respectively.

On page 62, in lines 1, 11, 21, and 33, strike "28.", "29.", "30.", and "32.", respectively, and substitute "30.", "31.", "32.", and "34.", respectively.

On page 63, in line 9, strike "33." and substitute "35.".

On page 68, in lines 12, 18, 23, 31, and 36, strike "34.", "35.", "36.", "37.", and "38", respectively, and substitute "36.", "37.", "38.", "39.", and "40.", respectively.

On page 69, in lines 20 and 27, strike "39." and "40.", respectively, and substitute "41." and "42.", respectively.

On page 70, in line 1, strike "41." and substitute "44.".

On page 71, in lines 22, 30, 32, and 38, strike "42.", "43.", "44.", and "45.", respectively, and substitute "45.", "48.", "49.", and "50.", respectively; and in line 39, strike "33" and substitute "35".

On page 72, in lines 3, 14, and 17, strike "46.", "47.", and "48.", respectively, and substitute "53.", "54.", and "55.", respectively; in line 10, strike "5A" and substitute "6 of"; and in line 14, strike "40" and substitute "42".

The preceding 32 amendments were read only.

Delegate Conway moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 812)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #62

House Bill 1149 – Delegates Carter, Anderson, Bates, Simmons, and Walker

AN ACT concerning

Denial or Dismissal of ~~Domestic Violence~~ Peace Order or Protective Order Petition – ~~Expungement~~ Shielding of Records

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

Affirmative – 137 Negative – 0 (See Roll Call No. 813)

The Bill was then sent to the Senate.

House Bill 1155 – Delegates Lafferty, Ali, Anderson, Beidle, Bobo, Bronrott, Cardin, Carr, Frush, Gilchrist, Hecht, Hucker, Lee, Manno, Montgomery, Morhaim, Niemann, Reznik, Rosenberg, Schuh, Schuler, Stein, and Waldstreicher

AN ACT concerning

Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects

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

Affirmative – 104 Negative – 32 (See Roll Call No. 814)

The Bill was then sent to the Senate.

House Bill 1182 – Delegates Ivey, Benson, Frush, McIntosh, Niemann, Pena–Melnyk, Ramirez, and Valderrama

AN ACT concerning

Business Improvement Districts

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

Affirmative – 108 Negative – 27 (See Roll Call No. 815)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #63

House Bill 665 – Delegate Barnes

AN ACT concerning

Prince George's County – Domestic Violence – ~~Conditions of Probation – Order to Carry or Wear a Global Positioning System Device~~ GPS Tracking System Pilot Program for Offenders

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

Affirmative – 136 Negative – 0 (See Roll Call No. 816)

The Bill was then sent to the Senate.

House Bill 751 – Delegates Miller, Haddaway, Jameson, King, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

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

Affirmative – 130 Negative – 8 (See Roll Call No. 817)

The Bill was then sent to the Senate.

House Bill 789 – Delegates Howard, Walker, Carter, Hucker, Stein, Cane, G. Clagett, DeBoy, Glenn, Harrison, Haynes, Kirk, Proctor, Robinson, Sophocleus, Stukes, ~~and F. Turner~~ F. Turner, Krebs, Bartlett, Doory, Frick, Gutierrez, Hixson, Ivey, Kaiser, Montgomery, Murphy, Myers, Olszewski, Rice, Ross, V. Turner, Anderson, Carr, Dumais, Love, McComas, Oaks, Pena–Melnyk, Shank, Simmons, Taylor, and Cardin

AN ACT concerning

~~Elementary and Secondary Education – Health Curriculum – Diabetes Education~~
Education – Children and Youth – Implementation of Programs and Reporting of Information Concerning Student Health, Well–Being, and Growth

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

Affirmative – 138 Negative – 0 (See Roll Call No. 818)

The Bill was then sent to the Senate.

House Bill 799 – Delegates Kramer ~~and Manno~~, Manno, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

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

Affirmative – 138 Negative – 0 (See Roll Call No. 819)

The Bill was then sent to the Senate.

House Bill 861 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Enterprise Zones – ~~County~~ Tax Credits

MC 2–10

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

Affirmative – 139 Negative – 0 (See Roll Call No. 820)

The Bill was then sent to the Senate.

House Bill 1280 – Delegates Feldman, Barkley, Braveboy, Harrison, Hecht, King, Kirk, Love, Manno, Mathias, McHale, Minnick, Taylor, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

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

Affirmative – 113 Negative – 24 (See Roll Call No. 821)

The Bill was then sent to the Senate.

House Bill 1467 – Delegate Stein

AN ACT concerning

Environment – Coal Combustion By–Products – Minimum Standards – Beneficial Uses

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

Affirmative – 138 Negative – 1 (See Roll Call No. 822)

The Bill was then sent to the Senate.

House Bill 1477 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems

PG 319–10

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

Affirmative – 107 Negative – 31 (See Roll Call No. 823)

The Bill was then sent to the Senate.

House Bill 1481 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Montgomery County – Maryland–National Capital Park and Planning Commission – Lease, Contract, or Agreement – Terms

PG/MC 118–10

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

Affirmative – 137 Negative – 0 (See Roll Call No. 824)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #64

House Bill 409 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Home Improvement Commission – Guaranty Fund Jurisdiction

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

Affirmative – 133 Negative – 4 (See Roll Call No. 825)

The Bill was then sent to the Senate.

House Bill 659 – **Delegates Simmons~~,~~ and Dumais, and Delegates Dwyer, Kipke, Kramer, Schuh, ~~and Sophocleus~~ Sophocleus, Barkley, Barve, Beidle, Bobo, Bronrott, Carr, G. Clagett, Conway, DeBoy, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, James, Jameson, Jones, Kaiser, Kullen, Lee, Love, Malone, Manno, Mathias, McHale, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Olszewski, Pendergrass, Reznik, Rice, Robinson, Rudolph, Shewell, Stocksdale, Taylor, F. Turner, and Waldstreicher**

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta's Law)

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

Affirmative – 138 Negative – 0 (See Roll Call No. 826)

The Bill was then sent to the Senate.

House Bill 704 – **Prince George's County Delegation**

AN ACT concerning

Prince George's County – Authorization to Merge the Redevelopment Authority~~,~~ and Revenue Authority~~, and Economic Development Corporation~~

PG 416–10

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

Affirmative – 139 Negative – 0 (See Roll Call No. 827)

The Bill was then sent to the Senate.

House Bill 1174 – **~~Delegate Kullen~~ Delegates Kullen, Sophocleus, and Mathias**

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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

Affirmative – 137 Negative – 0 (See Roll Call No. 828)

The Bill was then sent to the Senate.

House Bill 1223 – Delegates Taylor, Ali, Barnes, Carter, Conaway, Frush, Gutierrez, Haynes, Hixson, Levi, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, and Vaughn

AN ACT concerning

Financial Institutions – Credit Unions – Member Business Loans ~~– Limitation on Aggregate Amount~~

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

Affirmative – 136 Negative – 1 (See Roll Call No. 829)

The Bill was then sent to the Senate.

House Bill 1299 – Delegates Manno, Davis, Barkley, Braveboy, Burns, Feldman, Hecht, Hubbard, Hucker, Kirk, Krysiak, Love~~, Manno~~, McHale, Taylor, and Vaughn

AN ACT concerning

Labor and Employment – Healthy Retail Employee Act

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

Affirmative – 96 Negative – 43 (See Roll Call No. 830)

The Bill was then sent to the Senate.

House Bill 1318 – Delegates Krysiak, Davis, and Kelly

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

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

Affirmative – 124 Negative – 14 (See Roll Call No. 831)

The Bill was then sent to the Senate.

House Bill 1362 – Delegates Boteler, Aumann, Bartlett, Barve, Elmore, George, Kach, Murphy, Myers, Schuler, Shank, Shewell, Sossi, Stocksdale, and Stukes

AN ACT concerning

Education – Public Schools – Virtual Schools

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

Affirmative – 138 Negative – 1 (See Roll Call No. 832)

The Bill was then sent to the Senate.

House Bill 1404 – Delegates Gaines, Aumann, Barkley, Barnes, Barve, Beitzel, Branch, Braveboy, Bronrott, Feldman, Frick, Frush, Gutierrez, Healey, Holmes, Hucker, Ivey, Kramer, Lee, Levy, Manno, Mizeur, Niemann, Pena–Melnyk, Ramirez, and Ross

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

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

Affirmative – 133 Negative – 5 (See Roll Call No. 833)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 221 – Senator Currie

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,
Chapter 112 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, Chapter 658 of the Acts of the General Assembly of 2008, and Chapter 290 of the Acts of the General Assembly of 2009
Section 4 and 6

BY repealing and reenacting, with amendments,
Chapter 113 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, Chapter 658 of the Acts of the General Assembly of 2008, and Chapter 290 of the Acts of the General Assembly of 2009
Section 4 and 6

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

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

FOR the purpose of providing that a person is not liable for damages for a personal injury or death of an individual who enters the person's dwelling or place of business under certain circumstances; requiring the court to award costs and reasonable attorney's fees to a certain defendant; defining a certain term; providing for the application of this Act; and generally relating to providing certain immunity from civil liability to certain persons under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–808
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 812 – Senator Lenett

AN ACT concerning

End of Life Health Care Disclosure Act

FOR the purpose of requiring certain health care facilities to provide certain information concerning the right to make certain decisions about health care ~~and the availability of hospice care~~, to request a copy of existing advance directives under certain circumstances, and to inform certain individuals or proxy decision makers about certain facility procedures; requiring a health care facility to disclose the facility's policy on honoring advance directive provisions in a certain manner; ~~requiring an admitting physician at a health care facility to inform an individual or an individual's proxy decision maker of the facility's policy on honoring advance directive provisions under certain circumstances; requiring the State Advisory Council on Quality Care at the End of Life to consult with certain groups before developing and making publicly available certain resources;~~ defining certain terms; providing for a delayed effective date ~~for certain provisions of this Act~~; and generally relating to the provision of information by health care facilities on an individual's admission to a facility.

BY renumbering
Article – Health – General
Section 5–615(c)
to be Section 5–615(e)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–615(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health – General
Section 5–615(b)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 5–615(b), (c), and (d)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 958 – Senator Miller

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 Environmental Matters.

Senate Bill 966 – Senators Pugh, Harrington, Lenett, Madaleno, McFadden, Muse, and Raskin

AN ACT concerning

Education – High School Diploma by Examination

FOR the purpose of altering the eligibility requirement for obtaining a high school diploma by examination by repealing a certain waiting period; repealing the authority of the Secretary of Labor, Licensing, and Regulation to waive a certain withdrawal requirement; and generally relating to the eligibility requirements for an individual to obtain a high school diploma by examination.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–808

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

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

Senate Bill 975 – Senator Dyson

AN ACT concerning

Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat

FOR the purpose of establishing the Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat; providing for the membership and duties of the Task Force; ~~requiring the Task Force to designate a chair from among its members~~ designating a chair of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of the Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat.

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

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Talbot County to hunt for deer on private property with a bow and arrow on certain Sundays during certain months; and generally relating to deer hunting in Talbot 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 Environmental Matters.

QUORUM CALL

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

(See Roll Call No. 834)

RECESS

At 11:33 A.M. on motion of Delegate Barve the House recessed until 10:00 A.M. on Legislative Day March 26, 2010, Calendar Day Wednesday, March 31, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 26, 2010
Calendar Day: Wednesday, March 31, 2010

At 10:08 A.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Jon S. Cardin of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 835)

EXCUSES:
Del. Bromwell – back problems from surgery
Del. Minnick – left early – business meeting

INTRODUCTION OF HOUSE SIMPLE RESOLUTIONS

House Simple Resolution 1 – Delegate Dwyer, et al

A House Resolution concerning

Articles of Impeachment of Attorney General Douglas F. Gansler

(See Exhibit L of Appendix II)

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

Delegate O'Donnell moved to reconsider committee assignment.

The motion was rejected by roll call vote as follows:

(Affirmative - 39 Negative - 101) (See Roll Call No. 836)

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #18

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

House Bill 576 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County and Montgomery County Delegation – Development Permits – Expedited Review for Qualifying Redevelopment Projects

PG/MC 115–10

HB0576/830216/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 576
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Montgomery County Delegation"; in line 8, after "time;" insert "extending the amount of time under certain circumstances within which Prince George's County has to approve or disapprove a certain application and provide applicants with certain notice;"; strike beginning with "requiring" in line 8 down through "purpose;" in line 10; in line 10, strike "the district council to require"; in line 11, strike "a certain minimum number of"; and strike beginning with "requiring" in line 12 down through "ordinance;" in line 13.

AMENDMENT NO. 2

On page 2, after line 3, insert:

"**(3) "COUNTY AGENCY" INCLUDES THE:**

(I) COMMISSION;

(II) PRINCE GEORGE'S COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES;

(III) PRINCE GEORGE'S COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION;

(IV) PRINCE GEORGE'S COUNTY FIRE/EMS DEPARTMENT;

(V) PRINCE GEORGE'S COUNTY HEALTH DEPARTMENT; AND

(VI) WASHINGTON SUBURBAN SANITARY COMMISSION.";

in line 4, strike "**(3)**" and substitute "**(4)**"; and after line 5, insert:

"**(5) "DEVELOPMENT PERMIT" MEANS A BUILDING OR OTHER PERMIT ISSUED IN WRITING, AS REQUIRED BY COUNTY ORDINANCE OR REGULATION, TO AUTHORIZE THE BEGINNING OF CONSTRUCTION ACTIVITIES FOR THE ALTERATION, ENLARGEMENT, CONVERSION, RECONSTRUCTION, REMODELING, REHABILITATION, ERECTION, DEMOLITION, OR RELOCATION OF AN EXISTING STRUCTURE.**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 6 and 7; in line 8, strike "**(5)**" and substitute "**(6)**"; strike beginning with "**, AS**" in line 11 down through "**SECTION**" in line 13; in line 19, after "**(D)**" insert "**(1)**"; in the same line, strike "**WITHIN**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, WITHIN**"; in line 20, after "**PROJECT**" insert a comma; in lines 22 and 23, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 24, insert:

"**(2) THE COUNTY SHALL HAVE AN ADDITIONAL 60 DAYS TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION IF:**

(I) 1. A COUNTY AGENCY INVOLVED IN THE REVIEW OF THE APPLICATION DETERMINES THAT THE EXTENSION IS NECESSARY TO COMPLETE THE REVIEW BASED ON THE NATURE OR COMPLEXITY OF THE APPLICATION OR UNRESOLVED ISSUES RELATED TO THE APPLICATION; AND

2. THE COUNTY AGENCY PROVIDES WRITTEN NOTICE OF THE EXTENSION TO THE APPLICANT; OR

(II) 1. THE APPLICANT MODIFIES THE APPLICATION FOR ANY REASON, INCLUDING FOR THE PURPOSE OF RESPONDING TO A REQUEST FROM A COUNTY AGENCY THAT IS INVOLVED IN THE REVIEW OF THE APPLICATION; AND

2. THE MODIFICATION IS MADE DURING THE ORIGINAL 90-DAY PERIOD PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IN ADDITION TO THE 60-DAY EXTENSION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY SHALL HAVE AN ADDITIONAL 30 DAYS TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE APPLICANT MODIFIES THE APPLICATION FOR ANY REASON, INCLUDING FOR THE PURPOSE OF RESPONDING TO A REQUEST FROM A COUNTY AGENCY THAT IS INVOLVED IN THE REVIEW OF THE APPLICATION; AND

(II) THE MODIFICATION IS MADE DURING THE 60-DAY EXTENSION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

AMENDMENT NO. 4

On page 2, strike beginning with "**THE**" in line 25 down through "**A**" in line 28 and substitute "**A**"; in line 28, strike "**TO**" and substitute "**SHALL**"; in line 29, strike "**AT LEAST ONE**"; in line 30, strike "**ELEMENT,**" and substitute "**ELEMENTS**"; strike beginning with "**AS**" in line 30 down through "**ELEMENT**" in line 31; and in line 31, strike "**PROMOTES**" and substitute "**PROMOTE**".

AMENDMENT NO. 5

On page 3, in lines 1, 2, and 3, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; in line 1, after "**CONSERVATION**" insert "**BY USING PRACTICES, TECHNIQUES, AND TECHNOLOGIES THAT:**

(I) REDUCE THE CONSUMPTION, LOSS, OR WASTE OF WATER;

(II) IMPROVE EFFICIENCY IN THE USE OF WATER; OR

(III) MAKE MORE EFFICIENT USE OF THE WATER TREATMENT INFRASTRUCTURE";

in line 2, after "**EFFICIENCY**" insert "**BY USING PRACTICES, TECHNIQUES, AND TECHNOLOGIES THAT REDUCE AND MINIMIZE THE CONSUMPTION, LOSS, OR WASTE OF ENERGY**"; in the same line, strike "**OR**" and substitute "**AND**"; and strike beginning with "**; AND**" in line 4 down through "**SECTION**" in line 7.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 982 – Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, and Montgomery

AN ACT concerning

Solid Waste Management – Recycling – Requirements

HB0982/680018/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 982
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Recycling" insert "and Source Reduction"; in the same line, strike "Requirements" and substitute "Study"; strike beginning with "requiring" in line 3 down through "term;" in line 24 and substitute "requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate solid waste processes that reduce the solid waste stream through certain methods and submit certain reports to the General Assembly on or before a certain date;"; and in line 25, after "recycling" insert "and source reduction".

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 17 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 18 on page 2 through line 18 on page 11, inclusive, and substitute:

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

(a) In consultation with local government officials, waste haulers, and other affected parties, including material resource facilities, the Department of the Environment shall conduct a study to evaluate solid waste management processes that reduce the solid waste stream through recycling and source reduction, including:

(1) the expansion of recycling efforts in nonresidential markets;

(2) the feasibility of commodity-specific targets; and

(3) long-term funding for solid waste and recycling management in the State.

(b) (1) On or before December 15, 2010, the Department of the Environment shall submit an interim report, to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

(2) On or before December 15, 2011, the Department of the Environment shall submit a final report, to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the study required under subsection (a) of this section.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0982/900410/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 982
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Montgomery" and substitute "Montgomery, and Manno".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1396 – Delegates Haynes, Carter, Conaway, Glenn, Harrison, Kirk, McHale, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals and Senior Citizens

HB1396/730212/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1396
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Tarrant" and substitute "Tarrant, Hucker, Bobo, Cane, V. Clagett, Healey, and Weir"; strike beginning with "and" in line 2 down through "Citizens" in line 3; strike beginning with "give" in line 4 down through "priority" in line 5 and substitute "provide a certain notice"; in line 5, strike "or are senior citizens" and substitute "of the right to request certain rental units"; in line 6, strike "renting"; and in the same line, after "building" insert "become available".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 17 and 18; and strike beginning with "**GIVE**" in line 21 down through "**BUILDING**" in line 23 and substitute "**PROVIDE REASONABLE WRITTEN NOTICE TO A RESIDENT WHO IS MOBILITY IMPAIRED OF**

THE RESIDENT'S RIGHT TO REQUEST A RENTAL UNIT ON THE FIRST FIVE FLOORS OF THE HIGH-RISE BUILDING IF ONE SHOULD BECOME AVAILABLE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #16

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

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, and Walker

AN ACT concerning

Maryland Gang Prosecution Act of 2010

HB0756/412614/4

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 756
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, Waldstreicher, Simmons, Barnes, Carter, Lee, McConkey, Rosenberg, Love, Costa, George, King, Kipke, Schuh, Sophocleus, and Smigiel"; in line 5, strike "a"; in the same line, strike "list of"; strike beginning with "defining" in line 6 down through "purposes;" in line 7; strike beginning with "provide" in line 9 down through "crime" in line 13 and substitute "repeal the requirement that a pattern of criminal gang activity be ongoing; requiring a sentence imposed for a second or subsequent offense of participation in criminal gang activity to be separate from and consecutive to a certain other sentence; requiring a sentence imposed for participation in criminal gang activity that results in the death of a victim to be separate from and consecutive to a

sentence for a certain other sentence; specifying that a certain consecutive sentence shall not be mandatory unless the State makes a certain notification at a certain time; prohibiting a person from organizing, supervising, financing, or managing a criminal gang; establishing penalties; requiring a certain sentence to be separate from and consecutive to a certain other sentence; providing that a certain provision of law may not be construed inconsistently with certain other provisions of law; making clarifying changes"; and after line 18, insert:

"BY adding to
Article – Criminal Law
Section 9-805 and 9-806
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in lines 5, 6, 20, and 23, in each instance, strike the bracket; strike beginning with "**COMMIT,**" in line 6 down through "**INCIDENT**" in line 9; strike beginning with the colon in line 13 down through "**(II)**" in line 15; and strike beginning with the semicolon in line 16 down through "**ENTERPRISE**" in line 19.

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 10 on page 3, inclusive.

On page 3, strike beginning with "**§ 3-701**" in line 14 down through "**WEAPONS),**" in line 15; in line 16, strike "**§ 6-301 (MALICIOUS DESTRUCTION),**"; in line 19, after "**JUROR),**" insert "**§ 11-303 (HUMAN TRAFFICKING),**"; in the same line, after "**PROSTITUTE),**", insert "**OR**"; in the same line, after "**§ 11-306**" insert "**(A)(2), (3), OR (4)**"; in line 20, strike "**, OR § 12-102 (GAMBLING)**"; in line 21, after the second closing bracket, insert "**§ 3-701 (EXTORTION),**"; strike beginning with the comma in line 24 down through "**PROPERTY)**" in line 25; in line 29, strike the second set of brackets; in the same line, strike "**(B) OR (C)**"; and in line 32, strike the bracket.

AMENDMENT NO. 3

On page 4, in lines 1 and 3, in each instance, strike the bracket; in line 1, strike "**ACTIVELY**"; in line 2, strike "an ongoing" and substitute "**A**"; in line 3, strike "the commission of"; in line 7, strike "commit a violation of" and substitute "**VIOLATE**"; in line 8, strike "involving the commission of an underlying crime"; in line 15, after "(2)" insert "**(I)**"; in the same line, after "under" insert "**PARAGRAPH (1)(I) OF THIS**

SUBSECTION"; in the same line, after "section" insert "**FOR A FIRST OFFENSE**"; in the same line, strike the brackets; in the same line, strike "**SHALL**"; in line 16, strike the brackets; and after line 17, insert:

"**(II) A SENTENCE IMPOSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION FOR A SECOND OR SUBSEQUENT OFFENSE, OR PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.**

(III) A CONSECUTIVE SENTENCE FOR A SECOND OR SUBSEQUENT OFFENSE SHALL NOT BE MANDATORY UNLESS THE STATE NOTIFIES THE PERSON IN WRITING OF THE STATE'S INTENTION TO PROCEED AGAINST THE PERSON AS A SECOND OR SUBSEQUENT OFFENDER AT LEAST 30 DAYS BEFORE TRIAL.".

AMENDMENT NO. 4

On page 5, after line 2, insert:

"**9-805.**

(A) A PERSON MAY NOT ORGANIZE, SUPERVISE, FINANCE, OR MANAGE A CRIMINAL GANG.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING $100,000 OR BOTH.

(C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

9-806.

NOTHING IN THIS SUBTITLE MAY BE CONSTRUED INCONSISTENTLY WITH THE PROVISIONS RELATING TO JURISDICTION OVER JUVENILE CAUSES CONTAINED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Gutierrez moved to make the Bill a Special Order for Thursday.

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #12

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

House Bill 1287 – Delegate Ali

AN ACT concerning

State Board of Education – Student Member Full Voting Rights Act

HB1287/365565/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1287
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Full".

AMENDMENT NO. 2

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 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1312 – Delegates Walker, Olszewski, Rice, and Stukes

AN ACT concerning

Education – Maryland Center for School Safety

HB1312/815269/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1312
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Education –" and substitute "Task Force to Study the Creation of a"; strike beginning with "creating" in line 3 down through "Safety" in line 11 and substitute "establishing a Task Force to Study the Creation of a Maryland Center for School Safety; providing for the membership, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study and make recommendations concerning certain matters; requiring the Task Force to submit a report of its findings and recommendations on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Creation of a Maryland Center for School Safety"; and strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 2

On page 1, in line 19, strike "the Laws of Maryland read as follows"; strike in their entirety the lines beginning with line 20 on page 1 through line 10 on page 7, inclusive, and substitute:

"(a) There is a Task Force to Study the Creation of a Maryland Center for School Safety.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General, or the Attorney General's designee;

(4) the State Superintendent, or the State Superintendent's designee;

(5) the Secretary of Juvenile Services, or the Secretary's designee;

(6) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(7) the Secretary of Human Resources, or the Secretary's designee; and

(8) the following members appointed by the Governor:

(i) one juvenile court judge;

(ii) one member of a county board of education;

(iii) one county superintendent;

(iv) one public school principal;

(v) one public school teacher;

(vi) one public school police officer or public school resource officer;

(vii) one parent of a public school student; and

(viii) one parent member of a local chapter of a parent and teacher association.

(c) The Governor shall designate the chair of the Task Force.

(d) Bowie State University 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 make findings and recommendations concerning the establishment of a Maryland Center for School Safety, including the following issues:

(1) establishing a clearinghouse for information and materials concerning school safety;

(2) developing a school safety training program that includes:

(i) development of a positive school environment and protective safety measures designed to address local concerns;

(ii) school safety courses for law enforcement officials with an emphasis on school police officers or school resource officers;

(iii) discussion of school safety issues with parents and community members; and

(iv) assistance in the review and updating of emergency preparedness plans;

(3) preparing and disseminating information regarding best practices in creating safe and effective schools;

(4) promoting the formation of interagency efforts to address discipline and safety issues within communities throughout the State in collaboration with other postsecondary institutions and with local juvenile services agencies;

(5) developing model interagency agreements between local school systems, health departments, departments of social services, mental health agencies, and juvenile courts in order to provide cooperative services and sharing of costs for

services to students who are at risk of failure in school, are at risk of participation in juvenile crime, or have been expelled from a local school system;

(6) subject to the federal Family Educational Rights and Privacy Act, 20 U.S.C., § 1232(g), collaborating with the State Department of Education to establish and maintain a statewide data collection system by which local school systems report, by gender, race, and grade level:

(i) all incidents of violence and assault against school employees and students;

(ii) all incidents of possession of guns or other deadly weapons on school property or at school functions;

(iii) all incidents of the possession or use of alcohol, prescription drugs, or controlled dangerous substances on school property or at school functions;

(iv) all incidents in which a student has been disciplined by the school or charged criminally for conduct occurring on school property, school transportation, or at a school function; and

(v) the number of suspensions and expulsions;

(7) analyzing data collected under paragraph (6) of this subsection;

(8) developing security criteria that local school systems may consider in the design of new school construction;

(9) (i) developing a model safety and security audit procedure for use by local school systems that provides each local school system with guidelines and a training video showing proper audit procedures;

(ii) reviewing each local school system safety and security audit and making recommendations for improvements based on the audit; and

(iii) incorporating the findings of local school system audits in a statewide report on school safety;

(10) on the request of a local school system, providing on–site technical assistance to the system for school safety and security audits; and

(11) developing and maintaining a website that includes:

(i) quarterly news updates related to school safety and violence prevention;

(ii) school crime data; and

(iii) schedules of school safety training.

(g) On or before July 1, 2011, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010. It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 5 – Senator Muse

AN ACT concerning

Public Safety – ~~Police Training Commission –~~ Task Force on SWAT Team Activation and Deployment

FOR the purpose of 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; requiring the Governor's Office of Crime Control and Prevention to submit a report of certain analyses and summaries relating to the activation and deployment of certain SWAT teams to the ~~Police Training Commission~~ Task Force; requiring the ~~Police Training Commission~~ Task Force to annually review the report and ~~adopt~~ make recommendations for and annually review certain regulations; providing for the termination of this Act; and generally relating to the ~~Police Training Commission and~~ Task Force on SWAT ~~team activation and deployment~~ Team Activation and Deployment.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–507
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Senate Bill 120 – Senators Gladden and Conway

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

FOR the purpose of authorizing a Class BWLT beer, wine, and liquor tasting license to be issued by the Board of Liquor License Commissioners for Baltimore City in a certain precinct of the 41st Legislative District of Baltimore City; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–403.2(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–403.2(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 274 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Law – ~~Violation of Restriction~~ Restrictions Against Possession of Firearms – Penalties

FOR the purpose of ~~expanding a certain prohibition against the possession of regulated firearms by a person convicted of a certain crime of violence or drug–related crime to apply to all firearms;~~ increasing the maximum term of imprisonment that may be imposed for a violation of ~~this Act~~ the prohibition against a certain person possessing a certain regulated firearm; creating a certain exception regarding eligibility of a certain person for parole; 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; and generally relating to restrictions against possession of firearms.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(c)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–143
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 5–206
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Senate Bill 456 – Senator Pugh

AN ACT concerning

Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages – Store Opening Hours

FOR the purpose of altering the time at which establishments issued certain alcoholic beverages licenses in the Park Heights Redevelopment Area in Baltimore City

may begin selling alcoholic beverages; making certain technical corrections; and generally relating to alcoholic beverages licensees in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–203(a), (b), and (d)(1), 11–302(b)(1) and (d)(1), and 11–303(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–203(d)(3), 11–302(a), (b)(2), (d)(2), and (j), and 11–303(a), (b), and (d)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–302(j) and 11–303(g)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 465 – Senators Lenett, Kelley, Madaleno, Middleton, and Zirkin

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 Health and Government Operations.

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

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 Health and Government Operations.

Senate Bill 499 – Senator Raskin

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; defining a certain term; making conforming changes; and generally relating to fees paid by individuals supervised by the Division of Parole and Probation~~ 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.

BY ~~repealing and reenacting, with amendments,~~ adding to
Article – Correctional Services
Section ~~7–702~~ 7–702(j)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 628 – Senator Stoltzfus

AN ACT concerning

Maryland Stem Cell Research Fund – Annual Report – Requirements

FOR the purpose of requiring the Maryland Technology Development Corporation and the Stem Cell Research Commission to include in the Maryland Stem Cell Research Fund annual report certain information on the number of patients treated ~~and the amount of time until research is tested in a clinical trial~~ under

certain circumstances; and generally relating to the requirements of the Maryland Stem Cell Research Fund annual report.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–401(a) and (c) and 10–429(a), (c), (e), (i), and (j)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–442
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

Senate Bill 667 – Senators Forehand, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

FOR the purpose of altering the definition of "sexual act" to include an act in which a part of an individual's body is used to penetrate certain body parts of another individual; altering the definition of "sexual contact"; and generally relating to definitions relating to sexual crimes.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–301(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–301(e) and (f)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

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

FOR the purpose of increasing the penalties for certain subsequent violations of the crime of trespass on posted property; increasing the penalties for certain subsequent violations of the crime of wanton trespass on private property; and generally relating to penalties for the trespass crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 6–402 and 6–403
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Senate Bill 784 – Senator Raskin

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 Economic Matters.

Senate Bill 797 – Senator Jones

AN ACT concerning

Blue Ribbon Commission on Alzheimer's Disease and Related Disorders

FOR the purpose of establishing a ~~Task Force~~ Blue Ribbon Commission on Alzheimer's Disease and Related Disorders; providing for the membership of the ~~Task Force~~ Blue Ribbon Commission; designating the chair of the ~~Task Force~~ Blue Ribbon Commission; prohibiting a member of the ~~Task Force~~ Blue Ribbon Commission from receiving compensation; authorizing a member of the ~~Task Force~~ Blue Ribbon Commission to receive certain reimbursement; requiring the Department of Health and Mental Hygiene to provide staff for the ~~Task Force~~ Blue Ribbon Commission for certain purposes; requiring the ~~Task Force~~ Blue Ribbon Commission to examine certain population data, survey certain research, and assess existing services, resources, and capacity regarding Alzheimer's disease and related disorders; requiring the ~~Task Force~~ Blue Ribbon Commission to make certain recommendations; requiring the ~~Task~~

~~Force~~ Blue Ribbon Commission to make a certain report to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the ~~Task Force~~ Blue Ribbon Commission on Alzheimer's Disease and Related Disorders.

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

Senate Bill 1006 – **Senator Pugh**

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 Economic Matters.

Senate Bill 1063 – Senator Madaleno

AN ACT concerning

Task Force to Study Unlicensed and Deceptive Real Estate Practices

FOR the purpose of establishing the Task Force to Study Unlicensed and Deceptive Real Estate Practices; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling a member to reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding fraudulent and deceptive real estate practices within Maryland; requiring the Task Force to submit a report of its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Unlicensed and Deceptive Real Estate Practices.

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

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

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 Health and Government Operations.

Announcements

Senate Bill 114 – Senator Gladden

AN ACT concerning

Voter's Rights Protection Act of 2010

FOR the purpose of authorizing the Attorney General or a registered voter to institute an action in a circuit court for ~~preventive~~ injunctive relief when a person has engaged in, or there is reason to believe a person is about to engage in, certain violations of election law; requiring a circuit court to ~~immediately~~ hear and determine an action filed under this Act as soon as practicable; providing that the grant of a remedy under this Act does not preclude any other remedy available under State or federal law; providing that a circuit court shall have jurisdiction of any proceeding instituted under this Act; requiring a circuit court to exercise its jurisdiction without regard to whether a person asserting a right under this Act has exhausted any other remedy available under law; and generally relating to the availability of preventive relief for certain election law violations.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 16–101 and 16–201
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Election Law
Section 16–1003
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

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

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, Seventeen Million, Five Hundred Seventy Five Thousand Dollars ($1,017,575,000)~~ One Billion, Thirty–One Million, Seven Hundred and Ninety–Four Thousand Dollars ($1,031,794,000), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of this State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; prohibiting the expenditure of certain funds until certain conditions have been met; requiring a certain agency to

submit certain annual reports to the budget committees; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt to be issued in 2011, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be issued in 2012, the proceeds to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; providing for certain additional information to be detailed about each project in the capital program; requiring that certain projects be constructed at certain locations; repealing certain requirements for certain appropriations; ~~authorizing premiums from the sale of State bonds in certain fiscal years to remain in or be transferred to a certain fund and to be used for certain capital projects under certain circumstances; requiring the Comptroller to make certain transfers, adjustments, and reconciliations;~~ prohibiting a State agency from entering into certain agreements during a certain fiscal year unless certain plans are submitted and after certain review and assessment; altering the number of days before seeking approval of certain bond issuances from the Board of Public Works that the Maryland Stadium Authority must provide certain plans to certain committees of the General Assembly; providing that grants under a certain library capital projects grant program may not exceed a certain amount; declaring the intent of the General Assembly; providing for a delayed effective date for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item DA07(A), Item MA01(B), Item UB00(A), and Item ZA00(N)

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, Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 336 of the Acts of the General Assembly of 2008, and Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item RD00(C)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item QP00(B), Item UB00(A)(3), (5), and (6), and Item ZB02(C)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004, as amended by Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 336 of the Acts of the General Assembly of 2008, and Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item KA05(A)(6), Item QP00(A), Item UB00(A)(3), (5), and (6), and Item ZB02(C)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, and Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 3(1)(b) and (e)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item QP00(A)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008
Section 12(1) Item ML10(A)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008, and Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008

Section 1(3) Item DW01.08(A), Item VE01(A) and (B), and Item ZB02(B)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1) and (3) Item KA05(A)(6), Item QB08.02(A), Item RC00(A), Item RE01(B), Item VD01(B), Item VE01(A), Item ZA00(Y), and Item ZA01(A) and Section 12(1) and (3) Item DE02.01(A), Item RA01(B), Item RM00(E), Item RB23(B), Item RB24(A), Item RB29(A), Item RI00(A), Item WA01(A), and Item ZB02(C)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–640(b), 10–641(c), 10–642(b), 10–643(b), and 10–644(c)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 23–510(d)(3)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

FOR the purpose of authorizing the creation of a State Debt in the amount of $4,543,000, the proceeds to be used as a grant to the Interagency Committee on School Construction for certain development or improvement purposes; providing for disbursement of the loan proceeds and the allocation of funds to eligible school systems, subject to a requirement that the grantee document the provision of a required federal matching fund; 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; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 511 – Senators Frosh and Forehand

AN ACT concerning

Vehicle Manufacturers – Advertising – Prohibiting Threats to Dealers

FOR the purpose of prohibiting a vehicle manufacturer, either directly or through an agent, employee, affiliate, or representative, from threatening a dealer with the loss of certain benefits for listing the manufacturer's invoice price for a vehicle in certain advertising if the advertisement contains a certain notice and is not in violation of the Maryland Consumer Protection Act; ~~prohibiting a vehicle manufacturer, either directly or through an agent, employee, affiliate, or representative, from threatening a dealer with the loss of certain benefits for listing certain information about another manufacturer on the dealer's website, if the dealer has a franchise agreement with the other dealer;~~ and generally relating to vehicle manufacturers.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–201(a) and (e)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 15–207(k)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 538 – Senators Garagiola, Haines, Klausmeier, Peters, and Pugh

AN ACT concerning

Residential Multiple Occupancy Buildings ~~and Shopping Centers~~ – Master Meters – Heating, Ventilation, and Air Conditioning Services

FOR the purpose of authorizing the Public Service Commission to authorize the use of a certain master meter for heating, ventilation, and air conditioning services in certain residential multiple occupancy buildings ~~and shopping centers~~ without requiring individual metering or submetering for heating, ventilation, and air conditioning services under certain circumstances; authorizing the Commission to review certain information before authorizing 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; defining ~~certain terms~~ a certain term; providing for the termination of this Act; 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 Rules and Executive Nominations.

Senate Bill 897 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of increasing the bonding authority for the University System of Maryland; approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; authorizing the issuance of bonds by the University System of Maryland for financing the projects; providing that certain bonds are not a debt or an obligation of the State or any of its subdivisions; and generally relating to the authority to issue academic facilities bonds.

BY repealing and reenacting, with amendments,
Article – Education
Section 19–102(c)(1)
Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1018 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior Acts of the General Assembly that authorized the creation of State Debt through the issuance, sale, and delivery of general obligation bonds, the proceeds of which were designated for funding certain capital projects; extending the deadline by which certain loan proceeds must be expended or encumbered by the Board of Public Works; extending the deadline by which certain grantees must present evidence to the Board of Public Works that certain matching funds will be provided; altering and expanding the authorized uses of certain grants; altering the purpose of certain grants; altering the grantees under certain projects; altering the location of certain grants; reducing the amount of certain grants and increasing the amount of certain grants; repealing a requirement that a certain grantee grant and convey a certain easement; ~~repealing~~ altering the requirement that certain grantees provide a certain matching fund; altering the matching fund requirements of certain grants; providing that a certain facility may only be used for certain recreational purposes and may not be used for ~~residential~~ certain purposes; making this Act an emergency measure; providing for the effective date of certain provisions of this Act; and generally relating to amending prior authorizations of State Debt by the General Assembly to fund certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 163 of the Acts of the General Assembly of 2001, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1

BY repealing and reenacting, with amendments,
Chapter 326 of the Acts of the General Assembly of 2001, as amended by Chapter 30 of the Acts of the General Assembly of 2003, Chapter 188 of the Acts of the General Assembly of 2005, and Chapter 219 of the Acts of the General Assembly of 2008
Section 1

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, Chapter 94 of the Acts of the General Assembly of 2005, and Chapter 488 of the Acts of the General Assembly of 2007
Section 13(3)(ii) Item (T–2)

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)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 65 of the Acts of the General Assembly of 2007, Chapter 219 of the Acts of the General Assembly of 2008, and Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AR) and Item ZA02(AV)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02(BX) and (BZ)

BY adding to
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02(BZ–1)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(R) and (AC) and Item ZA02(W) and (AC)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(AR) and Item ZA02(AM), (BZ), and (CD)

BY adding to
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA02(BO–1)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA02(BO)

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)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(H), (X), (AA), (AF), (BG), ~~(BY), and~~ (CA), (CH), and (CM) and Item ZA02(J), (X), ~~(AA)~~ (AC), (AQ), (AV), (BC), ~~(BI),~~ (BM), ~~(BQ)~~ (BR), and (BV)

BY adding to
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item (ZA02)(BV–1) and (BV–2)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) ~~Item ZA00(AB),~~ Item ZA02~~(C),~~ (M), (O), ~~and~~ (AB), and (AH) and Item ZA03~~(C),~~ (AE), ~~and~~ (AH), (AM), and (BD)

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)

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

Senate Bill 1107 – Senator Garagiola

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

FOR the purpose of providing that energy from a certain solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard; providing that a person that owns and operates a certain solar water heating system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a commercial solar water heating system to be measured by a certain meter; requiring the total amount of energy generated and consumed by a residential solar water heating system to be measured in a certain way; prohibiting a residential solar water heating system from producing more than a certain number of solar renewable energy credits in any one year; defining a certain term; altering a certain definition; requiring that certain solar water heating systems be installed in accordance with applicable State and local plumbing

codes; and generally relating to the eligibility of solar water heating systems for inclusion in meeting the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–701(k–1) and 7–704(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(l)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1123 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

FOR the purpose of authorizing retroactively a county or municipal corporation to adopt a certain local law or ordinance regarding binding arbitration in certain collective bargaining disputes; providing for the application of this Act; making this Act an emergency measure; and generally relating to collective bargaining agreements of political subdivisions.

~~BY adding to~~
~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~
~~Section 24–101 to be under the new title "Title 24. Collective Bargaining"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2009 Supplement)~~

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

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 837)

ADJOURNMENT

At 11:23 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 27, 2010, Calendar Day Thursday, April 1, 2010.

Annapolis, Maryland
Legislative Day: March 27, 2010
Calendar Day: Thursday, April 1, 2010

The House met at 10:16 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Andrew A. Serafini of Washington County.

QUORUM CALL

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

(See Roll Call No. 838)

The Journal of March 26, 2010 was read and approved.

EXCUSES:
Del. Ali – left briefly – business in Senate
Del. Bromwell – back problems from surgery
Del. Holmes – personal – flat tire
Del. Levi – left briefly – personal
Del. Mathias – left early – emergency
Del. Mizeur – business

THE COMMITTEE ON APPROPRIATIONS REPORT #10

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

House Bill 509 – Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Special Disability Retirees – Reemployment

HB0509/594669/1
BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 509

(First Reading File Bill)

On page 3, in line 12, after "**(A)**" insert "**(1)**"; and after line 14, insert:

"**(2) THIS SECTION DOES NOT APPLY TO A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM WHO IS RECEIVING A SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29–111 OF THIS SUBTITLE AND IS REEMPLOYED AS A SHERIFF.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1443 – Delegates Elmore, Cane, Conway, Eckardt, Haddaway, and Mathias

AN ACT concerning

Employees' Pension System – Eligibility Service Credit – Early Service Retirement Allowance

HB1443/444764/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Employees' Pension System – Eligibility Service Credit" and substitute "State Retirement and Health Benefits"; in line 3, after "Allowance" insert "and Health Insurance Benefits – Eligibility"; strike beginning with "requiring" in line 4 down through "allowance;" in line 8 and substitute "authorizing certain individuals to purchase certain service credit in the Employees' Pension System; requiring certain individuals who choose to purchase certain service credit, to pay to the Board of Trustees of the State Retirement and Pension System a certain amount for a certain service credit; requiring certain individuals to complete certain

claims and make certain payments to the Board of Trustees on or before a certain date; providing that certain individuals may enroll and participate in the health insurance benefit options established under the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; requiring certain individuals to complete a certain enrollment form and be entitled to a certain subsidy;"; in line 9, strike "service credit"; and in line 10, strike "in the Employees' Pension System" and substitute "and health insurance benefits under the State Retirement and Pension System and the State Employee and Retiree Health and Welfare Benefits Program".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 4 on page 2, inclusive, and substitute:

"(b) An individual described under subsection (a) of this section may elect to purchase service credit in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article for the period of time the individual was employed by the Wicomico County Health Department as a contractual employee that is necessary to qualify for early retirement.

(c) An individual who elects to purchase service credit in the Employees' Pension System under subsection (b) of this section shall pay to the Board of Trustees of the State Retirement and Pension System an amount equal to one–half of the annuity reserve and one–half of the pension reserve required to fund the additional allowance.

(d) To purchase contractual service credit under subsection (b) of this section, on or before December 31, 2010, an individual shall:

(1) complete a claim for the service credit and file it with the Board of Trustees on a form that the Board of Trustees provides; and

(2) pay to the Board of Trustees an amount equal to the amount determined under subsection (c) of this section.

(e) Notwithstanding the provisions of § 2–508(b)(1) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may enroll and participate in the health insurance benefit options established under the

State Employee and Retiree Health and Welfare Benefits Program for so long as the individual is receiving a retirement allowance from the State.

(f) To enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program under subsection (e) of this section, on or before December 31, 2010, an individual shall:

(1) complete an enrollment form and submit it to the Department of Budget and Management; and

(2) be entitled to the State subsidy allowed a State employee for each year of the retiree's creditable service, as provided under § 2–508(c)(2) of the State Personnel and Pensions Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1458 – Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

HB1458/544365/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1458
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "commit" and substitute "are charged with committing"; in line 10, strike "committed" and substitute "been charged with committing"; in line 13, strike "commit" and substitute "are charged with committing"; in line 16, strike "if" and substitute "on"; in line 17, strike "have been upheld"; in line

19, strike "if" and substitute "on"; strike beginning with "have" in line 19 down through "upheld" in line 20; strike beginning with "if" in line 22 down through "rendered" in line 23 and substitute "under certain circumstances"; strike beginning with "if" in line 24 down through "rendered" in line 25 and substitute "under certain circumstances"; and in line 28, after "Police;" insert "establishing that a person is convicted of a criminal offense for purposes of this Act under certain circumstances;".

AMENDMENT NO. 2

On page 3, in line 6, strike "**9**" and substitute "**6**"; and after line 11, insert:

"**(B) FOR THE PURPOSES OF THIS SECTION, A PERSON IS CONVICTED OF A CRIMINAL OFFENSE WHEN THE PERSON:**

(1) IS FOUND GUILTY OF THE CRIMINAL OFFENSE BY A JURY OR JUDICIAL OFFICER;

(2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE; OR

(3) IS GRANTED A PROBATION BEFORE JUDGMENT.".

AMENDMENT NO. 3

On page 3, in line 12, strike "**(B)**" and substitute "**(C)**"; strike beginning with "**PLEADS**" in line 13 down through "**TO**" in line 14 and substitute "**IS CHARGED WITH COMMITTING**"; in line 18, after "**SYSTEM**" insert "**WHO**"; strike beginning with "**BEFORE**" in line 19 down through "**TO**" in line 20 and substitute "**IS CHARGED WITH COMMITTING**"; strike beginning with "**PLEADS**" in line 25 down through "**TO**" in line 26 and substitute "**IS CHARGED WITH COMMITTING**"; in line 29, strike "**(C)**" and substitute "**(D)**"; in line 30, strike "**(B)(1)**" and substitute "**(C)(1)**"; in line 31, strike "**COMMITS**" and substitute "**IS CHARGED WITH COMMITTING**"; and in the same line, after "**OFFENSE**" insert "**THAT OCCURRED**".

On page 4, in line 3, strike "**(B)(2)**" and substitute "**(C)(2)**"; in line 4, strike "**COMMITTED**" and substitute "**IS CHARGED WITH COMMITTING**"; and in the same line, after "**OFFENSE**" insert "**THAT OCCURRED**".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 7 through 36, inclusive, and substitute:

"**(E) (1) SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PERMANENTLY TERMINATE ANY SPECIAL DISABILITY RETIREMENT APPLICATION PROCESS OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, ON CONVICTION OF A CRIMINAL OFFENSE COMMITTED BY THE MEMBER OR FORMER MEMBER AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER OR FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE.**

(2) (I) SUBJECT TO SUBSECTION (G) OF THIS SECTION, IF A STATE POLICE RETIREMENT SYSTEM DISABILITY RETIREE IS CONVICTED OF A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE, THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE SHALL BE FORFEITED.

(II) IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL PERMANENTLY CEASE ALL PAYMENTS OF ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE TO A DISABILITY RETIREE.

(F) (1) THIS SUBSECTION APPLIES TO A MEMBER, FORMER MEMBER, OR A SPECIAL DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM WHO IS CHARGED WITH COMMITTING A CRIMINAL OFFENSE AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE, IF:

(I) THE CHARGES ARE PLACED ON A STET DOCUMENT;

(II) THE CHARGES ARE DISMISSED; OR

(III) THE MEMBER OR FORMER MEMBER IS ACQUITTED.

(2) A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM MAY APPLY FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29–103 OF THIS SUBTITLE.

(3) THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

(4) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM SHALL BE ENTITLED TO THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE, INCLUDING ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE, PLUS INTEREST, THAT ACCRUED DURING THE PERIOD OF TEMPORARY SUSPENSION UNDER SUBSECTION (C)(2) OF THIS SECTION.

(5) IF AT ANY TIME THE CHARGES AGAINST A MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM FOR A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE ARE REMOVED FROM THE STET DOCKET FOR THE PURPOSES OF RESUMING PROCEEDINGS, THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION SHALL APPLY AGAIN.

(G) (1) THIS SUBSECTION APPLIES IF THE CONVICTION OF A MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM FOR A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE IS OVERTURNED ON APPEAL.

(2) A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM MAY APPLY FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29–103 OF THIS SUBTITLE.

(3) THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

(4) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM SHALL BE ENTITLED TO THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE, INCLUDING ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE, PLUS INTEREST, THAT ACCRUED FROM THE TIME THE TEMPORARY SUSPENSION BEGAN UNDER SUBSECTION (C)(2) OF THIS SECTION.".

On page 5, in line 1, strike "**(G)**" and substitute "**(H)**"; and strike beginning with the comma in line 3 down through "**TO**" in line 4 and substitute "**OF**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 42 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Orphans' Court Judges – Pensions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 323 – Senator Jones (Chair, Joint Audit Committee) and Senators Currie, Haines, Kramer, McFadden, and Pugh

AN ACT concerning

Office of Legislative Audits – Auditing Local School Systems

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 348 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Capital Debt Affordability

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #11

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1424 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medicaid State Plan Amendments – Effective Dates

HB1424/626882/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1424
(First Reading File Bill)

On page 2, strike in their entirety, lines 27 through 30, inclusive; and in line 31, strike "4." and substitute "3.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 68 – Chair, Judicial Proceedings Committee (By Request – Departmental – Deaf and Hard of Hearing, Office of the)

AN ACT concerning

State Government – Human Relations – Closed–Captioning Activation Required

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 104 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 130 – Senators Pugh, Currie, Harrington, Jones, King, Lenett, Madaleno, ~~and Muse~~ Muse, and Peters

AN ACT concerning

Procurement – Minority Business Enterprises – ~~Reciprocal~~ Certification Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 131 – Senators Pugh, Currie, Exum, Harrington, Jones, King, Lenett, Madaleno, Muse, ~~and Raskin~~ Raskin, and Peters

AN ACT concerning

State Procurement – Minority Business Enterprises – Electronic Certification Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 145 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners in Optometry – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 146 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 164 – Senator Conway

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 165 – Senator Conway

AN ACT concerning

Health Occupations – Therapy Management Contracts – ~~Repeal~~ Extension of Sunset

SB0165/316783/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 165
(Third Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Extension" and substitute "Repeal"; and in line 4, strike "altering" and substitute "repealing".

AMENDMENT NO. 2

Strike beginning with "It" in line 16 down through "effect." in line 18.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 166 – Senator Conway

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 177 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Expedited Partner Therapy Pilot Program – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 213 – Senators Frosh, Dyson, Exum, Garagiola, Gladden, Harrington, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Middleton, Astle, Della, Glassman, and Klausmeier

AN ACT concerning

Child Care Articles ~~and Toys~~ Containing Bisphenol–A – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 383 – Senator Mooney

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 429 – Senators Kelley and Conway

AN ACT concerning

Maryland Medical Assistance Program – Medical Eligibility for Nursing Facility Level of Care – Report

SB0429/686986/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 429
(Third Reading File Bill)

On page 3, in line 29, strike "**INCLUDE**" and substitute "**INCLUDES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 431 – Senators Conway, Exum, Klausmeier, and Pugh

AN ACT concerning

~~Infant Formula and Baby Food~~ Food and Cosmetics – Auction Sales – Prohibition – Exception

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 527 – Senators Frosh, Conway, Currie, Dyson, Gladden, Jones, Klausmeier, Madaleno, Middleton, Pugh, and Raskin

AN ACT concerning

Health and Human Services Referral Board – 2–1–1 Maryland – Modifications

SB0527/456389/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 527
(Third Reading File Bill)

On page 8, in line 16, after "**EVALUATE**" insert "**THE PERFORMANCE OF EACH**"; and in the same line, strike "**CENTERS**" and substitute "**CENTER;**

(5) MAKE RECOMMENDATIONS TO 2–1–1 MARYLAND REGARDING THE QUALITY OF SERVICE PROVIDED BY CALL CENTERS OR THE PERFORMANCE OF CALL CENTERS WHEN ISSUES RELATED TO SERVICE QUALITY AND PERFORMANCE ARE PRESENTED TO THE BOARD;

(6) MAKE RECOMMENDATIONS REGARDING CORRECTIVE ACTION TO BE TAKEN BY A CALL CENTER, AS APPROPRIATE; AND

(7) DEVELOP POLICIES AND PROCEDURES GOVERNING CONFLICT OF INTEREST STANDARDS FOR BOARD MEMBERS".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 655 – Senator Lenett

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #17

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

House Bill 639 – Delegates Burns, Benson, Bronrott, Glenn, Kelly, Minnick, Morhaim, Myers, Smigiel, and Walker

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

HB0639/352519/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 639
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, Aumann, Cardin, Frank, Holmes, Hubbard, Jennings, Jones, Kach, Lafferty, Levi, McDonough, Nathan–Pulliam, Schuler, Stein, and Weir".

AMENDMENT NO. 2

On page 1, in lines 22 and 24, in each instance, strike "two" and substitute "three".

AMENDMENT NO. 3

On page 3, in line 4, strike "July" and substitute "October"; and in the same line strike "6" and substitute "3".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1330 – Delegates Conway, Bates, Cane, G. Clagett, DeBoy, Elmore, Mathias, Proctor, Robinson, Rudolph, Sophocleus, and Wood

AN ACT concerning

Child Abuse and Neglect – Reports and Records – Disclosure to Division of Parole and Probation

HB1330/372319/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1330
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "or learns"; and strike beginning with "under" in line 8 down through "Probation" in line 9 and substitute "registered on the offender registry based on the commission of an offense against a child".

AMENDMENT NO. 2

On page 2, in line 20, strike "**OR LEARNS**"; and strike beginning with "**UNDER**" in line 21 down through "**PROBATION**" in line 22 and substitute "**REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE COMMISSION OF AN OFFENSE AGAINST A CHILD**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary and Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1389 – Delegates Vallario, Conway, Anderson, Aumann, Bohanan, Branch, Bronrott, Cane, DeBoy, Doory, Eckardt, Elmore, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Haynes, Heller, James, Jones, Levy, Mathias, Mizeur, Proctor, Robinson, Rosenberg, and Wood

AN ACT concerning

Traffic Cases – Funds for State Police Helicopters and Ambulance, Fire, and Rescue Companies

HB1389/512315/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1389
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Wood" and substitute "Wood, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner".

AMENDMENT NO. 2

On page 1, in line 2, strike "Funds for"; strike beginning with the second "that" in line 4 down through "funds" in line 5; and in line 6, after "cost;" insert "altering the funds to which the Comptroller is required to credit certain surcharges collected under certain circumstances;".

AMENDMENT NO. 3

On page 3, in line 8, after "**ARTICLE**" insert "**OR TO A PARKING OR IMPOUNDING CASE**".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 13 through 26, inclusive, and substitute:

"**(3) THE COMPTROLLER ANNUALLY SHALL CREDIT THE SURCHARGES COLLECTED UNDER THIS SUBSECTION TO:**

(I) 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) THE GENERAL FUND AFTER $20,000,000 IS CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1457 – Delegates Dumais, Anderson, Barnes, Carter, Conaway, Dwyer, Frank, Jennings, Levi, McComas, McConkey, Rosenberg, Schuler, and Valderrama

AN ACT concerning

Civil Liability – AMBER, Silver, or Emergency Alert Dissemination – Immunity for Broadcast Media

HB1457/892710/1
BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1457
(First Reading File Bill)

On page 2, strike beginning with "**UNLESS**" in line 29 down through "**CONDUCT**" in line 32 and substitute "**IF THE BROADCASTER:**

(1) IS A PARTY TO A MEMORANDUM OF UNDERSTANDING REGARDING THE AMBER ALERT, SILVER ALERT, OR EMERGENCY ALERT PLAN ENTERED INTO BETWEEN THE MARYLAND STATE POLICE AND THE MARYLAND–DISTRICT OF COLUMBIA–DELAWARE BROADCASTER'S ASSOCIATION, INC.;

(2) HAS ESTABLISHED STANDARD OPERATING PROCEDURES APPROVED BY THE MARYLAND STATE POLICE THAT INCLUDE PROCEDURES GOVERNING:

(I) THE MANAGEMENT, RECEIPT, DISSEMINATION, AND BROADCAST OF THE AMBER ALERT, SILVER ALERT, OR EMERGENCY ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM BY THE MARYLAND STATE POLICE;

(II) WHICH EMPLOYEES, OFFICERS, DIRECTORS, MEMBERS, MANAGERS, AND AGENTS OF THE BROADCASTER ARE AUTHORIZED BY THE BROADCASTER TO RECEIVE THE AMBER ALERT, SILVER ALERT, AND EMERGENCY ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM; AND

(III) WHICH EMPLOYEES, OFFICERS, DIRECTORS, MEMBERS, MANAGERS, AND AGENTS OF THE BROADCASTER ARE AUTHORIZED BY THE BROADCASTER TO DISSEMINATE THE AMBER ALERT, SILVER ALERT, AND EMERGENCY ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM; AND

(3) REQUIRES EACH EMPLOYEE, OFFICER, DIRECTOR, MEMBER, MANAGER, AND AGENT WHO IS AUTHORIZED BY THE BROADCASTER TO RECEIVE OR DISSEMINATE THE AMBER ALERT, SILVER ALERT, AND EMERGENCY ALERT INFORMATION TO CONSENT TO, IN WRITING, OR EXECUTE THE MEMORANDUM OF UNDERSTANDING DESCRIBED IN THIS SUBSECTION".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 109 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Criminal Procedure – Expiration Date of Sentences – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 135 – Senator Kelley

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

SB0135/422214/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 135
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "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;"; in the same line, after the first "a" insert "certain"; and in line 10, after "innocence;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 1, strike "convicted"; in the same line, after "person" insert "**CHARGED BY INDICTMENT OR CRIMINAL INFORMATION WITH A CRIME TRIABLE IN CIRCUIT COURT AND CONVICTED OF THAT CRIME MAY**"; in the same line, strike "may"; in line 19, strike "**15**" and substitute "**90**"; and in line 31, strike "state a claim or".

AMENDMENT NO. 3

On page 3, after line 6, insert:

"**(H) (1) WITHIN 30 DAYS AFTER THE COURT PASSES AN ORDER IN ACCORDANCE WITH THIS SECTION, THE STATE OR THE PETITIONER MAY APPEAL THE ORDER TO THE COURT OF SPECIAL APPEALS.**

(2) (I) THE APPEAL SHALL FOLLOW THE FORM AND PROCEDURE SET BY THE MARYLAND RULES.

(II) IF THE STATE FILES AN APPEAL UNDER THIS SUBSECTION, THE COURT MAY:

1. STAY THE ORDER; AND

2. SET BAIL FOR THE PETITIONER.

(III) AFTER HEARING AN APPEAL UNDER THIS SUBSECTION, THE COURT OF SPECIAL APPEALS MAY:

1. AFFIRM, MODIFY, OR REVERSE THE ORDER APPEALED FROM; OR

2. REMAND THE CASE FOR FURTHER PROCEEDINGS.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 173 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 231 – Senators Kelley and Forehand

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

SB0231/972610/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 231
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "applying" insert "certain provisions of"; and in line 7, after "Act;" insert "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;".

AMENDMENT NO. 2

On page 27, in line 14, strike "**A**" and substitute "**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A**"; and after line 16, insert:

"**(B) UNLESS A COURT OF THIS STATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A FOREIGN COUNTRY APPLIES AND FOLLOWS**

SUBSTANTIVE AND PROCEDURAL DUE PROCESS CONSISTENT WITH THE PRACTICES AND POLICIES OF THE STATE OF MARYLAND, THE COURT:

(1) MAY NOT REQUEST A COURT IN THE FOREIGN COUNTRY TO ISSUE AN ORDER OR HOLD A HEARING;

(2) MAY NOT DECLINE TO EXERCISE JURISDICTION IF, BY DECLINING JURISDICTION IN THIS STATE, A COURT IN THE FOREIGN COUNTRY MAY OBTAIN JURISDICTION;

(3) MAY NOT DISMISS OR STAY A PROCEEDING IN THIS STATE REQUESTED OR ORDERED BY A COURT IN THE FOREIGN COUNTRY;

(4) MAY NOT DETERMINE THAT A COURT IN THE FOREIGN COUNTRY IS AN APPROPRIATE FORUM;

(5) MAY DECLINE TO COMPLY WITH NOTICE REQUIREMENTS OF THE FOREIGN COUNTRY OR THIS TITLE;

(6) MAY PROCEED WITH THE CASE IF THIS STATE IS OTHERWISE AN APPROPRIATE FORUM;

(7) MAY NOT ISSUE AN ORDER OR PROVISIONAL ORDER TO TRANSFER A GUARDIANSHIP OR CONSERVATORSHIP TO THE FOREIGN COUNTRY; AND

(8) MAY NOT RECOGNIZE UNDER ANY PROVISION OF LAW A GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM THE FOREIGN COUNTRY.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 261 – Senators Forehand, Raskin, ~~and Gladden~~ Gladden, Brochin, Haines, Jacobs, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Solicitation of a Minor and Human Trafficking – Prohibitions and Proof

SB0261/402110/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 261
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Sexual Solicitation of a Minor and"; in line 3, strike "and Proof"; strike beginning with "providing" in line 10 down through "circumstances;" in line 12; and strike beginning with "sexual" in line 20 down through "and" in line 21.

On page 2, in line 1, strike "3–324, 11–301," and substitute "11–301".

AMENDMENT NO. 2

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

On page 4, in line 16, strike "**(I)**"; and strike in their entirety lines 18 through 21, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #13

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

Senate Bill 112 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Rosewald Beach Civic League

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 237 – ~~**Senator Zirkin**~~ **Senators Zirkin, Brinkley, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, and Stoltzfus**

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 318 – **Senators Kramer, Astle, Brinkley, Brochin, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin**

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 752 – **Senator Pipkin**

AN ACT concerning

Queen Anne's County – Property Tax Credit – Foster Parent

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, and Walker

AN ACT concerning

Maryland Gang Prosecution Act of 2010

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

FLOOR AMENDMENT

HB0756/643929/1
BY: Delegate Gutierrez

AMENDMENTS TO HOUSE BILL 756, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "altering" in line 3 down through "ongoing;" in line 5.

AMENDMENT NO. 2

On page 2 of the bill, in line 3, strike the brackets.

AMENDMENT NO. 3

On page 2 of the House Judiciary Committee's Amendments (HB0756/412614/4), in line 2 of Amendment No. 3, strike "**A**" and substitute "**AN ONGOING**".

The preceding 3 amendments were read and rejected.

FLOOR AMENDMENT

HB0756/273922/1
BY: Delegate Braveboy

AMENDMENTS TO HOUSE BILL 756
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "ongoing;" insert "altering the definition of "pattern of criminal gang activity" to require the conviction for, rather than the commission of, attempted commission of, conspiracy to commit, or solicitation of, certain crimes;".

AMENDMENT NO. 2

On page 2, strike beginning with "the" in line 20 down through the second "of" in line 21; and in line 21, after "more" insert "**CONVICTIONS FOR**".

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and rejected.

Delegate Nathan–Pulliam moved to make the Bill a Special Order for Friday.

The motion was adopted.

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

Budget Bill

(Fiscal Year 2011)

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

(See Exhibit I of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE
REPRINT TO SENATE BILL 140 – THE BUDGET BILL

(See Exhibit J of Appendix II)

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

(See Exhibit K of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Committee amendments 1 through 12 were read and adopted.

Committee amendments 13 through 15 were read and adopted.

Committee amendment 16 was read and adopted.

Committee amendments 17 through 25 were read and adopted.

Committee amendments 26 through 36 were read and adopted.

Committee amendment 37 was read and adopted.

Committee amendments 38 through 42 were read and adopted.

Committee amendments 43 through 44 were read and adopted.

Committee amendment 45 was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

Committee amendment 45 was read and adopted.

Committee amendments 46 through 50 were read and adopted.

Committee amendment 51 was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 78 Negative – 56 (See Roll Call No. 839)

Committee amendments 52 through 58 were read and adopted.

Committee amendments 59 through 62 were read and adopted.

Committee amendment 63 was read and adopted.

Committee amendments 64 through 68 were read and adopted.

Committee amendments 69 through 76 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0140/563321/1
BY: Delegate Shank

AMENDMENT TO SENATE BILL 140
(Third Reading File Bill – Committee Reprint)

On pages 229 and 230, strike in their entirety the lines beginning with line 25 on page 229 through line 12 on page 230, inclusive, and substitute:

"SECTION 18. AND BE IT FURTHER ENACTED, That funding for the following purposes shall be reduced by the following amounts:

Purpose	General Fund
University of Maryland System – efficiency reduction	51,900,000
Senatorial and Delegate scholarships	11,482,530
Baltimore City highway user monies	100,000,000
Governor's Office for Crime Control and Prevention – special crimes grant	2,100,000
Geographic Cost of Education Index funding	126,600,000
Medicaid funding for abortions	2,100,000
Maryland Public Television	1,000,000
Grant to the Maryland Zoo	500,000
Stem cell research	12,400,000
State agency operating expenses – 1% across–the–board reduction	6,300,000

Savings related to elimination of living wage requirement for state contracts	1,100,000
Office of the Secretary budgets – 2% reduction	2,800,000
Moratorium on out–of–state travel	1,300,000
Elimination of advertising expenses	1,800,000

Further provided that 5 positions related to staffing speed cameras are hereby deleted and $400,000 in associated general funds are reduced.

Further provided that no funds may be expended for an Executive Branch salary in excess of $149,999 and that general funds of $1,700,000 for Executive Branch salaries are reduced.

Further provided that three chef positions at Government House are deleted and associated general funds of $200,000 are reduced.

Further provided that the remaining $10,000,000 in special funds in the Department of Natural Resources, representing remaining funds from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, are reduced.

Further provided that on or before July 1, 2010, the Governor shall develop a schedule to allocate a reduction of $6,200,000 for electricity (Comptroller subobject 0620) across Executive Branch agencies in the following amounts:

Fund	Amount
Special Funds	2,600,000
Current Unrestricted Funds	2,200,000
Current Restricted Funds	1,100,000
Federal Funds	300,000".

The preceding amendment was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 37 Negative – 95 (See Roll Call No. 840)

FLOOR AMENDMENT

SB0140/853522/1
BY: Delegate Serafini

AMENDMENT TO SENATE BILL 140
(Third Reading File Bill – Committee Reprint)

On page 134, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

In line 17, 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 – 43 Negative – 89 (See Roll Call No. 841)

FLOOR AMENDMENT

SB0140/983026/1
BY: Delegate Frank

AMENDMENT TO SENATE BILL 140
(Third Reading File Bill – Committee Reprint)

On pages 95 and 96, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

strike beginning with "; or" in line 43 on page 95 down through "health" in line 10 on page 96.

On page 99, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children's Health Program

strike beginning with "; or" in line 30 down through "health" in line 41.

The preceding amendment was read only.

Delegate Pena–Melnyk moved the previous question.

The motion was adopted.

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

Affirmative – 45 Negative – 87 (See Roll Call No. 842)

FLOOR AMENDMENT

SB0140/783024/1
BY: Delegate Boteler

AMENDMENT TO SENATE BILL 140
(Third Reading File Bill – Committee Reprint)

On page 167, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Program: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 24, 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 – 38 Negative – 93 (See Roll Call No. 843)

Read the second time and ordered prepared for Third Reading.

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

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

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

(See Exhibit K of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

SB0141/284264/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 7 down through "website;" in line 15.

On page 2, in line 2, after "funds;" insert "altering certain requirements governing expenditures from a certain fund;"; in the same line, after "altering" insert "for a certain fiscal year"; strike beginning with "requiring" in line 10 down through "System;" in line 18; strike beginning with "requiring" in line 20 down through "year;"

in line 25; strike beginning with "altering" in line 29 down through "years;" in line 30; in line 31, after "highway;" insert "repealing certain laws authorizing and relating to senatorial and delegate scholarships;"; and in line 45, after "Fund;" insert "prohibiting the expenditure of certain funds to support senatorial and delegate scholarships;".

On pages 2 and 3, strike beginning with "limiting" in line 47 on page 2 down through "funding;" in line 2 on page 3.

On page 3, in line 17, after "circumstances;" insert "authorizing the transferring of certain funds in the Fair Campaign Finance Fund for certain purposes; requiring that certain funds transferred from the Fair Campaign Finance Fund not used for certain purposes shall revert to the Fund; providing for a study and report by a certain date by an independent consultant regarding certain issues relating to certain voting systems;"; in line 18, strike "a"; in line 19, strike "appropriation" and substitute "appropriations"; in the same line, after "year;" insert "establishing a special fund in the Judiciary for a certain purpose; allowing certain judges to make contributions to the Special Fund; authorizing the Chief Judge of the Court of Appeals to process a budget amendment to appropriate money in the Special Fund for a certain purpose;"; and in line 20, after "year;" insert "requiring the Governor to design a certain supplemental prescription drug benefit plan for certain retirees;".

AMENDMENT NO. 2

On page 3, in line 26, after "9–1101" insert "(a)"; after line 28, insert:

"BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

and strike in their entirety lines 29 through 38, inclusive.

On page 4, in line 8, strike "4–214,"; in the same line, strike "and 10–523(a)(3)(i)"; in line 14, after "16–512(a)," insert "and"; strike beginning with the sixth comma in line 14 down through "23–503(b)(1)" in line 15; after line 33, insert:

"BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–504

Annotated Code of Maryland
(2007 Volume and 2009 Supplement)";

and strike in their entirety lines 34 through 38, inclusive.

On page 5, strike in their entirety lines 15 through 19, inclusive; in line 22, strike "21–304(a) and (b),"; in the same line, strike ", 21–308(a)(1) and (d)(1),"; strike in their entirety lines 26 through 30, inclusive; in line 33, after "2–1104," insert "and"; and in the same line, strike ", and 2–1302.2".

On page 6, strike in their entirety lines 27 through 31, inclusive, and substitute:

"BY repealing
Article – Education
Section 7–117; 18–401 through 18–408 and the subtitle "Subtitle 4. Senatorial Scholarships"; and 18–501 through 18–507 and the subtitle "Subtitle 5. Delegate Scholarships"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)".

On page 7, in line 20, after "35," insert "38,".

AMENDMENT NO. 3

On pages 8 and 9, strike in their entirety the lines beginning with line 1 on page 8 through line 17 on page 9, inclusive, and substitute:

"**[**9–1104.

The Governor shall include in the budget bill for each fiscal year a General Fund appropriation to Baltimore City of $3,075,000.**]**".

AMENDMENT NO. 4

On page 9, strike in their entirety lines 18 through 31, inclusive.

AMENDMENT NO. 5

On pages 10 through 12, strike in their entirety the lines beginning with line 1 on page 10 through line 20 on page 12, inclusive.

AMENDMENT NO. 6

On page 13, in line 22, strike "**AND FISCAL YEAR 2011**".

AMENDMENT NO. 7

On page 14, strike in their entirety lines 14 through 27, inclusive; and in line 31, strike "**$4,000,000**" and substitute "**$5,000,000**".

AMENDMENT NO. 8

On page 15, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 9

On page 17, in line 9, strike "fiscal year 2011" and substitute "**EACH OF FISCAL YEARS 2011 AND 2012**".

On page 18, in line 9, strike the bracket; and in the same line, strike "2012" and substitute "**2013**".

On page 19, in line 10, strike the bracket; in line 11, in each instance, strike the bracket; in the same line, strike "**(II)**"; in line 12, strike "**] IN**"; in the same line, strike "**2012**" and substitute "**2014**"; in lines 13, 17, 18, and 20, in each instance, strike the bracket; and in line 18, strike "(2)(ii)" and substitute "**(2)(III)**".

AMENDMENT NO. 10

On page 21, in lines 18, 25, and 31, strike "**23%**", "**24%**", and "**25%**", respectively, and substitute "**24%**", "**25%**", and "**26%**", respectively; strike beginning with "**AND**" in line 30 down through "**THEREAFTER**" in line 31; and in line 36, after "**YEAR**" insert "**;**

10. IN FISCAL YEAR 2018, NOT LESS THAN AN AMOUNT EQUAL TO 27% 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

11. IN FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 29% 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".

AMENDMENT NO. 11

On page 24, in lines 14, 17, 21, and 25, strike "**10%**", "**10.5%**", "**11%**", and "**11.5%**", respectively, and substitute "**9.5%**", "**10%**", "**10.5%**", and "**11%**", respectively.

AMENDMENT NO. 12

On pages 25 and 26, strike in their entirety the lines beginning with line 6 on page 25 through line 10 on page 26, inclusive.

AMENDMENT NO. 13

On page 29, in line 9, strike "**2011 AND FISCAL YEAR 2012**" and substitute "**2010**"; in line 10, strike "**$6,000,000**" and substitute "**$7,000,000**"; strike beginning with "**FOR**" in line 22 down through "**(C)**" in line 25; in line 25, strike "**2014**" and substitute "**2011**"; and in line 27, strike "**$13,000,000**" and substitute "**$6,000,000**".

AMENDMENT NO. 14

On page 30, in line 11, strike "**$13,000,000**" and substitute "**$9,850,000**".

AMENDMENT NO. 15

On page 31, after line 32, insert:

"Article – Human Services

8–504.

Expenditures from the Fund shall be made:

(1) in accordance with the **[**budget amendment procedure in § 7–209 of the**]** State Finance and Procurement Article; **AND**

(2) **[**to each county through the county's local management board to support a locally–driven interagency effort to maximize all available resources for children and family services; and

(3)**]** to reflect the priorities, policies, and procedures that the Children's Cabinet adopts.".

On page 72, after line 2, insert:

"SECTION 51. AND BE IT FURTHER ENACTED, That § 8–504 of the Human Services Article as enacted by this Act shall be construed to apply retroactively to July 1, 2009, and shall be applied to and interpreted to affect any contract invoices submitted on or after July 1, 2009.".

AMENDMENT NO. 16

On pages 31 through 33, strike in their entirety the lines beginning with line 33 on page 31 through line 30 on page 33, inclusive.

On page 69, after line 30, insert:

"SECTION 43. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 19–2201(e) of the Health – General Article or any other provision of law, in fiscal year 2011, the Governor may transfer by budget amendment up to $12,000,000 from the Community Health Resources Commission Fund to the Kidney Disease Treatment Program (M00Q01.06) in the Medical Care Programs Administration.".

AMENDMENT NO. 17

On pages 36 and 37, strike in their entirety the lines beginning with line 21 on page 36 through line 3 on page 37, inclusive.

AMENDMENT NO. 18

On pages 37 through 40, strike in their entirety the lines beginning with line 5 on page 37 through line 9 on page 40, inclusive.

On pages 41 through 43, strike in their entirety the lines beginning with line 1 on page 41 through line 28 on page 43, inclusive.

AMENDMENT NO. 19

On page 44, in line 26, strike "**$500,000**" and substitute "**$1,000,000**"; and in line 28, after the semicolon, insert "**AND**".

On pages 44 and 45, strike beginning with "**$500,000**" in line 29 on page 44 down through "**(III)**" in line 1 on page 45.

On page 45, strike in their entirety lines 2 through 14, inclusive.

AMENDMENT NO. 20

On page 48, strike in their entirety lines 5 through 12, inclusive.

AMENDMENT NO. 21

On page 48, in line 27, strike "**$81,900,000**" and substitute "**$85,013,000**"; and in line 29, strike "**$75,013,000**" and substitute "**$71,900,000**".

AMENDMENT NO. 22

On page 49, strike beginning with "**19%**" in line 9 down through "**(II)**" in line 11; in line 13, strike "**(III)**" and substitute "**(II)**"; in line 18, strike "**2012**" and substitute "**2014**"; in lines 22, 23, 24, and 28, strike "**19.6%**", "**22.5%**", "**20.1%**", and "**68.6%**", respectively, and substitute "**19.5%**", "**23%**", "**20.4%**", and "**68.5%**", respectively; in line 23, strike "**AND**"; and after line 24, insert:

"**4. 13.5% FOR FISCAL YEAR 2013; AND**

5. 7.5% FOR FISCAL YEAR 2014;".

On page 50, in line 1, strike "**FISCAL YEAR 2012**" and substitute "**EACH OF FISCAL YEARS 2012 THROUGH 2014**"; and in lines 10, 13, 17, 21, and 30, strike "**8.8%**", "**0.6%**", "**0.1%**", "**8.5%**", and "**8.2%**", respectively, and substitute "**11.4%**", "**14.2%**", "**2.9%**", "**8.6%**", and "**7.9%**", respectively.

On page 51, in lines 2 and 8, strike "**0.6%**" and "**7.8%**", respectively, and substitute "**0.5%**" and "**7.5%**", respectively; and after line 14, insert:

"**(4) FOR FISCAL YEAR 2013:**

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 7.5% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 5.8% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 1.7% OF TOTAL HIGHWAY USER REVENUES.

(5) FOR FISCAL YEAR 2014:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.4% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 10.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 2.1% OF TOTAL HIGHWAY USER REVENUES.".

AMENDMENT NO. 23

On page 54, after line 2, insert:

"SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 18–401 through 18–408 and the subtitle "Subtitle 4. Senatorial Scholarships"; and 18–501 through 18–507 and the subtitle "Subtitle 5. Delegate Scholarships" of Article – Education of the Annotated Code of Maryland be repealed.".

On page 62, after line 26, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That, notwithstanding Title 18, Subtitles 4 and 5 of the Education Article or any other provision of law, for fiscal year 2011, no funds that are appropriated in the fiscal year 2011 State budget may be expended to support senatorial or delegate scholarships.".

On page 72, before line 3, insert:

"SECTION 52. AND BE IT FURTHER ENACTED, That Section 13 shall take effect July 1, 2011.".

AMENDMENT NO. 24

On page 54, after line 26, insert:

"$20,000,000 of the funds in the Injured Workers' Insurance Fund established under § 10–104 of the Labor and Employment Article;".

On page 55, after line 7, insert:

"$5,000,000 of the funds in the Circuit Court Real Property Records Improvement Fund established by § 13–602 of the Courts and Judicial Proceedings Article;";

strike in their entirety lines 11 and 12; and strike in their entirety lines 15 and 16.

On page 56, in line 5, strike "$1,100,000" and substitute "$2,100,000".

On page 57, in line 7, strike "$150,000" and substitute "$500,000".

On page 59, in line 10, strike "$55,532,294" and substitute "$61,731,321"; in line 18, strike "$1,783,395" and substitute "$2,511,748"; in line 20, strike "$1,051,307" and substitute "$1,301,307"; and in line 31, strike "$602,800" and substitute "$400,000".

AMENDMENT NO. 25

On page 61, after line 23, insert:

"SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer by budget amendment $250,000 from the Nurse Support Program Assistance Fund established under § 11–405 of the Education Article to the Foreign Trained Health Professionals Program under the Department of Labor, Licensing, and Regulation.".

AMENDMENT NO. 26

On page 62, strike in their entirety lines 23 through 26, inclusive.

AMENDMENT NO. 27

On page 62, in line 35, after "section" insert "and except as otherwise provided in this Act".

AMENDMENT NO. 28

On page 70, after line 30, insert:

"SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to $2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below $1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and **[**may only be transferred to the Maryland Election Modernization Fund established under § 2–107 of the Election Law Article**]** **SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND**.

(E) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO $150,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE DEPARTMENT OF LEGISLATIVE SERVICES FOR THE PURPOSE OF PAYING THE COST OF A CONTRACT WITH AN INDEPENDENT CONSULTANT TO CONDUCT A STUDY OF THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(F) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE DEPARTMENT OF LEGISLATIVE SERVICES UNDER SUBSECTION

(E) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF THE CONTRACT REQUIRED UNDER SUBSECTION (G) OF THIS SECTION MAY NOT BE RETAINED BY THE DEPARTMENT OF LEGISLATIVE SERVICES AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

(G) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT TO COMPLETE A STUDY OF THE FOLLOWING ISSUES:

(1) WHETHER THE STATE BOARD OF ELECTIONS VOTING SYSTEM SUPPORT SERVICES CONTRACT APPROVED BY THE BOARD OF PUBLIC WORKS ON FEBRUARY 24, 2010, IS MAXIMALLY COST–EFFECTIVE AND INCLUDES ONLY SERVICES THAT ARE CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(2) WHETHER THE STATE BOARD OF ELECTIONS PROPOSED PROCUREMENT OF AN OPTICAL SCAN VOTING SYSTEM FOR DEPLOYMENT IN THE 2010 ELECTIONS WAS MAXIMALLY COST–EFFECTIVE AND INCLUDED ONLY EQUIPMENT THAT IS CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(3) THE NECESSITY OF THE STATE BOARD'S PROPOSED PROCUREMENT OF VOTING BOOTHS AND SUPPLY CARTS TO IMPLEMENT AN OPTICAL SCAN VOTING SYSTEM FOR THE 2010 ELECTIONS;

(4) THE AMOUNT, IF ANY, BY WHICH VOTING SYSTEM OPERATIONS AND MAINTENANCE COSTS WOULD BE REDUCED IF AN OPTICAL SCAN VOTING SYSTEM IS IMPLEMENTED;

(5) CURRENT AND PROJECTED OPERATIONS AND MAINTENANCE COSTS FOR THE STATE'S CURRENT VOTING SYSTEM;

(6) THE PROJECTED LIFE SPAN OF THE STATE'S CURRENT VOTING SYSTEM;

(7) A COMPARISON OF THE OVERALL COST OF CONTINUING TO USE THE STATE'S CURRENT VOTING SYSTEM AS OPPOSED TO IMPLEMENTING AN OPTICAL SCAN SYSTEM; AND

(8) RECOMMENDATIONS FOR PROCURING AND IMPLEMENTING AN OPTICAL SCAN VOTING SYSTEM IN A COST–EFFECTIVE MANNER.

(H) THE INDEPENDENT CONSULTANT SHALL CONSULT WITH VOTING SYSTEM EXPERTS AND REVIEW THE VOTING SYSTEM CONTRACTS AND POLICIES OF OTHER JURISDICTIONS IN MAKING FINDINGS AND RECOMMENDATIONS CONCERNING THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(I) ON OR BEFORE DECEMBER 1, 2010, THE INDEPENDENT CONSULTANT SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(J) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO $500,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM.

(K) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER SUBSECTION (J) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.".

AMENDMENT NO. 29

On page 71, strike beginning with "L00A12.10" in line 24 down through "Fund" in line 26 and substitute "R00A03.04 Aid to Non–Public Schools in the Department of Education is reduced by $450,000"; and in line 27, strike "$700,000" and substitute "$450,000".

AMENDMENT NO. 30

On page 71, after line 29, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The unexpended appropriation in the fiscal year 2010 State budget for program C00A00.04 District Court is reduced by $1,513,427 and shall revert to the State General Fund. No part of this reduction may be allocated to Comptroller Object .01 Salaries and Wages.

(b) (1) A Special Fund is established in the Judiciary for the purpose of allowing Maryland judges to make a financial contribution as a method of participating in the Statewide furlough of State employees in order to replace funds reduced from appropriations for non–personnel expenses for the Judiciary in the fiscal year 2010 and fiscal year 2011 State budgets.

(2) Judges of the Maryland Court of Appeals, Court of Special Appeals, District Court, and Circuit Courts may make contributions to the Special Fund in an amount equal to up to 10 days pay.

(3) The Chief Judge of the Court of Appeals is authorized to process a budget amendment to appropriate funds in the Special Fund for the purpose of replacing funds reduced from appropriations for non–personnel expenses for the Judiciary in the fiscal year 2010 and fiscal year 2011 State budgets.

(4) No part of the Special Fund may be used to increase the appropriation for Comptroller Object .01 Salaries and Wages.".

AMENDMENT NO. 31

On page 71, before line 30, insert:

"SECTION 47. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor shall design a plan for a prescription benefit program for current Medicare–eligible State retirees that integrates retiree benefits with the federally managed Medicare Part D prescription drug benefit program by January 1, 2012. The Administration's plan should effect a material reduction in the State's long–term liabilities and ongoing costs by maximizing reliance on Medicare Part D while minimizing the impact on current retirees and employees. The plan must be accomplished with input from the Blue Ribbon Commission and be proposed for inclusion in the fiscal year 2012 budget. The plan should also provide for an alternative retiree prescription benefit program for new employees, starting in fiscal year 2012 and thereafter, that relies on Medicare Part D for prescription coverage.".

AMENDMENT NO. 32

On page 13, in line 21, strike "**PARAGRAPH (2) OR (4)**" and substitute "**ANY OTHER PROVISION**".

On page 30, in line 7, strike "**JOHN**" and substitute "**JOHNS**".

On page 36, in line 2, strike "**EXECUTIVE BRANCH**" and substitute "**EXECUTIVE BRANCH**".

On page 49, in line 22, after "**FISCAL**" insert "**YEAR**".

On page 54, in lines 3, 8, 10, and 19, strike "13.", "14.", "15.", and "16.", respectively, and substitute "14.", "15.", "16.", and "17.", respectively.

On page 58, in line 15, strike "17." and substitute "18.", respectively.

On page 59, in line 7, strike "18." and substitute "19.".

On page 60, in lines 8, 28, and 34, strike "19.", "20.", and "21.", respectively, and substitute "20.", "21.", and "22.", respectively.

On page 61, in lines 3, 8, 12, 18, 24, and 33, strike "22.", "23.", "24.", "25.", "26.", and "27.", respectively, and substitute "23.", "24.", "25.", "26.", "28.", and "29.", respectively.

On page 62, in lines 1, 11, 21, and 33, strike "28.", "29.", "30.", and "32.", respectively, and substitute "30.", "31.", "32.", and "34.", respectively.

On page 63, in line 9, strike "33." and substitute "35.".

On page 68, in lines 12, 18, 23, 31, and 36, strike "34.", "35.", "36.", "37.", and "38", respectively, and substitute "36.", "37.", "38.", "39.", and "40.", respectively.

On page 69, in lines 20 and 27, strike "39." and "40.", respectively, and substitute "41." and "42.", respectively.

On page 70, in line 1, strike "41." and substitute "44.".

On page 71, in lines 22, 30, 32, and 38, strike "42.", "43.", "44.", and "45.", respectively, and substitute "45.", "48.", "49.", and "50.", respectively; and in line 39, strike "33" and substitute "35".

On page 72, in lines 3, 14, and 17, strike "46.", "47.", and "48.", respectively, and substitute "53.", "54.", and "55.", respectively; in line 10, strike "5A" and substitute "6 of"; and in line 14, strike "40" and substitute "42".

Committee amendments 1 through 7 were read and adopted.

Committee amendments 8 through 12 were read and adopted.

Committee amendments 13 through 17 were read and adopted.

Committee amendments 18 through 22 were read and adopted.

Committee amendment 23 was read and adopted.

Committee amendment 24 was read and adopted.

Committee amendments 25 through 27 were read and adopted.

Committee amendment 28 was read and adopted by a roll call vote as follows:

Affirmative – 94 Negative – 40 (See Roll Call No. 844)

Committee amendments 29 through 32 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0141/883720/1
BY: Minority Leader

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 15, strike "altering" and substitute "requiring certain enrollment calculations used for education aid to be based on the average daily attendance in certain school years; repealing".

On page 2, in line 6, after "circumstances;" insert "providing that under certain circumstances retirees are not eligible for a certain prescription drug benefit plan included in certain State employee health benefits; requiring the State to provide a certain supplemental prescription drug benefit plan for certain retirees;"; and in line 33, after "highway;" insert "requiring the Motor Vehicle Administration to issue a single registration plate to all classes of vehicles; providing for the method of attachment of the registration plate; making certain conforming changes and a certain technical correction; authorizing the publisher of the Annotated Code to make certain corrections; repealing the Maryland Stem Cell Research Fund, the Stem Cell Research Commission, and certain provisions of law providing for State–funded stem cell research; repealing a certain grant program; repealing certain laws requiring certain contractors and subcontractors to pay certain employees certain minimum wage rates under certain State procurement contracts;".

On page 3, strike beginning with "*requiring*" in line 33 down through "*retirees;*" in line 34 and substitute "stating the intent of the General Assembly regarding constraining spending in the State budget by implementation of certain actions;".

AMENDMENT NO. 2

On page 4, strike in their entirety lines 31 and 32 and substitute:

"Section 4–122(b)(2), 5–202(a), 5–205(c), 5–206(f), 14–405(b)(2), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)";

and after line 34, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 5–207(a)(4), 5–208(a)(6), 5–209(a)(7), 8–310.3(a)(4) and (b), and 8–317(a)(4), (b), and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)".

On page 6, in line 4, after "Section" insert "2–509.1,"; in the same line, after "(o)" insert a comma; in line 30, strike "and"; and in the same line, after "8–407" insert ", 13–410, and 13–411".

On page 7, after line 9, insert:

"BY repealing
Article – Economic Development
Section 10–429 through 10–442 and the part "Part III. Stem Cell Research"
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)";

in line 17, after "*Section*" insert "5–202(f);"; and after line 31, insert:

"BY repealing
Article – State Finance and Procurement
Section 18–101 through 18–109 and the title "Title 18. Living Wage"
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 3

On pages 16 through 26, strike in their entirety the lines beginning with line 14 on page 16 through line 17 on page 26, inclusive, and substitute:

"4–122.

(b) (2) The service providing local education agency shall include a child enrolled as the result of an out–of–county living arrangement in their full–time equivalent enrollment as provided by **[**§ 5–202(a)(6)**] § 5–202(A)** of this article.

5–202.

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

(2) "ABSENTEEISM RATE" MEANS THE DIFFERENCE BETWEEN 1.00 AND THE AVERAGE DAILY ATTENDANCE RATE.

[(2)**](3)** "Annual per pupil foundation amount" means:

(i) For fiscal years 2004 through 2008, the sum, rounded to the nearest dollar, of:

1. The fiscal year 2002 per pupil foundation amount of $4,124; and

2. The product of the difference between the target per pupil foundation amount and $4,124 and:

A. 0.40 in fiscal year 2004;

B. 0.52 in fiscal year 2005;

C. 0.71 in fiscal year 2006; and

D. 0.83 in fiscal year 2007; and

(ii) For fiscal year 2008 and each fiscal year thereafter, the target per pupil foundation amount.

[(3)**](4)** "Assessed valuation of real property" means the most recent estimate made by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly, of the assessed value of real property for State purposes as of July 1 of the first completed fiscal year before the school year for which the calculation of State aid is made under this section.

[(4)**](5)** "Assessed value of personal property" means the most recent estimate by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly of the assessed value for county purposes of personal property as of July 1 of the first completed fiscal year before the school year for which the calculation is made under this section.

(6) "AVERAGE DAILY ATTENDANCE RATE" MEANS THE SUM OF STUDENTS ATTENDING SCHOOL EACH DAY DURING THE SECOND PRIOR SCHOOL YEAR DIVIDED BY THE SUM OF STUDENT MEMBERSHIP FROM EACH DAY DURING THE SECOND PRIOR SCHOOL YEAR.

[(5)**](7)** "Foundation program" means the product of the annual per pupil foundation amount and a county's full–time equivalent enrollment.

[(6)**](8)** "Full–time equivalent enrollment" means the **[**sum of**]** **DIFFERENCE BETWEEN**:

(i) **THE SUM OF:**

1. The number of students enrolled in **[**grades 1 through**]** **KINDERGARTEN THROUGH GRADE** 12 or their equivalent in regular day school programs on September 30 of the previous school year; **AND**

[(ii) Except as provided in item (iii) of this paragraph, the product of the number of students enrolled in kindergarten programs on September 30 of the prior school year and:

1. 0.60 in fiscal year 2004;

2. 0.70 in fiscal year 2005;

3. 0.80 in fiscal year 2006;

4. 0.90 in fiscal year 2007; and

5. 1.00 in fiscal year 2008 and each fiscal year thereafter;

(iii) In Garrett County, the number of students enrolled in kindergarten programs on September 30 of the prior school year; and

(iv)**]** **2.** The number of full–time equivalent students, as determined by a regulation of the Department, enrolled in evening high school programs during the previous school year**; AND**

(II) THE PRODUCT OF MULTIPLYING:

1. THE NUMBER DERIVED IN ITEM (I) OF THIS PARAGRAPH; AND

2. THE ABSENTEEISM RATE.

[(7)**](9)** "Local contribution rate" means the figure that is calculated as follows:

(i) Multiply the statewide full–time equivalent enrollment by $624, and multiply this product by:

1. 0.46 in fiscal year 2004;

2. 0.47 in fiscal year 2005;

3. 0.48 in fiscal year 2006;

4. 0.49 in fiscal year 2007; and

5. 0.50 in fiscal year 2008 and each fiscal year thereafter;

(ii) Multiply the statewide full–time equivalent enrollment by the amount that the annual per pupil foundation amount exceeds $624, and multiply this product by 0.50;

(iii) Add the two products calculated in items (i) and (ii) of this paragraph, and divide the resulting sum by the sum of the wealth of all of the counties in this State; and

(iv) Round the result obtained in item (iii) of this paragraph to seven decimal places and express as a percent with five decimal places.

[(8)**](10)** "Local share of the foundation program" means the product of the local contribution rate and a county's wealth.

[(9)**](11)** "Net taxable income" means the amount certified by the State Comptroller for the second completed calendar year before the school year for which the calculation of State aid under this section is made, based on tax returns filed on or before September 1 after this calendar year.

[(10)**](12)** "Personal property" means all property classified as personal property under § 8–101(c) of the Tax – Property Article.

[(11)**](13)** "Real property" means all property classified as real property under § 8–101(b) of the Tax – Property Article.

[(12)**](14)** "State share of the foundation program" means the greater of:

(i) The difference between the foundation program and the local share of the foundation program; and

(ii) The result obtained by multiplying the annual per pupil foundation amount by the county's full–time equivalent enrollment, and multiplying this product by:

1. 0.25 in fiscal year 2004;

2. 0.24 in fiscal year 2005;

3. 0.22 in fiscal year 2006;

4. 0.19 in fiscal year 2007; and

5. 0.15 in fiscal year 2008 and each fiscal year thereafter.

[(13)**](15)** "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:

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**]**.

[(14)**](16)** "Wealth" means the sum of:

(i) Net taxable income;

(ii) 100 percent of the assessed value of the operating real property of public utilities;

(iii) 40 percent of the assessed valuation of all other real property; and

(iv) 50 percent of assessed value of personal property.

5–205.

(c) (1) In this subsection, "full–time equivalent enrollment" has the meaning stated in § 5–202 of this subtitle.

(2) **[**Subject to the limitations under paragraph (3) of this subsection, for**]** **FOR** fiscal year **[**2004**]** **2011** and every year thereafter**,** the amount of a county's base grant for student transportation shall be equal to the amount of the county's base grant for student transportation for the previous year **[**increased by the same percentage as the increase in the private transportation category of the Consumer Price Index for all urban consumers, for the Washington–Baltimore metropolitan area, as of July of the fiscal year preceding the year for which the amount is being calculated,**]** plus an additional amount equal to the product of:

(i) The total amount of funds distributed by the State as base grants for student transportation for the previous fiscal year divided by the statewide full–time equivalent enrollment for the previous fiscal year; and

(ii) The difference between the full–time equivalent enrollment in a county for the current fiscal year and the full–time equivalent enrollment in the county for the previous fiscal year, or, if the full–time equivalent enrollment in a county for the current fiscal year is less than the full–time equivalent enrollment in the county for the previous fiscal year, zero.

[(3) (i) Except as provided in subparagraph (ii) of this paragraph, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 3 percent nor more than 8 percent of the amount of the grant for the previous year.

(ii) For fiscal year 2012, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be more than 1 percent of the amount of the grant for the previous year.**]**

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.**]**

5–207.

(a) (4) "Compensatory education per pupil amount" means 97% of the annual per pupil foundation amount calculated under § 5–202 of this subtitle multiplied by the State share of compensatory education funding.

5–208.

(a) (6) "LEP per pupil amount" means 99% of the annual per pupil foundation amount calculated under § 5–202 of this subtitle multiplied by the State share of LEP funding.

5–209.

(a) (7) "Special education per pupil amount" means 74% of the annual per pupil foundation amount calculated under § 5–202 of this subtitle multiplied by the State share of special education funding.

8–310.3.

(a) (4) "Per pupil basic current expense figure" means the figure calculated for each fiscal year by the Department in accordance with § 5–202 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, the Maryland School for the Deaf shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and

2. The sum of the growth in the per pupil basic current expense figure plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Deaf.

8–317.

(a) (4) "Per pupil basic current expense figure" means the figure calculated for each fiscal year by the Department in accordance with § 5–202 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Maryland School for the Blind shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and

2. The sum of the growth in the per pupil basic current expense figure plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Blind.

(c) The "prior year appropriation" used to calculate the fiscal year 2000 appropriation to the Maryland School for the Blind shall be $11,585,436.

14–405.

(b) (2) (i) For fiscal year 1993, the grant shall be as provided for in the State fiscal year 1993 appropriation.

[(ii) For fiscal year 1994 and each year thereafter, the proposed grant shall be equal to the grant of the prior year augmented by funds required to offset inflation as indicated by the implicit price deflator for State and local government.**]**

(II) IN EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2011, THE PROPOSED GRANT SHALL BE EQUAL TO THE GRANT OF THE PRIOR YEAR.

16–305.

(c) (1) (i) The total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% 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;

2. In fiscal year 2010, not less than an amount equal to 23.6% 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**

3. In fiscal year 2011 **AND IN EACH FISCAL YEAR THEREAFTER**, not less than an amount equal to **[**24%**] 20%** 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**[**;

4. In fiscal year 2012, not less than an amount equal to 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 same fiscal year;

5. In fiscal year 2013, not less than an amount equal to 27% 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

6. In fiscal year 2014 and in each fiscal year thereafter, not less than an amount equal to 29% 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**]**.

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; **AND**

(iii) In fiscal year 2011 **AND EACH FISCAL YEAR THEREAFTER**, 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% 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% 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 and each fiscal year thereafter, not less than an amount equal to 68.5% 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**]**.

17–104.

(a) The Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full–time equivalent students enrolled at the 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 by:

(1) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year;

(2) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in the State for the same fiscal year; **AND**

(3) In fiscal year 2011 **AND EACH FISCAL YEAR THEREAFTER**, an amount not less than **[**13%**]** **7.6%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year**[**;

(4) In fiscal year 2012, an amount not less than 13.5% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(5) In fiscal year 2013, an amount not less than 14% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(6) In fiscal year 2014, an amount not less than 14.5% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year; and

(7) In fiscal year 2015 and each fiscal year thereafter, an amount not less than 15.5% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year**]**.".

AMENDMENT NO. 4

On page 38, after line 31, insert:

"2–509.1.

(A) The State shall continue to include a prescription drug benefit plan in the health insurance benefit options established under the Program **[**and available to retirees under**]**.

(B) **NOTWITHSTANDING** §§ 2–508 and 2–509 of this subtitle **[**notwithstanding the enactment of**]**, **TO THE EXTENT ALLOWED UNDER** the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 or any other federal law **[**permitting states to discontinue**]**, **BEGINNING IN FISCAL YEAR 2011:**

(1) RETIREES WHO ARE ELIGIBLE TO ENROLL IN FEDERAL PRESCRIPTION DRUG BENEFITS UNDER MEDICARE PART D MAY NOT PARTICIPATE IN THE prescription drug benefit **[**plans to retirees of a state**] PLAN AVAILABLE TO ACTIVE STATE EMPLOYEES; AND**

(2) THE STATE SHALL INCLUDE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM A SUPPLEMENTAL PRESCRIPTION DRUG BENEFIT PLAN AVAILABLE TO RETIREES WHO ARE ELIGIBLE FOR FEDERAL PRESCRIPTION DRUG BENEFITS UNDER MEDICARE PART D.".

On page 77 and 78, strike in their entirety the lines beginning with line 31 on page 77 through line 2 on page 78, inclusive.

AMENDMENT NO. 5

On page 48 strike in their entirety lines 6 through 29, inclusive, and substitute:

"2–1104.

[(a) Except as provided in subsections (b) and (c) of this section, after**] AFTER** making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the **[**Chesapeake Bay 2010 Trust Fund**] GENERAL FUND OF THE STATE**; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

[(b) For the fiscal year beginning July 1, 2008, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $6,500,000 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

(c) For the fiscal year beginning July 1, 2009, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $8,385,845 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.**]**".

On page 49, strike in their entirety lines 5 through 11, inclusive, and substitute:

"(a) Except as provided in subsections (b) and (c) of this section, after making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the **[**Chesapeake Bay 2010 Trust Fund**]** **GENERAL FUND OF THE STATE**.";

and strike in their entirety lines 24 through 32, inclusive.

AMENDMENT NO. 6

On page 51, in line 20, strike "***23%***" and substitute "**29.3%**".

On page 52, in line 31, strike "***7.9%***" and substitute "**1.6%**".

AMENDMENT NO. 7

On page 56, after line 14, insert:

"13–410.

(a) (1) **[**Except as otherwise provided in this title, when**]** **WHEN** it registers a vehicle, the Administration shall issue **[**to the owner:

(i) One**]** **ONE** registration plate**[**, if the vehicle is a Class D (motorcycle) vehicle, Class F (tractor) vehicle, or Class G (trailer) vehicle; and

(ii) Two registration plates for every other vehicle**] TO THE OWNER OF THE VEHICLE**.

(2) **[**However, as to temporary registration, the**] THE** Administration may provide for the issuance of **[**only**]** one temporary registration plate for any vehicle.

(b) (1) **[**Each**] THE** registration plate shall display:

(i) The registration number assigned to the vehicle for which it is issued; and

(ii) The name of this State, which may be abbreviated.

(2) The registration number may consist of letters, numerals, or both.

(c) (1) This subsection applies only to the following vehicles:

(i) A Class A (passenger) vehicle;

(ii) A Class E (truck) vehicle registered or capable of registration under § 13–917 of this title; and

(iii) A Class M (multipurpose) vehicle.

(2) At the option of the registered owner of a vehicle for which **A** registration **[**plates are**] PLATE IS** issued under this title, in addition to the information otherwise required to be shown on the registration **[**plates**] PLATE**, the registration **[**plates**] PLATE** may display a sticker indicating the name of the county, including Baltimore City, in which the owner of the vehicle resides.

(3) The Administration shall:

(i) Approve a sticker design option that complies with paragraph (2) of this subsection; and

(ii) Offer to each vehicle owner applying for **A** new or replacement registration **[**plates**] PLATE** under this title the option to select a sticker that displays the owner's county of residence.

(4) In addition to the annual registration fee otherwise required under this title, the Administration may charge a fee, not to exceed its costs, for issuing or replacing the county sticker offered under this subsection.

(5) A vehicle owner may not display stickers that show a county name other than the owner's county of residence.

(6) A county sticker issued under this subsection may not be placed on a special registration plate or a commemorative registration plate issued under Subtitle 6 of this title.

(d) Registration plates may be reflectorized and shall be manufactured of a material warranted to have a durability of at least 5 years. However, prior to registration plates being reflectorized, the Administration shall obtain approval of the General Assembly through a budget item.

(e) (1) During subsequent registration years, the Administrator may order the continued use of registration plates that are valid during any current registration year, and, after so doing, the Administrator shall issue, at the time a vehicle's registration is renewed, a validation tab to evidence payment of the vehicle's annual registration fee.

(2) The tab shall be displayed on the **[**plates**]** **PLATE** of the vehicle in the manner that the Administrator requires.

(3) The Administrator from time to time shall evaluate the condition of registration plates issued under this title and may provide for the manufacture and issuance of new registration plates. These new registration plates shall be issued and subsequently validated in the manner required by this subtitle.

(f) Notwithstanding the provisions of subsection **[**(c)**]** **(D)** of this section, the Administration may issue reflectorized registration plates under §§ 13–618 and 13–619 of this title.

(g) The dimensions of a registration plate issued for a Class D (motorcycle) vehicle shall be 7 inches wide by 4 inches high.

13–411.

(a) **[**On a vehicle for which two registration plates are required, one plate shall be attached on the front and the other on the rear of the vehicle.

(b) On a vehicle for which one registration plate is required, the**] THE REGISTRATION** plate shall be attached on the:

(1) Front of the vehicle for a Class F (tractor) vehicle; and

(2) Rear of the vehicle for every other vehicle.

[(c)**] (B)** At all times, **[**each**] THE** registration plate shall be:

(1) Maintained free from foreign materials, including registration plate covers as defined in § 13–411.1 of this subtitle, and in a condition to be clearly legible; and

(2) Securely fastened to the vehicle for which it is issued:

(i) In a horizontal position;

(ii) In a manner that prevents the plate from swinging; and

(iii) In a place and position to be clearly visible.

[(d)**] (C)** Except as otherwise expressly permitted by the Maryland Vehicle Law, as to any vehicle required to be registered under this title, a person may not drive the vehicle on any highway in this State, unless there is attached to the vehicle and displayed on it, as required in this title:

(1) A registration plate **[**or plates**]** issued for the vehicle by the Administration for the current registration period; and

(2) Any validation tab issued for the vehicle under this subtitle.

[(e)**] (D)** Except as otherwise expressly permitted by the Maryland Vehicle Law, as to any vehicle required to be registered under this title, the owner of the vehicle may not permit the vehicle to be driven on any highway in this State, unless there is attached to and displayed on the vehicle, as required in this title:

(1) A registration plate **[**or plates**]** issued by the Administration for the current registration period; and

(2) Any validation tab issued for the vehicle under this subtitle.

[(f)**] (E)** Except as otherwise expressly permitted by the Maryland Vehicle Law, a vehicle used or driven in this State may not display on either its front or rear any expired registration plate issued by any state.

[(g)**] (F)** Except as otherwise expressly permitted by the Maryland Vehicle Law, a person may not display or permit to be displayed on any vehicle used or driven in this State any registration plate issued for another vehicle or to a person other than the owner of the vehicle.

[(h)**] (G)** (1) A vehicle registered as a historic or antique vehicle (Class L) in this State or in another state, when used or driven in this State, may display vintage registration plates as an indication of the historic or antique nature of the vehicle. Except as provided in paragraph (2) of this subsection, the place on the vehicle provided for the display of **A** registration **[**plates**] PLATE** may only be used for the display of **THE** current registration **[**plates**] PLATE** in accordance with subsections (a) **[**through (c)**] AND (B)** of this section, and any vintage registration plates which are used shall be displayed elsewhere on the vehicle.

(2) If the Administration authorizes the display of vintage registration plates in lieu of **THE** current registration **[**plates**] PLATE**, as provided in § 13–936.1 of this title, the vintage registration plates shall be displayed as required under subsections (a) **[**through (c)**] AND (B)** of this section. However, the current registration **[**plates**] PLATE** shall be kept in the vehicle at all times.

[(i)**] (H)** It is the duty of every police officer to report to the Administration all vehicles operated in violation of this section. The Administration shall verify whether the owner of a reported vehicle has complied with this section.".

AMENDMENT NO. 8

On page 77, after line 30, insert:

"SECTION 47. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that spending be further constrained in the annual State budget for fiscal year 2011 by implementation of the following actions:

(1) Reducing General Fund appropriations for the State–operated institutions of higher education in the University System of Maryland by at least $50 million by eliminating 1,000 positions, reducing the budget for travel by 50%, and substituting half–priced tuition in place of free tuition for employees;

(2) Reducing Medicaid spending by increasing Medicaid recoveries through the use of claims and eligibility audits and utilization reviews;

(3) Reducing General Funds by at least $6.3 million through across–the–board reductions of 1% to State agency general operating budgets;

(4) Eliminating all State funding for abortions in the Medical Assistance Program;

(5) Reducing all Office of Secretary budgets for cabinet level departments by 2%;

(6) Excluding funding for the State Aid for Police Protection formula, reducing General Fund grants for the Governor's Office of Crime Control and Prevention by 10%;

(7) Realizing a General Fund savings of at least $1.8 million by reducing State agency advertising and promotion budgets;

(8) Capping all executive branch salaries at an amount equal to $1 less than the Governor's salary;

(9) A moratorium on all out–of–state travel for State employees;

(10) Reducing State costs for electricity by 5%;

(11) Reducing the budget for Maryland Public Television by $1.0 million;

(12) Realizing savings by closing the Maryland Correctional Adjustment Center to State–sentenced inmates and maximizing the facility's use for federal prisoners under a federal per diem agreement;

(13) Eliminating 500 positions;

(14) Reducing the appropriation in the Board of Public Works for the Maryland Zoo at Baltimore by 10%;

(15) Eliminating the budget for chefs at Government House; and

(16) Eliminating 10 positions in the Maryland State Police intended to implement Chapter 500 of the Acts of 2009 regarding the use of speed monitoring systems.

SECTION 47A. AND BE IT FURTHER ENACTED, That any reference in the Annotated Code of Maryland to multiple registration plates rendered obsolete by this Act shall be corrected by the publisher of the Annotated Code, in consultation with the Department of Legislative Services, with no further action required by the General Assembly. The publisher shall adequately describe corrections made under this section in the editor's note following the section affected.".

The preceding 8 amendments were read and rejected by a roll call vote as follows:

Affirmative – 37 Negative – 99 (See Roll Call No. 845)

FLOOR AMENDMENT

SB0141/153223/1
BY: Delegate Miller

AMENDMENT TO SENATE BILL 141
(Third Reading File Bill – Committee Reprint)

On page 57, strike in their entirety lines 16 and 17.

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

Affirmative – 40 Negative – 94 (See Roll Call No. 846)

FLOOR AMENDMENT

SB0141/353229/1
BY: Delegate Shank

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 34, after "*retirees;*" insert "stating the intent of the General Assembly concerning certain tax policies during a certain period;".

AMENDMENT NO. 2

On page 78, after line 4, insert:

"SECTION 48A. AND BE IT FURTHER ENACTED, That, for the 4–year period beginning July 1, 2010, it is the intent of the General Assembly that:

(1) the rate of any statewide tax in effect on the effective date of this Act not be increased;

(2) there be no expansion of the sales tax base, including any expansion of the sales tax to any new services not subject to the sales tax on the effective date of this Act;

(3) the effective period for the 6.25% State income tax rate specified in § 10–105 of the Tax – General Article for taxable income in excess of $1,000,000 not be extended to apply for any tax year after 2010;

(4) legislation not be enacted requiring combined reporting for affiliated corporations; and

(5) no new taxes be enacted or imposed that were not in effect on the effective date of this Act.".

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 39 Negative – 94 (See Roll Call No. 847)

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 413 – Senators Pugh, Exum, Forehand, Lenett, Madaleno, Miller, ~~and Muse~~ Muse, and Jones

AN ACT concerning

Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling for Public Use

FOR the purpose of ~~requiring the State and the governing body of a county and municipal corporation to grant a tax credit against the State, county, and municipal corporation property taxes for certain property purchased by certain owners of certain property that is acquired for public use; providing for the computation of the credit; requiring certain owners of certain property to apply for the credit; requiring certain information to be provided in an application for the credit; prohibiting the granting of the credit unless a certain application has been submitted by a certain date; authorizing the State Department of Assessments and Taxation to provide the application on its website; requiring the Department to adopt certain regulations; defining certain terms;~~ altering certain limitations on a certain authorized property tax credit against the county or municipal corporation property tax for certain property purchased by certain owners of certain property that is acquired for public use; providing for the application of this Act; and generally relating to a property tax credit for ~~an increase in~~ property tax due on the replacement home of certain homeowners.

~~BY adding to~~
~~Article – Tax – Property~~
~~Section 9–110~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–246
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 520 – Senator Robey

AN ACT concerning

Homestead Property Tax Credit – Eligibility of Employees of the Federal Government Stationed Outside the State

FOR the purpose of providing that under certain circumstances a homeowner who is an employee of the federal government stationed outside the State may qualify for the homestead property tax credit if the homeowner is otherwise eligible for the credit but does not actually reside in a dwelling for the required time period; providing for the calculation of the homestead property tax credit ~~for a certain taxable year~~ under certain circumstances; providing for the application of this Act; and generally relating to the homestead property tax credit.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–105(a)(1) through (3) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property
Section 9–105(c)(6)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 782 – Senator Raskin

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~~ authorizing both a husband and wife ~~from claiming~~ to claim 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 Rules and Executive Nominations.

Senate Bill 789 – Senators Garagiola, Brochin, Conway, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Labor and Employment – The Healthy Retail Employee Act

FOR the purpose of requiring certain retail employers to provide a certain nonworking or working shift break to certain employees under certain circumstances; authorizing certain employees to file a complaint with the Commissioner of Labor and Industry under certain circumstances; authorizing the Commissioner to investigate whether a certain provision of law has been violated under certain circumstances; requiring the Commissioner to attempt to resolve a certain issue informally or issue a certain order under certain circumstances; ~~authorizing~~ requiring the Commissioner to assess a certain civil penalty under certain circumstances; subjecting certain provisions of this Act to certain notice and hearing requirements; requiring the Commissioner to consider certain factors when determining whether a violation of this Act has occurred or the amount of a certain civil penalty; authorizing certain civil actions under certain circumstances; ~~authorizing certain remedies under certain circumstances; requiring a court to award~~ specifying that a certain employee may be entitled to a certain monetary amount and certain attorney's fees and costs under certain circumstances; providing for the application of this Act; defining certain terms; providing for a delayed effective date; and generally relating to shift breaks for employees.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–103(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to

Article – Labor and Employment
Section 3–710
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 857 – Senator Pipkin

AN ACT concerning

Queen Anne's County – County Commissioners – Gaming Permits

FOR the purpose of repealing a certain limitation on the number of permits to operate gaming devices that the County Commissioners for Queen Anne's County may issue to an organization in a single year; authorizing the county commissioners to determine the number of permits to issue to an organization in a single year; and generally relating to permits to operate gaming devices in Queen Anne's County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–2002(a) and 13–2003(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2003(d)(3)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Senate Bill 922 – ~~Senator Haines~~ Senators Haines, Brinkley, and Kittleman

AN ACT concerning

~~Homestead~~ Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities

FOR the purpose of ~~making~~ authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain housing units at independent living retirement communities ~~eligible for a certain~~

~~property tax credit under certain circumstances~~; authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to provide, by law, for certain provisions necessary to carry out the tax credit; providing for the application of this Act; ~~defining certain terms;~~ and generally relating to ~~the application of a certain~~ a property tax credit ~~to~~ in Carroll County for certain housing units in certain independent living retirement communities.

~~BY repealing and reenacting, without amendments,~~
~~Article – Tax – Property~~
~~Section 9–105(a)(1) through (3) and (b)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – Property~~
~~Section 9–105(a)(4) and (d)(1)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

BY adding to
Article – Tax – Property
Section ~~9–105(a)(9)~~ 9–308(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 929 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

FOR the purpose of altering a certain provision prohibiting the imposition of certain taxes on certain transfers of property by a personal representative or the recordation of certain instruments; prohibiting the imposition of certain taxes on certain transfers of real property or the recordation of certain instruments relating to certain transfers to or from certain trusts; providing certain exemptions under the recordation tax and State transfer tax for instruments of writing relating to certain transfers from an estate and certain transfers to or from certain trusts; defining certain terms; and generally relating to the taxation of certain transfers from an estate and certain transfers to or from certain trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts

Section 9–105
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
Section 14–113
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property
Section 12–108(dd) and (ee) and 13–207(a)(22) and (23)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–207(a)(20) and (21)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 992 – Senator Pipkin

AN ACT concerning

Applications for Certificates of Need – Notice to and Involvement of Bordering Counties

FOR the purpose of requiring the Maryland Health Care Commission to give notice of the filing of certain applications for a certificate of need that relates to a hospital to members of the governing body of each county that borders on a certain county; requiring the Commission to ~~define a certain term in a certain manner~~ adopt certain regulations to make participating entity status available to certain local health departments; providing for the application of this Act; and generally relating to the application process for certificates of need for hospitals.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–126(a) ~~and (d)(8)~~
Annotated Code of Maryland
(2009 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 19–126(d)(7)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

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

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

FOR the purpose of extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain additional residential real property; providing for the application of this Act; and generally relating to a certain authorization for Harford County to grant a property tax credit for certain residential real property in proximity to certain refuse disposal systems.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–314(a)(1)(x)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 228 and 229 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–314(a)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

FOR the purpose of requiring a State agency ~~to verify whether certain sales or use tax has been collected by the vendor~~ or nongovernment entity to require a buyer of a household appliance to make a certain certification before issuing or ~~allowing~~ authorizing the issuance of certain rebates or similar instruments to reduce the cost of certain sales of household appliances under certain programs; ~~requiring certain State agencies to submit or require the submission of certain information under certain circumstances to the Comptroller to assist the Comptroller in the collection of a certain sales and use tax;~~ and generally relating to the collection of a sales or use tax on retail sales subject to certain rebates.

BY adding to
Article – Tax – General
Section 11–409
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

University System of Maryland – Audits – Communicating Preliminary Findings

FOR the purpose of requiring the Legislative Auditor to send the Chancellor of the University System of Maryland and the University System of Maryland Board of Regents Audit Committee a copy of certain discussion notes of a certain examination conducted by the Office of Legislative Audits of a constituent institution of the University System of Maryland; ~~requiring the Chancellor to send the Board of Regents of the University System of Maryland a copy of certain discussion notes at a certain time;~~ and generally relating to audits of the constituent institutions of the University System of Maryland.

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 12–108~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

BY adding to
Article – State Government
Section 2–1223.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1084 – ~~**Senator Conway**~~ **Senators Conway and Harrington**

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

FOR the purpose of requiring the Maryland Higher Education Commission to review certain program proposals through certain processes, including certain testimony and the weighing of evidence; requiring the Commission to adopt certain regulations that provide for the receipt of certain comments and objections under certain circumstances; altering certain circumstances under which ~~and certain deadlines by which~~ the Commission must act on certain program proposals before a proposal is deemed approved; requiring the Commission to make certain determinations through certain processes, including receiving certain testimony and the weighing of evidence; requiring the Commission to adopt certain regulations; repealing a certain provision that states that a certain decision is final and not subject to further appeal or review; providing for the application of this Act; and generally relating to the review of program proposals by the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–206(b) and ~~(e)(2) and (6)~~ (e)(6) and 11–206.1(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 11–206(e)(1) and (2) and 11–206.1(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 848)

ADJOURNMENT

At 4:17 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 28, 2010, Calendar Day Friday, April 2, 2010 in memory of former Delegate Jerry E. Perry.

Annapolis, Maryland
Legislative Day: March 28, 2010
Calendar Day: Friday, April 2, 2010

The House met at 11:12 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Herman L. Taylor, Jr. of Montgomery County.

QUORUM CALL

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

(See Roll Call No. 849)

The Journal of March 27, 2010 was read and approved.

EXCUSES:
Del. Bromwell – back problems from surgery
Del. Carter – left early – death in family
Del. Mathias – personal – family crises
Del. Minnick – wife's illness
Del. Mizeur – business

THE COMMITTEE ON ECONOMIC MATTERS REPORT #23

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

House Bill 318 – Delegates Sophocleus, Dwyer, and McConkey

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers

HB0318/153695/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 318
(First Reading File Bill)

On page 3, strike beginning with "**AT**" in line 6 down through "**ADDRESS**" in line 7; and in line 7, after "**LICENSEE**" insert "**, IN COMPLIANCE WITH APPLICABLE REGULATIONS ADOPTED BY THE DEPARTMENT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1407 – Delegate Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

HB1407/303190/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1407
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "property" insert ", and from engaging in certain acts or practices; providing that certain provisions of this Act do not prohibit a person subject to regulation as a mortgage loan originator from requesting another person to consider certain information, provide certain details, substantiation, or explanation of a certain conclusion, or correct certain errors, or from withholding payment for an appraisal under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 5, before "**A**" insert "**(A)**"; in lines 7 and 8, strike "**THE INDEPENDENT JUDGMENT OF**"; in line 8, after "**PERSON**" insert "**TO VIOLATE ANY FEDERAL OR STATE LAW, OR ANY STANDARD OF PROFESSIONAL PRACTICE RECOGNIZED BY THE FEDERAL OR STATE GOVERNMENT,**"; in line 13, after "**PROPERTY**" insert "**, OR ENGAGE IN ANY OTHER ACT OR PRACTICE THAT**

IMPAIRS OR ATTEMPTS TO IMPAIR AN APPRAISER'S INDEPENDENCE, OBJECTIVITY, OR IMPARTIALITY, INCLUDING:

(I) WITHHOLDING OR THREATENING TO WITHHOLD PAYMENT FOR AN APPRAISAL WITH THE INTENT TO COERCE THE APPRAISER TO AGREE TO A VALUE, RANGE OF VALUES, OR MINIMUM VALUE FOR THE PROPERTY;

(II) CONDITIONING THE PAYMENT OF AN APPRAISAL FEE ON THE OPINION, CONCLUSION, OR VALUATION TO BE REACHED BY THE APPRAISER; OR

(III) REQUESTING THE APPRAISER TO REPORT A PREDETERMINED OPINION, CONCLUSION, OR VALUATION"; and after line 13, insert:

"**(B) THIS SECTION DOES NOT PROHIBIT A PERSON SUBJECT TO THIS SUBTITLE FROM:**

(1) REQUESTING ANOTHER PERSON TO:

(I) CONSIDER ADDITIONAL APPROPRIATE INFORMATION;

(II) PROVIDE ADDITIONAL DETAILS, SUBSTANTIATION, OR EXPLANATION OF A CONCLUSION MADE BY THE OTHER PERSON; OR

(III) CORRECT ERRORS IN AN APPRAISAL REPORT OR OTHER MORTGAGE DOCUMENT; OR

(2) WITHHOLDING PAYMENT FOR AN APPRAISAL PENDING RESOLUTION OF AN ACTION BEFORE A FEDERAL OR STATE COURT OR LICENSING BOARD RELATING TO THE APPRAISAL.".

The preceding 2 amendments were read only.

Delegate Davis moved to make the Bill and Amendments a Special Order for Tuesday.

The motion was adopted.

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

House Bill 1558 – Delegate Benson

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 2 – ~~Senator Conway~~ Senators Conway and Peters

AN ACT concerning

Task Force on the Minority Business Enterprise Program and Equity Investment Capital

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 54 – Chair, Finance Committee (By Request – Departmental – Business and Economic Development) and Senators Garagiola, Klausmeier, and Middleton

AN ACT concerning

Business and Economic Development – Maryland Economic Adjustment Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 55 – Chair, Finance Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Maryland Military Installation Council – Sunset Repeal, Membership, and Terms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 103 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 147 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 148 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Pilots – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 149 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Plumbing – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 208 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Permissible Investments – Linked Deposit Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 327 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

SB0327/733992/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 327

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "boards;" insert "prohibiting the boards from setting certain fees that exceed a certain amount;".

On page 2, in line 5, after "dates;" insert "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;".

AMENDMENT NO. 2

On page 3, in line 15, after "(ii)" insert "**1.**"; in line 16, after "examinations" insert "**AND SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH**"; and after line 19, insert:

"**2. THE BOARD MAY NOT SET FEES FOR LICENSING AND LICENSE RENEWALS THAT EXCEED $50.**".

AMENDMENT NO. 3

On page 9, in line 28, after "(2)" insert "**(I)**"; in line 29, after "examinations" insert "**AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH**".

On page 10, after line 2, insert:

"**(II) THE BOARD MAY NOT SET FEES FOR LICENSING AND LICENSE RENEWALS THAT EXCEED $50.**".

AMENDMENT NO. 4

On page 18, after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, when setting the date on which a license or a license renewal expires under §§ 4-310, 4-405, 5-311, and 5-405 of the Business Occupations and Professions Article, as enacted by Section 1 of this Act, the State Board of Barbers and State Board of Cosmetologists shall ensure that the date set by the board does not terminate a license term before the end of a licensee's full 2-year term.";

and in line 17, strike "3." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 501 – Senator Raskin

AN ACT concerning

Real Estate Investment Trusts – Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 512 – Senators Conway, Currie, DeGrange, Dyson, Exum, Garagiola, Jones, Kasemeyer, Kelley, Klausmeier, McFadden, Middleton, Muse, Peters, and Pinsky

AN ACT concerning

Maryland Locksmiths Act – Revisions – Definitions and Records Inspection

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 523 – Senators Pugh, Conway, Exum, Harrington, Jones, McFadden, Peters, and Raskin

AN ACT concerning

Credit Card Blacklisting Prevention Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 555 – Senator Conway

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – ~~Registration~~ Examination Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 694 – ~~Senator Lenett~~ Senators Lenett, Exum, Garagiola, Kelley, and Pugh

AN ACT concerning

Labor and Employment – Wage Payment and Collection Law – Definition of Wage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #19

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

House Bill 1120 – Delegate Niemann (Task Force to Study Motor Vehicle Towing Practices) and Delegates Beidle, Frush, Gaines, Glenn, Holmes, and Stukes

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

HB1120/540712/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1120
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "circumstances;" insert "providing that a motor vehicle towing and storage lienor may only sell a motor vehicle to which a lien is attached in a certain manner; requiring a motor vehicle towing and storage lienor to return certain motor vehicle registration plates to the Motor Vehicle Administration under certain circumstances; requiring the Motor Vehicle Administration to provide a receipt for the return of certain motor vehicle registration plates;"; in line 20, after "that" insert "and locations to which"; in line 22, after "vehicle" insert "under certain circumstances; authorizing a tower to charge certain persons for the actual costs of providing certain notice"; and in line 24, after "departments;" insert "requiring a tower to provide certain notice to certain persons within a certain time period after towing a vehicle from a parking lot; requiring a tower to provide certain persons with certain itemized costs;".

On page 2, in line 3, strike "a certain manner" and substitute "certain manners under certain circumstances"; and in line 4, strike "premises;" and substitute "premises under certain circumstances; requiring a storage facility that is in possession of a towed vehicle to make the vehicle available to certain persons for certain purposes;".

AMENDMENT NO. 2

On page 3, in line 9, after "**OF**" insert "**, AND PROVIDING ANY REQUIRED NOTICE REGARDING,**".

On page 4, in line 12, strike the third "**THE**" and substitute "**:**

(I) THE LOCAL JURISDICTION IN WHICH THE MOTOR VEHICLE WAS ACQUIRED LICENSES TOW TRUCK OPERATORS; AND

(II) THE";

in line 14, strike the first "**THE**" and substitute "**THAT**"; in the same line, strike "**IN WHICH THE MOTOR VEHICLE WAS ACQUIRED**"; after line 14, insert:

"**(3) A MOTOR VEHICLE TOWING AND STORAGE LIENOR MAY ONLY SELL A MOTOR VEHICLE TO WHICH A LIEN IS ATTACHED THROUGH A LICENSED DEALER OR AN AUCTIONEER.**

(4) (I) IF A MOTOR VEHICLE TOWING AND STORAGE LIENOR SELLS A MOTOR VEHICLE TO WHICH A LIEN IS ATTACHED, THE LIENOR SHALL RETURN ANY REGISTRATION PLATES FOR THE MOTOR VEHICLE IN ITS POSSESSION TO THE MOTOR VEHICLE ADMINISTRATION.

(II) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE LIENOR WITH A RECEIPT FOR ANY MOTOR VEHICLE REGISTRATION PLATES RETURNED UNDER THIS PARAGRAPH.";

in line 35, after "**VEHICLE**" insert "**, THE INSURER OF RECORD,**"; and in line 36, strike "**KNOWN**" and substitute "**PERFECTED**".

On page 5, in line 10, after "**VEHICLE**" insert "**, THE INSURER OF RECORD,**"; and in line 24, after "**OWNER**" insert "**, INSURER OF RECORD,**".

On page 6, in line 19, after "home" insert "**, THE INSURER OF RECORD,**".

On page 7, in line 10, strike "**PENCIL TRACING AND PHOTOGRAPH**" and substitute "**DIGITAL IMAGE**".

On page 9, in line 13, strike "**IS VALUED AT**" and substitute "**HAS AN AVERAGE WHOLESALE VALUE OF**"; in line 13, strike "**$7,500**" and substitute "**$5,000**"; and in line 20, after "**PARTY**" insert "**AND INSURER OF RECORD**".

AMENDMENT NO. 3

On page 16, in line 6, strike "ordinances" and substitute "**LOCAL LAWS**"; in line 7, after "in" insert "**, OR OTHERWISE REGULATING IN A MORE STRINGENT MANNER,**"; in line 30, strike the brackets; in the same line, strike "**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A**"; in line 31, strike "more" and substitute "**:**

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, MORE";

and in line 32, after "lot" insert "**; OR**

(2) OUTSIDE OF THE STATE".

On page 17, in line 3, strike "**(A)**" and substitute "**(A)(1)**"; in line 6, strike "A" and substitute "**UNLESS OTHERWISE SET BY LOCAL LAW, A**"; in line 7, strike "vehicle or" and substitute "**VEHICLE,**"; in the same line, after "agent" insert "**, THE INSURER OF RECORD, OR ANY SECURED PARTY**"; in line 8, strike "**THE AMOUNT OF**"; in line 9, strike the brackets; in the same line, strike "More than twice" and substitute "**TWICE**"; in the same line strike "**THE**"; in line 14, after "**SUBDIVISION**" insert "**FROM WHICH THE VEHICLE WAS TOWED**"; in line 18, strike "**$400**" and substitute "**$300**"; in the same line, strike "**$35**" and substitute "**$30**"; in line 19, strike "**AND**"; in line 20, after "**(IV)**" insert "**THE ACTUAL COST OF PROVIDING NOTICE UNDER THIS SECTION AND § 16-207 OF THE COMMERCIAL LAW ARTICLE; AND**

(V)";

and in line 32, after "(3)" insert "**SHALL NOTIFY THE OWNER, ANY SECURED PARTY, AND THE INSURER OF RECORD BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND FIRST-CLASS MAIL WITHIN 72 HOURS AFTER TOWING OR REMOVING THE VEHICLE FROM THE PARKING LOT, AND SHALL PROVIDE THE SAME INFORMATION REQUIRED IN A NOTICE TO A POLICE DEPARTMENT UNDER ITEM (2) OF THIS SECTION;**

(4) SHALL PROVIDE TO THE OWNER, ANY SECURED PARTY, AND THE INSURER OF RECORD THE ITEMIZED ACTUAL COSTS OF PROVIDING NOTICE UNDER THIS SECTION AND § 16-207 OF THE COMMERCIAL LAW ARTICLE;

(5)".

On page 18, in lines 7, 10, 15, and 17, strike "(4)", "(5)", "**(6)**", and "**(7)**", respectively, and substitute "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively.

On page 19, in line 13, after "**(C)**" insert "**(1)**"; in lines 15 and 18, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 15, strike "**ACCEPT**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ACCEPT**"; in line 16, after "**BY**" insert "**CASH OR**"; and after line 19, insert:

"**(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A STORAGE FACILITY IS UNABLE TO PROCESS A CREDIT CARD PAYMENT AND DOES NOT HAVE AN OPERABLE AUTOMATIC TELLER MACHINE ON THE PREMISES, THE STORAGE FACILITY SHALL ACCEPT A PERSONAL CHECK AS PAYMENT FOR OUTSTANDING TOWING AND STORAGE CHARGES.**

(II) A STORAGE FACILITY MAY REFUSE TO ACCEPT A PERSONAL CHECK AS PAYMENT IF IT IS UNABLE TO PROCESS A CREDIT CARD FOR THE PAYMENT BECAUSE USE OF THE CREDIT CARD HAS BEEN DECLINED BY THE CREDIT CARD COMPANY.

(3) A STORAGE FACILITY THAT IS IN POSSESSION OF A TOWED VEHICLE SHALL MAKE THE VEHICLE AVAILABLE TO THE OWNER, THE OWNER'S AGENT, THE INSURER OF RECORD, OR A SECURED PARTY, UNDER THE SUPERVISION OF THE STORAGE FACILITY, FOR:

(I) INSPECTION; OR

(II) RETRIEVAL FROM THE VEHICLE OF PERSONAL PROPERTY THAT IS NOT ATTACHED TO THE VEHICLE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Archery Hunting – Safety Zone

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 477 – Senators Frosh, Forehand, Garagiola, King, Kramer, Madaleno, Middleton, and Raskin

AN ACT concerning

State Highways – Mobile Produce Vendors – Required State Lease

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 493 – ~~**Senator Astle**~~ **Senators Astle, Haines, and Jacobs**

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #14

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

Senate Bill 161 – Senators Simonaire and Reilly

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – Accountability Policy

SB0161/645763/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 161
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Accountability"; strike beginning with "to" in line 4 down through "year;" in line 8 and substitute "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;"; in line 9, strike "submit" and substitute "present"; in the same line, strike "General Assembly on or before a certain date" and substitute "Anne Arundel County Delegation before the end of a certain period of time"; and in line 11, strike "an accountability" and substitute "a".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 17, inclusive, and substitute:

"**(B) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL ESTABLISH A COMMITTEE TO DEVELOP A POLICY AND GUIDELINES FOR ADMINISTERING OFFICE DISCIPLINE REFERRALS IN THE COUNTY.**

(C) THE COMMITTEE ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CONSIST OF:

(1) TWO MEMBERS OF THE TEACHERS ASSOCIATION OF ANNE ARUNDEL COUNTY, OF WHOM:

(I) ONE SHALL BE AN ELEMENTARY SCHOOL TEACHER; AND

(II) ONE SHALL BE A SECONDARY SCHOOL TEACHER;

(2) TWO MEMBERS OF THE ASSOCIATION OF EDUCATIONAL LEADERS, OF WHOM:

(I) ONE SHALL BE AN ADMINISTRATOR OF AN ELEMENTARY SCHOOL; AND

(II) ONE SHALL BE AN ADMINISTRATOR OF A SECONDARY SCHOOL;

(3) ONE MEMBER OF THE ANNE ARUNDEL COUNTY-WIDE CITIZEN ADVISORY COMMITTEE;

(4) ONE MEMBER SHALL BE A DESIGNEE OF THE COUNTY SUPERINTENDENT; AND

(5) TWO MEMBERS OF THE ANNE ARUNDEL COUNTY PARENT TEACHER ASSOCIATION; AND

(6) ONE MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION APPOINTED BY THE CURRENT CHAIRMAN OF THE BOARD OF EDUCATION.

(D) THE MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION APPOINTED IN ACCORDANCE WITH SUBSECTION (C)(6) OF THIS SECTION SHALL SERVE AS THE CHAIR OF THE COMMITTEE.

(E) ON OR BEFORE JANUARY 1, 2011, THE COMMITTEE SHALL DEVELOP AND RECOMMEND A POLICY AND GUIDELINES FOR THE ADMINISTRATION OF OFFICE DISCIPLINE REFERRALS IN THE COUNTY TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION FOR THE COUNTY BOARD'S APPROVAL.";

in line 18, strike "**(D)**" and substitute "**(F)**"; in the same line, strike "**ON OR BEFORE DECEMBER 31, 2013**" and substitute "**BEFORE THE END OF THE 2011 SESSION OF THE GENERAL ASSEMBLY**"; in line 19, strike "**SUBMIT**" and substitute "**PRESENT**"; in line 20, strike "**GENERAL ASSEMBLY**" and substitute "**ANNE ARUNDEL COUNTY DELEGATION**"; in line 21, strike "**IMPLEMENTATION AND STATUS OF THE**" and substitute "**APPROVED**"; in line 22, strike "**ACCOUNTABILITY**"; in line 24, strike "4 years" and substitute "1 year"; and in line 25, strike "2014" and substitute "2011".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 204 – Senators Pinsky, Harrington, Lenett, and Madaleno

AN ACT concerning

Student Stigma Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 230 – Senators Conway, Brochin, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, McFadden, Munson, Pugh, Raskin, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Colburn, Harrington, Peters, and Pinsky

AN ACT concerning

Education – Instruction of Blind and Visually Impaired Students – Use of Braille

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 476 – Senators ~~Currie,~~ King, Currie, Peters, ~~and Exum~~ Exum, Forehand, and Garagiola

AN ACT concerning

Maintenance of Effort – Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 483 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 552 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – Memorial Hilltop Centre

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 652 – Senators DeGrange, Brochin, Conway, Edwards, Forehand, Garagiola, Kelley, Klausmeier, Munson, Peters, Raskin, Rosapepe, Simonaire, ~~and Stone~~ Stone, Brinkley, Currie, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Property Tax Credit – Habitat for Humanity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 947 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

SB0947/285765/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 947
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "property" insert "formerly designated and operated as a certain hospital"; in line 8, strike "certain provisions relating to the property tax" and substitute "the amount of the credit, eligibility criteria for the credit, regulations and procedures, and any other provision necessary to carry out the"; and in line 10, after the second "property" insert "formerly designated and operated as a certain hospital".

AMENDMENT NO. 2

On page 2, in line 30, strike "**AND**" and substitute:

"**(II) ELIGIBILITY CRITERIA FOR THE CREDIT;**

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND";

and in line 31, strike "**(II)**" and substitute "**(IV)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, and Walker

AN ACT concerning

Maryland Gang Prosecution Act of 2010

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

Delegate Benson moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 850)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #65

House Bill 576 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County ~~and Montgomery County Delegation~~ – Development Permits – Expedited Review for Qualifying Redevelopment Projects

PG/MC 115–10

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

Affirmative – 136 Negative – 0 (See Roll Call No. 851)

The Bill was then sent to the Senate.

House Bill 982 – Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, ~~and Montgomery~~ Montgomery, and Manno

AN ACT concerning

Solid Waste Management – Recycling and Source Reduction – ~~Requirements~~ Study

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

Affirmative – 128 Negative – 7 (See Roll Call No. 852)

The Bill was then sent to the Senate.

House Bill 1287 – Delegate Ali

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 – 114 Negative – 22 (See Roll Call No. 853)

The Bill was then sent to the Senate.

House Bill 1312 – Delegates Walker, Olszewski, Rice, and Stukes

AN ACT concerning

~~Education –~~ Task Force to Study the Creation of a Maryland Center for School Safety

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

Affirmative – 126 Negative – 8 (See Roll Call No. 854)

The Bill was then sent to the Senate.

House Bill 1396 – Delegates Haynes, Carter, Conaway, Glenn, Harrison, Kirk, McHale, Oaks, Robinson, Rosenberg, Stukes, ~~and Tarrant~~ Tarrant, Hucker, Bobo, Cane, V. Clagett, Healey, and Weir

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals ~~and Senior Citizens~~

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

Affirmative – 127 Negative – 7 (See Roll Call No. 855)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #66

House Bill 509 – Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Special Disability Retirees – Reemployment

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

Affirmative – 133 Negative – 2 (See Roll Call No. 856)

The Bill was then sent to the Senate.

House Bill 639 – Delegates Burns, Benson, Bronrott, Glenn, Kelly, Minnick, Morhaim, Myers, Smigiel, ~~and Walker~~ Walker, Aumann, Cardin, Frank, Holmes, Hubbard, Jennings, Jones, Kach, Lafferty, Levi, McDonough, Nathan–Pulliam, Schuler, Stein, and Weir

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

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

Affirmative – 137 Negative – 0 (See Roll Call No. 857)

The Bill was then sent to the Senate.

House Bill 1330 – Delegates Conway, Bates, Cane, G. Clagett, DeBoy, Elmore, Mathias, Proctor, Robinson, Rudolph, Sophocleus, and Wood

AN ACT concerning

Child Abuse and Neglect – Reports and Records – Disclosure to Division of Parole and Probation

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

Affirmative – 135 Negative – 0 (See Roll Call No. 858)

The Bill was then sent to the Senate.

House Bill 1389 – Delegates Vallario, Conway, Anderson, Aumann, Bohanan, Branch, Bronrott, Cane, DeBoy, Doory, Eckardt, Elmore, Gaines,

Griffith, Gutierrez, Guzzone, Haddaway, Haynes, Heller, James, Jones, Levy, Mathias, Mizeur, Proctor, Robinson, Rosenberg, ~~and Wood~~ Wood, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Traffic Cases – ~~Funds for~~ State Police Helicopters and Ambulance, Fire, and Rescue Companies

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

Affirmative – 130 Negative – 7 (See Roll Call No. 859)

The Bill was then sent to the Senate.

House Bill 1424 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medicaid State Plan Amendments – Effective Dates

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

Affirmative – 137 Negative – 0 (See Roll Call No. 860)

The Bill was then sent to the Senate.

House Bill 1443 – Delegates Elmore, Cane, Conway, Eckardt, Haddaway, and Mathias

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

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

Affirmative – 137 Negative – 0 (See Roll Call No. 861)

The Bill was then sent to the Senate.

House Bill 1457 – Delegates Dumais, Anderson, Barnes, Carter, Conaway, Dwyer, Frank, Jennings, Levi, McComas, McConkey, Rosenberg, Schuler, and Valderrama

AN ACT concerning

Civil Liability – AMBER, Silver, or Emergency Alert Dissemination – Immunity for Broadcast Media

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

Affirmative – 133 Negative – 2 (See Roll Call No. 862)

The Bill was then sent to the Senate.

House Bill 1458 – Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

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

Affirmative – 137 Negative – 0 (See Roll Call No. 863)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #6

Senate Bill 42 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Orphans' Court Judges – Pensions

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

Affirmative – 134 Negative – 2 (See Roll Call No. 864)

The Bill was then returned to the Senate.

Senate Bill 323 – Senator Jones (Chair, Joint Audit Committee) and Senators Currie, Haines, Kramer, McFadden, and Pugh

AN ACT concerning

Office of Legislative Audits – Auditing Local School Systems

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

Affirmative – 136 Negative – 0 (See Roll Call No. 865)

The Bill was then returned to the Senate.

Senate Bill 348 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Capital Debt Affordability

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

Affirmative – 137 Negative – 0 (See Roll Call No. 866)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #7

Senate Bill 68 – Chair, Judicial Proceedings Committee (By Request – Departmental – Deaf and Hard of Hearing, Office of the)

AN ACT concerning

State Government – Human Relations – Closed–Captioning Activation Required

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

Affirmative – 137 Negative – 0 (See Roll Call No. 867)

The Bill was then returned to the Senate.

Senate Bill 104 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 135 Negative – 0 (See Roll Call No. 868)

The Bill was then returned to the Senate.

Senate Bill 130 – Senators Pugh, Currie, Harrington, Jones, King, Lenett, Madaleno, ~~and Muse~~ Muse, and Peters

AN ACT concerning

Procurement – Minority Business Enterprises – ~~Reciprocal~~ Certification Process

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

Affirmative – 135 Negative – 0 (See Roll Call No. 869)

The Bill was then returned to the Senate.

Senate Bill 131 – Senators Pugh, Currie, Exum, Harrington, Jones, King, Lenett, Madaleno, Muse, ~~and Raskin~~ Raskin, and Peters

AN ACT concerning

State Procurement – Minority Business Enterprises – Electronic Certification Process

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

Affirmative – 135 Negative – 0 (See Roll Call No. 870)

The Bill was then returned to the Senate.

Senate Bill 145 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners in Optometry – Sunset Extension and Program Evaluation

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

Affirmative – 135 Negative – 0 (See Roll Call No. 871)

The Bill was then returned to the Senate.

Senate Bill 146 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 136 Negative – 0 (See Roll Call No. 872)

The Bill was then returned to the Senate.

Senate Bill 164 – Senator Conway

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 873)

The Bill was then returned to the Senate.

Senate Bill 165 – Senator Conway

AN ACT concerning

Health Occupations – Therapy Management Contracts – ~~Repeal~~ Extension of Sunset

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

Affirmative – 137 Negative – 0 (See Roll Call No. 874)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #8

Senate Bill 166 – Senator Conway

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

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

Affirmative – 137 Negative – 0 (See Roll Call No. 875)

The Bill was then returned to the Senate.

Senate Bill 177 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Expedited Partner Therapy Pilot Program – Extension

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

Affirmative – 137 Negative – 0 (See Roll Call No. 876)

The Bill was then returned to the Senate.

Senate Bill 213 – Senators Frosh, Dyson, Exum, Garagiola, Gladden, Harrington, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Middleton, Astle, Della, Glassman, and Klausmeier

AN ACT concerning

Child Care Articles ~~and Toys~~ Containing Bisphenol–A – Prohibition

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

Affirmative – 137 Negative – 0 (See Roll Call No. 877)

The Bill was then returned to the Senate.

Senate Bill 383 – Senator Mooney

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

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

Affirmative – 125 Negative – 8 (See Roll Call No. 878)

The Bill was then returned to the Senate.

Senate Bill 429 – Senators Kelley and Conway

AN ACT concerning

Maryland Medical Assistance Program – Medical Eligibility for Nursing Facility Level of Care – Report

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

Affirmative – 137 Negative – 0 (See Roll Call No. 879)

The Bill was then returned to the Senate.

Senate Bill 431 – Senators Conway, Exum, Klausmeier, and Pugh

AN ACT concerning

~~Infant Formula and Baby Food~~ Food and Cosmetics – Auction Sales – Prohibition – Exception

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

Affirmative – 136 Negative – 0 (See Roll Call No. 880)

The Bill was then returned to the Senate.

Senate Bill 527 – Senators Frosh, Conway, Currie, Dyson, Gladden, Jones, Klausmeier, Madaleno, Middleton, Pugh, and Raskin

AN ACT concerning

Health and Human Services Referral Board – 2–1–1 Maryland – Modifications

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

Affirmative – 136 Negative – 0 (See Roll Call No. 881)

The Bill was then returned to the Senate.

Senate Bill 655 – Senator Lenett

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension

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

Affirmative – 137 Negative – 0 (See Roll Call No. 882)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #9

Senate Bill 109 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Criminal Procedure – Expiration Date of Sentences – Repeal

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

Affirmative – 137 Negative – 0 (See Roll Call No. 883)

The Bill was then returned to the Senate.

Senate Bill 135 – Senator Kelley

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

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

Affirmative – 137 Negative – 0 (See Roll Call No. 884)

The Bill was then returned to the Senate.

Senate Bill 173 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount

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

Affirmative – 137 Negative – 0 (See Roll Call No. 885)

The Bill was then returned to the Senate.

Senate Bill 231 – Senators Kelley and Forehand

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

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

Affirmative – 137 Negative – 0 (See Roll Call No. 886)

The Bill was then returned to the Senate.

Senate Bill 261 – Senators Forehand, Raskin, ~~and Gladden~~ Gladden, Brochin, Haines, Jacobs, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Solicitation of a Minor and Human Trafficking – Prohibitions and Proof

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

Affirmative – 136 Negative – 0 (See Roll Call No. 887)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #10

Senate Bill 112 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Rosewald Beach Civic League

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

Affirmative – 137 Negative – 0 (See Roll Call No. 888)

The Bill was then returned to the Senate.

Senate Bill 237 – ~~**Senator Zirkin**~~ **Senators Zirkin, Brinkley, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, and Stoltzfus**

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

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

Affirmative – 136 Negative – 0 (See Roll Call No. 889)

The Bill was then returned to the Senate.

Senate Bill 318 – **Senators Kramer, Astle, Brinkley, Brochin, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin**

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

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

Affirmative – 134 Negative – 1 (See Roll Call No. 890)

The Bill was then returned to the Senate.

Senate Bill 752 – **Senator Pipkin**

AN ACT concerning

Queen Anne's County – Property Tax Credit – Foster Parent

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

Affirmative – 133 Negative – 2 (See Roll Call No. 891)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #11

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

Budget Bill

(Fiscal Year 2011)

FLOOR AMENDMENT

SB0140/543324/1
BY: Delegate Miller

AMENDMENT TO SENATE BILL 140
(Third Reading File Bill - Committee Reprint)

On page 55, under:

Heading: STATE HIGHWAY ADMINISTRATION

Program: J00B01.01

Entitled: State System Construction and Equipment

After line 24, insert:

"Further provided that $1,000,000 of this appropriation, made for the purpose of constructing sound barriers, may not be used for that purpose but instead may only be used to fund a safety and environmental assessment study of MD 32 north of I-70. Funds not used for this restricted purpose shall be cancelled.".

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

Affirmative – 44 Negative – 91 (See Roll Call No. 892)

FLOOR AMENDMENT

SB0140/503224/1
BY: Delegate Rice

AMENDMENT TO SENATE BILL 140

(Third Reading File Bill – Committee Reprint)

On pages 139 and 140, under:

Heading: FUNDING FOR EDUCATIONAL ORGANIZATIONS

Program: R00A03.04

Entitled: Aid to Non-Public Schools

On page 139, in line 44, strike "and".

On page 140, in line 2, after "amended" insert "; and

(4) Have a policy prohibiting bullying, harassment, and intimidation in the school".

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

Affirmative – 66 Negative – 70 (See Roll Call No. 893)

FLOOR AMENDMENT

SB0140/503522/1
BY: Delegate Bohanan

AMENDMENT TO SENATE BILL 140
(Third Reading File Bill)

On page 144, under:

Heading: UNIVERSITY OF MARYLAND, BALTIMORE

Program: R30B21.00

Entitled: University of Maryland, Baltimore

Strike beginning with ", provided" in line 7 down through "committees." in line 30.

On page 147, under:

Heading: UNIVERSITY SYSTEM OF MARYLAND OFFICE

Program: R30B36.00

Entitled: University System of Maryland Office

Strike beginning with ", provided" in line 2 down through "committees." in line 20.

On pages 153 and 154, under:

Heading: HIGHER EDUCATION

Program: R75T00.01

Entitled: Support for State Operated Institutions of Higher Education

Strike in their entirety the lines beginning with line 35 on page 153 through line 31 on page 154, inclusive.

The preceding amendment was read and adopted.

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 102 Negative – 35 (See Roll Call No. 894)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #12

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

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

FLOOR AMENDMENT

SB0141/713427/1
BY: Delegate Barkley

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill - Committee Reprint)

AMENDMENT NO. 1
On page 3, in line 29, strike "*allowing*" and substitute "requiring".

AMENDMENT NO. 2
On page 77, in line 23, strike "*may*" and substitute "shall".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0141/993421/1
BY: Delegate Bohanan

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill - Committee Reprint)

AMENDMENT NO. 1
On page 3, in line 2, after "*scholarships;*" insert "requiring that the Maryland Higher Education Commission distribute certain funds for student financial aid programs for a certain fiscal year in a certain manner;".

AMENDMENT NO. 2
On page 65, in line 28, strike "*, for*" and substitute ":

(a) For";

and after line 30, insert:

"(b) Funds appropriated for senatorial and delegate scholarships in the fiscal year 2011 State budget shall be distributed by the Maryland Higher Education Commission under other State scholarship programs established in Title 18 of the

Education Article to students residing in each legislative district in the same amounts that scholarships would have been awarded in each legislative district under the senatorial and delegate scholarships.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0141/243220/1
BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill - Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 21, after "circumstances;" insert "repealing a requirement that the Comptroller include a certain tax add-on system that allows contributions to the Fair Campaign Financing Fund;".

On page 4, after line 34, insert:

"BY repealing and reenacting, with amendments,
Article - Election Law
Section 15-103
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 26, after line 17, insert:

"Article – Election Law

15–103.

(a) There is a Fair Campaign Financing Fund.

(b) The Comptroller shall administer the Fund in accordance with this section.

(c) **[**For each taxable year, the Comptroller shall establish a tax add–on system that allows contributions to the Fund:

(1) by an individual, other than a nonresident alien, filing a personal State income tax return; and

(2) in an amount not to exceed $500.

(d)**]** In accordance with this title, the Comptroller shall:

(1) credit to the Fund all money collected under this title;

(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and

(3) make distributions from the Fund promptly on authorization by the State Board.

[(e)**] (D)** The Comptroller shall distribute public contributions:

(1) only on authorization of the State Board; and

(2) as to each eligible gubernatorial ticket, to the same campaign account of a single campaign finance entity established under Title 13, Subtitle 2 of this article.

[(f)**] (E)** The Comptroller shall submit a statement of the Fund's balance to the State Board at the State Board's request and on May 15 of each year.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0141/223624/2
BY: Delegate Kach

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill - Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 34, after "*retirees*;" insert "providing that for a certain fiscal year a certain State employee and retirees benefit program may not include certain coverage;".

AMENDMENT NO. 2

On page 78, after line 2, insert:

"SECTION 47A. AND BE IT FURTHER ENACTED, That, notwithstanding Title 2, Subtitle 5 of the State Personnel and Pensions Article or any other provision of law, for fiscal year 2011 only, the State Employee and Retiree Health and Welfare Benefits Program may not include coverage for in vitro fertilization for individuals under the age of 36 years.".

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

Affirmative – 36 Negative – 96 (See Roll Call No. 895)

FLOOR AMENDMENT

SB0141/223725/1
BY: Delegate Levy

AMENDMENTS TO SENATE BILL 141
(Third Reading File Bill - Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 29, after "Fund" insert "under certain circumstances; requiring the Comptroller under certain circumstances to distribute a certain amount to the General Fund and a certain amount to the counties, municipalities, and special taxing districts, to be apportioned in a certain manner".

On page 3, strike beginning with "making" in line 34 down through "contingency;" in line 35.

On page 6, in line 20, strike "and (f)" and substitute ", (f), and (g)".

AMENDMENT NO. 2

On page 47, in line 28, after "**(1)**" insert "**THIS SUBSECTION APPLIES ONLY IF THE FEDERAL GOVERNMENT FAILS 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.**

(2)";

in line 29, strike "**$389,000,000**" and substitute "**$200,000,000**"; in line 32, strike "**(2)**" and substitute "**(3)**"; and in line 33, strike "**$63,833,333**" and substitute "**$33,333,333**".

On page 48, in line 1, strike "**$389,000,000**" and substitute "**$200,000,000**"; in line 2, strike "**(1)**" and substitute "**(2)**"; and after line 2, insert:

"**(G) (1) THIS SUBSECTION APPLIES ONLY IF THE FEDERAL GOVERNMENT ACTS, 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.**

(2) ON OR BEFORE JUNE 30, 2011, THE COMPTROLLER SHALL DISTRIBUTE FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION:

(I) $50,000,000 TO THE COUNTIES, MUNICIPALITIES, AND SPECIAL TAXING DISTRICTS, TO BE APPORTIONED AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION AND BASED ON THE INCOME TAX COLLECTED FOR CALENDAR YEAR 2008 AS CALCULATED BY THE COMPTROLLER; AND

(II) $50,000,000 TO THE GENERAL FUND OF THE STATE.

(3) IN EACH OF FISCAL YEARS 2021 THROUGH 2026, THE STATE SHALL PAY THE LOCAL INCOME TAX RESERVE ACCOUNT $8,333,333 TO REPAY THE $50,000,000 TRANSFER TO THE GENERAL FUND AUTHORIZED UNDER PARAGRAPH (2) OF THIS SECTION.".

AMENDMENT NO. 3

On page 78, strike in their entirety lines 21 through 29, inclusive; and in lines 32 and 35, strike "*54.*" and "*55.*", respectively, and substitute "53." and "54.", respectively.

The preceding 3 amendments were read and adopted.

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

Affirmative – 100 Negative – 35 (See Roll Call No. 896)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 277 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, Harrington, King, Lenett, Madaleno, McFadden, and Pinsky

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

FOR the purpose of altering a certain renewable energy portfolio standard in certain years for electricity derived from solar energy; altering certain compliance fees for a shortfall from the requirement for solar energy in meeting a certain standard; requiring the Public Service Commission for certain years to grant a waiver of up to certain percentages of the total Tier 1 solar energy requirement of the renewable energy portfolio standard to a certain electric cooperative in a certain manner; providing for the application of this Act; providing for the effective date of this Act; and generally relating to the renewable energy portfolio standard and solar energy.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–703 and 7–705(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 283 – The President (By Request – Administration) and Senators Currie, Kasemeyer, Dyson, Munson, King, ~~and Rosapepe~~ Rosapepe, Jones, Madaleno, McFadden, ~~Munson,~~ and Zirkin

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

FOR the purpose of requiring the Comptroller to continue to distribute certain income tax revenue from corporations to the Higher Education Investment Fund; expanding the authorized uses of the Fund; establishing a Tuition Stabilization

Trust Account in the Fund; requiring certain funds to be transferred to the Trust Account under certain circumstances; setting a certain State goal regarding certain resident tuition and fees at public institutions of higher education; providing that the Trust Account consists of certain money; limiting the authorized use of funds in the Trust Account; stating a certain goal of the State for certain education funding; authorizing certain higher education institutions to periodically review certain tuition and fees; providing for the application of this Act; and generally relating to funding and authorized uses of the Higher Education Investment Fund.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.6
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–613.1
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 450 – Senators Brinkley and Mooney

EMERGENCY BILL

AN ACT concerning

Frederick County – Property Tax Setoff

FOR the purpose of requiring the governing body of Frederick County to grant a property tax setoff to a municipal corporation in an amount no less than the amount granted for a certain tax year and in an amount that increases by a certain percentage under certain circumstances; making this Act an emergency measure; and generally relating to property tax setoff in Frederick County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–305
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 685 – **Senators DeGrange, Brinkley, Currie, Edwards, Kasemeyer, King, Kramer, McFadden, Miller, Munson, Peters, and Stoltzfus**

AN ACT concerning

~~**Personal Property Tax – Heavy Equipment**~~
Heavy Equipment Tax Reform Act of 2010

FOR the purpose of ~~authorizing a county or municipal corporation to impose a tax, not exceeding a certain amount,~~ imposing a tax at a certain rate on the gross receipts from the short–term lease or rental of certain heavy equipment property under certain circumstances; requiring a person who owns a business with gross receipts subject to the tax to collect and remit the tax in a certain manner by a certain day each quarter; requiring a person who owns a business with gross receipts subject to a certain tax to submit a certain report to the Department of Assessments and Taxation and a certain list to the county or municipal corporation where the business is located; requiring a county or municipal corporation to calculate the difference between certain amounts and to submit a certain statement and bill to a business with certain gross receipts; providing that certain heavy equipment property is not subject to property tax; providing for a delayed effective date; providing for the application of this Act; and generally relating to the taxation of certain heavy equipment property.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–609
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property
Section 7–243
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 815 – **Senators Forehand, Colburn, Klausmeier, Lenett, and Stone**

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 Rules and Executive Nominations.

Senate Bill 828 – Senator Madaleno

AN ACT concerning

Special Taxing Districts – Transportation Improvements – Exemption from County Tax Limitations

FOR the purpose of exempting certain taxes imposed only within a special taxing district for the purpose of financing the cost of transportation improvements from county tax limitations; authorizing a county to issue, by law, certain bonds for certain infrastructure improvements; authorizing a county to sell certain bonds secured by certain revenues; providing that certain bonds may not be secured by the full faith and credit or taxing authority of a county; providing for the construction of certain provisions of this Act; defining certain terms; and generally relating to special taxing districts and county tax limitations.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1302 and 9–1303
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 1041 – Senator Lenett

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 Rules and Executive Nominations.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 149	Calvert County Del.
HB 189	Del. DeBoy
HB 199	Del. Pendergrass
HB 203	Del. Cardin
HB 334	Del. Walker
HB 395	Del. Barve
HB 592	Queen Anne's Co. Del.
HB 595	Del. Olszewski

HB 623	Allegany County Del.
HB 834	Del. Heller
HB 844	Del. Conway
HB 850	Del. Barve
HB 1094	Carroll County Del.
HB 1112	Carroll County Del.

Read and ordered journalized.

SPECIAL ORDERS

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

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, and Walker

AN ACT concerning

Maryland Gang Prosecution Act of 2010

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

FLOOR AMENDMENT

HB0756/723827/1
BY: Delegate Benson

AMENDMENTS TO HOUSE BILL 756, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (HB0756/412614/4) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in the sponsor line, strike "and Walker" and substitute "Walker, Waldstreicher, Simmons, Barnes, Carter, Lee, McConkey, Rosenberg, Love, Costa, George, King, Kipke, Schuh, Sophocleus, and Smigiel".

AMENDMENT NO. 3

On page 1 of the bill, in line 2, strike "Act of 2010" and substitute "Task Force"; strike beginning with "altering" in line 3 down through "crime" in line 13 and substitute "establishing the Maryland Gang Prosecution Task Force; providing for the membership of the Task Force; requiring the Governor to designate a chair of the Task Force; requiring the Department of Public Safety and Correctional Services to staff the Task Force; providing that a member of the Task Force may not receive compensation but is entitled to a certain reimbursement; establishing the duties of the Task Force; requiring the Task Force to submit a certain report; providing for the termination of this Act"; and strike in their entirety lines 14 though 18, inclusive.

AMENDMENT NO. 4

On page 1, in line 20, strike "the Laws of Maryland read as follows"; and after line 20, insert:

"(a) There is a Maryland Gang Prosecution Task Force.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Department of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Public Defender of Maryland, or the Public Defender's designee;

(5) the Attorney General, or the Attorney General's designee;

(6) the President of the Maryland State's Attorney's Association, or the President's designee; and

(7) the President of the Maryland State Conference of the National Association for the Advancement of Colored People, or the President's designee.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Public Safety and Correctional Services 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) study the effectiveness of Maryland's laws related to the prosecution of individuals for crimes committed during the individual's involvement with criminal gang activity;

(2) review the laws of other states related to criminal gangs;

(2) make recommendations for improving the laws in Maryland relating to the prosecution of individuals for criminal gang activity.

(g) On or before September 1, 2011, 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.".

On pages 1 through 5, strike in their entirety the lines beginning with line 21 on page 1 through line 2 on page 5, inclusive.

On page 5, in line 4, after the period insert "It shall remain effective for a period of 1 year and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read only.

Delegate Impallaria moved the previous question.

The motion was adopted by a roll call vote as follows:

Affirmative – 89 Negative – 42 (See Roll Call No. 897)

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 30 Negative – 101 (See Roll Call No. 898)

FLOOR AMENDMENT

HB0756/733228/2
BY: Delegate Pena-Melnyk

AMENDMENTS TO HOUSE BILL 756, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (HB0756/412614/4), in line 14 of Amendment No. 1, after "gang" insert "and acting as a coconspirator in a certain underlying crime".

AMENDMENT NO. 2

On page 3 of the House Judiciary Committee Amendments, in line 3 of Amendment No. 4, after "**NOT**" insert "**:**

(1)";

and in line 4, after "**GANG**" insert "**; AND**

(2) ACT AS A COCONSPIRATOR IN ONE OF THE UNDERLYING CRIMES".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #10

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

House Bill 1568 – Delegates Conway and Mathias

EMERGENCY BILL

AN ACT concerning

Board of Public Works – Licenses to Dredge and Fill on State Wetlands – Working Marinas

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

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

Senate Bill 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

The Bill was re–referred to the Committee on Appropriations.

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

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

The Bill was re–referred to the Committee on Appropriations.

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

Senate Bill 897 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

The Bill was re–referred to the Committee on Appropriations.

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

Senate Bill 1018 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

The Bill was re–referred to the Committee on Appropriations.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 899)

ADJOURNMENT

At 3:12 P.M. on motion of Delegate Barve the House adjourned until 8:00 P.M., on Legislative Day March 29, 2010, Calendar Day Monday, April 5, 2010.

Annapolis, Maryland
Legislative Day: March 29, 2010
Calendar Day: Monday, April 5, 2010

The House met at 8:03 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseline A. Pena–Melnyk of Anne Arundel and Prince George's counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 900)

The Journal of March 28, 2010 was read and approved.

EXCUSES:
Del. Bromwell – back problems from surgery
Del. Walkup – knee problems

MESSAGE FROM THE CHIEF EXECUTIVE

EXECUTIVE ORDER NO. 01.01.2010.08
PROCLAIMING AN EXTENDED SESSION OF
THE MARYLAND GENERAL ASSEMBLY

(See Exhibit M of Appendix II)

Read and ordered journalized.

MESSAGE FROM THE CHIEF EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2011

(See Exhibit N of Appendix II)

Read and referred to the Committee on Appropriations.

THE COMMITTEE ON APPROPRIATIONS REPORT #11

Delegate Conway, Chair, for the Committee on Appropriations 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 HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2010 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit O of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit P of Appendix II)

Delegate Jones moved to make the Bill and Amendments a Special Order for Tuesday.

The motion was adopted.

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

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 897 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1018 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

SB1018/174861/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 1018
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "Act;" insert "amending the Program Open Space Acquisition Opportunity Loan of 2009 to provide that the bonds authorized under the Act may be special or general obligation bonds and clarifying the method of issuance, sale, and delivery of the bonds;".

AMENDMENT NO. 2

On page 2, in line 32, after "(BZ-1)" insert "and (BZ-2)"; and in line 39, after "(AR)" insert "and (BM)".

AMENDMENT NO. 3

On page 3, in line 14, after "(AF),"" insert "(AG),"; in the same line, after "(BG)," insert "(BY), and"; in line 15, after "(X)," insert "(AA),"; in the same line, after "(BC)," insert "(BI),"; and in the same line, after "(BM)," insert "(BQ),"; after line 19, insert:

"BY repealing and reenacting, with amendments,
Chapter 419 of the Acts of the General Assembly of 2009
Section 2(1) and 4";

in line 22, after "1(3)" insert "Item ZA00(AB),"; in the same line, before "(M)" insert "(C),"; in the same line, after "(AH)", insert a comma; and in line 23, before "(AE)" insert "(C),".

AMENDMENT NO. 4

On page 8, in lines 16 and 24, strike "**$100,000**" and "**100,000**", respectively, and substitute "**$0**" and "**0**", respectively; in lines 26 and 35, strike "**$150,000**" and "**150,000**", respectively, and substitute "**$125,000**" and "**125,000**", respectively; and after line 35, insert:

"(**BZ-2**)	**CEDAR LANE APARTMENT RENOVATIONS. 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 FRIENDS OF CEDAR LANE, INC., FOR THE RENOVATION, RECONSTRUCTION, AND CAPITAL EQUIPPING OF THE CEDAR LANE APARTMENTS, INCLUDING REPLACEMENT OF THE ROOF, ROOFTOP HVAC UNIT, AND EMERGENCY GENERATOR, LOCATED IN LEONARDTOWN. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (ST. MARY'S COUNTY) .....**	**125,000**".

AMENDMENT NO. 5

On page 10, after line 26, insert:

"(BM)	**[**St. Mary's College Amphitheater.**]** **ST. MARY'S COUNTY FAIRGROUNDS.** Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the **[**Board of Directors of the St. Mary's College of Maryland Foundation, Inc.**]** **BOARD OF DIRECTORS OF THE ST. MARY'S COUNTY FAIR ASSOCIATION, INC.** for the **[**planning, design,**]** construction, **REPAIR, RENOVATION, RECONSTRUCTION,** and capital equipping of the **[**St. Mary's College Amphitheater,**]** **ST. MARY'S COUNTY FAIRGROUNDS,** located in St. Mary's 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 HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (St. Mary's County) .. 75,000".

AMENDMENT NO. 6

On page 13, after line 39, insert:

"(AG) Family Life Intergenerational Center. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the We Are Family Community Development, Inc. for the planning, design, construction, renovation, and capital equipping of the Family Life Intergenerational Center, located in Randallstown. 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**]** **ON OR AFTER JANUARY 1, 2005, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) ..... 250,000".

AMENDMENT NO. 7

On page 14, after line 14, insert:

"(BY) Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, AND 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** (Prince George's County) ..... 100,000".

AMENDMENT NO. 8

On page 15, after line 27, insert:

"(AA) Youth Sports Program Facility. 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 Youth Sports Program, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Youth Sports Program Facility, 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 HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) ..... 100,000".

AMENDMENT NO. 9

On page 17, after line 1, insert:

"(BI) Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights. 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 HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 100,000";

and after line 23, insert:

"(BQ) Rosaryville Conservancy Tack House and Stables. 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 Rosaryville Conservancy, Inc. for the repair, renovation, and restoration of the tack house and stables located in the

conservancy area on the grounds of the Mount Airy Mansion, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions **AND 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** (Prince George's County) 100,000".

AMENDMENT NO. 10

On pages 17 and 18, strike in their entirety the lines beginning with line 34 on page 17 through line 4 on page 18, inclusive, and substitute:

"**(BV-1) BAY DISTRICT VFD. PROVIDE A GRANT EQUAL TO THE LESSER OF (I) $150,000 OR (II) THE AMOUNT OF THE MATCHING FUND PROVIDED, TO THE BAY DISTRICT VFD FOR CAPITAL PROJECTS OF THE BAY DISTRICT VOLUNTEER FIRE DEPARTMENT, LOCATED IN ST. MARY'S COUNTY. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (ST. MARY'S COUNTY)..... 150,000**".

AMENDMENT NO. 11

On page 18, after line 40, insert:

"Chapter 419 of the Acts of 2009

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) On request of the Governor, the Board of Public Works may borrow money and incur **[**special obligation**]** indebtedness through a special **OR GENERAL** obligation loan to be known as the Program Open Space Acquisition Opportunity Loan of 2009 in the total principal amount up to $70,000,000. This loan shall be evidenced by the issuance, sale, and delivery of **SPECIAL OR GENERAL OBLIGATION** Maryland Program Open Space bonds authorized, issued**[**, sold, and delivered in accordance with**]** **BY** a resolution adopted by the Board of Public Works **AND ISSUED, SOLD, AND**

DELIVERED IN ACCORDANCE WITH §§ 8-117 THROUGH 8-124 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND ARTICLE 31, § 22 OF THE CODE.

SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller may, upon the request of the Governor, advance funds for land acquisition opportunity purposes under this Act, provided that if **[**special obligation**]** bonds have not been issued under the authority of this Act, the Board of Public Works shall within 1 year issue Program Open Space bonds under the authority of this Act in an amount at least equivalent to the amount of the funds so advanced.".

AMENDMENT NO. 12

On page 19, after line 10, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(AB)	Anne Arundel Community College. Provide a grant **[**equal to the lesser of (i)**]** **OF** $1,000,000 **[**or (ii) the amount of the matching fund provided,**]** to the Anne Arundel Community College for the design and construction of a turf field, **ATHLETIC TRACK, AND SCOREBOARD,** located in Arnold (Anne Arundel County)	1,000,000";

and after line 18, insert:

"(C)	Easter Seals Inter–Generational Center. Provide a grant equal to **[**the lesser of (i)**]** $35,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of Easter Seals Greater Washington–Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter–Generational Center, located in Silver Spring (Statewide)	35,000".

AMENDMENT NO. 13

On page 20, after line 26, insert:

"(C)	Easter Seals Inter–Generational Center. Provide a grant equal to **[**the lesser of (i)**]** $35,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of Easter	

Seals Greater Washington–Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter–Generational Center, located in Silver Spring (Statewide) 35,000".

The preceding 13 amendments were read only.

Delegate Jones moved to make the Bill and Amendments a Special Order for Tuesday.

The motion was adopted.

THE COMMITTEE ON JUDICIARY REPORT #19

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

Senate Bill 248 – Senators Frosh, Brochin, Forehand, Gladden, Haines, Muse, Raskin, and Stone

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

SB0248/202910/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 248
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "- Surcharges"; in line 4, after "Court;" insert "requiring the executive director of the Maryland Legal Services Corporation to prepare a budget for the Corporation; requiring a certain informational budget to be submitted to the General Assembly in conjunction with the budget of the Judicial Branch of the State government; providing for the termination of this Act;"; in line 5, strike "certain surcharges deposited into";

and after line 16, insert:

"BY adding to
Article – Human Services

Section 11–208
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, strike "**$70**" and substitute "**$50**"; in line 20, strike "**$10**" and substitute "**$7**"; in line 21, strike "**$20**" and substitute "**$15**"; after line 25, insert:

"Article – Human Services

11–208.

(A) THE EXECUTIVE DIRECTOR SHALL PREPARE AN ANNUAL BUDGET FOR THE CORPORATION.

(B) (1) FOR INFORMATIONAL PURPOSES ONLY, THE CORPORATION SHALL SUBMIT ITS BUDGET TO THE GENERAL ASSEMBLY IN CONJUNCTION WITH THE BUDGET REQUEST OF THE JUDICIAL BRANCH OF THE STATE GOVERNMENT ON NOVEMBER 1 OF EACH YEAR.

(2) THE INFORMATIONAL BUDGET REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE 3 YEARS OF DATA, INCLUDING THE MOST RECENTLY COMPLETED FISCAL YEAR, AN ESTIMATE FOR THE CURRENT FISCAL YEAR, AND AN ESTIMATE FOR THE NEXT FISCAL YEAR, INCLUDING:

(I) A SUMMARY OF TOTAL EXPENDITURES AND THE SOURCES OF REVENUE THAT SUPPORT THAT SPENDING;

(II) LINE ITEM EXPENDITURE DETAIL FOR PERSONNEL, OPERATING EXPENSES, AND GRANTS, INCLUDING INDIVIDUAL GRANTEES;

(III) NARRATIVE EXPLANATION OF ALL REVENUE AND SPENDING CHANGES BETWEEN THE CURRENT FISCAL YEAR AND THE NEXT FISCAL YEAR;

(IV) PERFORMANCE MEASUREMENT DATA THAT DETAILS THE USE OF FUNDS; AND

(V) DETAIL ON THE CORPORATION'S RESERVE FUND, INCLUDING ACTUAL AND ESTIMATED END OF FISCAL YEAR BALANCES, TRANSFERS TO AND FROM THE RESERVE FUND, AND THE POLICIES GOVERNING THE RESERVE FUND.";

and in line 27, strike "June 1, 2010" and substitute "July 1, 2010. 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 and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

SB0252/862612/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 252
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "guidelines;" insert "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;"; in line 6, after "changes;"

insert "providing for a delayed effective date;"; and in line 14, after "(k)" insert ", 12-202,".

AMENDMENT NO. 2

On page 2, after line 17, insert:

"12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

(b) **[**(1) Subject to the provisions of paragraph (2) of this subsection, the**]** **THE** adoption or revision of the guidelines set forth in this subtitle **[**may be grounds for requesting a modification of a child support award based on a material change in circumstances**]** **IS NOT A MATERIAL CHANGE OF CIRCUMSTANCE FOR THE PURPOSE OF A MODIFICATION OF A CHILD SUPPORT AWARD**.

[(2) The adoption or revision of the guidelines set forth in this subtitle may not be grounds for requesting a modification of a child support award based on a material change in circumstances unless the use of the guidelines would result in a change in the award of 25% or more.**]**

(c) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1246 of the State Government Article.".

AMENDMENT NO. 3

On pages 13 through 19, strike in their entirety the lines beginning with line 6 on page 13 through line 41 on page 19, inclusive.

AMENDMENT NO. 4

On page 21, in line 19, strike "2010" and substitute "2011".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 255 – Senators Stone, DeGrange, Forehand, Klausmeier, Raskin, and Robey

AN ACT concerning

Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

SB0280/612011/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 280
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "adding" in line 4 down through "representative;" in line 7; strike beginning with "authorizing" in line 11 down through "supervision;" in line 12; and strike beginning with "requiring" in line 18 down through "circumstances;" in line 19.

On page 2, in line 1, after "circumstances;" insert "clarifying that the imposition or adjustment of special conditions of lifetime sexual offender supervision is a subsequent proceeding under a certain provision of law;"; strike beginning with "requiring" in line 3 down through "petitions;" in line 4; in line 7, after "circumstances;" insert "clarifying that certain proceedings are a subsequent proceeding under a certain provision of law;"; and in line 22, strike "11-503, 11-701," and substitute "11-701".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 12 on page 3 down through line 21 on page 4, inclusive.

AMENDMENT NO. 3

On page 9, in line 16, strike "**OR**"; in the same line, after "**(2)**" insert "**, OR § 3-307(A)(1) OR (2)**"; in line 23, strike "**AND**"; after line 23, insert:

"**(5) A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE; AND**";

in line 24, strike "**(5)**" and substitute "**(6)**"; in line 25, strike "**ARISING OUT OF SEPARATE INCIDENTS**"; in line 27, after "**REGISTRATION**" insert "**AS A SEX OFFENDER**"; strike in their entirety lines 28 through 31, inclusive; and in line 32, strike "**(C)**" and substitute "**(B)**".

On page 10, in line 4, strike "**(D)**" and substitute "**(C)**"; strike beginning with "**FOR**" in line 4 down through "**THE**" in line 5 and substitute "**THE**"; strike beginning

with the colon in line 10 down through "**(I)**" in line 11; and strike beginning with the semicolon in line 12 down through "**PROVIDER**" in line 15.

AMENDMENT NO. 4

On page 11, after line 12, insert:

"**(5) THE IMPOSITION OR ADJUSTMENT OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION IS A SUBSEQUENT PROCEEDING UNDER § 11-503(A) OF THIS ARTICLE.**".

On page 13, strike beginning with the first "**ON**" in line 1 down through "**(2)**" in line 9; in line 10, strike "**HEARING OR**"; in line 11, strike "**THE**" and substitute "**A**"; in the same line, after "**CHARGE**" insert "**OF VIOLATION OF A CONDITION OF LIFETIME SEXUAL OFFENDER SUPERVISION**"; in line 12, strike "**(3)**" and substitute "**(2)**"; in the same line, strike "**AT THE HEARING**"; in line 13, strike "**VIOLATED**" and substitute "**COMMITTED A VIOLATION OF**"; strike in their entirety lines 15 through 20, inclusive; in line 21, strike "**(G)**" and substitute "**(F)**"; and in line 25, strike "3" and substitute "**5**".

On page 14, strike beginning with "no" in line 5 down through "safety" in line 6 and substitute "**IS NO LONGER A DANGER TO SELF OR OTHERS**"; and after line 11, insert:

"**(G) PROCEEDINGS UNDER THIS SECTION ARE A SUBSEQUENT PROCEEDING UNDER § 11-503(A) OF THIS ARTICLE.**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 338 – Senator Frosh

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 339 – Senator Frosh

AN ACT concerning

Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 341 – Senator Frosh

AN ACT concerning

Real Property – Effect of Deed Granting Property from Trust or Estate

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 442 – ~~Senator Raskin~~ Senators Raskin and Forehand

AN ACT concerning

Criminal Injuries Compensation Board – Right to Hearing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 559 – Senators Kelley, Colburn, Conway, Currie, Della, Exum, Forehand, Lenett, Madaleno, McFadden, Muse, Pinsky, ~~and Stone~~ Stone, Brochin, Jacobs, Raskin, and Simonaire

AN ACT concerning

Child Protection – ~~Mandatory~~ Reporting of Children ~~Regularly in Contact with Persons Convicted of Child Abuse and Child Sexual Abuse~~ Living with or in the Regular Presence of Registered Child Sexual Offenders

SB0559/482916/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 559
(Third Reading File Bill)

On page 3, in line 12, strike "**AS A CHILD SEXUAL OFFENDER**" and substitute "**BASED ON THE COMMISSION OF AN OFFENSE AGAINST A CHILD**".

On page 6, in lines 4 and 9, in each instance, strike "**A CHILD SEXUAL OFFENDER**" and substitute "**AN INDIVIDUAL REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE COMMISSION OF AN OFFENSE AGAINST A CHILD**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 629 – Senators Muse, Haines, Jacobs, and Stone

AN ACT concerning

Law Enforcement Officers – Unsubstantiated Complaints – Admissibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

SB0854/482417/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 854
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Crimes" and substitute "Criminal Procedure"; strike beginning with "," in line 2 down through "Procedures" in line 3 and substitute "and Registration"; and strike beginning with "authorizing" in line 4 down through "admissible;" in line 16.

On page 2, in line 2, after "countries;" insert "altering the requirements for registration on a certain registry for a certain person granted probation before judgment;"; strike beginning with "requiring" in line 33 down through "identity;" in line 37; in line 39, after "notify" insert "a"; in the same line, strike "units" and substitute "unit"; and in line 47, strike "certain terms" and substitute "a certain term".

On pages 3 and 4, strike beginning with "prohibiting" in line 25 on page 3 down through "Act;" in line 20 on page 4 and substitute "requiring the Department, in consultation with the Department of State Police, to adopt certain regulations on or before a certain date;".

On page 4, in line 23, strike "making certain provisions of this Act subject to a certain contingency;"; strike beginning with ", commitment" in line 24 down through "procedures" in line 25; strike in their entirety lines 26 through 35, inclusive; in line 38, after "11-701" insert "11-702,"; and in line 39, strike "11-721, and 11-723" and substitute "and 11-721".

On page 5, in line 2, strike "11-702 and"; and strike in their entirety lines 10 through 20, inclusive.

AMENDMENT NO. 2

On pages 5 through 7, strike in their entirety the lines beginning with line 23 on page 5 down through line 14 on page 7.

On page 8, in line 29, after "**PERIOD**" insert "**, FOR THE PURPOSE OF LIVING OR SLEEPING**".

AMENDMENT NO. 3

On page 13, in line 6, after "**ARTICLE**" insert "**, IF THE VICTIM IS AN ADULT**"; after line 11, insert:

"**(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING THE COMMON LAW OFFENSE OF INDECENT EXPOSURE, IF THE VICTIM IS A MINOR AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT'S UNDERLYING INTENT WAS SEXUAL IN NATURE;**";

in lines 12, 16, and 31, strike "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively; and in line 14, strike "**(1) OR (2)**" and substitute "**(1), (2), OR (3)**".

On page 14, in lines 2, 3, and 10, strike "**(4)**", "**(6)**", and "**(5)**", respectively, and substitute "**(5)**", "**(7)**", and "**(6)**", respectively; in line 22, after "**OF**" insert "**3-308,**"; after line 24, insert:

"**(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER I SEX OFFENDER;**";

and in lines 25, 29, and 36, strike "**(4)**", "**(5)**", and "**(3)**", respectively, and substitute "**(5)**", "**(6)**", and "**(4)**", respectively.

AMENDMENT NO. 4

On page 15, in line 5, strike "**§ 2-201(4)(VIII)**" and substitute "**2-201(A)(4)(VIII)**"; in line 6, after "**ARTICLE;**" insert "**OR**"; strike beginning with "**OR**" in line 10 down through "**FORCE;**" in line 13; in line 15, after "**§ 3-307(A)(3),**" insert "**§ 3-308,**"; in the same line, after "**§ 3-314**" insert "**§ 3-321, § 3-322,**"; after line 20, insert:

"**(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-202 OR § 3-203 OF THE CRIMINAL LAW ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME INCIDENT, AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT'S UNDERLYING INTENT WAS SEXUAL IN NATURE;**

(5) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I OR TIER II SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER II SEX OFFENDER;";

and in lines 21, 28, and 30, strike "**(4)**", "**(3)**", and "**(5)**", respectively, and substitute "**(6)**", "**(5)**", and "**(7)**", respectively.

On page 16, in lines 2, 20, and 26, strike "**(3)**", "**1993**", and "**1984**", respectively, and substitute "**(5)**", "**1995**", and "**1985**", respectively.

On page 19, in line 11, strike "**SEX OFFENDER**".

On page 21, in line 13, strike "**AN**"; in the same line, strike "**THAT**" and substitute "**WHERE**"; in line 17, strike "**OR**"; and in lines 18 and 22, in each instance, strike the bracket.

On page 22, in lines 4 and 6, in each instance, strike the bracket; in line 5, strike "7" and substitute "**3**".

On page 23, in line 11, strike "**3 DAYS**" and substitute "**24 HOURS**"; in line 13, strike "**A**" and substitute "**THE**"; and in line 29, strike "**EACH**" and substitute "**THE**".

On page 24, in lines 16, 19, and 23, in each instance, strike "**EACH**" and substitute "**THE**"; in line 27, strike "**7**" and substitute "**5**"; in line 28, strike "**A**"; and in line 33, strike "**A**" and substitute "**THE**".

On page 25, in line 7, strike "**LOCATIONS**" and substitute "**LOCATION**"; strike in their entirety lines 9 through 15, inclusive; in line 24, after the first "**OF**" insert "**EACH OF**"; in the same line, strike "**EMPLOYER**" and substitute "**EMPLOYERS**"; and in the same line, strike the second "**THE**" and substitute "**EACH**".

AMENDMENT NO. 5

On page 26, in line 11, strike "**OR**"; in line 14, strike "**ANY**" and substitute "**ALL**"; in line 19, strike "number **OR REGISTRATION NUMBER**" and substitute "**NUMBER, REGISTRATION NUMBER,**"; in line 22, strike "**ADDRESS**" and substitute "**ADDRESSES**"; in line 24, after "**(14)**" insert "**ALL LANDLINE AND CELLULAR**"; and strike beginning with the comma in line 26 down through "**NUMBERS**" in line 27.

On page 27, in line 1, strike the colon; in line 2, strike "**DATE**" and substitute "**DATES**"; and in line 3, strike "**REGISTRATION STATUS,**".

On page 28, in line 4, strike "**OR**"; in line 15, strike the period and substitute "**; OR**"; in lines 16, 19, 26, and 30, in each instance, strike the bracket; in line 16, strike "(iii)" and substitute "**(IV)**"; in line 17, strike "11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i)" and substitute "**11-704(C)(1)**"; and in line 25, strike "**OR**".

On page 29, in line 1, strike "**(1)**"; in lines 4, 6, 7, and 9, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively; and strike in their entirety lines 11 through 22, inclusive.

On page 30, in line 4, strike "**EACH**" and substitute "**THE**"; and in line 5, strike "**OR HABITUALLY LIVE**".

On page 31, in line 25, strike "**A**"; and in line 33, strike "**A**" and substitute "**THE**".

On page 32, in line 21, strike "**EACH**" and substitute "**THE**"; and in line 28, strike "**EACH**" and substitute "**THE**".

On page 33, in lines 10 and 15, in each instance, strike "**A**" and substitute "**THE**"; in line 17, strike "**HOME OR CELL**" and substitute "**LANDLINE OR CELLULAR**"; and in line 35, in each instance, strike "**A**" and substitute "**THE**".

On page 34, in line 2, strike "**HOME OR CELL**" and substitute "**LANDLINE OR CELLULAR**"; in line 8, strike "**EACH**" and substitute "**THE**"; and in line 11, strike "**A**".

On page 35, in line 33, after "registrants" insert "**AND A LISTING OF JUVENILE SEX OFFENDERS**".

On page 36, in line 30, after "name" insert "**, CRIME,**".

On page 37, in line 7, strike "**EACH**" and substitute "**THE**"; strike beginning with "**OR**" in line 13 down through "**ARTICLE**" in line 14; in line 16, strike the first "the" and substitute "**A**"; in line 18, strike "a" and substitute "**THE**"; in line 25, strike "**A**" and substitute "**THE**"; in the same line, strike "**LIVES**" and substitute "**RESIDES**"; and strike beginning with "**KNOWINGLY**" in line 34 down through "**SUBTITLE,**" in line 35.

On pages 38 through 44, strike in their entirety the lines beginning with line 10 on page 38 through line 33 on page 44, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Department of Public Safety and Correctional Services, in consultation

with the Department of State Police, shall adopt regulations to implement the listing of juvenile sex offenders in accordance with this Act, including a definition of "law enforcement personnel" who are authorized to access the listing.".

On page 45, in line 1, strike "5." and substitute "3."; strike in their entirety lines 7 through 11, inclusive; in line 12, strike "7." and substitute "4."; and strike beginning with ", except" in line 12 down through "Act," in line 13.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 901)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #13

Senate Bill 2 – ~~**Senator Conway**~~ **Senators Conway and Peters**

AN ACT concerning

Task Force on the Minority Business Enterprise Program and Equity Investment Capital

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

Affirmative – 138 Negative – 0 (See Roll Call No. 902)

The Bill was then returned to the Senate.

Senate Bill 54 – Chair, Finance Committee (By Request – Departmental – Business and Economic Development) and Senators Garagiola, Klausmeier, and Middleton

AN ACT concerning

Business and Economic Development – Maryland Economic Adjustment Fund

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

Affirmative – 139 Negative – 0 (See Roll Call No. 903)

The Bill was then returned to the Senate.

Senate Bill 55 – Chair, Finance Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Maryland Military Installation Council – Sunset Repeal, Membership, and Terms

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

Affirmative – 138 Negative – 0 (See Roll Call No. 904)

The Bill was then returned to the Senate.

Senate Bill 103 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 905)

The Bill was then returned to the Senate.

Senate Bill 147 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation

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

Affirmative – 138 Negative – 0 (See Roll Call No. 906)

The Bill was then returned to the Senate.

Senate Bill 148 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Pilots – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 907)

The Bill was then returned to the Senate.

Senate Bill 149 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Plumbing – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 908)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 208 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Permissible Investments – Linked Deposit Program

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

Affirmative – 136 Negative – 0 (See Roll Call No. 909)

The Bill was then returned to the Senate.

Senate Bill 327 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 910)

The Bill was then returned to the Senate.

Senate Bill 501 – Senator Raskin

AN ACT concerning

Real Estate Investment Trusts – Miscellaneous Provisions

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

Affirmative – 139 Negative – 0 (See Roll Call No. 911)

The Bill was then returned to the Senate.

Senate Bill 512 – Senators Conway, Currie, DeGrange, Dyson, Exum, Garagiola, Jones, Kasemeyer, Kelley, Klausmeier, McFadden, Middleton, Muse, Peters, and Pinsky

AN ACT concerning

Maryland Locksmiths Act – Revisions – Definitions and Records Inspection

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

Affirmative – 137 Negative – 2 (See Roll Call No. 912)

The Bill was then returned to the Senate.

Senate Bill 523 – Senators Pugh, Conway, Exum, Harrington, Jones, McFadden, Peters, and Raskin

AN ACT concerning

Credit Card Blacklisting Prevention Act

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

Affirmative – 113 Negative – 26 (See Roll Call No. 913)

The Bill was then returned to the Senate.

Senate Bill 555 – **Senator Conway**

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – ~~Registration~~ Examination Requirements

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

Affirmative – 138 Negative – 0 (See Roll Call No. 914)

The Bill was then returned to the Senate.

Senate Bill 694 – ~~**Senator Lenett**~~ **Senators Lenett, Exum, Garagiola, Kelley, and Pugh**

AN ACT concerning

Labor and Employment – Wage Payment and Collection Law – Definition of Wage

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

Affirmative – 100 Negative – 37 (See Roll Call No. 915)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 161 – **Senators Simonaire and Reilly**

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – Accountability Policy

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

Affirmative – 139 Negative – 0 (See Roll Call No. 916)

The Bill was then returned to the Senate.

Senate Bill 204 – Senators Pinsky, Harrington, Lenett, and Madaleno

AN ACT concerning

Student Stigma Act

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

Affirmative – 136 Negative – 3 (See Roll Call No. 917)

The Bill was then returned to the Senate.

Senate Bill 230 – Senators Conway, Brochin, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, McFadden, Munson, Pugh, Raskin, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Colburn, Harrington, Peters, and Pinsky

AN ACT concerning

Education – Instruction of Blind and Visually Impaired Students – Use of Braille

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

Affirmative – 139 Negative – 0 (See Roll Call No. 918)

The Bill was then returned to the Senate.

Senate Bill 476 – Senators ~~Currie,~~ King, Currie, Peters, ~~and Exum~~ Exum, Forehand, and Garagiola

AN ACT concerning

Maintenance of Effort – Penalty

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

Affirmative – 134 Negative – 5 (See Roll Call No. 919)

The Bill was then returned to the Senate.

Senate Bill 477 – Senators Frosh, Forehand, Garagiola, King, Kramer, Madaleno, Middleton, and Raskin

AN ACT concerning

State Highways – Mobile Produce Vendors – Required State Lease

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

Affirmative – 114 Negative – 25 (See Roll Call No. 920)

The Bill was then returned to the Senate.

Senate Bill 483 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit

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

Affirmative – 137 Negative – 1 (See Roll Call No. 921)

The Bill was then returned to the Senate.

Senate Bill 493 – ~~Senator Astle~~ Senators Astle, Haines, and Jacobs

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

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

Affirmative – 137 Negative – 1 (See Roll Call No. 922)

The Bill was then returned to the Senate.

Senate Bill 552 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – Memorial Hilltop Centre

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

Affirmative – 138 Negative – 1 (See Roll Call No. 923)

The Bill was then returned to the Senate.

Senate Bill 652 – Senators DeGrange, Brochin, Conway, Edwards, Forehand, Garagiola, Kelley, Klausmeier, Munson, Peters, Raskin, Rosapepe, Simonaire, ~~and Stone~~ Stone, Brinkley, Currie, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Property Tax Credit – Habitat for Humanity

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

Affirmative – 138 Negative – 0 (See Roll Call No. 924)

The Bill was then returned to the Senate.

Senate Bill 947 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

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

Affirmative – 138 Negative – 1 (See Roll Call No. 925)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0099**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Astle, Chairman
Senator Garagiola

Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0099**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments.

The House respectfully requests the Senate to reconsider and concur.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 926)

ADJOURNMENT

At 8:45 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 30, 2010, Calendar Day Tuesday, April 6, 2010.

Annapolis, Maryland
Legislative Day: March 30, 2010
Calendar Day: Tuesday, April 6, 2010

The House met at 10:14 A.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 124 Members present.

(See Roll Call No. 927)

The Journal of March 29, 2010 was read and approved.

EXCUSES:
Del. Bromwell – back problems from surgery

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 308 – Senators Conway, Currie, Dyson, Exum, Frosh, Harrington, Kelley, King, Lenett, McFadden, Middleton, Pinsky, Pugh, and Rosapepe

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, 15–314, 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 Rules and Executive Nominations.

Senate Bill 395 – Senators Brochin, Mooney, ~~and Stone~~ Stone, Forehand, Jacobs, Muse, and Simonaire

AN ACT concerning

Correctional Services – Child Sexual Offenders – Diminution Credits – ~~Inmate Serving Sentence for Rape of Minor or First– or Second–Degree Sexual Offense Against Minor~~

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 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 for persons serving sentences for committing certain sexual crimes against ~~minors~~ 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)

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

Senate Bill 622 – ~~**Senator Jacobs**~~ **Senators Jacobs, Brochin, Haines, Mooney, Muse, ~~and Stone~~ Stone, Kittleman, Stoltzfus, Munson, Harris, Colburn, Simonaire, Pipkin, Brinkley, Reilly, Glassman, and Edwards**

AN ACT concerning

Crimes – Sexual Offenses Against Children – Penalties

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 Rules and Executive Nominations.

Senate Bill 836 – Senators Lenett, Frosh, Garagiola, King, Madaleno, Pugh, ~~and Raskin~~ Raskin, and Forehand

AN ACT concerning

Education – Students Arrested for Reportable Offenses – ~~Prohibition Against~~ Attending School or Riding the Bus with Victim

FOR the purpose of ~~authorizing~~ requiring a local school superintendent and a school principal to ~~prohibit~~ consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim under certain circumstances; prohibiting a student who is convicted of or adjudicated delinquent for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the ~~alleged~~ victim; and generally relating to the protection of students who are victims of reportable offenses involving rape or sexual offense.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–303(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–303(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 867 – Senators Muse, Conway, Exum, Forehand, King, Lenett, Peters, Pugh, Raskin, Robey, and Rosapepe

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 Rules and Executive Nominations.

Senate Bill 911 – ~~**Senator Astle**~~ **Senators Astle, Della, Exum, Garagiola, Glassman, Klausmeier, and Middleton**

AN ACT concerning

Underground Facilities – Damage Prevention

FOR the purpose of repealing certain provisions of Maryland's underground facilities damage prevention laws; expanding the scope of the underground facilities damage prevention laws to apply to an owner or lessee of a private residence who performs an excavation or demolition on the land of the private residence; establishing the Maryland Underground Facilities Damage Prevention Authority; declaring the intent of the General Assembly that the Authority not be funded through State budget appropriations; providing for the appointment and terms of the members of the Authority; providing for the selection of a chair of the Authority in a certain manner; establishing quorum requirements for the Authority, and requiring the Authority to meet at a certain frequency; providing that a member of the Authority may not receive compensation and is not entitled to reimbursement for expenses; authorizing the Authority to perform certain acts; requiring the Authority to adopt a code of conduct for its members; authorizing the Authority to obtain funding for its operational expenses from certain sources; prohibiting the Authority from imposing a certain charge or assessment against a person for certain purposes under certain circumstances; authorizing the Authority to enforce the underground facilities damage prevention laws by hearing complaints, assessing certain penalties, and reaching a settlement instead of certain penalties; authorizing the Authority to establish certain fees and use the services of a third party to collect certain civil penalties; requiring that a certain hearing before the Authority be conducted in a certain manner; authorizing a person aggrieved by a decision of the Authority to request judicial review of the decision in a certain manner; providing that a record of a hearing conducted by the Authority is not admissible in certain administrative or civil proceedings; requiring the Authority to submit a certain

report to the Governor and General Assembly each year; establishing the Maryland Underground Facilities Damage Prevention Education and Outreach Fund as a special, nonlapsing fund to be used for certain purposes; providing for the use and administration of the Fund; requiring a person performing a certain emergency excavation or demolition immediately to notify a certain one–call system to inform certain ~~owners~~ owner–members of underground facilities of the excavation or demolition; providing that a person that abuses the emergency demolition procedures in this Act is subject to certain penalties; requiring an owner of underground facilities to be a member of a one–call system by registering with the one–call system; requiring certain owners to become members of a one–call system and to submit to the one–call system and keep current certain information; requiring a person that intends to perform an excavation or demolition in the State to initiate a certain ticket request with a certain one–call system; requiring the one–call system to promptly transmit a copy of a certain ticket to certain owner–members under certain circumstances; providing that a ticket is valid for a certain period; requiring a person that intends to perform an excavation or demolition to repeat a certain notice to the one–call system under certain circumstances; requiring an ~~owner~~ owner–member of underground facilities to mark the underground facilities in a certain manner under certain circumstances; requiring an ~~owner~~ owner–member to report certain information to an underground facilities information exchange system within a certain period after a certain event; requiring an ~~owner~~ owner–member to take certain actions if the ~~owner~~ owner–member, for certain reasons, is unable to mark the underground facilities within a certain period; authorizing an ~~owner~~ owner–member and person conducting an excavation or demolition to reach a working agreement regarding the schedule for marking an underground facility; providing that a person may begin excavation or demolition only after receiving a certain notice; providing that a person performing an excavation or demolition is responsible for the maintenance of underground facility markings and shall perform the excavation or demolition in a certain manner; requiring a certain person to provide certain notice of certain damage to, or disturbance of, an underground facility; requiring a person to take certain measures if the person knows or has reason to know of an unmarked underground facility in the area of an excavation or demolition; authorizing the Department of Transportation, the Department's administrations, and the Maryland Transportation Authority to collect certain fees; ~~repealing the authority of a political subdivision or municipal corporation to charge a marking or re–marking fee for the reimbursement of expenses incurred by the political subdivision or municipal corporation in complying with the State's underground facilities damage prevention laws;~~ authorizing a designer to initiate a ticket request with a certain one–call system under certain circumstances; requiring an ~~owner~~ owner–member to respond to a ticket requested by a designer in a certain manner within a certain period after receiving a certain notice; providing that an ~~owner~~ owner–member or agent of an ~~owner~~ owner–member is not liable for inaccurate information provided to a designer in response to a ticket request; increasing certain civil penalties under the underground facilities damage

prevention laws; authorizing the Authority to impose certain measures instead of or in addition to certain civil penalties; providing that certain civil penalties may be assessed only by the Authority; providing that a court may assess certain civil penalties and award certain attorney's fees under certain circumstances; providing that the Authority may not assess a certain penalty if a certain action has been brought in a certain venue; altering a provision regarding the disposition of civil penalties and requiring that civil penalties recovered under the underground facilities damage prevention laws be paid into the Fund; providing that employees and officials of the Authority are State personnel under the Maryland Tort Claims Act; ~~altering the definition of underground facility to include stormwater drains after a certain date; requiring an owner of stormwater drains to make a good faith effort to identify the location of the stormwater drains by a certain date; holding an owner harmless under this Act with respect to any stormwater drain the owner could not locate and identify after a good faith effort; providing for a delayed effective date for a certain provision of this Act;~~ defining certain terms and altering certain definitions; making stylistic changes; and generally relating to excavation or demolition near underground facilities and underground facilities damage prevention.

BY repealing
Article – Public Utility Companies
Section 12–107 through 12–110; and 12–201 through 12–203 and the subtitle "Subtitle 2. Excavation Near Underground Lines and Structures in Montgomery County"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY renumbering
Article – Public Utility Companies
Section 12–104, 12–105, 12–106, 12–111, 12–112, and 12–113, respectively
to be Section 12–120, 12–121, 12–122, 12–128, 12–134, and 12–135, respectively
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 12–101 and 12–103 to be under the new part "Part I. Definitions; General Provisions"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 12–102
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 12–106 through 12–114 to be under the new part "Part II. Maryland Underground Facilities Damage Prevention Authority"; 12–117 to be under the new part "Part III. Maryland Underground Facilities Damage Prevention Education and Outreach Fund"; 12–123 through 12–127; and 12–131 to be under the new part "Part V. Designer Requests"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 12–120, 12–121, ~~12–122, and 12–128~~ and 12–122 to be under the new part "Part IV. Excavation and Demolition"; and 12–135
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Section 2 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 12–128 to be under the new part "Part IV. Excavation and Demolition"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Section 2 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 12–134 to be under the new part "Part VI. Enforcement and Penalties"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Section 2 of this Act)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101(a)(2)
Annotated Code of Maryland
(2009 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~
~~Article – Public Utility Companies~~
~~Section 12–101(a)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~
~~(As enacted by Section 3 of this Act)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Public Utility Companies~~
~~Section 12–101(o)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~
~~(As enacted by Section 3 of this Act)~~

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

Senate Joint Resolution 6 – Senator Gladden

A Senate Joint Resolution concerning

Earth Hour

FOR the purpose of recognizing a certain hour on a certain day as Earth Hour; urging Marylanders to observe Earth Hour; urging the Governor to order that the lights in the Government House and the State Capitol complex be turned off during Earth Hour; and generally relating to Earth Hour.

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

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 33	Del. Hubbard
HB 79	Ch., Econ Matters Co.
HB 249	Del. Rudolph
HB 261	Del. Tarrant
HB 278	Del. Hubbard
HB 305	Del. Davis
HB 384	Del. James
HB 618	Allegany County Del.
HB 821	Del. Barkley
HB 933	Del. Montgomery

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR

HB 67	Ch. Hlth & Govt Ops
HB 69	Ch. Hlth & Govt Ops
HB 75	Ch., Judiciary Com.
HB 93	Ch., Envir. Mat. Com.
HB 119	Ch., Judiciary Com.
HB 120	Del. Kelly
HB 138	Del. Waldstreicher
HB 161	Ch., Judiciary Com.
HB 181	Del. Hubbard
HB 202	Del. Cardin
HB 219	Del. Bronrott
HB 233	Howard County Del.
HB 257	Del. Rosenberg
HB 292	Del. Morhaim
HB 307	Cecil County Del.
HB 328	Del. Carter
HB 329	Del. Carter
HB 337	Del. Carter
HB 375	Garrett County Del.
HB 393	Anne Arundel Co. Del.
HB 412	Del. Feldman
HB 417	Del. Rosenberg

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 423	Del. Sossi
HB 448	Del. Carter
HB 449	Del. Carter
HB 452	Washington County Del.
HB 454	Washington County Del.
HB 458	Washington County Del.
HB 534	Del. Waldstreicher
HB 550	Del. Norman
HB 600	Del. Kullen
HB 605	Del. Dumais
HB 611	Del. Frick
HB 633	Del. Niemann
HB 646	Del. Reznik
HB 676	Del. Malone
HB 710	Del. Howard
HB 724	Anne Arundel Co. Del.
HB 779	Del. Lee
HB 796	Del. Murphy

HB 822	Queen Anne's Co. Del.
HB 869	Del. V. Clagett
HB 971	Del. Feldman
HB 972	Del. Feldman
HB 1009	Del. Feldman
HB 1298	Del. Glenn
HB 1505	Ch., Appropriations

Read and ordered journalized.

Dedication to Cornelia C. Watson
40 Years of Dedicated Service to the Maryland General Assembly

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0140**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2011)

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0140**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2011)

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

The House appoints:
Delegate Conway, Chair
Delegate G. Clagett
Delegate Gaines
Delegate Bohanan
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates James, Branch and Griffith.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0141**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2010

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0141**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2010

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer

Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

The House appoints:
Delegate Conway, Chair
Delegate Gaines
Delegate Bohanan
Delegate Hixson
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Griffith, James and DeBoy.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #24

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

House Bill 180 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

HB0180/923097/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 180
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "an" and substitute "a certain"; strike beginning with "occurring" in line 4 down through "front" in line 5 and substitute "of a user"; in line 6, strike "each" and substitute "the"; in the same line, strike "of an automated teller machine"; and strike beginning with "requiring" in line 9 down through "dates" in line 10 and substitute "providing that an operator of a certain automated teller machine is not in violation of certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not apply to certain automated teller machines under certain circumstances; providing that this Act applies only to automated teller machines first installed on or after a certain date".

AMENDMENT NO. 2

On page 2, after line 4, insert:

"**(A) THIS SECTION DOES NOT APPLY TO AN AUTOMATED TELLER MACHINE THAT IS:**

(1) LOCATED INSIDE A BUILDING UNLESS:

(I) THE BUILDING IS A FREESTANDING INSTALLATION THAT EXISTS SOLELY TO PROVIDE AN ENCLOSURE FOR THE AUTOMATED TELLER MACHINE; OR

(II) A USER OF THE AUTOMATED TELLER MACHINE IS ABLE TO CONDUCT A TRANSACTION FROM OUTSIDE THE BUILDING; OR

(2) OPERATED BY A FINANCIAL INSTITUTION, UNLESS THE AUTOMATED TELLER MACHINE IS LOCATED AT, WITHIN, OR ATTACHED TO PREMISES OWNED OR UNDER THE CONTROL OF THE FINANCIAL INSTITUTION.";

in lines 5 and 11, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in line 5, after "**MACHINE**" insert "**SUBJECT TO THIS SECTION**"; in line 7, strike "**OCCURRING WITHIN A MINIMUM OF 3 FEET IN FRONT**"; in line 8, after "**OF**" insert "**A USER AS THE USER PERFORMS A TRANSACTION AT**"; and in line 11, strike "**(A)**" and substitute "**(B)**".

AMENDMENT NO. 3

On page 2, after line 13, insert:

"**(D) AN OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO THIS SECTION IS NOT IN VIOLATION OF THIS SECTION IF A VIDEO CAMERA REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MALFUNCTIONS DUE TO A REASON NOT WITHIN THE OPERATOR'S CONTROL.**".

AMENDMENT NO. 4

On page 2, strike beginning with the first "an" in line 14 down through "(1)" in line 16 and substitute "this Act applies only to automated teller machines first installed"; and strike beginning with ", shall" in line 16 down through "2011" in line 19.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1560 – Delegates Braveboy, Harrison, Benson, Pena–Melnyk, and V. Turner

AN ACT concerning

Public Health – Sales of Previously Sold Undergarments and Bathing Suits – Prohibited

HB1560/383693/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Public Health" and substitute "Consumer Protection"; in line 2, strike "Undergarments and Bathing Suits" and substitute "Underwear"; in line 4, after "of" insert "requiring that the sale of unpackaged underwear or an unsealed package of multiple pairs of underwear at a retail establishment be a final sale except under certain circumstances; allowing a retail establishment to accept certain underwear for return and a refund or exchange;"; in

line 5, strike "undergarments or bathing suits" and substitute "underwear"; in the same line, strike "have" and substitute "has"; in lines 9 and 10, strike "undergarments and bathing suits" and substitute "underwear"; in line 12, strike "Health – General" and substitute "Commercial Law"; in line 13, strike "18–405" and substitute "14–1322"; in line 15, strike "2009" and substitute "2005"; and in the same line, after "Volume" insert "and 2009 Supplement".

AMENDMENT NO. 2

On page 1, in line 18, strike "Health – General" and substitute "Commercial Law"; and in line 19, strike "**18–405.**" and substitute "**14–1322.**".

On page 2, in line 2, strike "**GOODS OR SERVICES**" and substitute "**CONSUMER GOODS OR CONSUMER SERVICES**"; in the same line, strike "**THE ULTIMATE USER OR**" and substitute "**A**"; strike beginning with "**FOR**" in line 2 down through the second "**USE**" in line 3; in line 4, strike beginning with "**(3)**" through "**MEANS**" and substitute "**(3) (I) "UNDERWEAR" MEANS**"; in the same line, strike "**AN**" and substitute "**A LONG OR SHORT**"; strike beginning with "**AN**" in line 5 down through "**HALF.**" in line 6 and substitute "**THE LOWER HALF OF AN INDIVIDUAL'S BODY THAT HAS A SEPARATE OPENING FOR EACH LEG AND IS WORN FOR THE PRIMARY PURPOSE OF PERSONAL HYGIENE.**

(II) "UNDERWEAR" DOES NOT INCLUDE:

1. SLIPS;

2. DIAPERS;

3. ADULT INCONTINENCE UNDERGARMENTS; OR

4. PERSONAL PROTECTIVE EQUIPMENT.";

in lines 8 and 11, in each instance, strike "**UNDERGARMENTS OR BATHING SUITS**" and substitute "**UNDERWEAR**"; in line 10, after "**SECONDHAND;**" insert "**OR**"; strike beginning with the semicolon in line 12 down through "**BOTTOMS**" in line 14; in line 15, after "**(C)**" insert "**(1)**"; and strike beginning with "**A**" in line 15 down through "**ESTABLISHMENT.**" in line 17 and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SALE OF UNPACKAGED UNDERWEAR**

OR AN UNSEALED PACKAGE OF MULTIPLE PAIRS OF UNDERWEAR AT A RETAIL ESTABLISHMENT SHALL BE FINAL.

(2) A RETAIL ESTABLISHMENT MAY ACCEPT FOR RETURN AND A REFUND OR EXCHANGE PREVIOUSLY SOLD UNPACKAGED UNDERWEAR OR AN UNSEALED PACKAGE OF MULTIPLE PAIRS OF UNDERWEAR IF THE UNDERWEAR IS DEFECTIVE OR DAMAGED.

(3) A RETAIL ESTABLISHMENT MAY NOT SELL TO ANOTHER CONSUMER PREVIOUSLY SOLD UNPACKAGED UNDERWEAR OR AN UNSEALED PACKAGE OF MULTIPLE PAIRS OF UNDERWEAR ACCEPTED FOR RETURN UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 11 – ~~**Senator Conway**~~ **Senators Conway and Dyson**

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 129 – Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, ~~and Kramer~~ Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier

AN ACT concerning

International Marriage Brokers – Regulation

SB0129/493693/1
BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 129
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "services" and substitute "certain information".

AMENDMENT NO. 2

On page 3, strike beginning with "**ORGANIZATION**" in line 12 down through "**PROVIDED**" in line 14 and substitute "**ENTITY THAT PROVIDES DATING SERVICES IF ITS PRINCIPAL BUSINESS IS NOT TO PROVIDE INTERNATIONAL DATING SERVICES BETWEEN MARYLAND RESIDENTS AND FOREIGN NATIONALS AND IT CHARGES COMPARABLE RATES AND OFFERS COMPARABLE SERVICES TO ALL INDIVIDUALS IT SERVES REGARDLESS OF THE INDIVIDUAL'S GENDER OR COUNTRY OF CITIZENSHIP**"; and in line 29, strike "**ANY**" and substitute "**PERSONAL CONTACT**".

On page 4, in line 15, after "**BROKER;**" insert "**AND**"; strike in their entirety lines 16 and 17; in line 18, strike "**(3)**" and substitute "**(2)**"; in line 27, strike "**SERVICES**" and substitute "**PERSONAL CONTACT INFORMATION**"; and in the same line, after "**RECRUIT**" insert "**, INCLUDING THE LAST NAME, PHONE NUMBER, ADDRESS, OR ELECTRONIC MAIL ADDRESS OF THE CLIENT OR THE RECRUIT,**".

On page 5, strike beginning with "**AT**" in line 8 down through "**CLIENT,**" in line 9 and substitute "**PRIOR TO THE RELEASE OF ANY PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT,**".

On page 6, in line 2, after "**DISCLOSE**" insert "**PERSONAL CONTACT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 302 – Senator Glassman

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Outdoor Power Sports Equipment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 482 – Senator Edwards

AN ACT concerning

Workers' Compensation – Allegany County Deputy Sheriffs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 529 – Senators Garagiola, Astle, Exum, and Pugh

AN ACT concerning

Net Energy Metering – Fuel Cell

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 728 – Cecil County Senators

AN ACT concerning

Cecil County – Board of Electrical Examiners and Licensing of Electricians

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 787 – Senator Pugh

AN ACT concerning

Financial Institutions – Mortgage Lenders – Net Worth Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #20

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

Senate Bill 3 – Senators Klausmeier, Middleton, ~~and Robey~~ Robey, Colburn, and Dyson

AN ACT concerning

Environment – Wetlands and Waterways Program Fees – Aquaculture

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 29 – Senator Astle

AN ACT concerning

Department of Natural Resources – Preparation of Fishery Management Plans – Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 36 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

SB0036/680011/1
BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 36
(Third Reading File Bill)

On page 1, in line 4, strike "on which" and substitute "served by"; and in line 5, strike "is located".

On page 2, in line 16, strike "**ON WHICH THE**" and substitute "**SERVED BY A**"; and in line 18, strike "**IS LOCATED**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 40 – Senator Colburn

AN ACT concerning

Dorchester County – Membership of Sanitary Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 60 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment) and Senators Harrington and Lenett

AN ACT concerning

Commission on Environmental Justice and Sustainable Communities – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 62 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Horse Industry Fund – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 81 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – License Suspensions and Revocations – Maximum Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 82 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Commercial Feed Law – Definitions – Prohibition on Sale

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 88 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Controlled Hazardous Substance Advisory Council

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 95 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Farmland Preservation Partnership Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 235 – Senators Robey, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kasemeyer, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

SB0235/450916/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 235
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "the payment of" and substitute "a budget reflecting the amount of"; in the same line, after "assistance" insert "allocated by the mobile home park owner to be given"; and in line 14, after "requiring" insert "certain".

AMENDMENT NO. 2

On page 3, in line 15, strike "**(C)(1)**" and substitute "**(C)(2)**".

On page 4, in line 15, strike "**PAID FOR**" and substitute "**THAT:**

(I) FOR A MOBILE HOME PARK WITH MORE THAN 75 SITES, WAS PAID FOR";

and in line 17, after "**PREMISES**" insert "**; OR**

(II) FOR A MOBILE HOME PARK WITH 75 OR FEWER SITES, WAS PAID FOR THE 5 MONTHS IMMEDIATELY PRECEDING THE DATE THE RESIDENT VACATES THE PREMISES".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 245 – Senator Simonaire

AN ACT concerning

School Bus Seat Belt Corrective Language Act

SB0245/110013/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 245
(Third Reading File Bill)

On page 1, in line 2, strike "School Bus Seat Belt Corrective Language Act" and substitute "Vehicle Laws – School Buses and Former School Buses – Seat Belts".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 289 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Turkey Hunting – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 319 – Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

African American Heritage Preservation Program

SB0319/860719/1
BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 319
(Third Reading File Bill)

On page 2, in line 4, strike "the" and substitute "a certain".

On page 5, in line 18, after "**HERITAGE**" insert "**PRESERVATION**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 326 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #12

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1164 – Delegate Niemann

AN ACT concerning

Green Maryland Act of 2010

HB1164/656380/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1164
(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**"; in line 17, after "**PLASTICS**" insert "**OR RECYCLABLE PRODUCTS THAT MAY CONTAIN POST**

CONSUMER RECYCLED CONTENTS"; 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1301 – Delegates Carr, Pena–Melnyk, Ali, Beidle, Hucker, Lafferty, Manno, Mizeur, and Niemann

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

HB1301/536481/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1301
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "an" and substitute "a certain"; strike beginning with "requiring" in line 5 down through "person;" in line 10 and substitute "authorizing a custodian to remove certain metadata from certain documents;"; in line 11, after "Act;" insert "clarifying that a certain act does not constitute creating, compiling, or programming a new public record;"; in line 13, after "circumstances;" insert "defining a certain term;"; and in line 16, strike "10–620" and substitute "10–611, 10–620,".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"10–611.

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

(b) "Applicant" means a person or governmental unit that asks to inspect a public record.

(c) "Custodian" means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(D) (1) "METADATA" MEANS INFORMATION, GENERALLY NOT VISIBLE WHEN AN ELECTRONIC DOCUMENT IS PRINTED, DESCRIBING THE HISTORY, TRACKING OR MANAGEMENT OF THE ELECTRONIC DOCUMENT, INCLUDING INFORMATION ABOUT DATA IN THE ELECTRONIC DOCUMENT WHICH DESCRIBES HOW, WHEN, AND BY WHOM THE DATA IS COLLECTED, CREATED, ACCESSED, OR MODIFIED AND HOW IT IS FORMATTED.

(2) "METADATA" DOES NOT INCLUDE:

(I) A SPREADSHEET FORMULA;

(II) A DATABASE FIELD;

(III) AN EXTERNALLY OR INTERNALLY LINKED FILE; OR

(IV) A REFERENCE TO AN EXTERNAL FILE OR HYPERLINK.

[(d)**] (E)** "Official custodian" means an officer or employee of the State or of a political subdivision who, whether or not the officer or employee has physical custody and control of a public record, is responsible for keeping the public record.

[(e)**] (F)** "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

[(f)**] (G)** (1) Except as otherwise provided in this Part III, "personal information" means information that identifies an individual including an individual's address, driver's license number or any other identification number, medical or disability information, name, photograph or computer generated image, Social Security number, or telephone number.

(2) "Personal information" does not include an individual's driver's status, driving offenses, 5–digit zip code, or information on vehicular accidents.

[(g)**]** **(H)** (1) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;

2. a computerized record;

3. correspondence;

4. a drawing;

5. film or microfilm;

6. a form;

7. a map;

8. a photograph or photostat;

9. a recording; or

10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government or of a political subdivision.

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Motor Vehicle Administration.

[(h)**] (I)** (1) "Telephone solicitation" means the initiation of a telephone call to an individual or to the residence or business of an individual for the purpose of encouraging the purchase or rental of or investment in property, goods, or services.

(2) "Telephone solicitation" does not include a telephone call or message:

(i) to an individual who has given express permission to the person making the telephone call;

(ii) to an individual with whom the person has an established business relationship; or

(iii) by a tax–exempt, nonprofit organization.".

AMENDMENT NO. 3

On page 2, in line 5, strike the second "**AN**" and substitute "**A SEARCHABLE AND ANALYZABLE**"; in lines 7, 10, and 12, in each instance, strike "**AN**" and substitute "**A SEARCHABLE AND ANALYZABLE**"; in line 13, after "**DISCLOSE**" insert "**:**

A.";

in line 15, after "**SUBTITLE**" insert "**; OR**

B. INFORMATION FOR WHICH A CUSTODIAN HAS CHOSEN TO DENY INSPECTION IN ACCORDANCE WITH § 10–618 OF THIS SUBTITLE";

strike in their entirety lines 16 through 29, inclusive, and substitute:

"**(II) A CUSTODIAN MAY REMOVE METADATA FROM AN ELECTRONIC DOCUMENT BEFORE PROVIDING THE ELECTRONIC DOCUMENT TO AN APPLICANT BY:**

1. USING A SOFTWARE PROGRAM OR FUNCTION; OR

2. CONVERTING THE ELECTRONIC DOCUMENT INTO A DIFFERENT SEARCHABLE AND ANALYZABLE FORMAT.";

and in line 30, strike "**(IV)**" and substitute "**(III)**".

On page 3, in line 3, strike "**OR**"; and in line 5, after "**FORMAT**" insert "**;**

3. REQUIRE A CUSTODIAN TO CREATE, COMPILE, OR PROGRAM A NEW PUBLIC RECORD; OR

4. REQUIRE A CUSTODIAN TO RELEASE AN ELECTRONIC RECORD IN A FORMAT THAT WOULD JEOPARDIZE OR COMPROMISE THE SECURITY OR INTEGRITY OF THE ORIGINAL RECORD OR OF ANY PROPRIETARY SOFTWARE IN WHICH IT IS MAINTAINED.

(IV) THE ACT OF EXTRACTING OR EXPORTING DATA FROM A SPREADSHEET OR DATABASE OR CONVERTING DATA FROM ONE AVAILABLE FORMAT TO ANOTHER DOES NOT CONSTITUTE CREATING, COMPILING, OR PROGRAMMING A NEW PUBLIC RECORD.".

AMENDMENT NO. 4

On page 3, in lines 23 and 26, in each instance, after "copy," insert "**ELECTRONIC COPY,**"; and strike in their entirety lines 29 through 31, inclusive.

On page 4, strike in their entirety lines 1 through 6, inclusive; in line 7, strike the brackets; and in the same line, strike "**(F)**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1375 – Delegate Mizeur

AN ACT concerning

Kids First Express Lane Eligibility Act

HB1375/906380/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1375
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through the semicolon in line 14; in line 18, after "Department" insert "of Health and Mental Hygiene"; in line 21, strike "opts out" and substitute "fails to opt in"; in line 22, after "disclose" insert "tax"; in the same line, strike "from the income tax return"; in line 23, after the semicolon insert "extending the tax years for which the Comptroller must send certain applications and enrollment materials to a taxpayer under certain circumstances;"; and in line 25, strike "repealing" and substitute "altering".

On page 2, in line 5, strike "13–202" and substitute "13–203(c)"; and after line 7, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–202 and 13–203(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 3, in line 24, strike "**[**for tax year 2008 or 2009**]**" and substitute "**FOR TAX YEARS 2008 THROUGH 2012**"; in lines 27, 33, and 36, in each instance, strike the bracket; and strike beginning with the closing bracket in line 28 through "**TAXPAYER**" in line 31.

On page 4, strike in their entirety lines 1 through 21, inclusive.

AMENDMENT NO. 3

On page 5, in line 11, strike "**UNLESS**" and substitute "**IF**"; in lines 12 and 14, in each instance, strike "**OUT OF**" and substitute "**INTO**"; in line 17, strike "**OPTS OUT OF**" and substitute "**FAILS TO OPT INTO**"; in line 18, after "**SUBSECTION,**" insert "**OR OTHERWISE PROVIDE WRITTEN AUTHORIZATION TO SHARE INFORMATION,**"; in

line 22, strike "**(A)**"; and strike in their entirety lines 25 through 29, inclusive, and substitute:

"13–203.

(b) Tax information may be disclosed in accordance with a proper judicial order or a legislative order.

(c) Tax information may be disclosed to:

(1) an employee or officer of the State who, by reason of that employment or office, has the right to the tax information;

(2) another tax collector;

(3) the Maryland Tax Court;

(4) a legal representative of the State, to review the tax information about a taxpayer:

(i) who applies for review under this title;

(ii) who appeals from a determination under this title; or

(iii) against whom an action to recover tax or a penalty is pending or will be initiated under this title;

(5) any license issuing authority of the State required by State law to verify through the Comptroller that an applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection;

(6) a local official as defined in § 13–925 of this title to the extent necessary to administer Subtitle 9, Part V of this title; **[**and**]**

(7) a federal official as defined in § 13–930 of this title to the extent necessary to administer Part VI of this subtitle**; AND**

(8) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH:

(I) THE FEDERAL CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009; AND

(II) § 10–211.1 OF THIS ARTICLE.".

AMENDMENT NO. 4

On page 5, in lines 32 and 34, in each instance, strike the bracket; in line 32, strike "3" and substitute "**6**"; and in line 33, strike "2011" and substitute "**2014**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 71 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – General Services)

AN ACT concerning

Procurement – Small Business Reserve Program – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 72 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Militia – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 73 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Emergency Management Agency – Director

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 78 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Washington Cemetery Board of Trustees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 79 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Deaf and Hard of Hearing, Office of the)

AN ACT concerning

Office of the Deaf and Hard of Hearing – Responsibilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 313 – Senators King, Miller, Harrington, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Stone~~ Stone, and Middleton

AN ACT concerning

Health Insurance – Annual Preventive Care

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 328 – Senators Middleton ~~and Della~~, Della, Exum, Kelley, Klausmeier, and Pugh

AN ACT concerning

Hospitals – Financial Assistance and Debt Collection

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 605 – Senators King, Conway, Frosh, Garagiola, Harrington, Kramer, Lenett, Madaleno, ~~and Middleton~~ Middleton, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Angel's Law – Foster Care and Child Care – ~~Cordless~~ Window Coverings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 700 – Senator Exum

AN ACT concerning

Health Insurance – Child Wellness Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #15

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

House Bill 1117 – Delegates Riley and James

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 74 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Comprehensive Master Plans

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 75 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Nonpublic School Employees – Criminal Convictions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 76 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Disruptive Youth – Funding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 87 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Physical Education and Athletic Programs for Students with Disabilities – Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 256 – Senators Harrington, Frosh, Garagiola, Kasemeyer, Lenett, Madaleno, McFadden, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Public Schools – Physical Education Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 336 – Senators King, Currie, Harrington, Lenett, McFadden, Pinsky, and Raskin

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 540 – Senators Harrington, Conway, Kramer, Lenett, Madaleno, Peters, Rosapepe, and Zirkin

AN ACT concerning

Child with a Disability – Individualized Education Program

SB0540/545067/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 540
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "exception;" insert "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;"; and in lines 7 and 8, strike "include certain documentation in certain records" and substitute "communicate certain information to the parents of a child with a disability".

AMENDMENT NO. 2

On page 2, in line 21, after "**(1)**" insert "**(I)**"; in line 22, after "**SUBSECTION,**" insert "**AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**"; in the same line strike "**5**" and substitute "**3**"; in line 26, strike "**A**" and substitute "**AN ACCESSIBLE**"; and after line 28, insert:

"**(II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN ASSESSMENT, REPORT, DATA CHART, OR OTHER DOCUMENT PREPARED BY A**

SCHOOL PSYCHOLOGIST OR OTHER MEDICAL PROFESSIONAL THAT EITHER TEAM PLANS TO DISCUSS AT THE MEETING MAY BE PROVIDED TO THE PARENTS OF THE CHILD ORALLY AND IN WRITING PRIOR TO THE MEETING.".

AMENDMENT NO. 3

On page 3, strike beginning with the colon in line 3 down through "**DOCUMENT**" in line 4 and substitute "**DOCUMENT**"; and strike beginning with the semicolon in line 4 down through "**RECORD**" in line 7 and substitute "**AND COMMUNICATE THAT INFORMATION TO THE PARENTS OF THE CHILD**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 658 – Senators DeGrange, Astle, and Rosapepe

AN ACT concerning

Anne Arundel County – Property Tax Credit – Habitat for Humanity of the Chesapeake ReStore

SB0658/275860/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 658
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, 7, and 12 and 13, in each instance, strike "Habitat for Humanity of the Chesapeake ReStore" and substitute "Arundel Habitat for Humanity, Inc."; and in line 13, strike the period.

AMENDMENT NO. 2

On page 2, in line 26, strike "**HABITAT FOR HUMANITY OF THE CHESAPEAKE RESTORE**" and substitute "**ARUNDEL HABITAT FOR HUMANITY, INC.,**"; in line 27, strike "**FT.**" and substitute "**FORT**"; in the same line, after "**ROAD**"

insert "**, BALTIMORE, MARYLAND**"; in the same line, strike "**AND**" and substitute "**OR**"; in the same line, strike "**IN**" and substitute a comma; and in line 28, strike "**21226**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1407 – Delegate Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

HB1407/303190/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1407
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "property" insert ", and from engaging in certain acts or practices; providing that certain provisions of this Act do not prohibit a person subject to regulation as a mortgage loan originator from requesting another person to consider certain information, provide certain details, substantiation, or explanation of a certain conclusion, or correct certain errors, or from withholding payment for an appraisal under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 5, before "**A**" insert "**(A)**"; in lines 7 and 8, strike "**THE INDEPENDENT JUDGMENT OF**"; in line 8, after "**PERSON**" insert "**TO VIOLATE ANY FEDERAL OR STATE LAW, OR ANY STANDARD OF PROFESSIONAL PRACTICE**

RECOGNIZED BY THE FEDERAL OR STATE GOVERNMENT,"; in line 13, after "**PROPERTY**" insert "**, OR ENGAGE IN ANY OTHER ACT OR PRACTICE THAT IMPAIRS OR ATTEMPTS TO IMPAIR AN APPRAISER'S INDEPENDENCE, OBJECTIVITY, OR IMPARTIALITY, INCLUDING:**

(I) WITHHOLDING OR THREATENING TO WITHHOLD PAYMENT FOR AN APPRAISAL WITH THE INTENT TO COERCE THE APPRAISER TO AGREE TO A VALUE, RANGE OF VALUES, OR MINIMUM VALUE FOR THE PROPERTY;

(II) CONDITIONING THE PAYMENT OF AN APPRAISAL FEE ON THE OPINION, CONCLUSION, OR VALUATION TO BE REACHED BY THE APPRAISER; OR

(III) REQUESTING THE APPRAISER TO REPORT A PREDETERMINED OPINION, CONCLUSION, OR VALUATION"; and after line 13, insert:

"**(B) THIS SECTION DOES NOT PROHIBIT A PERSON SUBJECT TO THIS SUBTITLE FROM:**

(1) REQUESTING ANOTHER PERSON TO:

(I) CONSIDER ADDITIONAL APPROPRIATE INFORMATION;

(II) PROVIDE ADDITIONAL DETAILS, SUBSTANTIATION, OR EXPLANATION OF A CONCLUSION MADE BY THE OTHER PERSON; OR

(III) CORRECT ERRORS IN AN APPRAISAL REPORT OR OTHER MORTGAGE DOCUMENT; OR

(2) WITHHOLDING PAYMENT FOR AN APPRAISAL PENDING RESOLUTION OF AN ACTION BEFORE A FEDERAL OR STATE COURT OR LICENSING BOARD RELATING TO THE APPRAISAL.".

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 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 HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2010 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit O of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit P of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Committee amendment 1 was read and adopted.

Committee amendments 2 through 5 were read and adopted.

Committee amendments 6 through 7 were read and adopted.

Committee amendment 8 was read and adopted.

Committee amendments 9 through 10 were read and adopted.

Committee amendments 11 through 16 were read and adopted.

Committee amendment 17 was read and adopted.

Committee amendment 18 was read and adopted.

Committee amendments 19 through 23 were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1018 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

SB1018/174861/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 1018
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "Act;" insert "amending the Program Open Space Acquisition Opportunity Loan of 2009 to provide that the bonds authorized under the Act may be special or general obligation bonds and clarifying the method of issuance, sale, and delivery of the bonds;".

AMENDMENT NO. 2

On page 2, in line 32, after "(BZ–1)" insert "and (BZ–2)"; and in line 39, after "(AR)" insert " and (BM)".

AMENDMENT NO. 3

On page 3, in line 14, after "(AF)," insert "(AG),"; in the same line, after "(BG)," insert "(BY), and"; in line 15, after "(X)," insert "(AA),"; in the same line, after "(BC)," insert "(BI),"; and in the same line, after "(BM)," insert "(BQ),"; after line 19, insert:

"BY repealing and reenacting, with amendments,
Chapter 419 of the Acts of the General Assembly of 2009
Section 2(1) and 4";

in line 22, after "1(3)" insert "Item ZA00(AB),"; in the same line, before "(M)" insert "(C),"; in the same line, after "(AH)", insert a comma; and in line 23, before "(AE)" insert "(C),".

AMENDMENT NO. 4

On page 8, in lines 16 and 24, strike "**$100,000**" and "**100,000**", respectively, and substitute "**$0**" and "**0**", respectively; in lines 26 and 35, strike "**$150,000**" and "**150,000**", respectively, and substitute "**$125,000**" and "**125,000**", respectively; and after line 35, insert:

"(**BZ–2**)	**CEDAR LANE APARTMENT RENOVATIONS. 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 FRIENDS OF CEDAR LANE, INC., FOR THE RENOVATION, RECONSTRUCTION, AND CAPITAL EQUIPPING OF THE CEDAR LANE APARTMENTS, INCLUDING REPLACEMENT OF THE ROOF, ROOFTOP HVAC UNIT, AND EMERGENCY GENERATOR, LOCATED IN LEONARDTOWN. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (ST. MARY'S COUNTY) .....**	**125,000**".

AMENDMENT NO. 5

On page 10, after line 26, insert:

"(BM)	**[**St. Mary's College Amphitheater.**]** **ST. MARY'S COUNTY FAIRGROUNDS.** Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the **[**Board of Directors of the St. Mary's College of Maryland Foundation, Inc.**]** **BOARD OF DIRECTORS OF THE ST. MARY'S COUNTY FAIR ASSOCIATION, INC.** for the **[**planning, design,**]** construction, **REPAIR, RENOVATION, RECONSTRUCTION,** and capital equipping of the **[**St. Mary's College Amphitheater,**]** **ST. MARY'S COUNTY FAIRGROUNDS,** located in St. Mary's 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 HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (St. Mary's County) ..	75,000".

AMENDMENT NO. 6

On page 13, after line 39, insert:

"(AG) Family Life Intergenerational Center. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the We Are Family Community Development, Inc. for the planning, design, construction, renovation, and capital equipping of the Family Life Intergenerational Center, located in Randallstown. 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**]** **ON OR AFTER JANUARY 1, 2005, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) ..... 250,000".

AMENDMENT NO. 7

On page 14, after line 14, insert:

"(BY) Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, AND 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** (Prince George's County) ..... 100,000".

AMENDMENT NO. 8

On page 15, after line 27, insert:

"(AA) Youth Sports Program Facility. 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 Youth Sports Program, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Youth Sports Program Facility, 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 HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) ..... 100,000".

AMENDMENT NO. 9

On page 17, after line 1, insert:

"(BI) Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights. 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 HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 100,000";

and after line 23, insert:

"(BQ) Rosaryville Conservancy Tack House and Stables. 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 Rosaryville Conservancy, Inc. for the repair, renovation, and restoration of the tack house and stables located in the conservancy area on the grounds of the Mount Airy Mansion, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions **AND 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 (Prince George's County)..... 100,000".

AMENDMENT NO. 10

On pages 17 and 18, strike in their entirety the lines beginning with line 34 on page 17 through line 4 on page 18, inclusive, and substitute:

"**(BV–1) BAY DISTRICT VFD. PROVIDE A GRANT EQUAL TO THE LESSER OF (I) $150,000 OR (II) THE AMOUNT OF THE MATCHING FUND PROVIDED, TO THE BAY DISTRICT VFD FOR CAPITAL PROJECTS OF THE BAY DISTRICT VOLUNTEER FIRE DEPARTMENT, LOCATED IN ST. MARY'S COUNTY. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (ST. MARY'S COUNTY)..... 150,000**".

AMENDMENT NO. 11

On page 18, after line 40, insert:

"Chapter 419 of the Acts of 2009

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) On request of the Governor, the Board of Public Works may borrow money and incur **[**special obligation**]** indebtedness through a special **OR GENERAL** obligation loan to be known as the Program Open Space Acquisition Opportunity Loan of 2009 in the total principal amount up to $70,000,000. This loan shall be evidenced by the issuance, sale, and delivery of **SPECIAL OR GENERAL OBLIGATION** Maryland Program Open Space bonds authorized, issued**[**, sold, and delivered in accordance with**]** **BY** a resolution adopted by the Board of Public Works **AND ISSUED, SOLD, AND DELIVERED IN ACCORDANCE WITH §§ 8–117 THROUGH 8–124 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND ARTICLE 31, § 22 OF THE CODE**.

SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller may, upon the request of the Governor, advance funds for land acquisition opportunity purposes under this Act, provided that if **[**special obligation**]** bonds have not been

issued under the authority of this Act, the Board of Public Works shall within 1 year issue Program Open Space bonds under the authority of this Act in an amount at least equivalent to the amount of the funds so advanced.".

AMENDMENT NO. 12

On page 19, after line 10, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(AB)	Anne Arundel Community College. Provide a grant **[**equal to the lesser of (i)**]** **OF** $1,000,000 **[**or (ii) the amount of the matching fund provided,**]** to the Anne Arundel Community College for the design and construction of a turf field, **ATHLETIC TRACK, AND SCOREBOARD,** located in Arnold (Anne Arundel County).....	1,000,000";

and after line 18, insert:

"(C)	Easter Seals Inter–Generational Center. Provide a grant equal to **[**the lesser of (i)**]** $35,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of Easter Seals Greater Washington–Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter–Generational Center, located in Silver Spring (Statewide).....	35,000".

AMENDMENT NO. 13

On page 20, after line 26, insert:

"(C)	Easter Seals Inter–Generational Center. Provide a grant equal to **[**the lesser of (i)**]** $35,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of Easter Seals Greater Washington–Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter–Generational Center, located in Silver Spring (Statewide).....	35,000".

The preceding 13 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 928)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #67

House Bill 318 – Delegates Sophocleus, Dwyer, and McConkey

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers

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

Affirmative – 139 Negative – 0 (See Roll Call No. 929)

The Bill was then sent to the Senate.

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, ~~and Walker~~ Walker, Waldstreicher, Simmons, Barnes, Carter, Lee, McConkey, Rosenberg, Love, Costa, George, King, Kipke, Schuh, Sophocleus, and Smigiel

AN ACT concerning

Maryland Gang Prosecution Act of 2010

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 111 Negative – 28 (See Roll Call No. 930)

The Bill was then sent to the Senate.

House Bill 1120 – Delegate Niemann (Task Force to Study Motor Vehicle Towing Practices) and Delegates Beidle, Frush, Gaines, Glenn, Holmes, and Stukes

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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

Affirmative – 136 Negative – 2 (See Roll Call No. 931)

The Bill was then sent to the Senate.

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Archery Hunting – Safety Zone

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

Affirmative – 135 Negative – 4 (See Roll Call No. 932)

The Bill was then sent to the Senate.

House Bill 1558 – Delegate Benson

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

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

Affirmative – 132 Negative – 4 (See Roll Call No. 933)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

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

Affirmative – 140 Negative – 0 (See Roll Call No. 934)

The Bill was then returned to the Senate.

Senate Bill 897 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

Affirmative – 106 Negative – 34 (See Roll Call No. 935)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 248 – Senators Frosh, Brochin, Forehand, Gladden, Haines, Muse, Raskin, and Stone

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

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

Affirmative – 105 Negative – 34 (See Roll Call No. 936)

The Bill was then returned to the Senate.

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

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

Affirmative – 116 Negative – 23 (See Roll Call No. 937)

The Bill was then returned to the Senate.

Senate Bill 255 – **Senators Stone, DeGrange, Forehand, Klausmeier, Raskin, and Robey**

AN ACT concerning

Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents

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

Affirmative – 140 Negative – 0 (See Roll Call No. 938)

The Bill was then returned to the Senate.

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 939)

The Bill was then returned to the Senate.

Senate Bill 337 – **Senator Frosh**

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

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

Affirmative – 140 Negative – 0 (See Roll Call No. 940)

The Bill was then returned to the Senate.

Senate Bill 338 – Senator Frosh

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

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

Affirmative – 139 Negative – 0 (See Roll Call No. 941)

The Bill was then returned to the Senate.

Senate Bill 339 – Senator Frosh

AN ACT concerning

Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward

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

Affirmative – 137 Negative – 0 (See Roll Call No. 942)

The Bill was then returned to the Senate.

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 – 140 Negative – 0 (See Roll Call No. 943)

The Bill was then returned to the Senate.

Senate Bill 442 – ~~Senator Raskin~~ Senators Raskin and Forehand

AN ACT concerning

Criminal Injuries Compensation Board – Right to Hearing

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

Affirmative – 137 Negative – 2 (See Roll Call No. 944)

The Bill was then returned to the Senate.

Senate Bill 559 – **Senators Kelley, Colburn, Conway, Currie, Della, Exum, Forehand, Lenett, Madaleno, McFadden, Muse, Pinsky, ~~and Stone~~ Stone, Brochin, Jacobs, Raskin, and Simonaire**

AN ACT concerning

Child Protection – ~~Mandatory~~ Reporting of Children ~~Regularly in Contact with Persons Convicted of Child Abuse and Child Sexual Abuse~~ Living with or in the Regular Presence of Registered Child Sexual Offenders

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

Affirmative – 138 Negative – 0 (See Roll Call No. 945)

The Bill was then returned to the Senate.

Senate Bill 629 – **Senators Muse, Haines, Jacobs, and Stone**

AN ACT concerning

Law Enforcement Officers – Unsubstantiated Complaints – Admissibility

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

Affirmative – 138 Negative – 2 (See Roll Call No. 946)

The Bill was then returned to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 947)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 309 – Senators ~~Kelley,~~ Kelley and Simonaire and Senators Astle, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Haines, Harrington, Jacobs, Jones, Kasemeyer, Klausmeier, McFadden, Middleton, Muse, Peters, Pipkin, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

~~Uniform Power of Attorney Act~~
Maryland General and Limited Power of Attorney Act (Loretta's Law)

~~FOR the purpose of repealing certain provisions of law relating to durable powers of attorney; establishing the Uniform Power of Attorney Act; establishing certain exceptions to the application of this Act; establishing that a power of attorney created under this Act is durable unless the power of attorney contains a certain provision; requiring a power of attorney to be signed by the principal or a certain other individual; providing that a signature on a power of attorney is presumed to be genuine after a certain acknowledgment; providing for the validity of certain powers of attorney under certain circumstances; providing that a certain photocopy or electronically transmitted copy of an original power of attorney has a certain effect under certain circumstances; providing for the meaning and effect of a certain power of attorney in certain circumstances; authorizing a principal, in a power of attorney, to make a certain nomination; establishing the accountability of a certain agent under certain circumstances; establishing that, with certain exceptions, a certain court appointment does not terminate a power of attorney; establishing that a power of attorney is effective under certain circumstances; authorizing a principal in a power of attorney to authorize certain persons to make a certain determination; establishing that a certain power of attorney may become effective on a certain determination by a certain individual; establishing certain circumstances under which a certain person may act as the principal's personal representative for certain purposes; establishing certain circumstances under which a power of attorney terminates; providing that a certain agent's authority remains exercisable, notwithstanding~~

~~certain circumstances; establishing that the termination of an agent's authority or a power of attorney is not effective as to certain persons under certain circumstances; establishing that certain persons are bound by certain acts; establishing that the incapacity of a certain principal in a power of attorney does not have a certain effect; establishing that the execution of a power of attorney does not revoke a previously executed power of attorney, with certain exceptions; authorizing a principal in a power of attorney to designate a certain number of coagents for certain purposes; authorizing a principal in a power of attorney to make certain designations and grant a certain authority; establishing the authority of a certain successor agent in certain circumstances; limiting the liability of a certain agent for the actions of another agent in certain circumstances; requiring a certain agent with certain knowledge to take certain actions; establishing liability of a certain agent for failure to take certain actions in certain circumstances; establishing the entitlement of a certain agent to a certain reimbursement of expenses in certain circumstances; providing for the acceptance of a certain appointment by an agent under certain circumstances; requiring a certain agent that has accepted a certain appointment to act in a certain manner; providing for the liability of a certain agent under certain circumstances; establishing that a certain agent is not required to disclose certain information, with certain exceptions; requiring a certain agent to comply with a certain request within a certain time period, under certain circumstances; authorizing a principal or an interested person to file a certain petition for injunctive relief in a certain court for certain purposes; establishing that a certain provision in a power of attorney is binding on certain persons; authorizing certain persons to petition a court for certain purposes; requiring a court to dismiss a certain petition; providing for the liability of a certain agent for a certain amount; authorizing a certain agent to resign by giving a certain notice; authorizing a certain person to request and rely on a certain certification, translation, or opinion, without further investigation and without liability under certain circumstances; establishing that a certain person is without actual knowledge of a certain fact under certain circumstances; requiring a person to either accept a certain power of attorney or request a certain certification, translation, or opinion of counsel within a certain period after presentation of the power of attorney, except under certain circumstances; requiring a person to accept a certain power of attorney within a certain period after receiving the certification, translation, or opinion of counsel, except under certain circumstances; prohibiting a person from requiring a certain additional or different power of attorney under certain circumstances; establishing that this Act does not supersede and is controlled by certain other laws; authorizing a certain agent to perform certain acts only under certain circumstances; prohibiting an agent that is not an ancestor, spouse, or descendent of the principal from exercising a certain authority; providing that a certain power of attorney provides a certain agent with certain authority; subjecting a certain grant of authority to certain limitations of this Act; providing for a certain controlling authority under certain circumstances; establishing certain circumstances under which a certain authority is exercisable with respect to certain property; establishing that a certain act performed by a certain agent~~

~~has a certain effect and inures to the benefit of and binds certain persons; establishing that a certain agent has authority described in this Act under certain circumstances; providing that a certain reference in a power of attorney incorporates a certain provision of this Act as if set out in full; authorizing a certain principal to modify a certain authority; providing that a principal, by executing a certain power of attorney, authorizes an agent to perform certain acts; establishing that certain language authorizes a certain agent to perform certain acts; establishing that certain language in a power of attorney, subject to the terms of a certain document or agreement, authorizes the agent to perform certain acts; establishing that certain language in a power of attorney authorizes the agent to perform only certain acts; establishing that a document substantially in a certain form may be used to create a certain statutory form power of attorney; establishing that a certain optional form may be used by an agent to certify certain facts concerning a power of attorney; authorizing the use of the title of this Act in certain circumstances; requiring that, in applying and construing this Act, a certain consideration be given; establishing that this Act modifies, limits, and supersedes a provision of a certain federal law, but not certain other provisions; providing for the application of this Act; defining certain terms; and generally relating to powers of attorney.~~

FOR the purpose of repealing certain provisions of law relating to durable powers of attorney; establishing the Maryland General and Limited Power of Attorney Act; establishing that a certain agent is not required to disclose certain information, with certain exceptions; requiring a certain agent to comply with a certain request within a certain time period, under certain circumstances; authorizing a principal or an interested person to file a certain petition for injunctive relief in a certain court for certain purposes; authorizing certain persons to petition a court for certain purposes; requiring a court to dismiss a certain petition; prohibiting a person from requiring a certain additional or different power of attorney than a certain statutory form power of attorney under certain circumstances; providing that a person that refuses to accept a certain power of attorney in violation of this Act is subject to a certain court order and liability for certain fees and costs incurred in a certain action; establishing that a document substantially in a certain form may be used to create a certain statutory form power of attorney; providing that a certain power of attorney is durable, with a certain exception; providing for the effect of certain acts performed for a certain incapacitated principal; requiring a certain attorney in fact or agent to account to a certain guardian under certain circumstances; providing that a certain guardian has the same power as the principal under certain circumstances; providing that the death, disability, or incompetence of a certain principal does not revoke or terminate a certain agency under certain circumstances; establishing that a certain affidavit executed by a certain attorney in fact is conclusive proof of a certain event; establishing that a report that a certain member of the armed forces of the United States is missing in action does not operate to revoke a certain power of attorney, with a certain exception; providing that a power of attorney executed in the State is valid and enforceable as to persons dealing with the agent;

providing that a power of attorney executed outside the State is valid and enforceable as to persons dealing with the agent under certain circumstances; providing that a certain photocopy or electronically transmitted copy of an original power of attorney is as valid and binding as the original power of attorney under certain circumstances; authorizing a clerk of court to refuse to record a certain copy of a power of attorney; providing exceptions to the applicability of this Act; requiring a power of attorney to have certain characteristics; providing for when a power of attorney becomes effective; providing for the termination of a power of attorney; requiring a certain agent to act in a certain manner; providing for reimbursement of expenses and compensation for a certain agent under certain circumstances; prohibiting a person from requiring an additional or different form of a power of attorney than a certain statutory form; subjecting a certain person to a certain liability for refusal to accept a certain power of attorney; providing that this Act does not supersede certain other laws; authorizing this Act to be cited in a certain manner; establishing that a certain optional form may be used to create a certain statutory form power of attorney; defining certain terms; and generally relating to powers of attorney.

BY repealing
Article – Estates and Trusts
Section 13–601 through 13–603 and the subtitle "Subtitle 6. Powers of Attorney"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
~~Section 17–101 through 17–404 to be under the new title "Title 17. Uniform Power of Attorney Act"~~
Section 17–101 through 17–204 to be under the new title "Title 17. Maryland General and Limited Power of Attorney Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Senate Bill 776 – Senators Kramer, Forehand, Jacobs, King, Klausmeier, Madaleno, Muse, Peters, Raskin, Rosapepe, and Stone

AN ACT concerning

Assisted Living and Nursing Home Residents Protection Act of 2010

FOR the purpose of ~~requiring that, during a certain application process, nursing homes and assisted living facilities apply for a State criminal history records check of certain residents and check a certain registry; requiring certain~~

~~facilities to require a State criminal history records check for certain residents on or before a certain date; requiring certain facilities to place certain residents in private rooms, provide certain notice to certain employees, and develop certain care plans; requiring certain facilities to provide certain individuals with a certain notice and a certain signed statement; requiring certain facilities to require certain individuals to sign a certain statement; requiring certain facilities to file certain statements for certain periods of time; requiring certain facilities to place prominently a certain notice in the facility; defining certain terms; requiring local law enforcement units to send a certain notice to certain facilities under certain circumstances;~~ expanding the duties of the Sexual Offender Advisory Board to include reviewing certain policies, procedures, and laws and making certain recommendations relating to protecting residents and employees of nursing homes and assisted living facilities and the family members of the residents from convicted sexual offenders; requiring the Sexual Offender Advisory Board to submit a certain report on or before a certain date; providing for the termination of this Act; and generally relating to the protection of residents in assisted living facilities and nursing home facilities.

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Procedure~~
~~Section 11–709~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – Health – General~~
~~Section 19–2401 through 19–2404 to be under the new subtitle "Subtitle 24. Criminal Background Check and Notice Requirements for Residents of Assisted Living Programs or Related Institutions"~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–401(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

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

Senate Bill 940 – Senators DeGrange, Jacobs, Muse, and Stone

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 Rules and Executive Nominations.

Senate Bill 1012 – Senator Stoltzfus

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

FOR the purpose of ~~requiring the Board of Trustees of the State Retirement and Pension System to apply certain overtime earned by certain individuals in certain employment during a certain period of time to the individual's eligibility service credit in the Employees' Pension System if the individual applies for a certain early service retirement allowance;~~ authorizing certain individuals to purchase certain service credit in the Employees' Pension System; requiring certain individuals who choose to purchase certain service credit, to pay to the Board of Trustees of the State Retirement and Pension System a certain amount for a certain service credit; requiring certain individuals to complete certain claims and make certain payments to the Board of Trustees on or before a certain date; providing that certain individuals may enroll and participate in the health insurance benefit options established under the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; requiring certain individuals to complete a certain enrollment form and be entitled to a certain subsidy; providing for the termination of this Act; and generally relating to eligibility ~~service credit~~ for early service retirement allowances ~~in the Employees' Pension System~~ and health insurance benefits under the State Retirement and Pension System and the State Employee and Retiree Health and Welfare Benefits Program.

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

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 60	Del. Smigiel
HB 71	Ch. Hlth & Govt Ops

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 948)

ADJOURNMENT

At 12:39 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 31, 2010, Calendar Day Wednesday, April 7, 2010.