Journal *of* Proceedings

of the

Senate
of
Maryland

2011 Regular Session

Volume IV

Compiled and edited by:

Donald G. Hopkins
Journal Clerk

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William B.C. Addison, Jr.
Secretary of the Senate

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Annapolis, Maryland
Legislative Day: April 3, 2011
Calendar Day: Thursday, April 7, 2011
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by Reverend Allan Gorman, Harford Community Church, guest of Senator Jacobs.

(See Exhibit A of Appendix III)

The Journal of April 2, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 903)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 154 – Delegate Krebs

AN ACT concerning

Unemployment Insurance – Religious Organizations – Disclosure of Exemption from Covered Employment

FOR the purpose of requiring certain employers to give certain notice, through a universal disclosure form, to employees whose employment is not covered employment for purposes of unemployment insurance benefits; requiring certain employers to require certain employees to sign the universal disclosure form; requiring the Department of Labor, Licensing, and Regulation to create the universal disclosure form and post the form on the Department's Web site; and generally relating to disclosure of exemption from covered employment by religious organizations.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–208
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1023 – Delegates Glenn, Anderson, Conaway, Harrison, Haynes, McHale, B. Robinson, Stukes, and Tarrant

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near ~~Churches~~ Places of Worship or Schools

FOR the purpose of increasing the distance that liquor stores in the 45th Legislative District in Baltimore City are required to be from ~~churches~~ places of worship or schools; providing for the application of this Act; and generally relating to the distance that liquor stores are required to be from ~~churches~~ places of worship or schools in the 45th Legislative District in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.3
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1127 – Delegates Glenn, Carr, Conaway, Harrison, McHale, Olszewski, B. Robinson, and Stukes

AN ACT concerning

Baltimore City – 45th Legislative District – Alcoholic Beverages – Landlords – Licensed Premises ~~That Violate Minimum Distance Requirement from Schools or Churches~~

FOR the purpose of making it a misdemeanor in the 45th Legislative District in Baltimore City for a landlord to rent out a premises to be used for the sale of alcoholic beverages by a holder of a Class A alcoholic beverages license if the landlord knows or has reason to know that the use would violate a certain minimum distance requirement between a licensed premises and a ~~church~~ place of worship or school; providing for the application of this Act; providing a

penalty; and generally relating to the sale of alcoholic beverages in the 45th Legislative District in Baltimore City.

BY adding to
Article 2B – Alcoholic Beverages
Section 16–509.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, ~~and Niemann~~ Niemann, Healey, and Cane

SECOND PRINTING

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

FOR the purpose of providing that, in the case of a foreclosure of a mortgage or deed of trust on ~~or for~~ a condominium unit, a certain portion of ~~a certain lien~~ the condominium's liens on the ~~condominium~~ unit~~, including certain late fees, interest, and any attorney's fees and costs for establishing the lien,~~ has priority over the claim of the holder of a first mortgage or first deed of trust under certain circumstances; providing that the portion of a condominium's liens that has a certain priority shall consist of a certain amount of unpaid regular assessments not exceeding a certain amount; requiring the governing body of a condominium to provide certain information to the holder of a first mortgage or first deed of trust under certain circumstances; providing that a certain portion of a condominium's liens does not have priority under certain circumstances; providing that certain lot owners in a homeowners association are liable for certain assessments and charges; allowing a homeowners association to enforce the payment of certain assessments and charges by imposition of a contract lien under certain circumstances; providing that, in the case of a foreclosure of a mortgage or deed of trust on a lot in a homeowners association, a certain portion of ~~a~~ the homeowners ~~association~~ association's ~~lien, including certain late fees, interest, and any attorney's fees and costs for establishing the lien,~~ liens on the lot has priority over the claim of the holder of a first mortgage or first deed of trust under certain circumstances; ~~providing that certain provisions of this Act do not affect or limit the priority of certain liens, mortgages, or deeds of trust; providing for the abrogation of certain provisions of this Act on the occurrence of certain contingencies~~ providing that the portion of a homeowners association's liens that has a certain priority shall consist of a certain amount of unpaid regular assessments not exceeding a certain amount; requiring the governing body of a homeowners association to provide certain information to the holder of

a first mortgage or first deed of trust under certain circumstances; providing that a certain portion of a homeowner association's liens does not have priority under certain circumstances; requiring a statement of lien for certain liens under the Maryland Contract Lien Act to include certain information about regular monthly assessments for common expenses under certain circumstances; providing for the application of this Act; making stylistic changes; and generally relating to liens on condominium units and lots in ~~developments with~~ homeowners associations.

BY renumbering
Article – Real Property
Section 11B–117
to be Section 11B–118
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–110(d) and 14–203(j)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 11–110(f) and 11B–117
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1281 – Delegates Stukes, Haynes, ~~and Mitchell~~ Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

FOR the purpose of altering the definition of "artistic work" for the purpose of designating an arts and entertainment district to include original and creative work that falls into the category of original design; and generally relating to the definition of artistic work.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–701(b)(2)(ix)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

FOR the purpose of clarifying that certain utility services provided by a campground to campers incident to the campground's primary business of operating and maintaining the campground are not included in the definition of a "public service company" under a certain provision of law; and generally relating to the definition of a public service company.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 1–101(x)
Annotated Code of Maryland
(2010 Replacement Volume)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 1	Sen. Middleton	Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership
SB 62	Ch., Jud. Proceed.	Juv and Ed Records – Disclosure Between Departments of Ed and Juv Services
SB 75	Sen. Astle	Commercial Law – Maryland Consumer Protection Act – Scope

SB 108	Sen. Garagiola	Business Regulation – State Amusement Ride Safety Advisory Board – Membership
SB 115	Sen. Robey	Criminal Law – Animal Abuse, Neglect, or Cruelty – Conditions of Probation
SB 145	Ch., Budget & Tax	Motor Fuel Tax – Personal Liability – LLCs and Limited Liability Partnerships
SB 169	Sen. Ramirez	Bankruptcy – Homestead Exemption – Debtor's Residence
SB 218	Sen. Shank	Public Safety – Law Enforcement Officers' Bill of Rights – Internal Investigation Unit
SB 269	Sen. Kittleman	Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement
SB 278	Sen. Colburn	Juvenile Law – Truancy Reduction Pilot Program – Talbot County
SB 333	Sen. Garagiola	Children in Need of Assistance – Hearings – Written Findings
SB 366	Sen. Edwards	Allegany Co – Alc Bevs – Eligibility for Class B–BT (Buffet Theater) License
SB 370	Sen. Conway	Accountants – Regulation – Preparation of a Compilation of Financial Statements
SB 398	Sen. King	Sales and Use Tax – Sale of Elc Gened by Solar Energy and Resid Wind Energy Equip – Exemp
SB 457	Sen. Forehand	Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings
SB 467	Carroll Co. Senators	Carroll County – Alcoholic Beverages – Liquor Tasting
SB 480	Sen. Forehand	Courts – Peace Orders – Penalties
SB 494	Sen. Edwards	Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles
SB 500	Sen. Getty	Criminal Law – Identity Fraud

		– Assumption of Identity of Fictitious Person
SB 529	Sen. Simonaire	Maryland General and Limited Power of Attorney Act – Modifications
SB 541	Sen. Colburn	Dorchester County Liquor Act of 2011
SB 557	Sen. Pugh	Commission on Maryland Cybersecurity Innovation and Excellence
SB 580 (Emergency Bill)	Sen. Edwards	Allegany County – Alcoholic Beverages – 1–Day Special License
SB 652	Sen. Ramirez	Public Safety – Use of Electronic Control Devices – Reports
SB 693	Sen. Middleton	Injured Workers' Insurance Fund – Employee Compensation
SB 768	Sen. Ramirez	Child Abuse – Out of Court Statements of Child Victims
SB 821	Sen. Brinkley	Frederick County – Winery Special Event Permits – Farmers' Markets
SB 875	Sen. Klausmeier	Alcoholic Beverages – Baltimore County – License Fees
SB 885	Sen. Garagiola	Motor Veh Insurers – Standards for Canc or Refusal of Ins – Drvg While Impaired by Alcohol
SB 926	Sen. Glassman	Harford Co – Alc Bevs – Continuing Care Facility for Aged – Beer, Wine and Liquor License

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

QUORUM CALL

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

(See Roll Call No. 904)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #63

Senate Bill 649 – Senators Ramirez, Ferguson, Montgomery, and Rosapepe

AN ACT concerning

Real Property – Dwellings ~~in Communities for~~ Leased to Individuals Age 55 or Older – Air–Conditioning Systems

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

Affirmative – 46 Negative – 0 (See Roll Call No. 905)

The Bill was then sent to the House of Delegates.

Senate Bill 997 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages – Expiration of Licenses – Extension for Casualty Loss

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

Affirmative – 46 Negative – 0 (See Roll Call No. 906)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #20

House Bill 62 – ~~Delegate Beidle~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Property Tax Credit – Property Leased to ~~Nonprofit~~ Public Charter Schools

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

Affirmative – 46 Negative – 0 (See Roll Call No. 907)

The Bill was then sent to the House of Delegates.

House Bill 125 – Delegates Stukes, Alston, Anderson, Barnes, Boteler, Clippinger, Conaway, Glenn, Gutierrez, Harrison, Haynes, Howard, A. Miller, Murphy, B. Robinson, Ross, and Walker

AN ACT concerning

Vehicle Laws – Accidents Involving Self–Insured Vehicles – Required Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 908)

The Bill was then sent to the House of Delegates.

House Bill 160 – ~~Delegates Lafferty, Aumann, Boteler, Cardin, Cluster, DeBoy, Frank, Kach, Morhaim, Stein, and Weir~~ Baltimore County Delegation

AN ACT concerning

Baltimore County Public Schools – Funding Accountability and Transparency Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 909)

The Bill was then sent to the House of Delegates.

House Bill 162 – The Speaker (By Request – Administration) and Delegates Clagett, Arora, Cullison, Dumais, Lee, Mitchell, Niemann, Reznik, Stein, and Valderrama

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

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

Affirmative – 41 Negative – 5 (See Roll Call No. 910)

The Bill was then sent to the House of Delegates.

House Bill 163 – The Speaker (By Request – Administration) and Delegates Barve, Hixson, Cardin, Kaiser, Rosenberg, Stein, ~~and F. Turner~~ F. Turner, Howard, Luedtke, Glass, George, Ivey, and Stukes

AN ACT concerning

Income Tax – Tax Credit for Electric Vehicle Recharging Equipment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 911)

The Bill was then sent to the House of Delegates.

House Bill 211 – Chair, Health and Government Operations Committee (By Request – Departmental – Human Relations Commission)

AN ACT concerning

Maryland Commission on Human Relations – Name Change

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

Affirmative – 43 Negative – 3 (See Roll Call No. 912)

The Bill was then sent to the House of Delegates.

House Bill 463 – Delegates Elliott, Ross, Afzali, Arora, Aumann, Barve, Bates, Beidle, Beitzel, Boteler, Branch, Bromwell, Burns, Cardin, Cluster, Conaway, DeBoy, Donoghue, Eckardt, Fisher, Frank, Frick, Frush, George, Gilchrist, Glass, Glenn, Haddaway–Riccio, Haynes, Healey, Hogan, Holmes, Hough, Hubbard, Impallaria, Ivey, Jacobs, James, Jameson, Kach, Kaiser, K. Kelly, Kipke, Krebs, Love, McComas, McConkey, McDermott, McDonough, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Morhaim, Murphy, Myers, O'Donnell, Olszewski, Parrott, Pena–Melnyk, Ready, B. Robinson, Schuh, Schulz, Serafini, Smigiel, Sophocleus, Stocksdale, Stukes, Szeliga, F. Turner, Valentino–Smith, Waldstreicher, Walker, and Wood

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Business Property

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

Affirmative – 46 Negative – 0 (See Roll Call No. 913)

The Bill was then sent to the House of Delegates.

House Bill 823 – ~~**Delegate Krebs**~~ **Delegates Krebs, Howard, and F. Turner**

AN ACT concerning

Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events

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

Affirmative – 46 Negative – 0 (See Roll Call No. 914)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #21

House Bill 255 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Adoption Search, Contact, and Reunion Services – ~~Contact with Adopted~~ Siblings of Minors in Out–of–Home Placement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 915)

The Bill was then sent to the House of Delegates.

House Bill 356 – Delegates Niemann, Barnes, Cane, Carr, Frush, Glenn, Healey, Holmes, James, McIntosh, S. Robinson, Ross, Stein, Stukes, Walker, ~~and Wilson~~ Wilson, and Kipke

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

Senator Edwards moved, duly seconded, to make the Bill a Special Order for April 8, 2011.

The motion was adopted.

House Bill 679 – Delegate Stein

AN ACT concerning

Real Property – Condominiums – Amendment to Bylaws to Require Unit Insurance Coverage

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

Affirmative – 39 Negative – 7 (See Roll Call No. 916)

The Bill was then sent to the House of Delegates.

House Bill 724 – Delegates A. Miller, Dumais, Glenn, Kaiser, Lee, Luedtke, McDermott, Summers, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Sexual Offense in the Fourth Degree – Statute of Limitations – Increase

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

Affirmative – 46 Negative – 0 (See Roll Call No. 917)

The Bill was then sent to the House of Delegates.

House Bill 789 – Delegate Stein

AN ACT concerning

Driver's License Applications – Cosigner for Minors – Department of Social Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 918)

The Bill was then sent to the House of Delegates.

House Bill 848 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Tow Companies

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

Affirmative – 45 Negative – 1 (See Roll Call No. 919)

The Bill was then sent to the House of Delegates.

House Bill 1047 – Delegate Glenn

AN ACT concerning

Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault – Lease Payment Obligation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 920)

The Bill was then sent to the House of Delegates.

House Bill 1109 – Delegate Vaughn

AN ACT concerning

Real Property – Rescission of Sales Contracts – Return of Deposits

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

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

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #7

AMENDED IN THE HOUSE

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, ~~and Raskin~~ Raskin, and Muse

AN ACT concerning

Job Applicant Fairness Act

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

SB0132/383098/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 132
(Third Reading File Bill)

On page 2, in line 26, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**".

The preceding amendment was read and concurred in.

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

Affirmative – 34 Negative – 12 (See Roll Call No. 922)

AMENDED IN THE HOUSE

Senate Bill 179 – The President (By Request – Administration) and Senators Klausmeier, Astle, Garagiola, and Rosapepe

AN ACT concerning

Electric Companies – ~~Demand Response~~ Pilot Program for Charging Electric Vehicles

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

SB0179/763494/1
BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "date;" insert "providing that this Act does not limit the authority of the Commission to receive, consider, and approve certain pilot programs in advance of a certain date; requiring the Commission to consider and act upon certain proposals in a certain manner;".

AMENDMENT NO. 2

On page 2, after line 24, insert:

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

(1) Section 7–2111 of the Public Utilities Article, as enacted by Section 1 of this Act, does not limit the authority of the Public Service Commission to receive, consider, and approve proposals for a pilot program for electric customers to recharge electric vehicles during off–peak hours in advance of the date by which the Public Service Commission is required to act in accordance with § 7–211 of the Public Utilities Article, as enacted by Section 1 of this Act; and

(2) the Public Service Commission shall promptly consider and act upon each proposal for a pilot program for electric customers to recharge electric vehicles during off–peak hours that is submitted under § 7–211 of the Public Utilities Article as enacted by Section 1 of this Act.";

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

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 923)

AMENDED IN THE HOUSE

Senate Bill 212 – Senators Klausmeier, Edwards, ~~and Kittleman~~ Kittleman, Middleton, Garagiola, Glassman, Kelley, Mathias, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

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

SB0212/133093/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 212
(Third Reading File Bill)

On page 5, in line 25, strike "(i)" and substitute "**(J)**".

The preceding amendment was read and concurred in.

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

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

AMENDED IN THE HOUSE

Senate Bill 271 – Senator Edwards

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

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

SB0271/373691/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 271
(Third Reading File Bill)

On page 2, in line 8, strike "**MUNICIPALITY**" and substitute "**MUNICIPAL CORPORATION**".

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 925)

CONCURRENCE CALENDAR #8

AMENDED IN THE HOUSE

Senate Bill 330 – Senators Brinkley and Young

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

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

SB0330/405860/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 330
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "purposes;" insert "requiring a lessor of real property eligible for a certain tax credit to reduce the amount of taxes for which the tenant is contractually liable under the lease;".

AMENDMENT NO. 2

On page 2, in line 4, after "(e)" insert "**(1)**"; in lines 8 and 9, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 9, insert:

"**(2) THE LESSOR OF REAL PROPERTY ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION 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.**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 926)

CONCURRENCE CALENDAR #9

AMENDED IN THE HOUSE

Senate Bill 90 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Podiatric Medical Examiners – Sunset Extension and Program Evaluation

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

SB0090/396687/1
BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 90
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "date;" insert "requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the State Board of Podiatric Medical Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, regarding the status of the Board and the regulation of podiatry in the State. The report shall include information for the years fiscal 2011 through fiscal 2015, inclusive, that addresses:

(1) the number of podiatrists licensed by the Board;

(2) whether the Board has implemented any new requirements for the licensure, certification, or registration of individuals who practice or assist in the practice of podiatry, and the number of individuals licensed, certified, or registered as a result of any new requirements implemented by the Board;

(3) the number of complaints received by the Board for individuals who practice or assist in the practice of podiatry and the resolution of the complaints;

(4) a summary of any major legislative or regulatory changes impacting podiatry, including changes to fees charged by the Board; and

(5) an update on the Board's finances including the revenue and expenditures for each fiscal year.";

and in line 23, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 927)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #18

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

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit I of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

The preceding 35 amendments were read only.

Senator DeGrange moved, duly seconded, to make the Bill and Amendments a Special Order for April 8, 2011.

The motion was adopted.

CONCURRENCE CALENDAR #10

AMENDED IN THE HOUSE

Senate Bill 103 – Chair, Finance Committee

AN ACT concerning

Office of the Commissioner of Financial Regulation, the Banking Board, and the State Collection Agency Licensing Board – Sunset Extension and Program Evaluation

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

SB0103/573996/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 103
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, before "the" insert "the Maryland Judiciary, in consultation with"; and in line 24, before "to" insert a comma.

On pages 1 and 2, strike beginning with "monitor" in line 25 on page 1 down through "determination" in line 1 on page 2 and substitute "study a certain issue".

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

AMENDMENT NO. 2

On page 10, in line 9, before the first "the" insert "the Maryland Judiciary, in consultation with"; in line 10, before "shall" insert a comma; in line 11, strike "monitor" and substitute "examine"; strike beginning with "the" in line 11 down through "if" in line 12; in line 17, strike "any" and substitute "its"; and strike beginning with "made" in line 17 down through "Judiciary" in line 18.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0103**
SPONSOR: Chr FIN
SUBJECT: Ofc of the Commr of Fincl Reg, the Banking Bd, and the St Coll Agnc Lic Bd – Sunset Ext and Pgm Eval

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 Kelley
Senator Klausmeier.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 718 – Senator Garagiola

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories ~~to Residential Customers~~

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

SB0718/483090/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 718
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "a customer" and substitute "customers"; in line 8, strike "print"; in the same line, strike the first "the" and substitute "each"; strike beginning with "at" in line 8 down through "State" in line 9; and strike beginning with "requiring" in line 10 down through "date;" in line 13.

AMENDMENT NO. 2

On page 2, in line 9, strike "**PRINT**"; in the same line, strike "**A**" and substitute "**EACH**"; in the same line, strike "**AT AN ADDRESS IN THE STATE**"; in line 10, strike the second "**THE**" and substitute "**A**"; in line 18, after "**YEAR;**" insert "**AND**"; in line 19, strike "**TELEPHONE**"; strike beginning with the semicolon in line 19 down through "**2016**" in line 23; and in line 25, strike "**PRINT TELEPHONE**".

On pages 2 and 3 strike in their entirety the lines beginning with line 27 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, strike "3." and substitute "2.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0718**
SPONSOR: Sen Garagiola
SUBJECT: Telephone Companies – Distribution of Telephone Directories

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 Mathias, Chairman
Senator Pipkin
Senator Kelley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

House Bill 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

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

Senator Kasemeyer moved, duly seconded, to recommit the Bill.

The motion was adopted.

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, ~~and F. Turner~~ F. Turner, and Howard

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 928)

The Bill was then sent to the House of Delegates.

Senate Bill 262 – Senators Klausmeier, Benson, Colburn, DeGrange, Forehand, Garagiola, Jones–Rodwell, Kasemeyer, Kelley, Madaleno, Montgomery, Muse, Raskin, Shank, and Stone

AN ACT concerning

State Board of Education – Financial Literacy Curriculum – Graduation Requirement

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

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

The motion was adopted.

Senate Bill 806 – Senator Young

AN ACT concerning

Election Law – Online Voter Registration

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0806/464039/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 806
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Young" and substitute "Senators Young, Peters, Currie, Madaleno, Rosapepe, King, Manno, and Ferguson"; in line 4, strike "requiring" and substitute "authorizing"; and in line 21, after "changes;" insert "requiring that not more than a certain amount of the funds in the Fair Campaign Financing Fund be transferred to the State Board of Elections for certain fiscal years for the purpose of implementing an online voter registration system; requiring that funds transferred from the Fair Campaign Financing Fund be used to pay certain costs that would otherwise be paid by local governments; requiring that any funds transferred from the Fair Campaign Financing Fund that are not used to implement an online voter registration system revert to the Fair Campaign Financing Fund;".

On page 2, after line 2, insert:

"BY repealing and reenacting, without amendments,
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(a) and (c)

BY adding to

Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010

Section 38(l)".

AMENDMENT NO. 2

On page 2, in line 22, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 3

On page 5, after line 29, insert:

"Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010

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.

(c) A transfer under this section may not reduce the balance in the Fund below $1,000,000.

(L) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2012 AND FISCAL YEAR 2013, A CUMULATIVE SUM IN THE AMOUNT OF NOT MORE THAN $250,000 OF THE BALANCE IN THE FUND SHALL BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS TRANSFERRED UNDER THIS SUBSECTION SHALL BE USED TO PAY COSTS ASSOCIATED WITH IMPLEMENTATION OF AN ONLINE VOTER REGISTRATION SYSTEM THAT WOULD OTHERWISE BE PAID BY LOCAL GOVERNMENTS.

(3) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER THIS SUBSECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN

ONLINE VOTER REGISTRATION SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

House Bill 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

Criminal Law – ~~Peace Orders, Stalking, and~~ Harassment – Penalties

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

HB0510/268471/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 510
(Third Reading File Bill)

On page 3, in line 26, strike "**180 DAYS**" and substitute "**1 YEAR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 682 – Delegate K. Kelly

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

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

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

HB1151/298771/1
BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Limited" insert "Name Requirements for Benefit Corporations and"; and in line 12, after "organization;" insert "establishing certain requirements for the name of certain benefit limited liability companies;".

On page 2, in line 2, after "law;" insert "establishing certain requirements for the name of certain benefit corporations;"; in line 4, strike the second "and" and substitute a comma; in line 5, after "companies" insert ", and benefit corporations"; and after line 30, insert:

"BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–502(a) and (b) and 5–6C–03
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 9, in line 23, before "**A**" insert "**(A)**"; and after line 26, insert:

"**(B) THE NAME OF A DOMESTIC BENEFIT LIMITED LIABILITY COMPANY OR A FOREIGN BENEFIT LIMITED LIABILITY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.**".

On page 12, after line 23, insert:

"1–502.

(a) **(1)** The name of a corporation must include one of the following words or an abbreviation of one of the following words:

[(1)**]** **(I)** "Company", if it is not preceded by the word "and" or a symbol for the word "and";

[(2)**]** **(II)** "Corporation";

[(3)**]** **(III)** "Incorporated"; or

[(4)**]** **(IV)** "Limited".

(2) IF A CORPORATION IS A BENEFIT CORPORATION, THE NAME OF THE BENEFIT CORPORATION MUST INCLUDE:

(I) THE WORDS "BENEFIT CORPORATION";

(II) "BENEFIT CORP.";

(III) THE WORDS "BENEFIT COMPANY", IF NOT PROCEEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND"; OR

(IV) "BENEFIT CO.", IF NOT PROCEEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND".

(b) **(1)** The name of a limited liability company must include:

[(1)**]** **(I)** The words "limited liability company";

[(2)**]** **(II)** "L.L.C.";

[(3)**]** **(III)** "LLC";

[(4)**]** **(IV)** "L.C."; or

[(5)**]** **(V)** "LC".

(2) IF A LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY, THE NAME OF THE BENEFIT LIMITED LIABILITY COMPANY MUST INCLUDE:

(I) THE WORDS "BENEFIT LIMITED LIABILITY COMPANY";

(II) "BENEFIT L.L.C.";

(III) "BENEFIT LLC";

(IV) "BENEFIT L.C."; OR

(V) "BENEFIT LC".

5–6C–03.

(a) A corporation may elect to be a benefit corporation under this subtitle by amending or including in the charter of the corporation a statement that the corporation is a benefit corporation.

(b) An amendment described in subsection (a) of this section shall be approved in accordance with Title 2, Subtitle 6 of this article.

(C) THE NAME OF A DOMESTIC BENEFIT CORPORATION OR A FOREIGN BENEFIT CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.".

AMENDMENT NO. 3

On page 12, in line 25, strike "October" and substitute "June".

The preceding 3 amendments were withdrawn.

Favorable report adopted.

FLOOR AMENDMENT

HB1151/863025/1
BY: Senator Raskin

AMENDMENT TO HOUSE BILL 1151, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (HB1151/298771/1), in line 12 of Amendment No. 2, strike "**PROCEEDED**" and substitute "**PRECEDED**".

The preceding amendment was withdrawn.

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

The motion was adopted.

Senate Bill 181 – The President (By Request – Administration)

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0181/217978/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike "under certain circumstances" and substitute "subject to certain conditions"; and in line 17, after "nonmembers;" insert "requiring an exclusive representative, if a memorandum of understanding contains a certain

service fee provision, to provide notice of the service fee provision to independent home care providers before a certain vote is held;".

AMENDMENT NO. 2

On page 2, in line 19, after "**ARE**" insert "**DIRECTLY**"; in the same line, after "**REIMBURSED**" insert "**BY THE STATE OR A FISCAL INTERMEDIARY FUNCTIONING ON BEHALF OF THE STATE, AND NOT BY AN AGENCY OR BUSINESS THAT EMPLOYS EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS HOME CARE PROVIDERS,**"; in lines 23 and 27, in each instance, after "**TITLE**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in line 28, after "**PROGRAM**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in line 29, after "**RESOURCES**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in the same line, strike "**AND**"; in line 30, after "**EMPLOYED**" insert "**OR REFERRED**"; in the same line, strike "**A PRIVATE**" and substitute "**AN**"; in the same line, after "**AGENCY**" insert "**OR BUSINESS**"; in the same line, after "**EMPLOYS**" insert "**EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS**"; and in line 31, after "**PROVIDERS**" insert "**;**

(3) CONTRACTS DIRECTLY WITH A PROGRAM PARTICIPANT FOR HOME CARE SERVICES; AND

(4) PROVIDES HOME CARE SERVICES TO A PROGRAM PARTICIPANT PERSONALLY AND DOES NOT SUBCONTRACT WITH ANY OTHER PARTY TO PROVIDE THE SERVICES TO A PROGRAM PARTICIPANT".

On page 3, in line 1, after "**(C)**" insert "**(1)**"; in lines 2 and 3, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 4, insert:

"**(2) "PROVIDER ORGANIZATION" DOES NOT INCLUDE AN AGENCY OR BUSINESS THAT EMPLOYS EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS HOME CARE PROVIDERS.**".

AMENDMENT NO. 3

On page 4, in line 29, strike "**SUBPARAGRAPH (II)**" and substitute "**SUBPARAGRAPHS (II) AND (III)**".

On page 5, after line 6, insert:

"**(III) THE REPRESENTATIVES OF THE STATE MAY ONLY AGREE TO A SERVICE FEE PROVISION IF THE SERVICE FEE PROVISION WOULD REQUIRE NONMEMBERS TO PAY SERVICE FEES ON A SLIDING SCALE IN APPROXIMATE PROPORTION TO THE AMOUNT EACH NONMEMBER RECEIVES IN REIMBURSEMENT THROUGH:**

1. THE MEDICAID WAIVER FOR OLDER ADULTS THAT IS JOINTLY ADMINISTERED BY THE DEPARTMENT AND THE DEPARTMENT OF AGING AS ESTABLISHED UNDER § 15–132 OF THIS TITLE, OR ANY SUCCESSOR PROGRAM;

2. THE MEDICAID PERSONAL CARE PROGRAM UNDER THE STATE MEDICAL ASSISTANCE PROGRAM, OR ANY SUCCESSOR PROGRAM;

3. THE LIVING AT HOME WAIVER PROGRAM UNDER SUBTITLE 8 OF THIS TITLE, OR ANY SUCCESSOR PROGRAM; AND

4. THE IN–HOME AIDE SERVICE PROGRAM ADMINISTERED BY THE DEPARTMENT OF HUMAN RESOURCES, OR ANY SUCCESSOR PROGRAM.";

in line 27, after "**(G)**" insert "**(1)**"; and after line 29, insert:

"**(2) IF THE MEMORANDUM OF UNDERSTANDING CONTAINS A SERVICE FEE PROVISION, BEFORE THE VOTE TO RATIFY THE MEMORANDUM OF UNDERSTANDING IS HELD, THE EXCLUSIVE REPRESENTATIVE SHALL PROVIDE NOTICE THAT THE MEMORANDUM OF UNDERSTANDING CONTAINS A PROVISION FOR A SERVICE FEE THAT WILL BE CHARGED ON A SLIDING SCALE TO INDEPENDENT HOME CARE PROVIDERS.**".

AMENDMENT NO. 4

On page 6, in line 34, strike "Economic Matters" and substitute "Appropriations".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0181/483021/1
BY: Senator Getty

AMENDMENTS TO SENATE BILL 181, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 17, after "**(B)**" insert "**(1)**"; and in lines 19, 21, 24, 26, 28, and 30, strike "**(1)**", "**(I)**", "**(II)**", "**(III)**", "**(IV)**", and "**(2)**", respectively, and substitute "**(I)**", "**1.**", "**2.**", "**3.**", "**4.**", and "**(II)**", respectively.

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments (SB0181/217978/1), in line 13 of Amendment No. 2, strike "**(3)**" and substitute "**(III)**".

On page 2 of the Finance Committee Amendments, in line 1 of Amendment No. 2, strike "**(4)**" and substitute "**(IV)**"; and in line 3, after "**PARTICIPANT**" insert "**.**

(2) "INDEPENDENT HOME CARE PROVIDER" DOES NOT INCLUDE AN INDIVIDUAL WHO PROVIDES HOME CARE SERVICES TO A FAMILY MEMBER".

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

Affirmative – 27 Negative – 19 (See Roll Call No. 929)

FLOOR AMENDMENT

SB0181/933129/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 181, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "requiring" in line 11 down through "organization;" in line 13; strike beginning with "authorizing" in line 14 down through "payments" in line 19 and substitute "providing that the exclusive representative may only represent members and may not represent or provide services for nonmembers".

On page 1 of the Finance Committee Amendments (SB0181/217978/1), in line 2 of Amendment No. 1, strike "subject to certain conditions"; and strike beginning with "requiring" in line 2 down through "held;" in line 5.

AMENDMENT NO. 2

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 31 on page 3 through line 2 on page 4, inclusive.

On pages 4 and 5 of the bill, strike beginning with "**(1)**" in line 29 on page 4 down through "**PAYMENT.**" in line 17 on page 5 and substitute "**THE EXCLUSIVE REPRESENTATIVE MAY ONLY REPRESENT MEMBERS AND MAY NOT REPRESENT OR PROVIDE SERVICES FOR NONMEMBERS.**".

On page 2 of the Finance Committee Amendments, in line 2 of Amendment No. 3, strike "**SUBPARAGRAPHS (II) AND (III)**".

On pages 2 and 3 of the Finance Committee Amendments, in Amendment No. 3, strike beginning with "**(III)**" in line 4 on page 2 down through "**PROGRAM.**" in line 8 on page 3.

On page 3 of the Finance Committee Amendments, in line 9 of Amendment No. 3, strike "**(1)**"; and strike beginning with "**(2)**" in line 10 down through "**PROVIDERS.**" in line 15.

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

Affirmative – 14 Negative – 32 (See Roll Call No. 930)

FLOOR AMENDMENT

SB0181/843626/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 181

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "period" insert "under certain circumstances"; and in line 13, after "organization;" insert "providing that an exclusive representative is deemed to be decertified under certain circumstances;".

AMENDMENT NO. 2

On page 3, in line 30, after "**YEARS**" insert "**UNLESS THE EXCLUSIVE REPRESENTATIVE IS DEEMED TO BE DECERTIFIED UNDER SUBSECTION (D) OF THIS SECTION**".

On page 4, after line 2, insert:

"**(D) IF THE EXCLUSIVE REPRESENTATIVE ENTERS INTO A MEMORANDUM OF UNDERSTANDING UNDER § 15–904(G) OF THIS SECTION THAT INCLUDES A SERVICE FEE PROVISION, THE EXCLUSIVE REPRESENTATIVE IS DEEMED TO BE DECERTIFIED.**".

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

Affirmative – 13 Negative – 31 (See Roll Call No. 931)

FLOOR AMENDMENT

SB0181/613522/1
BY: Senator Shank

AMENDMENTS TO SENATE BILL 181, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "authorizing" in line 14 down through "payments;" in line 19.

On page 1 of the Finance Committee Amendments (SB0181/217978/1), in line 2 of Amendment No. 1, strike "subject to certain conditions"; and strike beginning with "requiring" in line 2 down through "held;" in line 5.

AMENDMENT NO. 2

On pages 4 and 5 of the bill, strike in their entirety the lines beginning with line 29 on page 4 through line 17 on page 5, inclusive.

On page 5, in lines 18 and 27, strike "**(F)**" and "**(G)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 2 of the Finance Committee Amendments, in line 2 of Amendment No. 3, strike "**SUBPARAGRAPHS (II) AND (III)**".

On pages 2 and 3 of the Finance Committee Amendments, in Amendment No. 3, strike beginning with "**(III)**" in line 4 on page 2 down through "**PROGRAM.**" in line 8 on page 3.

On page 3 of the Finance Committee Amendments, in line 9 of Amendment No. 3, strike "**(1)**"; and strike beginning with "**(2)**" in line 10 down through "**PROVIDERS.**" in line 15.

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

Affirmative – 14 Negative – 32 (See Roll Call No. 932)

FLOOR AMENDMENT

SB0181/313622/1
BY: Senator Shank

AMENDMENTS TO SENATE BILL 181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 28, after "Act;" insert "allowing a credit against the State income tax for certain fees paid by certain independent home care providers;".

On page 2, after line 8, insert:

"BY adding to
Article – Tax – General
Section 10–729

Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 6, after line 18, insert:

"Article – Tax – General

10–729.

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

(2) "INDEPENDENT HOME CARE PROVIDER" HAS THE MEANING STATED IN § 15–901 OF THE HEALTH – GENERAL ARTICLE.

(3) "PROVIDER ORGANIZATION" HAS THE MEANING STATED IN § 15–901 OF THE HEALTH – GENERAL ARTICLE.

(B) AN INDEPENDENT HOME CARE PROVIDER WHO IS NOT A MEMBER OF A PROVIDER ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE AS DETERMINED BY § 15–903 OF THE HEALTH – GENERAL ARTICLE MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO THE AMOUNT OF ANY SERVICE FEE THE INDEPENDENT HOME CARE PROVIDER IS REQUIRED TO PAY TO THE PROVIDER ORGANIZATION FOR THE TAXABLE YEAR UNDER § 15–904 OF THE HEALTH – GENERAL ARTICLE.

(C) (1) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE STATE INCOME TAX IMPOSED FOR THE TAXABLE YEAR.

(2) THE UNUSED AMOUNT OF THE CREDIT MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.".

AMENDMENT NO. 3

On page 7, after line 10, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That § 10–729 of the Tax – General Article, as enacted by Section 1 of this Act, shall be applicable to all taxable years beginning after December 31, 2010.";

and in line 11, strike "5." and substitute "6.".

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

Affirmative – 11 Negative – 34 (See Roll Call No. 933)

FLOOR AMENDMENT

SB0181/913729/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Providers" insert "and Authority of the Governor"; in line 31, after "certification;" insert "prohibiting the Governor from issuing an executive order that establishes or requires collective bargaining for any person that is not a State employee or a unit of the State government;".

On page 2, in line 2, after "providers" insert "and the authority of the Governor regarding collective bargaining".

AMENDMENT NO. 2

On page 7, after line 10, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That the Governor may not issue an executive order that establishes or requires collective bargaining for any person that is not a State employee or a unit of the State government.";

and in line 11, strike "5." and substitute "6.".

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

Affirmative – 11 Negative – 34 (See Roll Call No. 934)

Read the second time and ordered prepared for Third Reading.

House Bill 171 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Clagett, Gaines, Gutierrez, Haynes, Hubbard, Nathan–Pulliam, Stukes, V. Turner, Valderrama, and Zucker

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

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

Favorable report adopted.

FLOOR AMENDMENT

HB0171/403024/1
BY: Senator Getty

AMENDMENTS TO HOUSE BILL 171
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 29, after "**(B)**" insert "**(1)**"; and in lines 31 and 36, strike "**(1)**" and "**(I)**", respectively, and substitute "**(I)**" and "**1.**", respectively.

AMENDMENT NO. 2

On page 3, in lines 3, 5, 7, 10, 13, and 15, strike "**(II)**", "**(III)**", "**(IV)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**2.**", "**3.**", "**4.**", "**(II)**", "**(III)**", and "**(IV)**", respectively; and after line 17, insert:

"**(2) "INDEPENDENT HOME CARE PROVIDER" DOES NOT INCLUDE AN INDIVIDUAL WHO PROVIDES HOME CARE SERVICES TO A FAMILY MEMBER.**".

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

Affirmative – 31 Negative – 14 (See Roll Call No. 935)

Read the second time and ordered prepared for Third Reading.

Senate Bill 882 – The President (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0882/367571/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 882
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "circumstances;" insert "establishing the Extended Benefits Fund; stating the purpose of the Fund; stating the intent of the General Assembly; requiring the Secretary to adopt certain regulations; defining a certain term; stating the intent that the Governor shall appropriate a certain amount of money for the Fund for a certain fiscal year; providing for the reimbursement of counties, municipalities, and certain associations for certain total net costs relating to unemployment benefits; providing that unused funds remaining in the Fund are to revert to the General Fund;"; and in line 27, strike "and 8–1110" and substitute ", 8–1110, and 8–1111".

AMENDMENT NO. 2

On page 7, after line 9, insert:

"**8–1111.**

(A) IN THIS SECTION, "NET COSTS" MEANS BENEFITS PAYABLE UNDER THIS SUBTITLE AND THAT ARE REIMBURSED DOLLAR FOR DOLLAR TO THE UNEMPLOYMENT INSURANCE FUND ESTABLISHED UNDER § 8–401 OF THIS TITLE LESS ESTIMATED TAX REVENUE PAYABLE IN CONNECTION WITH THE BENEFITS PAYABLE UNDER THIS SUBTITLE.

(B) (1) THERE IS AN EXTENDED BENEFITS FUND IN THE STATE TREASURY.

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

(3) THE FUND MAY BE USED ONLY TO REIMBURSE NET COSTS FOR CLAIMS FILED UNDER § 8–1103 (F) OF THIS TITLE.

(4) (I) THE PURPOSE OF THE FUND IS TO REIMBURSE COUNTIES AND MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(II) THE FUND MAY BE USED TO REIMBURSE AN ASSOCIATION THAT IS VOLUNTARY, NONPROFIT, AND CONTROLLED AND MAINTAINED BY MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(5) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE SECRETARY SHALL ADMINISTER THE FUND.

(6) THE TREASURER SHALL INVEST AND REINVEST THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(C) THE FUND SHALL CONSIST OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INVESTMENT EARNINGS OF THE FUND; AND

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

(D) THE SECRETARY SHALL ENSURE THAT THE MONEY IN THE FUND IS DISTRIBUTED IN THE MANNER THAT BEST ACCOMPLISHES THE PURPOSE OF THE FUND.".

AMENDMENT NO. 3

On page 7, after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the Governor shall appropriate $1,635,000 in the fiscal 2013 budget for the Extended Benefits Fund created under § 8–1111 of the Labor and Employment Article, as enacted by Section 1 of this Act;

(2) as determined by the Secretary of Labor, Licensing, and Regulation, on or before 30 days after the last day a claimant may file for extended benefits for which 100% federal sharing is available for any claim under the federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the counties and municipal corporations that have net costs are eligible for reimbursement for net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act;

(3) based on the total net costs determined by the Secretary under paragraph (2) of this section:

(i) eligible counties shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 60% of their net costs; and

(ii) eligible municipal corporations and municipal government associations shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 80% of their net costs;

(4) (i) if the total net costs determined by the Secretary under paragraph (2) of this section exceed $1,635,000, the Secretary shall reimburse eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section; and

(ii) if the total net costs determined by the Secretary under paragraph (2) of this section is less than $1,635,000, the Secretary shall increase the reimbursement to eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, in an amount that is proportional to the percentage reimbursements specified

under paragraph (3) of this section, up to a maximum of 100% of net costs claims, until the Fund is depleted; and

(5) after eligible counties, municipal corporations, and municipal government associations have been reimbursed up to the maximum allowable under this section, any unused funds remaining in the Extended Benefits Fund shall revert to the General Fund.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Labor, Licensing, and Regulation shall adopt regulations that establish procedures for the reimbursement of net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act.";

in lines 15 and 19, strike "3." and "4.", respectively, and substitute "5." and "6.", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0882/397576/2
BY: Finance Committee

AMENDMENT TO SENATE BILL 882, AS AMENDED
(First Reading File Bill)

On page 7 of the bill, in line 17, strike "4" and substitute "6".

On page 2 of the Finance Committee Amendments (SB0882/367571/1), in lines 15, 17, and 18 of Amendment No. 2, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 635 – ~~**Senator Frosh**~~ **Senators Frosh and Simonaire**

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

STATUS OF BILL: QUESTION IS: "WILL THE SENATE CONCUR IN THE HOUSE AMENDMENTS?"

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

SB0635/960112/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 635
(Third Reading File Bill)

On page 2, in line 20, strike "**EXCEEDING**" and substitute "**VIOLATING**".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 936)

SPECIAL ORDERS

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

Senator Klausmeier moved, duly seconded, to re–refer the Bills on Senate Rules Committee Report # 12 to the appropriate standing committees.

The motion was adopted by roll call vote as follows:

Affirmative – 40 Negative – 6 (See Roll Call No. 937)

THE COMMITTEE ON RULES REPORT #12

House Bill 235 – Delegates Pena–Melnyk, A. Kelly, Alston, Anderson, Barkley, Barnes, Barve, Beidle, Bobo, Carr, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Hubbard, Hucker, Ivey, Kaiser, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Reznik, B. Robinson,

S. Robinson, Rosenberg, Ross, Simmons, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Waldstreicher, Washington, and Zucker

AN ACT concerning

Human Relations – Sexual Orientation and Gender Identity – Antidiscrimination

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

House Bill 266 – Delegates Waldstreicher, Alston, Anderson, Arora, Aumann, Clippinger, Dumais, Frank, Frush, Haddaway–Riccio, Hough, Lee, Luedtke, McDermott, Mitchell, Morhaim, S. Robinson, Smigiel, Tarrant, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Human Trafficking Victim Protection Act

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

House Bill 448 – Delegates Ivey, Afzali, Anderson, Barnes, Barve, Conaway, Davis, Frick, Frush, Gilchrist, Glenn, Griffith, Guzzone, Hammen, Hucker, Kaiser, Luedtke, McHale, A. Miller, Mitchell, Murphy, Oaks, Proctor, B. Robinson, Stocksdale, Stukes, Summers, Tarrant, F. Turner, Valderrama, Vaughn, Walker, Washington, and Wilson

AN ACT concerning

Education – Residential Boarding Education Programs for At–Risk Youth – Funding

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

House Bill 757 – Delegates Mitchell, Alston, Clippinger, Conaway, Cullison, Frick, Haynes, A. Kelly, Oaks, Rosenberg, Stukes, Summers, Washington, and Zucker

AN ACT concerning

~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board – Development of ~~an~~ Educational ~~Program~~ Programs to Aid Unemployed State Residents

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

House Bill 758 – Delegates Mitchell, Alston, Barve, Branch, Clippinger, Cullison, Frick, Haynes, A. Kelly, A. Miller, Oaks, Rosenberg, Stukes, Summers, F. Turner, Valentino–Smith, Walker, and Washington

AN ACT concerning

Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program

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

House Bill 807 – Delegates McHale and Hammen

AN ACT concerning

Labor and Employment – Health Care Personnel Training Fund

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

House Bill 1005 – Prince George's County Delegation

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – ~~Removal~~ Extension of Sunset PG 403–11

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

SPECIAL ORDERS

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

Senate Bill 806 – Senator Young

AN ACT concerning

Election Law – Online Voter Registration

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

FLOOR AMENDMENT

SB0806/453324/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 806
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "system;" insert "requiring an individual who registered to vote other than in person at certain locations with certain State or local government agencies to establish the individual's identity by certain means when the individual appears at a polling place to vote for the first time after registering to vote;".

AMENDMENT NO. 2

On page 2, after line 20, insert:

"**(C) AN INDIVIDUAL WHO REGISTERED TO VOTE OTHER THAN IN PERSON AT A LOCAL BOARD OFFICE OR THE STATE BOARD, AT A SITE ADMINISTERED BY A LOCAL BOARD, OR AT THE MOTOR VEHICLE ADMINISTRATION, WHO APPEARS AT THE INDIVIDUAL'S POLLING PLACE TO VOTE FOR THE FIRST TIME AFTER REGISTERING TO VOTE SHALL ESTABLISH THE INDIVIDUAL'S IDENTITY BY PRESENTING TO AN ELECTION JUDGE ONE OF THE FOLLOWING:**

(1) A CURRENT AND VALID GOVERNMENT–ISSUED PHOTO IDENTIFICATION CARD;

(2) A CURRENT W–2 FORM;

(3) A CURRENT SSA–1099 FORM;

(4) A CURRENT NON–SSA–1099 FORM;

(5) A CURRENT PAY STUB WITH THE VOTER'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(6) A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAY CHECK, OR GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS OF THE VOTER.".

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

Affirmative – 15 Negative – 30 (See Roll Call No. 938)

FLOOR AMENDMENT

SB0806/533228/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 806, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 18, after "system;" insert "requiring the Motor Vehicle Administration to pay certain costs that would otherwise be paid by local governments;".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0806/464039/1), in Amendment No. 1, strike beginning with "requiring" in line 4 down through "Fund;" in line 10; and strike beginning with "BY" in line 12 down through "38(l)" in line 19.

AMENDMENT NO. 2

On page 4 of the bill, after line 27, insert:

"**(F) THE MOTOR VEHICLE ADMINISTRATION SHALL PAY COSTS ASSOCIATED WITH THE IMPLEMENTATION OF AN ONLINE VOTER REGISTRATION SYSTEM THAT WOULD OTHERWISE BE PAID BY LOCAL GOVERNMENTS.**".

In the Education, Health, and Environmental Affairs Committee Amendments, strike Amendment No. 3 in its entirety.

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

Affirmative – 17 Negative – 26 (See Roll Call No. 939)

FLOOR AMENDMENT

SB0806/123328/1

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 806, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0806/464039/1), in Amendment No. 1, strike beginning with "requiring" in line 4 down through "Fund;" in line 10; and strike beginning with "BY" in line 12 down through "38(l)" in line 19.

AMENDMENT NO. 2

In the Education, Health, and Environmental Affairs Committee Amendments, strike Amendment No. 3 in its entirety.

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

Affirmative – 19 Negative – 26 (See Roll Call No. 940)

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #11

AMENDED IN THE HOUSE

Senate Bill 174 – The President (By Request – Administration) and Senators Astle, Brochin, Forehand, Gladden, Manno, Peters, Raskin, Robey, Stone, and Zirkin

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

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

SB0174/592819/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 174

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Use" in line 2 down through "Felony" in line 3 and substitute "Restrictions Against Use and Possession of Firearms"; strike beginning with "prohibiting" in line 4 down through "felonies;" in line 5 and substitute "expanding the prohibition against the use of handguns and certain antique firearms in the commission of certain crimes of violence or felonies to include the use of any firearm, whether loaded or unloaded; altering the predicate crimes and increasing the maximum term of imprisonment applicable to a violation of the prohibition against a person who was previously convicted of a certain crime of violence or drug–related crime possessing a certain regulated firearm; providing that the imposition of certain mandatory minimum sentences are within the discretion of the court under certain circumstances; providing that certain mandatory minimum sentences may not be imposed unless the State's Attorney notifies a certain person in writing at a certain time of the State's intention to seek a certain sentence; 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; providing that each violation of a certain provision of law is a separate crime;"; strike beginning with the first "of" in line 6 down through "felonies" in line 7 and substitute "and possession of firearms"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–143
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY adding to
Article – Public Safety
Section 5–206
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 20, insert:

"Article – Public Safety

5–133.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence; or

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, **[**§ 5–606, § 5–607, § 5–608, § 5–609,**]** § 5–612, § 5–613, or § 5–614 of the Criminal Law Article.

(2) **(I)** **[**A**]** **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,** A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years**[**, no part of which may be suspended.

(3) A person sentenced under paragraph (1) of this subsection may not be eligible for parole**]** **AND NOT EXCEEDING 15 YEARS.**

(II) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

(III) EXCEPT AS OTHERWISE PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(3) AT THE TIME OF THE COMMISSION OF THE OFFENSE, IF A PERIOD OF MORE THAN 5 YEARS HAS ELAPSED SINCE THE PERSON COMPLETED SERVING THE SENTENCE FOR THE MOST RECENT CONVICTION UNDER SUBSECTION (C)(1)(I) OR (II) OF THIS SECTION, INCLUDING ALL IMPRISONMENT, MANDATORY SUPERVISION, PROBATION, AND PAROLE:

(I) THE IMPOSITION OF THE MANDATORY MINIMUM SENTENCE IS WITHIN THE DISCRETION OF THE COURT; AND

(II) THE MANDATORY MINIMUM SENTENCE MAY NOT BE IMPOSED UNLESS THE STATE'S ATTORNEY NOTIFIES THE PERSON IN WRITING AT LEAST 30 DAYS BEFORE TRIAL OF THE STATE'S INTENTION TO SEEK THE MANDATORY MINIMUM SENTENCE.

(4) Each violation of this subsection is a separate crime.

5–143.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(c) Each violation of this section is a separate crime.

5–206.

(A) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON WAS PREVIOUSLY CONVICTED OF:

(1) A CRIME OF VIOLENCE; OR

(2) A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, OR § 5–614 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS.

(C) EACH VIOLATION OF THIS SUBSECTION IS A SEPARATE CRIME.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0174**
SPONSOR: The Pres (Admin), et al
SUBJECT: Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Frosh, Chairman
Senator Forehand
Senator Getty.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 362 – Senators Raskin and Ramirez

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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

SB0362/132916/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 362
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "requirement;" in line 5.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 27 through 31, inclusive, and substitute:

"(f) (1) If a supervisee does not comply with the fee requirement:

(i) the Division of Parole and Probation shall notify the Commission; and

(ii) the Commission may revoke parole or mandatory supervision.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0362**
SPONSOR: Sens Raskin and Ramirez
SUBJECT: Correctional Services – Division of Parole and Probation – Supervision Fee

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Raskin, Chairman
Senator Ramirez
Senator Shank.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #19

CONSENT CALENDAR #57

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 270	FAV	Del Eckardt, et al	Dorchester County – Tax Sales – Advertisement and Auctioneer Fees
HB 867	FAV	Del Oaks, et al	Baltimore City – Sale of Property to Enforce Lien for Water and Sewer Service
HB 1016	FAV	Calvert County Delegation	Calvert County – Public Facilities Bonds
HB 1113	FAV	Prince George's County Delegation	Prince George's County Public Schools – Funding Accountability and Transparency Act PG 421–11 (Joint Referral B&T/EHE)

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #20

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

House Bill 115 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Hammen, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, and Washington

AN ACT concerning

Baltimore City Board of School Commissioners – Annual Report Requirement – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 435 – Delegate Bohanan

AN ACT concerning

Optional Retirement Program – Supplemental Retirement Plans – Employee Contributions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 613 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Capital Improvements Program Submission MC/PG 111–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1168 – Delegate Eckardt

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

HB1168/799631/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1168

(Third Reading File Bill)

On page 3, in line 6, strike "July" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #24

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

Senate Bill 801 – Senators Shank and Gladden

AN ACT concerning

Criminal Law – Swift and Certain Sanctions Pilot Program

SB0801/138477/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 801
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "declaring" in line 3 on page 1 down through "severable;" in line 14 on page 2 and substitute "requiring the Department of

Public Safety and Correctional Services to develop by a certain date a certain pilot program in two counties that creates a system of graduated administrative sanctions for violations of conditions of parole by releasees from the Division of Correction; requiring the Department to make a certain annual report to the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On pages 2 through 8, strike in their entirety the lines beginning with line 17 on page 2 through line 29 on page 8, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Department of Public Safety and Correctional Services shall:

(1) develop, by October 1, 2012, a pilot program in two counties that creates a system of graduated administrative sanctions for violations of conditions of parole by releasees from the Division of Correction; and

(2) beginning in 2013, on or before October 1 of each year, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(i) the status of the pilot program;

(ii) the percentage of Departmental programs that use evidence–based practices; and

(iii) the number of individuals incarcerated for technical violations in the State while on parole and the number of new offenses committed by individuals in the State while on parole.".

On page 8, in line 30, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 509 – Delegate Niemann

EMERGENCY BILL

AN ACT concerning

Real Property – Mortgages – Enforcement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 522 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Correctional Officers' Bill of Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 794 – Delegates Valentino–Smith, Alston, Dumais, McDermott, Mitchell, and Vallario

AN ACT concerning

Division of Parole and Probation – Pre–Parole Investigations for Inmates of Local Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 799 – Delegates Carter, Conaway, McComas, Simmons, and Washington

AN ACT concerning

Estates and Trusts – Tenancy by the Entirety Property – Transfer to Trustee or Trustees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 837 – Delegates Smigiel, Cane, Carter, Cluster, Dumais, George, Haddaway–Riccio, Hough, K. Kelly, McConkey, McDermott, W. Miller, and Parrott

AN ACT concerning

Courts – Exemption from Execution – Exception for Child Support Arrearage

HB0837/728176/2

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 837
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "money" in line 4 down through "of" in line 6 and substitute "the net recovery by a debtor on a claim for personal injury is subject to execution on a judgment for"; and in line 6, after "arrearage;" insert "defining "net recovery";".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 13, inclusive, and substitute:

"**(I) (1) IN THIS SUBSECTION, "NET RECOVERY" MEANS THE SUM OF MONEY TO BE DISTRIBUTED TO THE DEBTOR AFTER DEDUCTION OF ATTORNEY'S FEES, EXPENSES, MEDICAL BILLS, AND SATISFACTION OF ANY LIENS OR SUBROGATION CLAIMS ARISING OUT OF THE CLAIMS FOR PERSONAL INJURY, INCLUDING THOSE ARISING UNDER:**

(I) THE MEDICARE SECONDARY PAYER ACT, 42 U.S.C. § 1395Y;

(II) A PROGRAM OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR WHICH A RIGHT OF SUBROGATION EXISTS UNDER §§ 15–120 AND 15–121.1 OF THE HEALTH–GENERAL ARTICLE;

(III) AN EMPLOYEE BENEFIT PLAN SUBJECT TO THE FEDERAL EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974; OR

(IV) A HEALTH INSURANCE CONTRACT.

(2) TWENTY–FIVE PERCENT OF THE NET RECOVERY BY THE DEBTOR ON A CLAIM FOR PERSONAL INJURY IS SUBJECT TO EXECUTION ON A JUDGMENT FOR A CHILD SUPPORT ARREARAGE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 919 – Delegates Hough, Alston, Anderson, Bates, Carter, Clippinger, Cluster, Dwyer, Eckardt, George, Haddaway–Riccio, Lee, McComas, McDermott, Mitchell, Ready, B. Robinson, Rosenberg, Simmons, Valderrama, Valentino–Smith, Waldstreicher, and Wood

AN ACT concerning

Criminal Law – Swift and Certain Sanctions Pilot Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1020 – Delegates Valderrama, Stifler, and Vallario

AN ACT concerning

Criminal Procedure – Sex Offender Registry

HB1020/648470/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1020
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "of" in line 4 down through "date" in line 5; strike beginning with "requiring" in line 7 down through "registry;" in line 8; and strike beginning with "requiring" in line 14 down through "regulations;" in line 16.

AMENDMENT NO. 2

On page 2, in line 15, strike "or"; and in line 18, after "subtitle" insert "**; OR**

(4) WAS CONVICTED ON OR AFTER OCTOBER 1, 2010, OF A VIOLATION OF § 3–324 OF THE CRIMINAL LAW ARTICLE, REGARDLESS OF WHETHER THE VICTIM WAS A MINOR".

AMENDMENT NO. 3

On page 2, strike beginning with "**§ 3–306(A)(1)**" in line 31 down through "**3**" in line 32 and substitute "**§ 3–306(A)(1) OR (2), OR § 3–307(A)(1) OR (2)**".

AMENDMENT NO. 4

On page 2, in line 26, strike "**OF JUVENILE SERVICES**".

On pages 3 and 4, strike in their entirety the lines beginning with line 31 on page 3 through line 2 on page 4, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1223 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

HB1223/668076/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1223
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Task Force – Reconstitution" and substitute "Advisory Committee"; in line 3, strike "reconstituting" and substitute "establishing"; in lines 4, 5, 5 and 6, and 11, in each instance, strike "Task Force" and substitute "Advisory Committee"; strike beginning with "; authorizing" in line 6 down through "receive" in line 7 and substitute "and"; and strike beginning with "requiring" in line 7 down through "date;" in line 8.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 14 on page 1 through line 25 on page 3, inclusive, and substitute:

"(a) There is a Maryland Quiet Vehicles and Pedestrian Safety Advisory Committee.

(b) The Advisory Committee consists of the following members, appointed by the Secretary of Transportation:

(1) two or three individuals who:

(i) represent the organized blind community in the State;

(ii) are legally blind; and

(iii) have experience or expertise in training blind people to travel safely and independently;

(2) two or three individuals representing pedestrian organizations in the State; and

(3) one representative of an organization representing the interests of automobile manufacturers.

(c) The Secretary shall appoint a chair of the Advisory Committee from its membership.

(d) The Department of Transportation may provide staff support for the Advisory Committee.

(e) A member of the Advisory Committee may not receive compensation or reimbursement for expenses as a member of the Advisory Committee.

(f) The Advisory Committee shall:

(1) study:

(i) the effects of vehicle sound on pedestrian safety; and

(ii) all available technology that may enhance the safety of blind pedestrians;

(2) review all available research regarding the effects of vehicle sound on pedestrian safety;

(3) monitor efforts by the federal government and the automobile industry to establish safety standards for hybrid and electric vehicles;

(4) consult with:

(i) consumer groups representing individuals who are blind, other pedestrians, and cyclists;

(ii) advocates for the safety of children;

(iii) experts on acoustics, automobile design, environmental quality, orientation and mobility for blind individuals, pedestrian safety, and other relevant fields; and

(iv) interested members of the public; and

(5) advise the Secretary concerning:

(i) the minimum sound level and the nature and characteristics of the minimum sound that should be required for all new and used vehicles sold and registered in the State; and

(ii) the use of technology to enhance the safety of blind pedestrians.

(g) The Advisory Committee is not required to specify the method or technology through which automobile manufacturers should implement the recommended sound standard.".

AMENDMENT NO. 3

On page 3, in line 27, strike "Governor" and substitute "Secretary of Transportation"; in line 28, strike "Task Force" and substitute "Advisory Committee"; and in line 29, strike "predecessor" and substitute "Maryland Quiet Vehicles and Pedestrian Safety".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1276 – Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter, Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey, K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott, Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino–Smith, Vaughn, Waldstreicher, Barkley, Frank, Frick, Hixson, Hucker, Kach, Kaiser, A. Kelly, Krebs, Luedtke, A. Miller, Mizeur, Ready, Reznik, Sophocleus, Stein, ~~and Wilson~~ Wilson, Eckardt, Afzali, George, Haddaway–Riccio, McMillan, W. Miller, and Stocksdale

AN ACT concerning

Vehicle Laws – Expansion of Ignition Interlock System Program

HB1276/238278/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1276
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Drunk Driving Reduction Act"; in line 8, after the semicolon insert "expanding participation in the Program by requiring certain individuals who are convicted of a certain offense and who had a certain alcohol concentration at the time of testing to participate in the Program for certain periods of time and successfully complete the Program;"; and in line 13, after the semicolon, insert "requiring the Administration to suspend for an indefinite period, rather than revoke, licenses of certain individuals who are convicted of a certain offense and had a certain alcohol concentration at the time of testing and who fail to participate in the Program or successfully complete the Program; providing that a suspension of a license that is imposed as a result of certain circumstances shall be concurrent with any other suspension or revocation arising out of the same incident;".

On page 2, strike beginning with "the" in line 5 down through "Law" in line 6 and substitute "law"; and in line 14, after the first semicolon insert "requiring the Administration to provide certain warnings to certain persons; prohibiting a person from raising the absence of a warning or the failure to receive the warning as a basis for limiting the authority of the Administration in a certain manner;".

AMENDMENT NO. 2

On page 7, in line 18, strike "**PARAGRAPH**" and substitute "**SUBSECTION**".

AMENDMENT NO. 3

On page 9, in line 24, after "**(1)**" insert "**(I) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE AND HAD AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF 0.15 OR MORE.**

(II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND FAILS TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND, NOTWITHSTANDING § 16–208 OF THIS TITLE, THE INDIVIDUAL'S LICENSE UNTIL THE INDIVIDUAL SUCCESSFULLY COMPLETES THE PROGRAM.

(III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.

(2) (I)";

in line 28, strike "**(I)**" and substitute "**1.**"; in line 29, strike "**§ 27–101**" and substitute "**§ 27–107**"; and strike in their entirety lines 30 through 32, inclusive.

AMENDMENT NO. 4

On page 10, in lines 1, 4, 6, 8, 9, and 18, strike "**(III)**", "**(IV)**", "**1.**", "**2.**", "**(2)**", and "**(3)**", respectively, and substitute "**2.**", "**3.**", "**A.**", "**B.**", "**(3)**", and "**(4)**", respectively; after line 8, insert:

"**(II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND THE INDIVIDUAL FAILS TO PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S LICENSE FOR 1 YEAR.**

(III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.";

in line 18, strike "**(2)**" and substitute "**(3)**"; and strike in their entirety lines 23 through 27, inclusive.

AMENDMENT NO. 5

On page 12, in line 27, strike "**SUBSECTION (D) OF**"; and in line 28, strike "**THE MARYLAND VEHICLE LAW**" and substitute "**LAW**".

On page 13, in line 3, strike "**IF**" and substitute "**NOTWITHSTANDING § 16–208 OF THIS TITLE, IF**"; and after line 14, insert:

"**(P) A SUSPENSION OR REVOCATION OF A LICENSE OF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION THAT IS IMPOSED AS A RESULT OF THE FAILURE OF THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION ARISING OUT OF THE SAME INCIDENT FOR WHICH THE INDIVIDUAL IS SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION.**

(Q) (1) IF A PERSON IS CONVICTED OF ANY VIOLATION OF § 21–902 OF THIS ARTICLE, THE ADMINISTRATION SHALL INCLUDE IN THE NOTICE OF PROPOSED SUSPENSION OR REVOCATION A WARNING IN BOLD CONSPICUOUS TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE PERSON IS SUBSEQUENTLY CONVICTED OF A VIOLATION OF § 21–902(A) OR (B) OF THIS ARTICLE AS DESCRIBED IN THIS SECTION.

(2) AT THE TIME THAT THE ADMINISTRATION ISSUES A LICENSE TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, THE ADMINISTRATION SHALL PROVIDE TO THE PERSON A WRITTEN WARNING IN BOLD CONSPICUOUS TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE ADMINISTRATION FINDS THE PERSON VIOLATED THE ALCOHOL RESTRICTION ON A DRIVER UNDER THE AGE OF 21 YEARS OR THE PERSON VIOLATED ANY PROVISION OF § 21–902 OF THIS ARTICLE.

(3) A PERSON MAY NOT RAISE THE ABSENCE OF THE WARNING DESCRIBED UNDER THIS SUBSECTION OR THE FAILURE TO RECEIVE THAT WARNING AS A BASIS FOR LIMITING THE AUTHORITY OF THE ADMINISTRATION TO REQUIRE THAT THE PERSON PARTICIPATE IN THE PROGRAM IN ACCORDANCE WITH THIS SECTION.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1276/408473/1
BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1276, AS AMENDED

On page 1 of the Judicial Proceedings Committee Amendments (HB1276/238278/1), in line 10 of Amendment No. 1, after "suspension" insert "or revocation".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

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

FLOOR AMENDMENT

HB1151/298771/2
BY: Judicial Proceedings Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 1151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Limited" insert "Name Requirements for Benefit Corporations and"; and in line 12, after "organization;" insert "establishing certain requirements for the name of certain benefit limited liability companies;".

On page 2, in line 2, after "law;" insert "establishing certain requirements for the name of certain benefit corporations;"; in line 4, strike the second "and" and substitute a comma; in line 5, after "companies" insert ", and benefit corporations"; and after line 30, insert:

"BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–502(a) and (b) and 5–6C–03
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 9, in line 23, before "**A**" insert "**(A)**"; and after line 26, insert:

"**(B) THE NAME OF A DOMESTIC BENEFIT LIMITED LIABILITY COMPANY OR A FOREIGN BENEFIT LIMITED LIABILITY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.**".

On page 12, after line 23, insert:

"1–502.

(a) **(1)** The name of a corporation must include one of the following words or an abbreviation of one of the following words:

[(1)**]** **(I)** "Company", if it is not preceded by the word "and" or a symbol for the word "and";

[(2)**]** **(II)** "Corporation";

[(3)**]** **(III)** "Incorporated"; or

[(4)**]** **(IV)** "Limited".

(2) IF A CORPORATION IS A BENEFIT CORPORATION, THE NAME OF THE BENEFIT CORPORATION MUST INCLUDE:

(I) THE WORDS "BENEFIT CORPORATION";

(II) "BENEFIT CORP.";

(III) THE WORDS "BENEFIT COMPANY", IF NOT PRECEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND"; OR

(IV) "BENEFIT CO.", IF NOT PRECEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND".

(b) **(1)** The name of a limited liability company must include:

[(1)**]** **(I)** The words "limited liability company";

[(2)**]** **(II)** "L.L.C.";

[(3)**]** **(III)** "LLC";

[(4)**]** **(IV)** "L.C."; or

[(5)**]** **(V)** "LC".

(2) IF A LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY, THE NAME OF THE BENEFIT LIMITED LIABILITY COMPANY MUST INCLUDE:

(I) THE WORDS "BENEFIT LIMITED LIABILITY COMPANY";

(II) "BENEFIT L.L.C.";

(III) "BENEFIT LLC";

(IV) "BENEFIT L.C."; OR

(V) "BENEFIT LC".

5–6C–03.

(a) A corporation may elect to be a benefit corporation under this subtitle by amending or including in the charter of the corporation a statement that the corporation is a benefit corporation.

(b) An amendment described in subsection (a) of this section shall be approved in accordance with Title 2, Subtitle 6 of this article.

(C) THE NAME OF A DOMESTIC BENEFIT CORPORATION OR A FOREIGN BENEFIT CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.".

AMENDMENT NO. 3

On page 12, in line 25, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 262 – Senators Klausmeier, Benson, Colburn, DeGrange, Forehand, Garagiola, Jones–Rodwell, Kasemeyer, Kelley, Madaleno, Montgomery, Muse, Raskin, Shank, and Stone

AN ACT concerning

State Board of Education – Financial Literacy Curriculum – Graduation Requirement

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0262/863424/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 262
(First Reading File Bill)

On page 2, in line 7, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 941)

ADJOURNMENT

At 1:31 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day April 4, 2011, Calendar Day, Friday, April 8, 2011.

Annapolis, Maryland
Legislative Day: April 4, 2011
Calendar Day: Friday, April 8, 2011
11:00 A.M. Session

The Senate met at 11:12 A.M.

Prayer by Reverend Peter Mayer, St. Margaret's Episcopal Church, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of April 3, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 943)

QUORUM CALL

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

(See Roll Call No. 944)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #64

Senate Bill 181 – The President (By Request – Administration)

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

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

Affirmative – 31 Negative – 16 (See Roll Call No. 945)

The Bill was then sent to the House of Delegates.

Senate Bill 806 – ~~**Senator Young**~~ **Senators Young, Peters, Currie, Madaleno, Rosapepe, King, Manno, and Ferguson**

AN ACT concerning

Election Law – Online Voter Registration

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

Affirmative – 41 Negative – 5 (See Roll Call No. 946)

The Bill was then sent to the House of Delegates.

Senate Bill 882 – The President (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

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

Affirmative – 39 Negative – 8 (See Roll Call No. 947)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #65

Senate Bill 262 – Senators Klausmeier, Benson, Colburn, DeGrange, Forehand, Garagiola, Jones–Rodwell, Kasemeyer, Kelley, Madaleno, Montgomery, Muse, Raskin, Shank, and Stone

AN ACT concerning

State Board of Education – Financial Literacy ~~Curriculum – Graduation Requirement~~ Examination

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

Affirmative – 34 Negative – 13 (See Roll Call No. 948)

The Bill was then sent to the House of Delegates.

Senate Bill 801 – Senators Shank and Gladden

AN ACT concerning

Criminal Law – Swift and Certain Sanctions Pilot Program

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

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

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 72** SPONSOR: **The Speaker**

SUBJECT: **Budget Reconciliation and Financing Act of 2011**

THIRD READING CALENDAR HOUSE NO. **40** SENATE NO. **R/S**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Budget and Taxation Committee Amendments (HB0072/899132/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0072/203623/1) be adopted.

HB0072/203623/1
BY: Conference Committee

AMENDMENTS TO HOUSE BILL 72

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "programs;" insert "altering for a certain fiscal year a certain percentage used to determine eligibility for and the amount of certain State

grants to certain counties and Baltimore City based on per capita yield of county income taxes;"; strike beginning with "altering" in line 7 down through "website;" in line 14; in line 18, after "Probation;" insert "altering certain provisions relating to the annual budgets of county boards of education;"; in the same line, strike "a certain fiscal year;" and substitute "certain fiscal years; requiring the State to provide a certain grant to a county board of education if certain funding provided to a county board decreases by a certain amount;"; and in line 23, after "colleges;" insert "authorizing certain community college boards of trustees to charge out–of–county fees to certain students enrolled in certain programs;".

On page 2, in line 14, after "hospitals;" insert "requiring the Developmental Disabilities Administration to ensure that certain providers do not have an overall funding reduction for a certain year as a result of certain changes in reimbursement policies for certain absence days;"; in line 32, after "funds;" insert "authorizing the Service to credit to certain project reserve funds only moneys that are reimbursable to the State;"; in line 33, strike the first "the" and substitute "certain"; and strike beginning with "setting" in line 44 down through "System;" in line 45.

On page 3, in line 18, after "System;" insert "providing that certain members of the Employees' Pension System or Teachers' Pension System who separate from service and return to service under certain circumstances are subject to a certain benefit; requiring the Board of Trustees of the State Retirement and Pension System to submit a certain annual report to the Joint Committee on Pensions on or before a certain date for a certain period of time;"; strike beginning with "altering" in line 33 down through "System;" in line 34; in line 37, strike "providing for" and substitute "altering"; in line 39, strike "who are subject to the reformed contributory pension benefit"; and in line 45, after "Commission" insert ", the Judicial Compensation Commission,".

On page 4, in line 5, after "funds" insert ", except under certain circumstances"; in the same line, after the semicolon insert "requiring certain amounts transferred from certain funds to be reimbursed from certain payments for administrative and operational expenses; reducing certain amounts required to be included annually in the budget bill by the amount of certain administrative and operational expenses required to be paid by certain employers; requiring the Board of Trustees to certify certain amounts to the Governor and the Secretary of Budget and Management relating to the State's contribution to the State Retirement and Pension System; requiring the Governor to include certain amounts in the budget bill in addition to certain required contributions; requiring the State to pay a certain share of the

administrative and operational expenses for certain libraries;"; strike beginning with "determine" in line 6 down through "payable" in line 7 and substitute "certify to the Secretary of Budget and Management certain percentages of membership employed by certain employers as of a certain date and certify to certain local employers certain amounts payable to the Board of Trustees; requiring the Board of Trustees to provide certain notifications"; strike beginning with "amount" in line 7 down through "Trustees" in line 8 and substitute "appropriation for administrative and operational expenses"; in line 10, after "employers;" insert "authorizing certain employers to deduct certain amounts from certain required employer contributions;"; in line 12, after "circumstances;" insert "authorizing the payment of certain grants for a certain fiscal year;"; strike beginning with "altering" in line 17 down through "granted;" in line 24; in line 32, after "fares" insert "and collect other operating revenues"; in line 33, after "requirement;" insert "prohibiting the Administration from reducing the level of services provided for the purpose of achieving a certain farebox recovery requirement;"; strike beginning with "requiring" in line 33 down through "fee;" in line 35; strike beginning with the second "altering" in line 39 down through "inspections;" in line 40 and substitute "altering the amount a vehicle dealer may retain for collecting and remitting the vehicle excise tax; altering a certain limitation on the amount that a vehicle dealer may charge as a dealer processing charge;"; and in line 47, after "regulations;" insert "repealing certain prohibitions on the State entering into certain agreements or spending funds for certain purposes;".

On page 5, in line 10, after "assessments;" insert "authorizing certain funds in the Fair Campaign Financing Fund to be used to implement an online campaign finance reporting system in a certain fiscal year;"; in line 16, after "manner;" insert "authorizing the Governor to include in the budget bill for a certain fiscal year a certain amount for the State's contributions to the State Retirement and Pension System;"; strike beginning with "providing" in line 19 down through "Fund;" in line 23; in line 25, after "contingencies;" insert "allowing a county under certain circumstances to deduct any reduction in certain costs from the amount the county is required to appropriate to the county board of education for a certain fiscal year; stating the intent of the General Assembly that certain funds shifted by Baltimore City to the Baltimore City Board of School Commissioners be included in the calculation of certain State education aid for a certain fiscal year; requiring that a penalty imposed on a county or Baltimore City for not meeting a certain local maintenance of funding effort requirement be calculated in a certain manner;"; strike beginning with "requiring" in line 25 down through the semicolon in line 31 and substitute "providing that a certain memorandum of understanding negotiated and ratified within a certain period complies with certain provisions of law governing collective bargaining; defining

certain terms; altering certain definitions;"; and in line 32, after "Act;" insert "making certain provisions of this Act subject to certain contingencies;".

AMENDMENT NO. 2

On page 5, after line 33, insert:

"BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(b)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)";

and in line 36, strike beginning with the first comma through "17–317(a)".

On page 6, after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)";

in line 17, after "Section" insert "5–103,"; in the same line, after "16–310(d)(1)," insert "16–512(a)(1),"; in line 18, after "17–104(a)(1)" insert "and (b)"; and in line 23, after "Section" insert "5–202(i)".

On page 7, in line 27, after "5–212.1(g)" insert "(2)"; and in line 38, after "23–212(d)" insert ", 23–215.1".

On page 8, in line 1, strike "Three/One" and substitute "Two and One–Half/One"; strike in their entirety lines 2 and 3 and substitute "31–116.2, and"; in line 10, strike "21–302(b)" and substitute "21–302(a) and (b)"; in line 11, strike "(b),"; in line 13, after "23–212(c)," insert "23–215,"; in line 14, strike "27–202,"; in line 15, after "29–303(b)," insert "29–404,"; in line 26, after "2–202(b)" insert "and (c)"; and in line 36, strike "and 9–103(d)(1) and (4)".

On pages 8 and 9, strike in their entirety the lines beginning with line 39 on page 8 through line 2 on page 9, inclusive.

On page 9, in line 10, strike "and 8–403" and substitute "8–403, 13–812(a), and 15–311.1(b)"; in line 15, strike ", 5–415,"; and strike line 25 in its entirety and substitute:

"Section 12–118(e)(1), 12–120(a), 13–613(b), 13–802, and 13–955(c)".

On page 10, after line 1, insert:

"BY repealing and reenacting, with amendments,
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(j)";

and after line 7, insert:

"BY repealing
Article – Transportation
Section 7–402
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 3

On page 15, strike beginning with "**VOLUNTEER**" in line 22 down through "**ARTICLE**" in line 23 and substitute "**MARYLAND EMERGENCY MEDICAL SYSTEMS OPERATION FUND ESTABLISHED UNDER § 13–955 OF THE TRANSPORTATION ARTICLE**"; and strike in their entirety lines 27 through 31, inclusive, and substitute:

"**(IV) FOR FISCAL YEARS 2012 AND 2013 ONLY, BEFORE THE DISTRIBUTION TO THE MARYLAND EMERGENCY MEDICAL SYSTEMS OPERATION FUND UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, FROM THE SURCHARGES COLLECTED UNDER THIS SUBSECTION, AN AMOUNT EQUAL TO $8,201,311 FOR FISCAL YEAR 2012 AND $2,114,000 FOR FISCAL YEAR 2013 SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.**".

On page 109, before line 24, insert:

"13–955.

(c) The Fund consists of:

(1) Registration surcharges collected under § 13–954 of this subtitle; **[**and**]**

(2) All funds, including charges for accident scene transports and interhospital transfers of patients, generated by an entity specified in subsection (e) of this section that is a unit of State government**; AND**

(3) REVENUES DISTRIBUTED TO THE FUND FROM THE SURCHARGES COLLECTED UNDER § 7–301(F) OF THE COURTS ARTICLE.".

AMENDMENT NO. 4

On page 16, after line 28, insert:

"Article – Economic Development

10–523.

(a) (3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance **[**for each of fiscal years 2010 and 2011 in the amount of $2,750,000 and for each of fiscal years 2012 through 2020, in the amount of $4,000,000**] AS FOLLOWS:**

1. FOR FISCAL YEAR 2011, $2,750,000;

2. FOR FISCAL YEAR 2012, $2,750,000;

3. FOR FISCAL YEAR 2013, $3,000,000; AND

4. FOR EACH OF FISCAL YEARS 2014 THROUGH 2020, $4,000,000.".

AMENDMENT NO. 5

On page 18, in line 9, after the first "**COUNTY**" insert "**BOARD**"; in line 11, after "**COUNTY**" insert "**BOARD**"; in line 18, strike "**AND**"; and in line 21, after "**TITLE**" insert "**; AND**

(3) THE CHILD WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE".

On page 24, in line 24, after the first "**COUNTY**" insert "**BOARD**"; and in line 26, after "**COUNTY**" insert "**BOARD**".

On page 25, in line 2, strike "**AND**"; and in line 5, after "**ARTICLE**" insert "**; AND**

(4) WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE".

AMENDMENT NO. 6

On page 26, in line 26, strike "**$140,000**" and substitute "**$500,000**".

AMENDMENT NO. 7

On page 51, in line 14, strike "**ENDED**" and substitute "**:**

(I) ENDS";

and in line 15, after "**SERVICE**" insert "**;**

(II) ENDS STATE SERVICE WITH A LEAST 10 YEARS OF CREDITABLE SERVICE WITHIN 5 YEARS BEFORE THE AGE AT WHICH A VESTED RETIREMENT ALLOWANCE NORMALLY WOULD BEGIN;

(III) RETIRES DIRECTLY FROM STATE SERVICE WITH A STATE RETIREMENT ALLOWANCE AND HAS 10 YEARS OF CREDITABLE SERVICE; OR

(IV) RETIRES DIRECTLY FROM STATE SERVICE WITH A STATE DISABILITY RETIREMENT ALLOWANCE".

On page 52, in line 14, strike "**THE**" and substitute "**SUBJECT TO § 2–509.1 OF THIS SUBTITLE, ON OR AFTER JULY 1, 2011, THE**"; in line 16, after "**COINSURANCE,**" insert "**AND**"; in line 17, strike "**, AND OUT–OF–POCKET LIMITS**"; in line 18, strike "**AND**"; in line 19, strike "**RETIREES**" and substitute "**:**

1. RETIREES WHO QUALIFY FOR THE MAXIMUM STATE SUBSIDY";

and in line 20, after "**BENEFIT**" insert "**; AND**

2. RETIREES WHO QUALIFY FOR A PARTIAL STATE SUBSIDY TO PAY 25% OF THE PREMIUM FOR THE PRESCRIPTION DRUG BENEFIT PLUS THE PROPORTIONAL ADDITIONAL AMOUNT REQUIRED UNDER SUBSECTIONS (B)(4)(II) AND (C)(4)(II) OF THIS SECTION; AND

(III) REQUIRES RETIREES TO PAY OUT–OF–POCKET LIMITS EQUAL TO:

1. $1,500 FOR THE RETIREE ONLY; AND

2. $2,000 FOR THE RETIREE AND THE RETIREE'S FAMILY";

in line 22, after "**RETIREE**" insert "**OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE**"; and in line 23, strike "**WITH A STATE INSTITUTION OF HIGHER EDUCATION**" and substitute "**AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT**".

On page 53, in line 26, strike "§ 2–508" and substitute "**§ 2–508(B)(4)**"; in line 34, strike "§ 2–508(c)(1)" and substitute "**§ 2–508(B)(4)(I)**"; in line 35, strike "**WHO**" and substitute "**OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHO**"; and in line 36, strike "**WITH A STATE INSTITUTION OF HIGHER EDUCATION**" and substitute "**AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT**".

On page 55, in line 6, strike "**§ 2–508(C)**" and substitute "**§ 2–508(C)(4)**"; and in line 16, strike "**§ 2–508(B)(4)(I)**" and substitute "**§ 2–508(C)(4)(I)**".

AMENDMENT NO. 8

On page 57, strike beginning with "**NOT**" in line 9 down through "**ARTICLE**" in line 11 and substitute "**A MEMBER ON OR BEFORE JUNE 30, 2011**"; strike beginning with "**NOT**" in line 14 down through "**ARTICLE**" in line 16 and substitute "**A MEMBER ON OR BEFORE JUNE 30, 2011**"; and strike beginning with "**IS**" in line 18 down through "**ARTICLE**" in line 20 and substitute "**BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011**".

On page 59, in line 26, strike "**3**" and substitute "**5**".

On pages 63 and 64, strike in their entirety the lines beginning with line 1 on page 63 through line 6 on page 64, inclusive.

On page 69, after line 11, insert:

"23–215.

(a) **[**Membership**]** **EXCEPT AS PROVIDED IN § 23–215.1 OF THIS SUBTITLE, MEMBERSHIP** ends if the member:

(1) is separated from employment for more than 4 years;

(2) is separated from employment, and rehired into a position that requires enrollment in a part of the Employees' Pension System or the Teachers' Pension System that is subject to a different rate of member contributions and benefit accrual;

(3) withdraws the member's accumulated contributions;

(4) becomes a retiree; or

(5) dies.

(b) Subsection (a)(2) of this section does not apply for purposes of determining eligibility for a disability retirement benefit under § 29–104(a) of this article.

23–215.1

(A) THIS SECTION APPLIES TO A MEMBER WHO:

(1) ON OR BEFORE JUNE 30, 2011, IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION;

(2) (I) IS SEPARATED FROM EMPLOYMENT FOR 4 YEARS OR LESS; OR

(II) 1. IS SEPARATED FROM EMPLOYMENT FOR MORE THAN 4 YEARS FOR MILITARY SERVICE THAT MEETS THE REQUIREMENTS OF THE FEDERAL UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT; AND

2. RESUMES EMPLOYMENT WITHIN 1 YEAR OF LEAVING MILITARY SERVICE IN A POSITION THAT IS INCLUDED IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM;

(3) DOES NOT WITHDRAW THE MEMBER'S ACCUMULATED CONTRIBUTIONS; AND

(4) DOES NOT BECOME A RETIREE.

(B) A MEMBER DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO ON OR BEFORE JUNE 30, 2016, RESUMES EMPLOYMENT AND IS REHIRED INTO A POSITION THAT IS INCLUDED IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM, SHALL RESUME PARTICIPATION IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION.

(C) ON OR BEFORE OCTOBER 1, 2012, AND EACH OCTOBER 1 THROUGH OCTOBER 1, 2016, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT IN

ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES THE NUMBER OF MEMBERS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION WHO WERE:

(1) REHIRED IN THE PRECEDING FISCAL YEAR INTO A POSITION INCLUDED IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM; AND

(2) PARTICIPATING IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION.".

On page 71, in line 18, after "**(2)**" insert "**EXCEPT AS PROVIDED IN § 23–215.1 OF THIS SUBTITLE,**".

On page 72, in line 4, strike "**(G)**" and substitute "**(F)**"; and in line 8, strike "**(H)**" and substitute "**(B–1)**".

On page 74, strike beginning with "**IS**" in line 20 down through "**TITLE**" in line 21 and substitute "**BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011,**"; in line 28, strike "**30**" and substitute "**90 YEARS OF COMBINED AGE AND**"; and in line 30, after "**HAS**" insert "**AT LEAST**".

On page 75, in line 1, strike "**ON RETIREMENT UNDER THIS SUBSECTION, A**" and substitute "**A**"; strike beginning with "**IS**" in line 16 down through "**TITLE**" in line 17 and substitute "**BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011,**"; in line 24, after "**60**" insert "**BUT LESS THAN 65**"; in line 25, strike "**A**" and substitute "**AS**"; in line 26, after "**SUBSECTION,**" insert "**ON**"; and strike beginning with "**IS**" in line 30 down through "**TITLE**" in line 32 and substitute "**BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011,**".

On page 76, in line 2, after "**ALLOWANCE**" insert "**TO WHICH THE MEMBER WOULD OTHERWISE BE ENTITLED TO**"; and in the same line, strike "**(G)**".

On pages 79 and 80, strike in their entirety the lines beginning with line 22 on page 79 through line 2 on page 80, inclusive.

On page 82, after line 29, insert:

"29–404.

(a) Except as provided in subsection (b) of this section, this Part II of this subtitle applies only to an allowance received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of:

(1) the Employees' Pension System if the deceased member, former member, or retiree was an employee of a participating governmental unit or a former participating governmental unit, other than Frederick County, that has withdrawn while a member; or

(2) the Local Fire and Police System.

(b) This Part II of this subtitle does not apply to an allowance **OR PORTION OF AN ALLOWANCE** that is**:**

(1) subject to adjustment under Part II, Part IV, Part V, **[**or**]** Part VI**, OR PART VII** of this subtitle**; OR**

(2) BASED ON CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011.".

On page 84, in line 24, strike "**THREE/ONE**" and substitute "**TWO AND ONE–HALF/ONE**"; in line 26, strike "**(THREE/ONE**" and substitute "**(TWO AND ONE–HALF/ONE**"; and strike beginning with "**RECEIVED**" in line 27 down through "**ARTICLE**" in line 32 and substitute "**BASED ON CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011, FOR:**

(1) A FORMER MEMBER, RETIREE, OR SURVIVING SPOUSE OF A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;

(II) THE EMPLOYEES' PENSION SYSTEM;

(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM;

(IV) THE STATE POLICE RETIREMENT SYSTEM; OR

(V) THE TEACHERS' PENSION SYSTEM; OR

(2) A BENEFICIARY OF THE RETIREE OR FORMER MEMBER DESCRIBED IN ITEM (1) OF THIS SUBSECTION".

On page 85, in line 13, strike "**3%**" and substitute "**2.5%**".

On pages 87 and 88, strike in their entirety the lines beginning with line 1 on page 87 through line 13 on page 88.

On page 123, in line 7, after the first "Commission" insert ", the Judicial Compensation Commission,".

AMENDMENT NO. 9

On page 92, in line 26, after "**DISTRIBUTED**" insert "**AS FOLLOWS:**

(I) $500,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

(II) THE BALANCE";

and after line 31, insert:

"(c) (1) **(I)** For fiscal year 2011, the Comptroller shall pay from the special fund established under subsection (b)(2)(ii) of this section a grant to the local jurisdictions where the electronic bingo machines or electronic tip jar machines that are the source of the revenue are located, to be used by the local jurisdictions only for one–time capital expenditures.

[(2)**]** **(II)** A grant under this **[**subsection**]** **PARAGRAPH** shall be paid to a municipal corporation if the machines are located in a municipal corporation or to a county if the machines are not located in a municipal corporation.

[(3)**]** **(III)** The grants under this **[**subsection**]** **PARAGRAPH** shall be paid to each local jurisdiction in proportion to the amount of tax revenue derived from machines in each jurisdiction.

(2) FOR FISCAL YEAR 2012, THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(3)(I) OF THIS SECTION MAY BE USED ONLY AS FOLLOWS:

(I) $150,000 AS AN APPROPRIATION TO THE STATE ARCHIVES, TO BE USED ONLY FOR THE OPERATING COSTS ASSOCIATED WITH THE DEVELOPMENT AND IMPLEMENTATION OF THE STATE HOUSE MASTER PLAN AS APPROVED BY THE STATE HOUSE TRUST;

(II) $50,000 AS A GRANT TO BE PAID BY THE COMPTROLLER TO THE MARYLAND HUMANITIES COUNCIL; AND

(III) IMPACT GRANTS TO BE PAID BY THE COMPTROLLER IN THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES ARE LOCATED, AS FOLLOWS:

1. $150,000 IN ANNE ARUNDEL COUNTY TO THE ANNE ARUNDEL COUNTY VOLUNTEER FIREFIGHTERS ASSOCIATION FOR CAPITAL EXPENDITURES AND REPLACEMENT OF EQUIPMENT; AND

2. $150,000 IN CALVERT COUNTY AS FOLLOWS:

A. $125,000 TO BE DIVIDED EQUALLY BETWEEN THE TOWN OF CHESAPEAKE BEACH AND THE TOWN OF NORTH BEACH, TO BE USED ONLY FOR ONE–TIME CAPITAL EXPENDITURES; AND

B. $25,000 TO THE BEACH TROLLEY ASSOCIATION OF CHESAPEAKE BEACH AND NORTH BEACH.".

AMENDMENT NO. 10

On page 95, in line 6, strike "**$16,669,444**" and substitute "**$15,169,444**".

AMENDMENT NO. 11

On page 96, in line 27, after "**(B)**" insert "**(1)**"; in the same line, strike "**EACH**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH**"; and in line 30, strike "**(1)**" and substitute "**(I)**".

On page 97, in lines 1 and 3, strike "**(2)**" and "**(3)**", respectively, and substitute "**(II)**" and "**(III)**", respectively; and after line 7, insert:

"**(2) FOR EACH OF FISCAL YEARS 2012 AND 2013, EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE 90% INSTEAD OF 50% OF THE COSTS OF ADMINISTERING THE DEPARTMENT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**".

AMENDMENT NO. 12

On page 113, in line 27, strike "$1,000,000" and substitute "$750,000".

AMENDMENT NO. 13

On page 113, in line 34, strike "$75,000" and substitute "$150,000".

AMENDMENT NO. 14

On page 121, in line 27, strike the first comma and substitute ":

(a) Except as otherwise provided in this section,";

in line 29, after "2014." insert:

"(b)";

in line 30, after "affect" insert ":

(1)";

in the same line, strike the comma and substitute ";

(2)";

in line 32, strike ", or" and substitute ";

(3)";

and in line 34, strike the period and substitute "; or

(4) for fiscal year 2012 only, operationally critical staff.

(c) On or before December 1, 2011, in accordance with § 2–1246 of the State Government Article, the University System of Maryland, Morgan State University, and St. Mary's College of Maryland shall each submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted by the governing boards of those institutions to designate operationally critical staff, all staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.

(d) On or before December 1, 2011, in accordance with § 2–1246 of the State Government Article, the Department of Budget and Management shall submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted to designate operationally critical staff, all executive branch staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.".

AMENDMENT NO. 15

On pages 13 and 14, strike in their entirety the lines beginning with line 33 on page 13 through line 23 on page 14, inclusive.

AMENDMENT NO. 16

On pages 97 through 99, strike in their entirety the lines beginning with line 30 on page 97 through line 10 on page 99, inclusive.

On page 124, strike in their entirety lines 29 through 32, inclusive.

AMENDMENT NO. 17

On page 102, in line 30, strike "**SHALL**" and substitute "**:**

(1) SHALL";

and strike beginning with "**FOR**" in line 31 down through "**AT**" in line 33 and substitute "**AND COLLECT OTHER OPERATING REVENUES IN**".

On page 103, in line 2, after "**SECTION**" insert "**; AND**

(2) MAY NOT REDUCE THE LEVEL OF SERVICES PROVIDED BY THE ADMINISTRATION FOR THE PURPOSE OF ACHIEVING THE FAREBOX RECOVERY REQUIREMENT".

AMENDMENT NO. 18

On pages 100 through 102, strike in their entirety the lines beginning with line 20 on page 100 through line 2 on page 102, inclusive.

AMENDMENT NO. 19

On page 117, strike in their entirety lines 32 through 36, inclusive.

AMENDMENT NO. 20

On page 22, in line 13, strike "**9.5%**" and substitute "**9.7%**"; and in lines 19 and 22, strike "**10.5%**" and "**11%**", respectively, and substitute "**10.6%**" and "**11.1%**", respectively.

AMENDMENT NO. 21

On page 19, in line 36, strike "**18.5%**" and substitute "**19%**".

On page 20, in line 5, strike "**18.5%**" and substitute "**19%**"; in lines 15 and 20, strike "**20.5%**" and "**21.5%**", respectively, and substitute "**21%**" and "**22%**", respectively; and in lines 25 and 30, strike "**22.5%**" and "**23.5%**", respectively, and substitute "**23%**" and "**24%**", respectively.

On page 21, in line 2, strike "**26.5%**" and substitute "**26%**"; and in line 8, strike "**28%**" and substitute "**27.5%**".

AMENDMENT NO. 22

On page 124, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 23

On page 62, after line 9, insert:

"(a) The following are obligations of the State:

(1) the payment of all allowances and other benefits payable under this Division II;

(2) the creation and maintenance of reserves in the accumulation funds of the several systems;

(3) the crediting of regular interest to the annuity savings funds of the several systems; and

(4) **EXCEPT AS PROVIDED IN § 21–316 OF THIS SUBTITLE,** the payment of the expenses for administration and operation of the several systems.";

strike beginning with "**WITH**" in line 18 down through the first "**THE**" in line 21 and substitute "**THE**"; and after line 26, insert:

"**(3) (I) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF A BUDGET AMENDMENT IS APPROVED IN ANY FISCAL YEAR FOR ADMINISTRATIVE AND OPERATIONAL EXPENSES FOR THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY, THE BOARD OF TRUSTEES MAY TRANSFER THE AMOUNT APPROVED BY BUDGET AMENDMENT FROM THE ACCUMULATION FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM TO THE EXPENSE FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM.**

(II) ANY FUNDS TRANSFERRED FROM THE ACCUMULATION FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REIMBURSED TO THE ACCUMULATION FUNDS ON OR BEFORE JUNE 30 OF THE FOLLOWING FISCAL YEAR FROM PAYMENTS FOR ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED BY THE BOARD OF TRUSTEES UNDER § 21–316 OF THIS SUBTITLE.".

On page 66, after line 11, insert:

"**(3) THE AMOUNTS THAT THE GOVERNOR IS REQUIRED TO INCLUDE IN THE BUDGET BILL UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY THE AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES FOR THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY THAT ARE TO BE PAID BY LOCAL EMPLOYERS UNDER § 21–316 OF THIS SUBTITLE OTHER THAN PARTICIPATING GOVERNMENTAL UNITS OR EMPLOYERS**

WHO ARE REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE.";

in line 12, strike "**(3)**" and substitute "**(4)**"; in line 29, after "**(A)**" insert "**(1)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2)";

and strike beginning with the colon in line 30 down through "**OR**" in line 32.

On page 67, strike in their entirety lines 1 and 2 and substitute "**THE STATE.**

(3) "LIBRARY" MEANS A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE.";

in line 3, strike "**FOR**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR**"; strike beginning with "**ESTIMATED**" in line 5 down through "**BE**" in line 6; in line 10, after "**EMPLOYER**" insert "**FOR EACH FISCAL YEAR**"; in line 11, after "**EMPLOYER**" insert "**AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR**"; strike beginning with "**WHO**" in line 12 down through "**EMPLOYER**" in line 13 and substitute "**AS OF THAT DATE**"; after line 13, insert:

"**(3) THE STATE SHALL PAY THE PRO RATA SHARE UNDER THIS SECTION OF EACH LIBRARY.**";

strike in their entirety lines 14 through 23, inclusive, and substitute:

"**(C) AS PART OF ITS ANNUAL BUDGET SUBMISSION FOR A FISCAL YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO THE SECRETARY OF BUDGET AND MANAGEMENT THE PERCENTAGE OF THE TOTAL MEMBERSHIP OF THE SEVERAL SYSTEMS THAT IS EMPLOYED BY THE STATE, THE LIBRARIES, AND EACH LOCAL EMPLOYER AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR.**";

strike beginning with the second "**THE**" in line 24 down through "**SECTION**" in line 25 and substitute "**AN APPROPRIATION TO THE EXPENSE FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM THAT EQUALS THE AUTHORIZED**

ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY FOR THE FISCAL YEAR"; after line 28, insert:

"**(3) THE STATE SHALL PAY ITS PRO RATA SHARE OF THE AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES AUTHORIZED IN THE STATE BUDGET TO THE BOARD OF TRUSTEES ON JULY 1 OF THE APPLICABLE FISCAL YEAR.**";

in line 29, after "**(1)**" insert "**ON OR BEFORE MAY 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL:**

(I) CERTIFY TO EACH LOCAL EMPLOYER OTHER THAN A LIBRARY THE AMOUNT PAYABLE BY THE LOCAL EMPLOYER THAT IS EQUAL TO THE PERCENTAGE CERTIFIED UNDER SUBSECTION (C) OF THIS SECTION MULTIPLIED BY THE AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES AUTHORIZED IN THE STATE BUDGET FOR THE NEXT FISCAL YEAR; AND

(II) NOTIFY THE SECRETARY OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES OF THE CERTIFICATIONS SENT UNDER ITEM (I) OF THIS PARAGRAPH.

(2)";

and in line 32, strike "**SUBSECTION (C)(2)(II) OF THIS SECTION**" and substitute "**PARAGRAPH (1) OF THIS SUBSECTION**".

On page 68, strike in their entirety lines 1 through 3, inclusive; and after line 14, insert:

"**(6) A PARTICIPATING GOVERNMENTAL UNIT OR EMPLOYER REQUIRED TO MAKE EMPLOYER CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE MAY DEDUCT THE PAYMENTS REQUIRED UNDER THIS SECTION FROM PAYMENTS FOR EMPLOYER CONTRIBUTIONS REQUIRED UNDER §§ 21–305 THROUGH 21–307 OF THIS SUBTITLE.**".

On page 122, strike beginning with ", notwithstanding" in line 38 down through "on" in line 40 and substitute ":

(a) Sections 21–303(d) and 21–316 of the State Personnel and Pensions Article as enacted by this Act are applicable beginning with fiscal year 2013.

(b) For fiscal year 2012:

(1) The State Retirement and Pension System shall be funded as provided in the fiscal year 2012 State budget bill (Chapter ___ (H.B. 70) of the Acts of the General Assembly of 2011).

(2) (i) Local school boards and community colleges shall pay their pro rata share of the administrative and operational expenses of the Board of Trustees and the State Retirement Agency appropriated in the fiscal year 2012 State budget bill as provided in paragraph (3) of this subsection.

(ii) On";

and in line 40, after "shall" insert ", for local school board employees and community college employees".

On page 123, strike in their entirety lines 1 through 5, inclusive, and substitute:

"1. Determine the pro rata share of the administrative and operational expenses of the Board of Trustees and the State Retirement Agency, based on the number of members of the Teachers' Retirement System and Teachers' Pension System employed by the local school board or community college as of June 30, 2010, compared to the total membership of the several systems as of that date other than those who are employed by participating governmental units as defined in § 20–101 of the State Personnel and Pensions Article or by employers who are required to make employer contributions under § 21–307 of the State Personnel and Pensions Article; and

2. Certify the amount determined under item 1 of this subparagraph to each local school board and community college.";

and after line 5, insert:

"(3) (i) A local school board shall pay the amount certified under paragraph (2)(ii) of this subsection to the Comptroller to be credited to a special fund to be used only to provide funding for program R00A02.03 Aid for Local Employee Fringe Benefits.

(ii) A community college shall pay the amount certified under paragraph (2)(ii) of this subsection to the Comptroller to be credited to a special fund to be used only to provide funding for program R62I00.06 Aid to Community Colleges – Fringe Benefits.

(iii) On or before October 1, 2011, January 1, 2012, April 16, 2012, and June 1, 2012, each local school board and community college shall pay 25% of the payments required under subparagraphs (i) and (ii) of this paragraph.

(iv) If a local school board or community college does not pay the amounts required under this subsection within the time required, the local school board or community college is liable for interest on delinquent amounts at a rate of 4% a year until payment.

(v) The Comptroller may allow a grace period not to exceed 10 calendar days for payment of the amounts certified under this subsection.

(vi) If a delinquency exists, the Comptroller immediately shall exercise the right of setoff against any money due or coming due to that local school board or community college from the State.".

AMENDMENT NO. 24

On page 39, in line 1, strike the bracket; in line 2, strike the bracket and substitute "**, INCLUDING**"; in line 25, strike "**APPROPRIATED**" and substitute "**RECEIVED BY THE SERVICE**"; and in line 26, after "**(I)**" insert "**THE SERVICE MAY CREDIT TO A PROJECT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (1)(I)1 THROUGH 3 OF THIS SUBSECTION ONLY MONEYS THAT ARE REIMBURSABLE TO THE STATE.**

(II)".

On page 40, in line 1, strike "**(II)**" and substitute "**(III)**"; in the same line, after "**IF**" insert "**AT THE END OF A FISCAL YEAR**"; in line 2, strike "**(I)**" and substitute

"**(II)**"; in line 3, after the second "**THE**" insert "**STATE**"; and in line 4, strike beginning with "**APPROPRIATION**" through "**MADE**" and substitute "**MONEYS IN THE PROJECT RESERVE FUND WERE ORIGINALLY APPROPRIATED**".

AMENDMENT NO. 25

On page 16, in line 5, strike "**EACH OF FISCAL YEARS 2012 THROUGH 2016**" and substitute "**RECORDABLE INSTRUMENTS EXECUTED ON OR AFTER JULY 1, 2011, BUT BEFORE JULY 1, 2015**".

AMENDMENT NO. 26

On pages 106 and 107, strike in their entirety the lines beginning with line 6 on page 106 through line 15 on page 107, inclusive, and substitute:

"12–120.

(a) In this section, "miscellaneous fees" means all fees collected by the Administration under this article other than:

(1) The vehicle titling tax;

(2) ONE–HALF OF THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; and

[(2)**] (3)** Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article.".

On page 109, in line 22, before "Except" insert "**(A)**"; in the same line, after "in" insert "**SUBSECTION (B) OF THIS SECTION AND**"; and in line 23, after the period, insert:

"**(B) FOR FISCAL YEARS 2012 THROUGH 2014 ONLY, THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A RENTAL VEHICLE IS $50.**".

On page 110, strike in their entirety lines 10 through 22, inclusive.

AMENDMENT NO. 27

On pages 119 and 120, strike in their entirety the lines beginning with line 21 on page 119 through line 12 on page 120, inclusive.

AMENDMENT NO. 28

On page 124, after line 16, insert:

"SECTION 32. AND BE IT FURTHER ENACTED, That the Developmental Disabilities Administration shall ensure that no provider funded by the Developmental Disabilities Administration will have an overall funding reduction in fiscal year 2012 as a result of changes in reimbursement policies for absence days in residential, day, and supported employment services.".

AMENDMENT NO. 29

On page 21, after line 31, insert:

"16–512.

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

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full–time equivalent student to the 4–year

public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2013, not less than an amount equal to 63.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vi) In fiscal year 2014, not less than an amount equal to 64% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vii) In fiscal year 2015, not less than an amount equal to 64.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(viii) In fiscal year 2016, not less than an amount equal to **[**65%**]** **64.75%** 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;

(ix) In fiscal year 2017, not less than an amount equal to **[**65.5%**]** **65.25%** 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;

(x) In fiscal year 2018, not less than an amount equal to **[**66%**]** **65.75%** 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;

(xi) In fiscal year 2019, not less than an amount equal to **[**66.5%**]** **66.25%** 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;

(xii) In fiscal year 2020, not less than an amount equal to **[**67.5%**]** **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;

(XIII) IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO 67.5% 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;

(XIV) IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO 68% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; and

[(xiii)**]** **(XV)** In fiscal year **[**2021**]** **2023** 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.".

AMENDMENT NO. 30

On page 106, after line 5, insert:

"12–118.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section **[**shall be distributed to**]:**

(I) SHALL BE DISTRIBUTED FIRST TO the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems**; AND**

(II) AFTER THE DISTRIBUTION UNDER ITEM (I) OF THIS PARAGRAPH, FOR EACH OF FISCAL YEARS 2013 THROUGH 2015 ONLY, $3,000,000 SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO BE USED ONLY FOR THE PURCHASE OF REPLACEMENT VEHICLES AND RELATED MOTOR VEHICLE EQUIPMENT USED TO OUTFIT POLICE VEHICLES.".

AMENDMENT NO. 31

On page 119, after line 20, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That:

(a) In this section, "county" and "county board" have the meanings stated in § 1–101 of the Education Article.

(b) (1) Notwithstanding § 5–202(d) of the Education Article, for fiscal year 2012 only, a county that shifts to the county board the recurring costs associated with providing retiree health benefits for current retirees may deduct any reduction in those costs from the amount the county is required to appropriate to the county board in fiscal year 2012.

(2) It is the intent of the General Assembly that any funds shifted by Baltimore City to the Baltimore City Board of School Commissioners in fiscal year 2011 be included in the local appropriation on which the calculation of State aid under § 5–210 of the Education Article is based for fiscal year 2012.".

AMENDMENT NO. 32

On page 119, before line 21, insert:

"SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, because of the expiration of federal funds from the American

Recovery and Reinvestment Act of 2009 that were used by the State to fund increases in the education aid formulas to the counties and Baltimore City in fiscal year 2010 and 2011, if the State Board of Education imposes any penalty under § 5–213 of the Education Article on a county or Baltimore City for not meeting the required local maintenance of effort in fiscal year 2012 under § 5–202(d) of the Education Article, the penalty may not be more than the net increase in State aid over fiscal year 2011 due to a county or Baltimore City regardless of the fund source.".

AMENDMENT NO. 33

On page 10, after line 20, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(b) (2) **(I) [**If**] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(II) FOR FISCAL YEAR 2012 ONLY, IF THE PER CAPITA YIELD OF THE COUNTY INCOME TAX FOR A COUNTY DETERMINED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS LESS THAN 77% OF THE PER CAPITA STATEWIDE YIELD OF THE COUNTY INCOME TAX DETERMINED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMPTROLLER SHALL DETERMINE THE AMOUNT THAT WOULD INCREASE THE COUNTY PER CAPITA YIELD TO EQUAL 77% OF THE STATEWIDE PER CAPITA YIELD, AS ROUNDED TO THE NEAREST DOLLAR.".

AMENDMENT NO. 34

On page 17, after line 32, insert:

"**(I) (1) IN THIS SUBSECTION, "TOTAL DIRECT EDUCATION AID" MEANS THE TOTAL FINANCIAL ASSISTANCE PROVIDED BY THE STATE TO A COUNTY BOARD UNDER THE FOLLOWING PROGRAMS:**

(I) FUNDING FOR THE FOUNDATION PROGRAM INCLUDING FUNDS FOR THE GEOGRAPHIC COST OF EDUCATION UNDER THIS SECTION;

(II) TRANSPORTATION AID UNDER § 5–205 OF THIS SUBTITLE;

(III) FUNDING FOR COMPENSATORY EDUCATION UNDER § 5–207 OF THIS SUBTITLE;

(IV) FUNDING FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY UNDER § 5–208 OF THIS SUBTITLE;

(V) FUNDING FOR SPECIAL EDUCATION STUDENTS UNDER § 5–209 OF THIS SUBTITLE;

(VI) FUNDING FOR THE GUARANTEED TAX BASE PROGRAM UNDER § 5–210 OF THIS SUBTITLE; AND

(VII) FUNDING FOR GRANTS PROVIDED UNDER THIS SUBSECTION.

(2) FOR FISCAL YEAR 2012 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 6.5%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 6.5%.".

AMENDMENT NO. 35

On page 113, after line 12, insert:

"Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(j) Subject to subsection (c) of this section, for fiscal year 2011 **OR FISCAL YEAR 2012**, **[**an**]** **A CUMULATIVE** 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.".

AMENDMENT NO. 36

On pages 10 through 13, strike in their entirety the lines beginning with line 35 on page 10 through line 32 on page 13, inclusive.

AMENDMENT NO. 37

On page 16, after line 29, insert:

"5–103.

(a) The amount requested in the annual budget of each county board for current expenses for the next school year and that is to be raised by revenue from local sources may not be less than the minimum amount required to be levied under **[**§ 5–202**]** **§ 5–202(D)(1)(I)** of this title.

(b) The county commissioners or county council may provide funds that are more than the amount required by **[**§ 5–202**]** **5–202(D)(1)(I)** of this title to support improved and additional programs.

(c) If a county council or board of county commissioners does not approve the amount requested in the budget that is more than the amount required by **[**§ 5–202**]** **§ 5–202(D)(1)(I)** of this title:

(1) The county council or board of county commissioners shall indicate in writing, within 15 days after the adoption of the budget, which major categories of the annual budget have been reduced and the reason for the reduction; and

(2) The county board shall submit to the county governing body, within 30 days after the adoption of the budget, a report indicating how the alterations to the budget will be implemented, accompanied by reasonable supporting detail and analysis.".

AMENDMENT NO. 38

On page 23, after line 4, insert:

"(b) **(1)** Full–time equivalent students enrolled in seminarian or theological programs shall be excluded from the computation required by subsection (a) of this section.

(2) FULL–TIME EQUIVALENT STUDENTS ENROLLED IN PROGRAMS THAT ARE PART OF AN AGREEMENT OR CONTRACT WITH FOR–PROFIT EDUCATIONAL SERVICES ENTITIES SHALL BE EXCLUDED FROM THE COMPUTATION REQUIRED BY SUBSECTION (A) OF THIS SECTION.".

AMENDMENT NO. 39

On page 21, in line 20, after "(1)" insert "**(I) 1.**"; in the same line, after "section," insert "**SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,**"; in line 23, strike ", the" and substitute:

"**A. THE**";

in line 24, strike "and" and substitute "**; AND**

B. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,";

and in line 25, strike the period and substitute "**TO THE COMMUNITY COLLEGE.**

2. FOR A STUDENT WHO ATTENDS A COMMUNITY COLLEGE NOT SUPPORTED BY THE COUNTY IN WHICH THE STUDENT RESIDES, AT THE DISCRETION OF THE BOARD OF COMMUNITY COLLEGE TRUSTEES:

A. THE COMMUNITY COLLEGE MAY CHARGE THE STUDENT ANY APPLICABLE OUT–OF–COUNTY FEE;

B. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL PAY THE AMOUNT OF ANY APPLICABLE OUT–OF–COUNTY FEE TO THE COMMUNITY COLLEGE; AND

C. THE COMMUNITY COLLEGE SHALL REIMBURSE THE STUDENT THE AMOUNT RECEIVED FROM THE COMMISSION UNDER ITEM B OF THIS SUBSUBPARAGRAPH.

(II)".

AMENDMENT NO. 40

On page 124, before line 17, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That a memorandum of understanding negotiated between the State and an exclusive representative that is duly ratified on or after January 1, 2011, and before the effective date of this Act complies with the provisions of §§ 3–501(c) and 3–601 of the State Personnel and Pensions Article.".

AMENDMENT NO. 41

On page 109, after line 23, insert:

"13–812.

(a) For collecting and remitting the tax, a licensed dealer who, on behalf of the Administration, collects the excise tax imposed by this part may keep the lesser of **[**$24**] $12** per vehicle or **[**1.2**] 0.6** percent of the gross excise tax the dealer collects.";

and in line 24, strike "16–115." and substitute:

"15–311.1.

(b) (1) If a dealer charges a dealer processing charge, the charge:

(i) Shall be reasonable;

(ii) May not exceed **[**$100**]:**

1. $200 FOR THE PERIOD FROM JULY 1, 2011, THROUGH JUNE 30, 2014; AND

2. $300 ON AND AFTER JULY 1, 2014; and

(iii) Shall reflect dealer expenses generally incurred for the services identified in subsection (a)(1) of this section.

16–115.".

AMENDMENT NO. 42

On page 113, after line 15, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 7–402 of Article – Transportation of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 43

On page 93, in lines 4 and 15, in each instance, strike "**19.5%**" and substitute "**17.2%**"; in lines 11 and 21, in each instance, strike "**AND**"; and in lines 12 and 23, in each instance, after "**2012**" insert "**; AND**

(III) 19.5% FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2013, BUT BEFORE JULY 1, 2016".

On page 113, in line 22, strike "3." and substitute "4.".

On page 114, in line 3, strike "4." and substitute "5.".

On page 116, in lines 1, 16, 23, 30, and 37, strike "5.", "6.", "7.", "8.", and "9.", respectively, and substitute "6.", "7.", "8.", "9.", and "10.", respectively.

On page 117, in lines 4, 10, 16, and 26, strike "10.", "11.", "12.", and "13.", respectively, and substitute "11.", "12.", "13.", and "14.", respectively; and in line 39, strike "48" and substitute "47".

On page 118, in line 1, strike "50" and substitute "49"; strike beginning with ", other" in line 11 down through "Article" in line 13; and in line 21, strike "do not erode" and substitute "preserve".

On page 120, in line 13, strike "20." and substitute "21.".

On page 121, in lines 8, 20, 26, and 35, strike "21.", "22.", "23.", and "24.", respectively, and substitute "22.", "23.", "24.", and "25.", respectively.

On page 122, in lines 3, 13, and 38, strike "25.", "26.", and "27.", respectively, and substitute "26.", "27.", and "28.", respectively.

On page 123, in lines 6, 11, and 34, strike "28.", "29.", and "30.", respectively, and substitute "29.", "30.", and "31.", respectively.

On page 124, in lines 17, 33, and 36, strike "32.", "34.", and "35.", respectively, and substitute "34.", "36.", and "37.", respectively; after line 32, insert:

"SECTION 35. AND BE IT FURTHER ENACTED, That § 7–301(f) of the Courts Article, §§ 2–614, 2–1104, and 2–1302.1 of the Tax – General Article, and §§ 12–120(a), 13–613(b), 13–802, 13–812(a), 13–955(c), and 15–311.1(b) of the Transportation Article, as enacted by this Act, shall take effect July 1, 2011.";

in line 33, strike "30" and substitute "31"; in line 36, strike "4" and substitute "2"; and after line 37, insert:

"SECTION 38. AND BE IT FURTHER ENACTED, That Article 24, § 9–1101(b)(2) of the Code and § 5–202(i) of the Education Article as enacted by this Act and Section 19 of this Act are contingent on funding for those provisions being provided in Chapter ___ (H.B. 70) of the Acts of the General Assembly of 2011 (Budget Bill Fiscal Year 2012), and if funding for those provisions is not provided in Chapter __ (H.B. 70), Article 24, § 9–1101(b)(2) of the Code and § 5–202(i) of the Education Article as enacted by this Act and Section 19 of this Act shall be null and void without the necessity of further action by the General Assembly.".

On page 125, in line 1, strike "36." and substitute "39.".

Senate Members:		House Members:	
Chair,	**Edward J. Kasemeyer**	Chair,	**Norman H. Conway**
	Nathaniel J. McFadden		**John L. Bohanan, Jr.**
	James E. DeGrange, Sr.		**Tawanna P. Gaines**
	Richard S. Madaleno, Jr.		**Melony G. Griffith**
	George C. Edwards		**Peter A. Hammen**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 37 Negative – 10 (See Roll Call No. 950)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

House Bill 70 – By The Speaker (By Request – Administration):

Budget Bill
(Fiscal Year 2012)

Introductory Remarks of the Honorable Edward J. Kasemeyer, Chair Senate Budget and Taxation Committee regarding the Budget Bill Conference Committee Report.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 70 –
THE BUDGET BILL

(See Exhibit K of Appendix III)

CONFERENCE COMMITTEE
REPORT ON HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit L of Appendix III)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 37 Negative – 10 (See Roll Call No. 951)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **HB 0749**

SPONSOR: Del Waldstreicher, et al
SUBJECT: Correctional Services – Division of Parole and Probation – Supervision Fee

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Valderrama, Chairman
Delegate Clippinger, and
Delegate Hough.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0749**
SPONSOR: Del Waldstreicher, et al
SUBJECT: Correctional Services – Division of Parole and Probation – Supervision Fee

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Valderrama, Chair
Delegate Clippinger
Delegate Hough

The Senate appoints:
Senator Raskin, Chairman

Senator Ramirez
Senator Shank.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0241**
SPONSOR: Del Anderson (BCA), et al
SUBJECT: Criminal Law – Restrictions Against Use and Possession of Firearms

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Anderson, Chairman
Delegate Carter, and
Delegate Dumais.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0241**
SPONSOR: Del Anderson (BCA), et al
SUBJECT: Criminal Law – Restrictions Against Use and Possession of Firearms

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Anderson, Chair
Delegate Carter
Delegate Dumais

The Senate appoints:
Senator Frosh, Chairman
Senator Forehand
Senator Getty.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **SB 0362**
SPONSOR: Sens Raskin and Ramirez
SUBJECT: Correctional Services – Division of Parole and Probation – Supervision Fee

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Raskin, Chair
Senator Ramirez
Senator Shank

The House appoints:
Delegate Valderrama, Chairman
Delegate Clippinger, and
Delegate Hough.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0174**
SPONSOR: The Pres (Admin), et al
SUBJECT: Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Frosh, Chair
Senator Forehand
Senator Getty

The House appoints:
Delegate Anderson, Chairman
Delegate Carter, and
Delegate Dumais.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #14

AMENDED IN THE HOUSE

Senate Bill 244 – Senators Pugh ~~and Stone~~, Stone, Jones–Rodwell, Garagiola, Klausmeier, and Mathias

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

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

SB0244/973520/1
BY: Delegate Davis

AMENDMENTS TO SENATE BILL 244
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Choice" insert "– Customer Account Information"; in line 15, after "date;" insert "requiring an electric company, a gas company, or an electric and gas company, on a certain request by a certain competitive supplier of electricity or gas, to provide certain information related to certain customer accounts to the supplier, subject to certain restrictions; requiring the distribution utility to provide the information in a certain form and to update it periodically; prohibiting a distribution utility from providing certain information without the prior authorization of a certain customer; providing the method by which a distribution utility must obtain the customer's authorization, including requiring certain notice to be provided containing certain information; requiring the notice to be provided to certain customers at certain times; establishing when a customer is deemed to have given certain authorization; authorizing a customer to withdraw authorization in a certain manner; requiring a distribution utility to ensure that certain information is not shared under certain circumstances; requiring a distribution utility to notify a certain competitive supplier that a certain customer has withdrawn certain authorization; requiring a competitive supplier to redact certain information from its records under certain circumstances and refrain from contacting a certain customer in a certain manner under certain circumstances; requiring the Commission to allow a distribution utility to recover certain costs directly from a competitive supplier; providing that a

competitive supplier may use certain information only for a certain purpose; prohibiting a competitive supplier from selling or providing certain information to any other person, with a certain exception; authorizing a competitive supplier to provide certain information to an authorized agent for a certain purpose; providing that the authorized agent is subject to the same restrictions on the use, sale, or provision of the information as the competitive supplier; requiring a certain competitive supplier to include certain information in certain marketing materials sent to certain customers; providing for the application of a portion of this Act to certain gas suppliers under certain provisions of law; providing that a portion of this Act does not apply to an electric cooperative or a gas cooperative; defining certain terms;"; and in line 20, after "choice" insert ", electricity, gas supply, and customer account information".

On page 2, in line 5, after "7–510.1" insert ", 7–510.2, and 7–604(c)".

AMENDMENT NO. 2

On page 5, after line 18, insert:

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

Article – Public Utilities

7–510.2.

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

(2) "COMPETITIVE SUPPLIER" MEANS:

(I) AN ELECTRICITY SUPPLIER LICENSED UNDER THIS SUBTITLE; OR

(II) A GAS SUPPLIER LICENSED UNDER SUBTITLE 6 OF THIS TITLE.

(3) "DISTRIBUTION UTILITY" MEANS AN ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY.

(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR A GAS COOPERATIVE.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON THE WRITTEN REQUEST OF A COMPETITIVE SUPPLIER LICENSED BY THE STATE, A DISTRIBUTION UTILITY SHALL PROVIDE THE COMPETITIVE SUPPLIER WITH THE FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR EACH RESIDENTIAL CUSTOMER AND SMALL COMMERCIAL CUSTOMER LOCATED IN THE SERVICE TERRITORY OF THE DISTRIBUTION UTILITY:

(I) THE ACCOUNT NAME;

(II) THE BILLING ADDRESS;

(III) THE SERVICE ADDRESS;

(IV) THE UTILITY RATE CLASS;

(V) THE STANDARD OFFER SERVICE TYPE, IF ANY;

(VI) THE LOAD PROFILE;

(VII) THE POWER USAGE FOR THE PRECEDING 12–MONTH PERIOD FOR EACH TYPE OF POWER; AND

(VIII) WHETHER THE TYPE OF POWER SUPPLIED TO THE CUSTOMER IS:

1. GAS;

2. ELECTRICITY; OR

3. GAS AND ELECTRICITY.

(2) A DISTRIBUTION UTILITY SHALL PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM AND UPDATE THE INFORMATION AT LEAST FOUR TIMES EACH YEAR.

(D) (1) A DISTRIBUTION UTILITY MAY NOT PROVIDE CUSTOMER ACCOUNT INFORMATION UNDER SUBSECTION (C) OF THIS SECTION WITHOUT THE PRIOR AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.

(2) (I) TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, A DISTRIBUTION UTILITY SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT WRITTEN NOTICE OF:

1. THE TYPE OF ACCOUNT INFORMATION THAT WOULD BE PROVIDED TO A COMPETITIVE SUPPLIER;

2. THE RIGHT OF THE CUSTOMER TO:

A. REFUSE TO AUTHORIZE THE DISTRIBUTION UTILITY TO SHARE INFORMATION REGARDING THE CUSTOMER'S ACCOUNT; OR

B. WITHDRAW AN EARLIER AUTHORIZATION; AND

3. THE MANNER IN WHICH THE CUSTOMER IS REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF A PREVIOUS AUTHORIZATION.

(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PROVIDED:

1. AS PART OF THE WRITTEN MATERIALS SUPPLIED TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND

2. AS A BILL INSERT TO EXISTING CUSTOMERS PRIOR TO THE FIRST TIME THAT THE DISTRIBUTION UTILITY PROVIDES INFORMATION UNDER THIS SECTION.

(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED A DISTRIBUTION UTILITY TO PROVIDE INFORMATION ABOUT THE CUSTOMER'S ACCOUNT UNDER THIS SECTION IF, WITHIN 45 DAYS AFTER NOTICE IS GIVEN UNDER THIS SUBSECTION, THE CUSTOMER DOES NOT INFORM THE

DISTRIBUTION UTILITY OF THE CUSTOMER'S REFUSAL IN THE MANNER PRESCRIBED BY THE NOTICE.

(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT ANY TIME BY NOTIFYING THE DISTRIBUTION UTILITY IN THE MANNER PRESCRIBED BY THE NOTICE.

2. IF A CUSTOMER WITHDRAWS AUTHORIZATION, THE DISTRIBUTION UTILITY SHALL:

A. ENSURE THAT THE CUSTOMER'S ACCOUNT INFORMATION IS NOT PROVIDED IN THE NEXT UPDATE; 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.

(4) 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.

(E) 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.

(F) (1) A COMPETITIVE SUPPLIER MAY USE THE INFORMATION OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES RELATED TO ELECTRICITY AND GAS SUPPLY.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COMPETITIVE SUPPLIER MAY NOT SELL OR PROVIDE ANY INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER PERSON, INCLUDING AN AFFILIATE OF THE COMPETITIVE SUPPLIER.

(II) A COMPETITIVE SUPPLIER MAY PROVIDE INFORMATION OBTAINED UNDER THIS SECTION TO AN AUTHORIZED AGENT TO DEVELOP OR IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(III) AN AUTHORIZED AGENT OF A COMPETITIVE SUPPLIER THAT HAS OBTAINED INFORMATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS SUBJECT TO THE SAME RESTRICTIONS ON THE USE, SALE, OR PROVISION OF THE INFORMATION TO WHICH THE COMPETITIVE SUPPLIER IS SUBJECT UNDER THIS SUBSECTION.

(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.

7–604.

(C) SECTION 7–510.2 OF THIS TITLE GOVERNS THE PROVISION TO A GAS SUPPLIER BY A DISTRIBUTION UTILITY OF INFORMATION ABOUT RESIDENTIAL CUSTOMERS AND SMALL COMMERCIAL CUSTOMERS.";

in line 19, strike "2." and substitute "3."; in line 22, after "by" insert "Section 1 of"; and in line 24, after "of" insert "Section 1 of".

On page 6, in line 31, strike "3." and substitute "4.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0244**
SPONSOR: Sen Pugh, et al
SUBJECT: Public Service Commission – Customer Education on Customer Choice

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

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 741 – Senators Pugh and Madaleno

AN ACT concerning

Commercial Law – Debt Settlement Services

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

SB0741/773797/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 741
(Third Reading File Bill)

On pages 12 and 13, strike in their entirety the lines beginning with line 23 on page 12 through line 3 on page 13, inclusive, and substitute:

"**(E) (1) A REGISTRANT MAY NOT CHARGE A DEBT SETTLEMENT SERVICES FEE THAT EXCEEDS:**

(I) WITH RESPECT TO EACH INDIVIDUAL DEBT, 30% OF THE EXCESS OF THE PRINCIPAL AMOUNT OF THE DEBT OVER THE AMOUNT PAID TO THE CREDITOR OR DEBT COLLECTOR TO SETTLE THE INDIVIDUAL DEBT; OR

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITH RESPECT TO THE TOTAL DEBT, 20% OF THE PRINCIPAL AMOUNT OF THE TOTAL DEBT.

(2) THE AMOUNT OF A DEBT SETTLEMENT SERVICES FEE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR EACH INDIVIDUAL DEBT:

(I) MUST BEAR THE SAME PROPORTIONAL RELATIONSHIP TO THE DEBT SETTLEMENT SERVICES FEE FOR THE TOTAL DEBT AS THE INDIVIDUAL DEBT BEARS TO THE TOTAL DEBT; AND

(II) MAY NOT EXCEED THE AMOUNT BY WHICH THE CONSUMER'S DEBT IS REDUCED.".

On page 16, in line 5, strike "**AN**" and substitute "**THE**"; in the same line, strike "**NOT LESS THAN**" and substitute "**OF**"; and strike beginning with "**AT**" in line 5 down through "**FILED**" in line 6.

On page 18, in line 11, strike "2014" and substitute "2013"; and strike beginning with "in" in line 21 down through "industry" in line 22.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0741**
SPONSOR: Sens Pugh and Madaleno
SUBJECT: Commercial Law – Debt Settlement Services

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Middleton, Chairman
Senator Pugh
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #12

AMENDED IN THE HOUSE

Senate Bill 256 – Senators Middleton and Kelley

AN ACT concerning

Business Regulation – Definition of Home Builder

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

SB0256/953798/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 256
(Third Reading File Bill)

On page 2, in line 10, strike "**WHO**" and substitute "**THAT**".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 952)

AMENDED IN THE HOUSE

Senate Bill 393 – Calvert County Senators

AN ACT concerning

Calvert County – Regulation of Roads

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

SB0393/790718/1
BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 393
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "law;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 5, after "**(A)**" insert "**THIS SECTION DOES NOT APPLY TO A PRIVATELY OWNED ROAD IN CALVERT COUNTY THAT HAS BEEN CONSTRUCTED ON OR BEFORE SEPTEMBER 30, 2011.**

(B)";

in line 8, after the second "**AND**" insert "**NEW**"; and in line 18, after the first "**A**" insert "**NEW**".

On page 3, in lines 1 and 5, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 953)

CONCURRENCE CALENDAR #13

AMENDED IN THE HOUSE

Senate Bill 178 – The President (By Request – Administration) and Senators King, Benson, DeGrange, Forehand, Garagiola, Madaleno, Manno, Mathias, McFadden, Montgomery, Peters, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

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

SB0178/742715/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 178
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 13, insert:

"**(4) "MENTAL INJURY" MEANS THE SUBSTANTIAL IMPAIRMENT OF A MINOR'S MENTAL OR PSYCHOLOGICAL ABILITY TO FUNCTION.**";

in line 14, strike "**(4)**" and substitute "**(5)**"; in lines 16 and 26, in each instance, strike "**FOR THE SAFETY**" and substitute "**MENTAL HEALTH**"; and in line 23, strike "**OR MENTAL HEALTH**" and substitute "**HEALTH OR A SUBSTANTIAL RISK OF MENTAL INJURY TO THE MINOR**".

On page 3, in line 5, strike "**10**" and substitute "**5**"; and in line 6, strike "**$10,000**" and substitute "**$5,000**".

AMENDMENT NO. 2

On page 8, in lines 17 and 22, in each instance, strike "**OR NEGLECT**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 43 Negative – 3 (See Roll Call No. 954)

AMENDED IN THE HOUSE

Senate Bill 342 – Senators Ramirez and Forehand

AN ACT concerning

Peace Orders – Extension of Duration

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

SB0342/892715/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 342
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "extending the maximum duration of a final peace order" and substitute "authorizing a judge to extend the term of a final peace order under certain circumstances after certain notice and a hearing"; in line 5, strike "with" and substitute "without"; and strike in their entirety lines 10 through 14, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1506(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in line 2, strike the brackets; in the same line, strike "**1 YEAR**"; and strike in their entirety lines 3 through 7, inclusive, and substitute:

"3–1506.

(a) **(1)** A peace order may be modified or rescinded during the term of the peace order after:

[(1)**](I)** Giving notice to the petitioner and the respondent; and

[(2)**](II)** A hearing.

(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF THE PEACE ORDER FOR 6 MONTHS BEYOND THE PERIOD SPECIFIED IN § 3–1505(F) OF THIS SUBTITLE, AFTER:

(I) GIVING NOTICE TO THE PETITIONER AND THE RESPONDENT; AND

(II) A HEARING.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 955)

AMENDED IN THE HOUSE

Senate Bill 722 – ~~**Senator Rosapepe**~~ **Senators Rosapepe, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Pugh**

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

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

SB0722/136986/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 722
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "provider;" insert "requiring the regulations to allow a State–regulated payor to request certain information and, under certain circumstances, reduce an incentive amount; authorizing the Maryland Health Care Commission to audit a State–regulated payor and a health care provider and, under certain circumstances, request corrective action;"; and in line 18, strike "Maryland Health Care".

AMENDMENT NO. 2

On page 6, in line 8, strike "**MAY**" and substitute "**:**

(I) MAY";

and in line 13, after "**ORGANIZATION**" insert "**; AND**

(II) SHALL ALLOW A STATE–REGULATED PAYOR TO:

1. REQUEST INFORMATION FROM A HEALTH CARE PROVIDER TO VALIDATE THE HEALTH CARE PROVIDER'S INCENTIVE CLAIM; AND

2. IF THE STATE–REGULATED PAYOR DETERMINES THAT A DUPLICATE INCENTIVE PAYMENT OR AN OVERPAYMENT HAS BEEN MADE, REDUCE THE INCENTIVE AMOUNT.

(6) THE COMMISSION MAY:

(I) AUDIT THE STATE–REGULATED PAYOR OR THE HEALTH CARE PROVIDER FOR COMPLIANCE WITH THE REGULATIONS ADOPTED UNDER THIS SUBSECTION; AND

(II) IF IT FINDS NONCOMPLIANCE, REQUEST CORRECTIVE ACTION".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 956)

CONCURRENCE CALENDAR #15

AMENDED IN THE HOUSE

Senate Bill 19 – ~~**Senator Colburn**~~ **Senators Colburn and Edwards**

AN ACT concerning

Vehicle Laws – ~~Gross Weight Limits~~ Exceptional Hauling Permits – Farm ~~Vehicles and Vehicles Carrying Farm~~ Products

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

SB0019/770310/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 19
(Third Reading File Bill)

On page 8, in line 6, strike "**8–101(J)**" and substitute "**10–601(C)**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 957)

AMENDED IN THE HOUSE

Senate Bill 410 – **Senator Raskin**

AN ACT concerning

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

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

SB0410/550219/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 410

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "erected;" insert "repealing a certain obsolete reporting requirement;".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 24 through 27, inclusive.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 39 Negative – 8 (See Roll Call No. 958)

AMENDED IN THE HOUSE

Senate Bill 516 – Senators Forehand, Kelley, Madaleno, Ramirez, and Raskin

AN ACT concerning

Foreclosed Residential Property – Tenants – Collection of Rent Payments – Prior Notice

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

SB0516/400213/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 516
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "requirements" insert "subject to a certain exception".

AMENDMENT NO. 2

On page 3, in line 1, after "**UNDER**" insert "**MARYLAND**"; in line 2, strike "**OF THE MARYLAND RULES**"; in line 11, after the first "**THE**" insert "**PURCHASER OR THE**"; and in line 14, after "**THE**" insert "**PURCHASER OR THE**".

AMENDMENT NO. 3

On page 3, in line 15, after "**(C)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and after line 18, insert:

"**(2) A FORECLOSURE SALE PURCHASER DOES NOT WAIVE ANY CLAIM TO RENT DUE AND PAYABLE FOR USE OF THE RESIDENTIAL PROPERTY FOR THE 15 DAYS IMMEDIATELY PRIOR TO THE DATE THAT THE PURCHASER SATISFIED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.**".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 959)

AMENDED IN THE HOUSE

Senate Bill 599 – Senators Raskin, Frosh, Manno, Miller, Ramirez, and Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

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

SB0599/222216/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 599
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "and" and substitute "or a certain waiver of certain terms, conditions, or rights; providing that certain documentation".

AMENDMENT NO. 2

On page 2, in line 28, strike "**WITH**" and substitute "**TO**"; and in line 29, strike "**LIABILITY**".

AMENDMENT NO. 3

On page 3, in line 23, strike "**INCURRED**".

AMENDMENT NO. 4

On page 5, in line 11, strike "**AN**" and substitute "**:**

(1) AN";

and in line 13, after "**TORTFEASOR**" insert "**; OR**

(2) A WAIVER OF ANY TERM OR CONDITION OF THE APPLICABLE AGREEMENT BETWEEN THE INSURER AND THE ALLEGED TORTFEASOR OR ANY RIGHT OF THE INSURER, INCLUDING ANY POTENTIAL DEFENSE CONCERNING COVERAGE OR LIABILITY".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 35 Negative – 12 (See Roll Call No. 960)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #22

CONSENT CALENDAR #13

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 270	Del. Eckardt	Dorchester County – Tax Sales – Advertisement and Auctioneer Fees	B&T
HB 867	Del. Oaks	Baltimore City – Sale of Property to Enforce Lien for Water and Sewer Service	B&T
HB 1016	Calvert County Del.	Calvert County – Public Facilities Bonds	B&T
HB 1113	Prince George's Del.	Prince George's County Public Schools – Funding Accountability and Transparency Act PG 421–11	B&T

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

Affirmative – 47 Negative – 0 (See Roll Call No. 961)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #23

House Bill 115 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Hammen, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, and Washington

AN ACT concerning

Baltimore City Board of School Commissioners – Annual Report Requirement – Repeal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 962)

The Bill was then sent to the House of Delegates.

House Bill 171 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Clagett, Gaines, Gutierrez, Haynes, Hubbard, Nathan–Pulliam, Stukes, V. Turner, Valderrama, and Zucker

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

FLOOR AMENDMENT

HB0171/223625/1
BY: Senator Middleton

AMENDMENTS TO HOUSE BILL 171, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Amendment by Senator Getty (HB0171/403024/1) in its entirety.

AMENDMENT NO. 2

On page 6, after line 23, insert:

"**(3) (I) AN INDEPENDENT HOME CARE PROVIDER WHO PROVIDES HOME CARE SERVICES ONLY TO AN IMMEDIATE FAMILY MEMBER IS NOT REQUIRED TO PAY A SERVICE FEE.**

(II) AN INDEPENDENT HOME CARE PROVIDER WHO PROVIDES SERVICES TO AN IMMEDIATE FAMILY MEMBER AND ANY OTHER INDIVIDUAL WHO IS NOT AN IMMEDIATE FAMILY MEMBER MAY BE REQUIRED TO PAY A SERVICE FEE THAT IS PROPORTIONATE TO THE AMOUNT THE PROVIDER RECEIVES IN REIMBURSEMENT FOR THE PROVIDER'S SERVICES TO ANY INDIVIDUAL WHO IS NOT AN IMMEDIATE FAMILY MEMBER.

(III) AN INDEPENDENT HOME CARE PROVIDER MAY BE REQUIRED TO PROVIDE WRITTEN DOCUMENTATION OF THE PROVISION OF HOME CARE SERVICES TO AN IMMEDIATE FAMILY MEMBER.".

The preceding 2 amendments were read and adopted.

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

Affirmative – 31 Negative – 16 (See Roll Call No. 963)

The Bill was then sent to the House of Delegates.

House Bill 435 – Delegate Bohanan

AN ACT concerning

Optional Retirement Program – Supplemental Retirement Plans – Employee Contributions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 964)

The Bill was then sent to the House of Delegates.

House Bill 509 – Delegate Niemann

EMERGENCY BILL

AN ACT concerning

Real Property – Mortgages – Enforcement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 965)

The Bill was then sent to the House of Delegates.

House Bill 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

Criminal Law – ~~Peace Orders, Stalking, and~~ Harassment – Penalties

FLOOR AMENDMENT

HB0510/203625/1
BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 510, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendment (HB0510/268471/1) in its entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike line 2 in its entirety and substitute "Task Force to Study State Harassment Law"; strike beginning with "altering" in line 7 down through "harassment" in line 9 and substitute "establishing a Task Force to Study State Harassment Law; providing for the composition, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation or reimbursement for expenses; requiring the Task Force to conduct a certain study and to make certain recommendations to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force to Study State Harassment Law"; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 3

On page 1 of the bill, in line 21, strike "the Laws of Maryland read as follows".

On page 2 of the bill, strike line 16 in its entirety.

On page 3 of the bill, strike in their entirety lines 12 through 26, inclusive, and substitute:

"(a) There is a Task Force to Study State Harassment Law.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, including one member of the minority party, appointed by the President of the Senate;

(2) two members of the House of Delegates, including one member of the minority party, appointed by the Speaker of the House;

(3) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Maryland Public Defender, or the Public Defender's designee;

(5) the Maryland State's Attorneys' Association Coordinator, or the Coordinator's designee;

(6) the chair of the Maryland State Commission on Criminal Sentencing Policy, or the chair's designee;

(7) the State Superintendent of Schools, or the Superintendent's designee;

(8) the president of the Maryland State Education Association, or the president's designee; and

(9) the following individuals appointed by the Governor:

(i) a representative of a children's rights advocacy group;

(ii) a representative of an organization that provides services to or advocacy on behalf of victims of domestic violence;

(iii) an elected State's Attorney in the State;

(iv) an attorney who practices criminal defense in the State; and

(v) a representative of a criminal justice policy organization.

(c) The Governor shall designate the chair of the Task Force.

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force may not receive:

(1) compensation as a member of the Task Force; or

(2) reimbursement for expenses.

(f) The Task Force shall:

(1) study the provisions of §§ 3–803 through 3–805 of the Criminal Law Article, which relate to harassment, misuse of telephone facilities and equipment, and misuse of electronic mail, paying particularly close attention to:

(i) the appropriateness and consistency of the language used in the sections of law; and

(ii) the appropriateness and consistency of the penalties provided in the sections of law;

(2) study the problem of the harassment of minors and the adequacy of current law in addressing the problem;

(3) study the use of new technology, including social networking, to engage in harassment and the adequacy of current law in addressing this use of new technology;

(4) make policy recommendations for reducing the incidence of harassment of minors; and

(5) make recommendations for appropriate legislative initiatives to improve State law relating to harassment.

(g) On or before December 31, 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 page 3 of the bill, in line 28, strike "October" and substitute "June"; and in the same line, after "2011." insert "It shall remain effective for a period of 1 year and, at the end of May 31, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

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

Affirmative – 14 Negative – 32 (See Roll Call No. 966)

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

Affirmative – 32 Negative – 15 (See Roll Call No. 967)

The Bill was then sent to the House of Delegates.

House Bill 613 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Capital Improvements Program Submission MC/PG 111–11

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

Affirmative – 47 Negative – 0 (See Roll Call No. 968)

The Bill was then sent to the House of Delegates.

House Bill 682 – Delegate K. Kelly

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

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

Affirmative – 39 Negative – 7 (See Roll Call No. 969)

The Bill was then sent to the House of Delegates.

House Bill 1168 – Delegate Eckardt

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

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

Affirmative – 46 Negative – 0 (See Roll Call No. 970)

The Bill was then sent to the House of Delegates.

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

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

Affirmative – 44 Negative – 3 (See Roll Call No. 971)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #24

House Bill 522 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Correctional Officers' Bill of Rights

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

Affirmative – 47 Negative – 0 (See Roll Call No. 972)

The Bill was then sent to the House of Delegates.

House Bill 794 – Delegates Valentino–Smith, Alston, Dumais, McDermott, Mitchell, and Vallario

AN ACT concerning

Division of Parole and Probation – Pre–Parole Investigations for Inmates of Local Facilities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 973)

The Bill was then sent to the House of Delegates.

House Bill 799 – Delegates Carter, Conaway, McComas, Simmons, and Washington

AN ACT concerning

Estates and Trusts – Tenancy by the Entirety Property – Transfer to Trustee or Trustees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 974)

The Bill was then sent to the House of Delegates.

House Bill 837 – Delegates Smigiel, Cane, Carter, Cluster, Dumais, George, Haddaway–Riccio, Hough, K. Kelly, McConkey, McDermott, W. Miller, and Parrott

AN ACT concerning

Courts – Exemption from Execution – Exception for Child Support Arrearage

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

Affirmative – 46 Negative – 1 (See Roll Call No. 975)

The Bill was then sent to the House of Delegates.

House Bill 919 – Delegates Hough, Alston, Anderson, Bates, Carter, Clippinger, Cluster, Dwyer, Eckardt, George, Haddaway–Riccio, Lee, McComas, McDermott, Mitchell, Ready, B. Robinson, Rosenberg, Simmons, Valderrama, Valentino–Smith, Waldstreicher, and Wood

AN ACT concerning

Criminal Law – Swift and Certain Sanctions Pilot Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 976)

The Bill was then sent to the House of Delegates.

House Bill 1020 – Delegates Valderrama, Stifler, and Vallario

AN ACT concerning

Criminal Procedure – Sex Offender Registry

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

Affirmative – 47 Negative – 0 (See Roll Call No. 977)

The Bill was then sent to the House of Delegates.

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

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

Affirmative – 47 Negative – 0 (See Roll Call No. 978)

The Bill was then sent to the House of Delegates.

House Bill 1223 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

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

Affirmative – 47 Negative – 0 (See Roll Call No. 979)

The Bill was then sent to the House of Delegates.

House Bill 1276 – Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter, Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey, K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott, Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino–Smith, Vaughn, Waldstreicher, Barkley, Frank, Frick, Hixson, Hucker, Kach, Kaiser, A. Kelly, Krebs, Luedtke, A. Miller, Mizeur, Ready, Reznik, Sophocleus, Stein, ~~and Wilson~~ Wilson, Eckardt, Afzali, George, Haddaway–Riccio, McMillan, W. Miller, and Stocksdale

AN ACT concerning

Vehicle Laws – Expansion of Ignition Interlock System Program

FLOOR AMENDMENT

HB1276/503927/1
BY: Senator Raskin

AMENDMENT TO HOUSE BILL 1276

(Third Reading File Bill)

On page 7, in line 24, strike "**§ 16–404.1(E)(1)(III)**" and substitute "**§ 16–404.1(F)(1)(III)**".

The preceding amendment was read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 980)

The Bill was then sent to the House of Delegates.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 2	Sen. Colburn	Veh Laws – Registr and Driver's Lic Renewal Fees – No Charge for Recipients of Medal of Honor
SB 55	Ch., Budget & Tax	Property Tax Assessment Appeal Boards – Membership
SB 56	Ch., Finance Com.	Health Insurance – Evaluation of Quality of Care and Performance of Health Benefit Plans
SB 58 (Emergency Bill)	Ch., Finance Com.	Unemployment Insurance – Judicial Review of Board of Appeals Decision – Passage of Order
SB 59	Ch., Finance Com.	Insurance – Company Action Level Events – Health Insurers
SB 60	Ch., Finance Com.	Unemployment Insurance – Administration of Claims – Changes to Withholding Status
SB 80	Chair, EHE Com.	Tree Expert License – Application and Renewal
SB 82	Ch., Finance Com.	Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties
SB 83	Chair, EHE Com.	Affordable Housing Programs –

		Authority of Local Governments to Support Programs – Sunset Repeal
SB 101	Sen. Edwards	Business Regulation – Motor Fuel Advertising Signs – Requirements
SB 117	Sen. Glassman	State Board of Podiatric Medical Examiners – Unannounced Inspections
SB 143	Ch., Finance Com.	Home Inspectors – Records – Retention Requirements
SB 188	Sen. Kittleman	Recreational Fishing Licenses – Exemption
SB 192	Harford Co. Senators	Harford County – Board of Elections – Membership
SB 217	Sen. Kelley	Life Insurance and Annuities – Retained Asset Accounts – Beneficiaries' Bill of Rights
SB 226	Sen. Dyson	Bicycle and Pedestrian Advisory Committee – Meetings
SB 227	Sen. Dyson	Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend
SB 235	Chair, EHE Com.	State Board of Master Electricians – Sunset Extension and Revision
SB 236	Chair, EHE Com.	Maryland Home Improvement Commission – Sunset Extension and Program Evaluation
SB 272	Sen. Edwards	Garrett County – Tax Sales – Auctioneer's Fees
SB 279	Sen. Colburn	Dorchester County – Tax Sales – Advertisement and Auctioneer Fees
SB 283	Chair, EHE Com.	State Board of Architects – Retired Status Licenses
SB 284	Chair, EHE Com.	Education – High School Graduation Records – Collection, Maintenance, Analysis, and Reporting
SB 328	Sen. Kasemeyer	Estates and Trusts – Transfers – Recordation and Transfer Taxes
SB 334	Sen. Kelley	Real Property – Deposits on New Homes – Escrow Accounts
SB 346	Sen. Zirkin	Income Tax – Subtraction Modification – Maryland

		Defense Force
SB 371	Sen. Conway	Hlth Occups Bds – Discipline of Hlth Care Practitioners – Failure to Comply with Gov's Order
SB 436	Sen. Rosapepe	Prince George's County – Municipal Corporations – Tax Credit for Revitalization Districts PG 415–11
SB 513	Sen. Middleton	Md Este Tax – Payment Deferral for Qualified Agricultural Prop – Extension of Payment Deferral
SB 638	Sen. Benson	Video Lottery Trmnl Applnts and Licensees – Minority Bsns Prtcpatn – Modifs and Sunset Ext
SB 689	Sen. Middleton	Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Scrty – Registration
SB 701	Sen. Klausmeier	Health Insurance – Prescription Eye Drops – Refills
SB 702	Sen. Klausmeier	Health Insurance – Coverage of Hearing Aids
SB 705	Sen. Klausmeier	Health Insurance – Dental Provider Contracts – Prohibited Provision
SB 720	Sen. Mathias	Commercial Fishing Apprenticeship Permit – Eligibility
SB 763	Sen. Kittleman	Hunting Licenses – Exemption for Disabled Armed Forces Members

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 646 – Delegates Braveboy and Pena–Melnyk

AN ACT concerning

Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System

FOR the purpose of establishing the Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System; providing for the membership and staffing of the Task Force; requiring the Governor to designate the chair of the Task Force; providing that a member of the Task Force may not receive compensation as a member of the Task Force but is entitled to a certain reimbursement; requiring the Task Force to study certain issues, obtain certain data, and make certain recommendations and to ~~make certain reports~~ report its findings and recommendations to the Governor and General Assembly; providing for the termination of this Act; and generally relating to the Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System.

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

House Bill 1163 – Delegate Love

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

FOR the purpose of defining a ~~certain~~ large family child care home as a residence in which family child care is provided for a certain number of children; requiring the State Department of Education to adopt certain regulations; providing that, in a large family child care home, there may not be more than a certain number of children in certain care at certain times, and there shall be a limit on the number of children under a specified age and an adult to child ratio that comply with certain regulations; making certain requirements of law that apply to family child care homes applicable to large family child care homes; repealing a certain provision of law that authorizes child care centers of a certain size; authorizing certain grants to certain child care homes under certain circumstances; requiring the Department to adopt certain regulations on or before a certain date; making certain stylistic changes; ~~defining certain terms~~ altering certain definitions; requiring the publisher of the Annotated Code to make certain changes to the Code; providing for a delayed effective date for certain provisions of this Act; and generally relating to family child care and large family child care homes.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–403(b)(3), 5–501, 5–502(b)(3)~~,~~ and 5–505(b)~~,~~; 5–550(c) and (d), 5–550.1, 5–551, 5–552, 5–553, 5–554(a), 5–554.1(a), (c), and (e)(1), 5–555(a), (b)(1), and (c), 5–556(a) and (f), 5–556.1, 5–559.1, 5–559.2(b), 5–559.3(b)(2) and ~~(d), 5–559.5(b),~~ (d), and 5–559.5(b) to be under the

amended part "Part V. Family Child Care Homes and Large Family Child Care Homes"; and 5–560(e)(2), 5–561(b)(2) and (c)(5)(i), 5–564(b)(1)(ii)2., 5–570(c)(3)(iv), 5–573(b), 5–592(b)(5) and (6) and (f)(2), 5–594(c) and (e), 5–594.3(d)(3), 5–1308(c)(3)(v), and 6–103(c)(4)~~, and 14–202(a)(3)~~
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1229 – The Speaker (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

FOR the purpose of establishing the Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene; establishing the mission of the Program; requiring the Program to carry out its mission by monitoring the prescribing and dispensing of certain substances by certain prescribers and dispensers; establishing the powers and duties of the Department and the Secretary of Health and Mental Hygiene under the Program; requiring dispensers to submit electronically certain information to the Program except in certain circumstances; establishing the Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program; establishing the membership, chair, terms of members, staff support, reimbursement, and responsibilities of the Board; specifying the terms of the initial appointed members of the Board; requiring the Secretary by regulation to establish training protocols and guidelines to assist in the interpretation and evaluation of prescription monitoring data; establishing a technical advisory committee to the Program; establishing the membership and duties of the technical advisory committee; providing that prescription monitoring data are confidential and privileged and not subject to certain means of legal compulsion except under certain circumstances; requiring the Program to disclose prescription monitoring data to certain agencies and persons under certain circumstances; requiring the technical advisory committee to review certain information and provide certain guidance before the Program discloses information to certain agencies and persons; authorizing the Program to disclose prescription monitoring data for certain purposes under certain circumstances; authorizing the Office of the Attorney General to seek certain relief to maintain the confidentiality of prescription monitoring data; authorizing the Program to provide prescription monitoring data to another state's prescription drug monitoring program under certain circumstances; authorizing the Program to request, receive, and use prescription monitoring data from another state's prescription drug monitoring program; authorizing the Program to enter into certain agreements with other states' prescription drug monitoring programs; prohibiting prescription monitoring data from being used as the basis for imposing clinical practice standards; establishing

immunity from liability for certain agencies and persons relating to the operation and use of the Program; establishing penalties and disciplinary action for violations of the requirements of the Program; providing that the release of prescription monitoring data in a certain manner is not a violation of the requirements of the Program; providing for the termination of certain provisions of this Act and certain regulations, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act; requiring a certain evaluation of the Program to be made on or before a certain date; requiring the Program to develop a mechanism to allow certain persons to correct erroneous data reported to the Program; requiring the Department and the Board to report to the Governor and certain committees of the General Assembly on or before a certain date on certain matters relating to the Program; declaring the intent of the General Assembly regarding technology used by the Program; defining certain terms; and generally relating to the establishment and operation of the Prescription Drug Monitoring Program.

BY renumbering
Article – State Government
Section 8–403(b)(54) through (68), respectively
to be Section 8–403(b)(55) through (69), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 21–2A–01 through ~~21–2A–09~~ 21–2A–10 to be under the new subtitle "Subtitle 2A. Prescription Drug Monitoring Program"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 8–403(b)(54)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 47 – ~~Delegate O'Donnell~~ Delegates O'Donnell, Hammen, Ready, Cullison, Krebs, Costa, McDonough, Frank, Morhaim, Kach, Oaks, and Pena–Melnyk

AN ACT concerning

State Government – Open Meetings Act – Online Training

FOR the purpose of requiring the State Open Meetings Law Compliance Board to develop and offer an online training program on the requirements of the open meetings law to employees, officers, or members of a public body and members of the general public; ~~requiring a public body to designate certain individuals to receive certain online training; requiring the public body to submit a list of the individuals designated to receive certain online training to the Board; requiring certain individuals designated to receive certain online training to complete the training within a certain time period; requiring certain individuals to complete certain annual online training;~~ and generally relating to online training on the requirements of the Open Meetings Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–502.4(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY adding to~~
~~Article – State Government~~
~~Section 10–502.7~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

House Bill 83 – ~~**Delegate K. Kelly**~~ **Delegates K. Kelly, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner**

AN ACT concerning

Health Insurance – Ambulance Service Providers – Direct Reimbursement

FOR the purpose of requiring health insurers, nonprofit health service plans, and health maintenance organizations to reimburse an ambulance service provider directly for certain covered services~~; providing that an ambulance service provider is entitled to direct reimbursement under certain circumstances;~~ under certain circumstances; providing that an insured, a subscriber, or an enrollee of certain health insurance carriers may not be liable to certain ambulance service providers for certain services under certain circumstances; prohibiting certain ambulance service providers from taking certain actions against an insured, a

subscriber, or an enrollee under certain circumstances; authorizing the ambulance service providers to collect certain payments from an insured, a subscriber, or an enrollee under certain circumstances; prohibiting a health maintenance organization's allowed amount for certain health care services provided by a certain ambulance service provider from being less than a certain amount, notwithstanding certain provisions of law; prohibiting an insurer's or nonprofit health service plan's allowed amount for a certain health care service provided by a certain ambulance service provider from being less than a certain amount; authorizing the Maryland Insurance Commissioner to adopt regulations to implement certain provisions of this Act; requiring the Maryland Health Care Commission to provide certain reports to certain legislative committees on or before certain dates; providing for a delayed effective date; providing for the termination of this Act; providing for the application of this Act; defining ~~a certain term~~ certain terms; and generally relating to reimbursement by insurers, nonprofit health service plans, and health maintenance organizations for transportation by ambulance.

BY adding to
Article – Health – General
Section 19–706(kkkk)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section ~~15–716~~ 15–138
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 96 – Delegates George, Aumann, Barnes, Bates, Beidle, Bohanan, Boteler, Clagett, Dwyer, Eckardt, Fisher, Frank, Haddaway–Riccio, Hixson, Hough, Jameson, Kach, Kipke, Krebs, Love, McMillan, A. Miller, W. Miller, Minnick, Myers, Norman, O'Donnell, Ready, Ross, Schuh, Schulz, Sophocleus, Stocksdale, Stukes, Szeliga, Vitale, Walker, Weir, ~~and Wilson~~ Wilson, Lafferty, McDonough, A. Kelly, Costa, and Bromwell

AN ACT concerning

Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags

FOR the purpose of requiring that the Honor and Remember flag be flown on the State House grounds on certain days each year; altering the days on which the POW/MIA flag is to be flown on State House grounds; requiring the State House Trust to determine the site on the State House grounds where the Honor and

Remember flag will be flown; defining a certain term; and generally relating to the display of the Honor and Remember and POW/MIA flags on the State House grounds.

BY repealing and reenacting, with amendments,
Article – State Government
Section 13–205
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 173 – The Speaker (By Request – Administration) and Delegates Hixson, Alston, Barve, Bohanan, Branch, Cardin, Davis, Feldman, Frick, Gaines, Healey, Howard, Ivey, Mizeur, Reznik, Rosenberg, Ross, Summers, Vallario, ~~Walker, and Zucker~~ Walker, Zucker, Lee, A. Miller, and Stukes

AN ACT concerning

Business and Economic Development – Invest Maryland Program

FOR the purpose of establishing an Invest Maryland Program for certain purposes; establishing a Maryland Venture ~~Capital~~ Fund Authority in the Department of Business and Economic Development for certain purposes; providing for the membership, terms, and duties of the Authority; allowing certain companies to purchase credits against the insurance premium tax in order to fund qualified investments in ~~qualified~~ businesses in the State; providing for administration of the credit by the Department; limiting the total premium tax credits that may be allowed for all years; providing a minimum amount of designated capital for which premium tax credits may be allocated; requiring the Authority to obtain the services of an independent third party to conduct a bidding process for the purchase of certain tax credits for certain purposes; authorizing the Authority to enter into certain written agreements subject to the approval of the Department; prohibiting a member of the Authority from having a certain financial interest; establishing certain requirements for certain offers for certain tax credit bids; establishing certain procedures for certain offers; requiring certain dedicated capital to be paid to the Enterprise Fund and the Comptroller in certain amounts in accordance with certain procedures; requiring the Comptroller to distribute certain funds to the General Fund within a certain time; providing for the issuance and award of certain tax credit certificates; providing for certain penalties; providing for the reallocation of certain designated capital under certain circumstances; authorizing the Department to purchase certain insurance for certain purposes; authorizing a ~~purchase~~ purchaser of certain premium tax credits to claim the credits for certain taxable years; providing for the transfer of certain tax credits; providing for the certification ~~and renewal~~ of certain entities as venture firms in

accordance with certain ~~procedures, with certain nonrefundable fees~~ procedures; providing for the allocation and use of certain designated capital by certain venture firms, the Enterprise Fund, and the Maryland Small Business Development Financing Authority; requiring a venture firm, the Enterprise Fund, and the Financing Authority to make certain qualified investments in ~~qualified businesses in~~ a certain manner ~~within a certain period~~; authorizing certain qualified businesses to receive certain follow–on investments; providing for certain determinations concerning qualified businesses; prohibiting an insurance company from taking certain actions with respect to a venture firm; ~~requiring the Department to report certain information to venture firms and the Financing Authority;~~ requiring venture firms and the Financing Authority to report certain information at certain times to the Department; authorizing venture firms to make certain qualified distributions and nonqualified distributions in certain manners at certain times; ~~requiring certain investments to terminate as of a certain date; providing for the treatment of certain designated capital in a certain manner for certain purposes;~~ requiring the Department to submit certain information to the Maryland Insurance Administration; providing for the application of certain laws to certain services and transactions under this Act; authorizing the Department to adopt certain regulations; requiring the Department to submit an annual report to the Governor and certain committees of the General Assembly on certain matters; requiring the Department to publish the report on the Department's Web site in a certain format; providing for the initial terms of the members of the Maryland Venture ~~Capital~~ Fund Authority; requiring the Department to ~~prepare and submit a certain annual report~~ disclose certain information; authorizing the Department to adopt certain regulations; defining certain terms; and generally relating to ~~an~~ insurance premium tax ~~credit for investments~~ credits, qualified investments, ~~in certain companies making investments in~~ qualified businesses in the ~~State~~ State, and the Invest Maryland Program.

BY adding to
Article – Economic Development
Section 6–501 through ~~6–529~~ 6–528 to be under the new subtitle "Subtitle 5. Invest Maryland Program"
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 6–122
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

House Bill 1089 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications
PG 411–11

FOR the purpose of prohibiting payments to be made, under certain circumstances, to slates that include a member of the County Council for Prince George's County or the Prince George's County Executive during the pendency of certain applications; expanding a prohibition on a member of the County Council voting or participating in certain applications if the member received certain payments during a certain period by including payments to certain slates; repealing a provision that allows a member to participate in certain applications if a certain affidavit is not filed; providing for the prospective application of this Act; and generally relating to the expansion of public ethics requirements in Prince George's County.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–829(a), (d), (f), (l), and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–829(m) and 15–831
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1121 – Delegate McHale

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy, Refuse–Derived Fuel, and Small Hydroelectric Power Plants

FOR the purpose of expanding the definition of a Tier 1 renewable source to include waste–to–energy and refuse–derived fuel; altering the definition of a Tier 2 renewable source to exclude waste–to–energy; providing that a Tier 1 source using waste–to–energy, refuse–derived fuel, or certain small hydroelectric power plants is eligible for inclusion in meeting a certain standard only if the source is connected with the distribution grid serving Maryland; and generally relating to waste–to–energy, refuse–derived fuel, small hydroelectric power

plants, and Tier 1 renewable sources applied to the renewable energy portfolio standard.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(l) and (m) and 7–704(a) and (f)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–703(b)(6) through (17)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1130 – Delegates Hucker, Barkley, Feldman, and McHale

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

FOR the purpose of prohibiting an employer from taking adverse action against an employee who makes a complaint, brings an action, or testifies in an action under the Maryland Wage and Hour Law; specifying that the adverse action prohibited includes certain retaliatory actions; prohibiting the conviction of an employer without certain evidence; defining a certain term; and generally relating to prohibited acts of employers under the Maryland Wage and Hour Law.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–401
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–428
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1228 – The Speaker (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

FOR the purpose of specifying that, for certain weeks of unemployment, a State "on" indicator exists for extended unemployment benefits under certain circumstances; specifying that a State "off" indicator exists for certain extended unemployment benefits under certain circumstances; prohibiting certain extended unemployment benefits from being payable for any week of unemployment beginning before a certain date; specifying the total amount of certain extended unemployment benefits that are payable to an eligible individual; authorizing the Secretary of Labor, Licensing, and Regulation, if authorized by federal law, to suspend the payment of certain extended unemployment benefits under certain circumstances; requiring that certain federal unemployment law provisions and definitions apply to certain provisions of State law under certain circumstances; establishing the Extended Benefits Fund; stating the purpose of the Fund; stating the intent of the General Assembly; requiring the Secretary to adopt certain regulations; defining a certain term; stating the intent that the Governor shall appropriate a certain amount of money for the Fund for a certain fiscal year; providing for the reimbursement of counties, municipalities, and certain associations for certain total net costs relating to unemployment benefits; providing that unused funds remaining in the Fund are to revert to the General Fund; requiring the Secretary to notify the Department of Legislative Services when the condition for the termination of this Act is met; providing for the application of this Act; providing for the termination of this Act; and generally relating to unemployment insurance benefits.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–1103 and 8–1105
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Labor and Employment
Section 8–1109 ~~and 8–1110~~, 8–1110, and 8–1111
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

SPECIAL ORDERS

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

House Bill 356 – Delegates Niemann, Barnes, Cane, Carr, Frush, Glenn, Healey, Holmes, James, McIntosh, S. Robinson, Ross, Stein, Stukes, Walker, ~~and Wilson~~ Wilson, and Kipke

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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

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

Affirmative – 46 Negative – 1 (See Roll Call No. 981)

The Bill was then sent to the House of Delegates.

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (35) AND THE FAVORABLE REPORT.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #18

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

House Bill 71 – The Speaker (By Request – Administration)

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit I of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (35) AND THE FAVORABLE REPORT.

Committee amendment 1 read and adopted.

Committee amendments 2 through 9 were read and adopted.

Committee amendments 10 through 16 were read and adopted.

Committee amendments 17 through 26 were read and adopted.

Committee amendments 27 through 35 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0071/443222/2
BY: Senator Pugh

AMENDMENTS TO HOUSE BILL 71
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 17, after "purposes;" insert "providing that a certain authorization may not be expended or encumbered until a certain report is submitted to the City Council of Baltimore City and the General Assembly;".

AMENDMENT NO. 2

On page 11, in line 28, after "Management" insert ". Further provided that this authorization may not be encumbered or expended until the Housing Authority of Baltimore City submits a plan to the City Council of Baltimore City and, in accordance with § 2–1246 of the State Government Article, the General Assembly for satisfying all outstanding judgments related to lead paint litigation".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON RULES REPORT #13

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

House Bill 220 – ~~**Delegates McConkey and Schuh**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

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

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

House Bill 798 – ~~**Delegates McConkey and George**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

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

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

House Bill 1167 – Delegates Conway, Cane, McDermott, and Rudolph

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Passenger Scooter – Use in Ocean City

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

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

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

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

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

House Bill 1214 – ~~Delegates Schuh and Love~~ Anne Arundel County Delegation

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

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

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

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, ~~and Niemann~~ Niemann, Healey, and Cane

SECOND PRINTING

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

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

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

House Bill 1279 – Delegates Carter, Alston, Anderson, and Rosenberg

AN ACT concerning

Criminal Procedure – ~~Retention of Right to Expungement –~~ Charges Not Resulting in Conviction – Shielding

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #44

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

House Bill 37 – Delegates Carr, Pena–Melnyk, Barnes, Beidle, Hucker, Lafferty, Mizeur, and Niemann

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

HB0037/314733/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 37
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "term;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 7, in line 5, after "2011." insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 38 – Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

AN ACT concerning

Nonpublic Schools ~~Accepting State Funds~~ Participating in State–Funded Education Programs – Bullying, Harassment, and Intimidation – Policies

HB0038/934236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 38
(Third Reading File Bill)

On page 1, in line 14, after "intimidation" insert ", or to require a certain statewide policy".

On page 3, strike line 9 in its entirety.

On page 5, in line 5, after "**TO**" insert "**:**

(1)";

in line 6, strike "**LIMIT**" and substitute "**LIMIT**"; and in line 7, after "**INTIMIDATION**" insert "**; OR**

(2) REQUIRE A STATEWIDE POLICY IN NONPUBLIC SCHOOLS RELATING TO BULLYING, HARASSMENT, AND INTIMIDATION".

The preceding amendment was read only.

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

The motion was adopted.

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

House Bill 79 – Delegate Walker

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

HB0079/134432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 79
(Third Reading File Bill)

On page 2, in lines 7 and 8, in each instance, strike "recommended" and substitute "appointed"; and in line 10, strike "psychiatrist" and substitute "psychologist".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 858 – Delegates Hixson, Davis, Waldstreicher, Barkley, Cardin, Cullison, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, A. Miller, Mizeur, Morhaim, Niemann, Reznik, S. Robinson, Rosenberg, Summers, V. Turner, ~~Waldstreicher, and Walker~~ Walker, and Howard

AN ACT concerning

Education – ~~Student Athletes~~ Public Schools and Youth Sports Programs – Concussions

HB0858/334134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 858
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike the first "a"; in the same line, strike "sheet" and substitute "and a certain notice"; in line 17, strike "a"; and in line 18, strike "sheet".

AMENDMENT NO. 2

On page 4, in line 26, strike "**ATHLETE**".

On page 5, in line 12, strike the second comma and substitute "**:**

(I)";

in the same line, strike "**INFORMATION**" and substitute "**INFORMATION**"; in line 14, after "**INDIVIDUAL**" insert "**; AND**

(II) NOTICE THAT ACKNOWLEDGMENT OF THE RECEIPT OF THE INFORMATION BY THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR GUARDIAN OF THE INDIVIDUAL, IS REQUIRED";

in line 19, strike "**A SEPARATE**"; and in lines 19, 21, and 24, in each instance, strike "**SHEET**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #45

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

House Bill 66 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Podiatric Medical Examiners – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 328 – Delegate Feldman

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

HB0328/874933/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 328
(Third Reading File Bill)

On page 2, strike beginning with "**OF**" in line 8 down through "**AICPA**" in line 10.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 354 – Delegates V. Turner, Alston, Costa, Donoghue, Elliott, Healey, Hubbard, Kach, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Valderrama, and Valentino–Smith

AN ACT concerning

Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit

HB0354/834331/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 354
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses, Temporary Volunteer Licenses, and Temporary Dental Clinic Permits"; strike beginning with "licensed" in line 7 down through "this" in line 8 and substitute "for a certain license to practice dentistry or practice dental hygiene in the"; and strike beginning with "the" in line 15 down through "permit" in line 17 and substitute "the State Board of Dental Examiners and dentist and dental hygienist licenses, temporary volunteer licenses, and temporary dental clinic permits".

AMENDMENT NO. 2

On page 9, in line 4, strike "**PASSED**"; in line 5, strike "**THE**" and substitute "**PASSED THE**"; and in line 7, strike "**HAS SUBMITTED**" and substitute "**SUBMITTED**".

On page 10, in line 12, strike "**(I)**"; strike in their entirety lines 15 through 17, inclusive, and substitute:

"**(7) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTIST'S LICENSE TO A DENTIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER DENTIST'S LICENSE IF THE DENTIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**";

and in line 18, strike "**(7)**" and substitute "**(8)**".

AMENDMENT NO. 3

On page 15, in line 15, strike "**(I)**"; strike in their entirety lines 19 through 21, inclusive, and substitute:

"**(9) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE TO A DENTAL HYGIENIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE IF THE DENTAL HYGIENIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**";

and in line 22, strike "**(9)**" and substitute "**(10)**".

On page 16, in line 1, strike "**(I)**"; strike in their entirety lines 4 through 7, inclusive, and substitute:

"**(4) THE BOARD MAY ISSUE A TEMPORARY DENTAL CLINIC PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT PREVIOUSLY HELD A TEMPORARY DENTAL CLINIC PERMIT IF THE BONA FIDE CHARITABLE ORGANIZATION APPLIES FOR A NEW PERMIT AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**";

and in lines 8, 11, 26, and 34, strike "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 362 – Chair, Economic Matters Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

HB0362/874039/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 362
(Third Reading File Bill)

On page 10, after line 16, insert:

"(3) the advisability of a requirement for the posting of a performance bond for all licensees, and if advisable, in what amounts, and triggered by what price contracts;

(4) a plan for facilitating better communication between licensees and consumers relating to contract performance completion dates;";

in lines 17 and 19, strike "(3)" and "(4)", respectively, and substitute "(5)" and "(6)", respectively.

The preceding amendment was read only.

Senator Conway moved, duly seconded, to make the Bill and Amendments a Special Order for later today.

The motion was adopted.

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

House Bill 841 – ~~Delegate Kipke~~ Delegates Kipke, Kach, Pendergrass, Bromwell, Cullison, Krebs, and Donoghue

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

HB0841/274231/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 841
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "patient" insert ", under certain circumstances,"; in line 6, after "regulations;" insert "authorizing a dental hygienist, under certain circumstances, to monitor a patient to whom nitrous oxide is administered; requiring a dental hygienist to complete certain educational and examination requirements before performing certain functions; providing for the termination of this Act;"; and after line 14, insert:

"BY adding to

Article – Health Occupations
Section 4–206.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in line 15, after "**MONITOR**" insert "**, IN ACCORDANCE WITH § 4–206.2 OF THIS TITLE,**".

On page 3, in line 29, after "**ADMINISTERED**" insert "**, SUBJECT TO § 4–206.2 OF THIS SUBTITLE**".

On page 4, in line 1, after "**HYGIENIST**" insert "**, IN ACCORDANCE WITH § 4–206.2 OF THIS SUBTITLE,**".

On page 4, before line 21, insert:

"**4–206.2.**

(A) A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED PROVIDED THE MONITORING OF THE PATIENT IS UNDER THE SUPERVISION OF A DENTIST WHO IS PHYSICALLY PRESENT ON THE PREMISES.

(B) BEFORE A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED, THE DENTAL HYGIENIST SHALL SUCCESSFULLY COMPLETE THE FOLLOWING:

(1) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD; AND

(2) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED BY THE BOARD.

(C) A DENTAL HYGIENIST SHALL COMPLETE THE EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(1) OF THIS SECTION THROUGH AN ACCREDITED DENTAL HYGIENE PROGRAM.";

and in line 22, after "2011." insert "It shall remain effective for a period of 3 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 986 – Delegates Hubbard, Costa, ~~and Stocksdale~~ Stocksdale, Donoghue, A. Kelly, Krebs, Oaks, Pena–Melnyk, and V. Turner

AN ACT concerning

Pharmacists – Administration of Vaccines – Children

HB0986/774730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 986
(Third Reading File Bill)

On page 1, in line 2, strike "Vaccines" and substitute "Vaccinations"; and in line 7, strike "vaccines" and substitute "vaccinations".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 998 – Delegates Valentino–Smith, Boteler, Conaway, Dwyer, K. Kelly, McComas, ~~and Minnick~~ Minnick, Burns, Haddaway–Riccio, Hershey, McHale, and Schulz

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Business Occupations and Professions

HB0998/604932/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 998
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "and" insert "Individuals in"; in line 4, after "of" insert "requiring the State Department of Education to develop a certain form relating to teacher certification and tenure and to post the form on its Web site;"; and after line 7, insert:

"BY adding to
Article – Education
Section 6–201.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"Article – Education

6–201.1.

THE DEPARTMENT SHALL:

(1) DEVELOP AN INFORMATIONAL FORM THAT LISTS AND EXPLAINS THE VARIOUS PATHS THAT CAN BE TAKEN IN ORDER TO OBTAIN CERTIFICATION AND TENURE IN THE STATE; AND

(2) POST THE FORM ON ITS WEB SITE.".

AMENDMENT NO. 3

On page 4, strike beginning with "**THAT**" in line 7 down through "**STATE**" in line 8 and substitute "**UNDER § 6–201.1 OF THE EDUCATION ARTICLE**"; in lines 10 and 12, in each instance, after "**PERMIT**" insert "**RECIPROCAL**"; and the same lines, in each instance, strike "**BY ENDORSEMENT**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1135 – Delegates Love, Beidle, Burns, Costa, Feldman, Impallaria, Kipke, Pena–Melnyk, and Ross

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1175 – ~~Delegates Barkley and Davis~~ Economic Matters Committee and Delegates Hucker, Ivey, Barkley, Afzali, Alston, Anderson, Arora, Aumann, Barnes, Barve, Beidle, Bobo, Boteler, Branch, Busch, Cane, Cardin, Carr, Clagett, Cluster, Conway, Costa, Cullison, Davis, Dumais, Eckardt, Elliott, Feldman, Frank, Frick, Frush, Gaines, George, Gilchrist, Glenn, Griffith, Gutierrez, Haddaway–Riccio, Hammen, Harrison, Healey, Hershey, Hixson, Holmes, Hubbard, Impallaria, Jacobs, Jameson, Kach, Kaiser, A. Kelly, Kipke, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McDermott, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Myers, Niemann, Otto, Pena–Melnyk, Pendergrass, Proctor, Ready, Reznik, S. Robinson, Rosenberg, Ross, Rudolph, Schulz, Serafini, Simmons, Smigiel, Stein, Stocksdale, Stukes, Summers, Szeliga, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Washington, Wilson, and Zucker

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #46

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

House Bill 148 – Frederick County Delegation

AN ACT concerning

Allegany County and Frederick County – ~~Board~~ Boards of Elections – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 506 – Anne Arundel County Delegation

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

Favorable report adopted.

FLOOR AMENDMENT

HB0506/593127/2
BY: Chair, Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 506
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "facility;" insert "authorizing a holder of an entertainment facility license or an entertainment concessionaire license to exercise the privileges of the license during certain times; specifying that a certain special Sunday license requirement does not apply to the holder of an entertainment facility license or an entertainment concessionaire license;".

AMENDMENT NO. 2

On page 3, after line 27, insert:

"**(5) (I) A HOLDER OF AN ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE MAY EXERCISE THE PRIVILEGES OF THE LICENSE 7 DAYS A WEEK, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

(II) THE REQUIREMENT UNDER SUBSECTION (D) OF THIS SECTION THAT A LICENSEE OBTAIN A SPECIAL SUNDAY LICENSE TO SELL ALCOHOLIC BEVERAGES ON SUNDAY DOES NOT APPLY TO THE HOLDER OF AN ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE.".

On page 3, in line 28, strike "**(5)**" and substitute "**(6)**".

On page 4, in lines 3, 6, 9, 12, and 15, strike "**(6)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 561 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 625 – Carroll County Delegation

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 766 – Delegates Mizeur, Barkley, Bobo, Carr, Frick, Ivey, Kaiser, Lafferty, Luedtke, McMillan, A. Miller, W. Miller, Pena–Melnyk, Reznik, Ross, Sophocleus, ~~and F. Turner~~ F. Turner, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Ready, Tarrant, and V. Turner

AN ACT concerning

Joint Committee on Transparency and Open Government Act

HB0766/774535/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 766
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 and substitute "State Government – Transparency and Open Government"; in line 11, after "year;" insert "providing that a public body need not prepare written minutes of an open meeting under certain circumstances; specifying that certain information shall be deemed the minutes of a certain session; clarifying provisions regarding the minutes of certain meetings of a public body; altering a provision that requires a public body to keep a copy of certain tape recordings;"; in line 12, after "Government" insert "and minutes of meetings of a public body"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 10–509
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2
On page 5, after line 13, insert:

"10–509.

(a) This section does not:

(1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or

(2) limit the matters that a public body may include in its minutes.

(b) **(1)** **[**As**]** **SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AS** soon as practicable after a public body meets, it shall have written minutes of its session prepared.

(2) A PUBLIC BODY NEED NOT PREPARE WRITTEN MINUTES OF AN OPEN SESSION:

(I) IF LIVE AND ARCHIVED VIDEO OR AUDIO STREAMING OF THE OPEN SESSION IS AVAILABLE; OR

(II) IF THE PUBLIC BODY VOTES AND THE INDIVIDUAL VOTES TAKEN BY EACH MEMBER OF THE PUBLIC BODY WHO PARTICIPATES IN THE VOTING ARE POSTED PROMPTLY ON THE INTERNET.

(3) THE INFORMATION SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DEEMED THE MINUTES OF THE OPEN SESSION.

(c) (1) The **WRITTEN** minutes shall reflect:

(i) each item that the public body considered;

(ii) the action that the public body took on each item; and

(iii) each vote that was recorded.

(2) If a public body meets in closed session, the **WRITTEN** minutes for its next open session shall include:

(i) a statement of the time, place, and purpose of the closed session;

(ii) a record of the vote of each member as to closing the session;

(iii) a citation of the authority under this subtitle for closing the session; and

(iv) a listing of the topics of discussion, persons present, and each action taken during the session.

(3) (i) A session may be tape recorded by a public body.

(ii) Except as otherwise provided in paragraph (4) of this subsection, the **WRITTEN** minutes and any tape recording of a closed session shall be sealed and may not be open to public inspection.

(4) The **WRITTEN** minutes and any tape recording shall be unsealed and open to inspection as follows:

(i) for a meeting closed under § 10–508(a)(5) of this subtitle, when the public body invests the funds;

(ii) for a meeting closed under § 10–508(a)(6) of this subtitle, when the public securities being discussed have been marketed; or

(iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the **WRITTEN** minutes and any tape recording.

(d) Except as provided in subsection (c) of this section, **WRITTEN** minutes of a public body are public records and shall be open to public inspection during ordinary business hours.

(e) A public body shall keep a copy of the **WRITTEN** minutes of each session and any tape recording made under **[**subsection**]** **SUBSECTIONS (B)(2) OR** (c)(3)(i) of this section for at least 1 year after the date of the session.".

AMENDMENT NO. 3

On page 5, in line 15, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 954 – Washington County Delegation

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1154 – Delegate Gilchrist

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1243 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County ~~Executive and County Council of Baltimore County~~ – License Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #47

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

House Bill 245 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Beer, Wine and Liquor Tasting License
Ho. Co. 5–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 326 – ~~Delegates Lafferty, Aumann, Cardin, Frank, Stein, and Weir~~ Baltimore County Delegation

AN ACT concerning

Baltimore County – Winery Special Event Permits – Farmers' Markets

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 477 – Carroll County Delegation

AN ACT concerning

Carroll County – Commissioners – Term Limits and Vacancies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 520 – Delegates Rosenberg, Mizeur, Arora, Barve, Cardin, Cullison, DeBoy, Donoghue, Feldman, Frank, Hubbard, Hucker, Kach, A. Kelly, Kipke, Kramer, Lafferty, Lee, McDonough, Mitchell, Morhaim, Murphy, Oaks, Pena–Melnyk, Ready, Reznik, Ross, Stein, Tarrant, V. Turner, Vaughn, and Zucker

AN ACT concerning

Transportation – Procurement for MARC ~~Train~~ Service ~~– Disclosure Requirements Regarding Involvement in Deportations~~

Favorable report adopted.

FLOOR AMENDMENT

HB0520/844439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 520
(Third Reading File Bill)

On page 1, in line 15, after "Area" insert "Regional"; and in the same line, strike "Rail".

On page 3, in line 22, strike "**RAIL**" and substitute "**REGIONAL**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 614 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

~~**Maryland–National Capital Park and Planning Commission – Prince George's County – Site Plan Approval Authority**~~
Prince George's County – Maryland–National Capital Park and Planning Commission – Site Plan Approval Authority and Public Ethics Requirements
MC/PG 114–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1218 – Frederick County Delegation

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1274 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Class B–Stadium (Baseball Stadium) On–Sale Beer, Wine and Liquor License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #48

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

House Bill 53 – Delegate Hubbard

AN ACT concerning

Environment – ~~Commercial Dishwashing Detergent – Prohibition~~
Phosphorus – Commercial Dishwashing Detergent

HB0053/134034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 53
(Third Reading File Bill)

On page 1, in line 18, strike "**OTHERWISE PROVIDED IN**" and substitute "**PROVIDED IN SUBSECTION (B) OF**".

On page 2, in line 15, strike "After"; in the same line, strike "July 1, 2010"; and in the same line, strike ", a" and substitute "**A**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 54 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

HB0054/154832/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 54
(Third Reading File Bill)

On page 2, in lines 20 and 27, in each instance, after "**MASS**" insert "**OF THE PRODUCT AS A WHOLE**".

On page 3, in line 5, after "**MASS**" insert "**OF THE PRODUCT AS A WHOLE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 347 – Delegate Lafferty

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

HB0347/514638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 347
(Third Reading File Bill)

On page 2, in line 13, strike "**CITIZENS**" and substitute "**RESIDENTS**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 396 – Delegates Beidle, Frush, Gilchrist, Glenn, Holmes, Lafferty, Love, Malone, McIntosh, Niemann, Stein, and Weir

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

HB0396/274732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 396
(Third Reading File Bill)

On page 1, in line 12, after "recreational" insert "or commercial".

On page 8, in line 23, after "**PROCEEDINGS**" insert a comma.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 881 – Delegate S. Robinson

AN ACT concerning

Agriculture – Waste Kitchen Grease

HB0881/984837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 881
(Third Reading File Bill)

On page 3, in line 12, strike "**(1)**".

On page 6, in line 24, strike "**AND PENALTIES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1093 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses
PG 312–11

HB1093/284037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1093
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Bladensburg"; in line 3, after "Licenses" insert "and Board of License Commissioners Employees"; in line 9, after "circumstances" insert "subject to certain conditions; altering a certain prohibition to provide that an employee of the Board of License Commissioners may own certain real property under certain circumstances"; in line 13, after "in" insert "and employees of the Board of License Commissioners of"; after line 18, insert:

"BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)";

and in line 16, strike "and 9–217(f)(7)" and substitute ", 9–217(f)(7), and 15–112(r)(4)".

AMENDMENT NO. 2

On page 2, after line 32, insert:

"15–112.

(r) (1) This subsection applies only in Prince George's County.

(4) A commissioner, inspector, or employee of the Board may not:

(i) **1.** **[**Have**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, HAVE** any interest, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or on any premises in this State where alcoholic beverages are manufactured or sold; and

[(ii)**]** **2.** Have any interest in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises in this State where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State.

(II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, AN EMPLOYEE OF THE BOARD MAY OWN REAL PROPERTY IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #49

CONSENT CALENDAR #58

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 201	FAV	Del Beitzel	Garrett County – Vacancy in Office of County Commissioner – Appointment Process
HB 228	FAV	Dels Haddaway–Riccio and Eckardt	Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels
HB 237	FAV	Del Anderson (BCA) and Del Rosenberg	Baltimore City – Zoning Requirements – Administrative Adjustments
HB 675	FAV	Dels Otto and McDermott	Somerset County – Private Sale of County Property
HB 826	FAV	Carroll County Delegation	Carroll County – Abatement of Nuisances
HB 1334	FAV	Dels McDermott and Conway	Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #50

CONSENT CALENDAR #59

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 57	FAV	Dels Costa and Vitale	Environment – Bay Restoration Fund – Authorized Uses
HB 273	FAV	Del Gilchrist, et al	Natural Resources – Oyster Poaching – Hearing
HB 292	FAV	Del Minnick, et al	Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties
HB 1025	FAV	The Spkr (Admin)	State Government – Land Acquisitions and Transfers of Property
HB 1053	FAV	The Spkr (Admin)	Natural Resources – Aquaculture
HB 1225	FAV	Del Gilchrist,	Natural Resources – Commercial

		et al	Fishing Violations – Enhanced Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #51

CONSENT CALENDAR #60

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 257	FAV	Del Murphy, et al	Election Law – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote
HB 267	FAV	Del Anderson (BCA), et al	Public Ethics Laws – Baltimore Cty – Hlth Dept, Police Dept, and Civilian Review Bd
HB 511	FAV	Del Dumais, et al	Juvenile Services – Services and Programs for Females
HB 604	FAV	Charles County Delegation	Charles County – Board of Elections – Membership
HB 1013	FAV	Del Hixson	State Department of Ed – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #52

CONSENT CALENDAR #61

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

BILL NO.	REPORT	SPONSOR	CONTENT

HB 34	FAV	Dels Malone and Aumann	Commission to Study the Impact of Immigrants in Maryland – Sunset Extension
HB 67	FAV	The Spkr (DLS)	State Board of Architects – Sunset Extension and Program Evaluation
HB 68	FAV	The Spkr (DLS)	St Bd of Heating, Ventilation, A–C, and Refrig Contractors – Sunset Ext and Program Evaluation
HB 69	FAV	The Spkr (DLS)	State Board for Professional Engineers – Sunset Extension and Program Evaluation
HB 329	FAV	Del S. Robinson, et al	Public Information Act – Required Denials – Senior Citizen Activities Centers
HB 332	FAV	Del Wood, et al	Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend
HB 361	FAV	Chr ECM	State Board of Master Electricians – Sunset Extension and Revision
HB 1116	FAV	Prince George's County Delegation	PG Co – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period PG 416–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #53

CONSENT CALENDAR #62

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 36	FAV	Del Kach	State Board of Podiatric Medical Examiners – Unannounced Inspections
HB 65	FAV	The Spkr (DLS)	Electrology Practice Committee – Sunset Extension and Program Evaluation
HB 75	FAV	The Spkr (DLS)	State Board of Examiners of Psychologists – Sunset Extension and Program Evaluation
HB 188	FAV	Del Donoghue	State Board of Physical Therapy

			Examiners – Licensure and Regulation
HB 311	FAV	Del Hubbard	Professional Counselors and Therapists – Continuing Education – Home Study
HB 387	FAV	Del Nathan–Pulliam, et al	Residential Child and Youth Care Practitioners – Certification – Implementation Plan
HB 503	FAV	Del Bromwell, et al	Hlth Occups Bds – Discipline of Hlth Care Practitioners – Failure to Comply with Gov's Order
HB 560	FAV	Del Hubbard, et al	Polysomnography – Technologists Licensure
HB 600	FAV	Del Hammen, et al	Health Care Providers – Investigations – Information Sharing Among State Agencies (Joint Referral EHE/FIN)

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #54

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

Senate Joint Resolution 4 – Senator Dyson

A Senate Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

SJ0004/804130/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE JOINT RESOLUTION 4
(First Reading File Joint Resolution)

AMENDMENT NO. 1

On page 1, in line 7, strike "a certain date" and substitute "certain dates".

On page 2, strike in their entirety lines 4 through 13, inclusive, and substitute:

"(1) Six individuals appointed by the President of the Senate of Maryland, including:

(i) Three members of the Senate of Maryland, at least one of whom shall be a member of the minority party of the Senate; and

(ii) Three additional individuals, at least one of whom shall be a member of the principal minority party in the State;

(2) Six individuals appointed by the Speaker of the House, including:

(i) Three members of the House of Delegates, at least one of whom shall be a member of the minority party in the House; and

(ii) Three additional individuals, at least one of whom shall be a member of the principal minority party in the State; and".

AMENDMENT NO. 2

On page 2, in line 14, strike "Nine" and substitute "Five"; in the same line, strike "three" and substitute "one"; in line 15, strike "members" and substitute "a member"; strike in their entirety lines 16 through 18, inclusive, and substitute:

"(i) The State Administrator of Elections, or the State Administrator's designee;

(ii) The Executive Director of the State Ethics Commission, or the Executive Director's designee; and";

in line 19, strike "(iv)" and substitute "(iii)"; and in the same line, strike "Six" and substitute "Three".

AMENDMENT NO. 3

On page 2, strike line 20 and substitute:

"(c) The President of the Senate and the Speaker of the House jointly shall designate the chair of the Commission.".

AMENDMENT NO. 4

On page 2, in line 27, after "jurisdictions" insert ", including the federal government".

On page 3, in line 10, strike "beneficiaries" and substitute "contributions to"; in line 21, after "a" insert "voluntary"; strike line 22 and substitute "public financing of campaigns for local, statewide, legislative, and judicial offices, including the costs and practical funding sources outside of the State's general fund;

(5) Examine issues relating to the purpose and function of slates, including the process by which a candidate is added to and removed from a slate, the practice of creating statewide and regional slates among legislative candidates, and the role encompassed in the party committee model utilized in other jurisdictions for activities currently conducted in Maryland through slates;

(6) Examine issues relating to the enforcement of election laws, including the roles and responsibilities of the State Board of Elections, the Office of the State Prosecutor, and the Office of the Attorney General;

(7) Examine issues relating to opinions from the Office of the Attorney General, including the dissemination of letters of advice;"; and in line 23, strike "(5)" and substitute "(8)".

AMENDMENT NO. 5

On page 3, strike in their entirety lines 24 through 27, inclusive, and substitute:

"(9) (i) Provide an interim report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2012 Session, to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly by December 31, 2011; and

(ii) Provide a final report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2013 Session, to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly by December 31, 2012.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 93 – Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner

AN ACT concerning

Election Law – Independent Expenditures and Electioneering Communications – Reporting

HB0093/704230/3
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 93
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, after "communications;" insert "clarifying that a person who makes a certain contribution may not be considered to have made a disbursement for electioneering communications because of the contribution;".

On page 2, in line 20, after "date;" insert "providing that only independent expenditures or disbursements for electioneering communications made after the effective date of this Act shall be considered for certain purposes;".

AMENDMENT NO. 2

On page 6, in line 16, after "**DONATION**" insert "**IN EXCESS OF $50**".

On page 10, in line 29, after "**DONATION**" insert "**IN EXCESS OF $50**".

AMENDMENT NO. 3

On page 8, in line 19, strike "**AND**"; and in line 22, after "**BALLOT**" insert "**; AND**

4. IS NOT MADE IN COORDINATION WITH, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE, A CAMPAIGN FINANCE ENTITY OF A CANDIDATE, AN AGENT OF A CANDIDATE, OR A BALLOT ISSUE COMMITTEE".

AMENDMENT NO. 4

On page 10, in line 32, after "**(F)**" insert "**(1)**".

On page 11, after line 2, insert:

"**(2) A PERSON WHO MAKES A CONTRIBUTION TO A CAMPAIGN FINANCE ENTITY MAY NOT BE CONSIDERED TO HAVE MADE A DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS UNDER THIS SECTION BECAUSE OF THE CONTRIBUTION.**".

AMENDMENT NO. 5

On page 12, in line 19, strike "**INDEPENDENT EXPENDITURE**" and substitute "**ELECTIONEERING COMMUNICATION**".

AMENDMENT NO. 6

On page 12, after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That only independent expenditures or disbursements for an electioneering communication made after the effective date of this Act shall be considered in determining whether a person has made the aggregate amount of independent expenditures or disbursements for electioneering communications that subjects the person to the requirements of this Act.";

and in lines 26 and 32, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 6 amendments were read only.

Senator Pugh moved, duly seconded, to make the Bill and Amendments a Special Order for April 9, 2011.

The motion was adopted.

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

House Bill 145 – Delegates Hubbard, Barnes, Bobo, Branch, Braveboy, Costa, Cullison, Frush, Gaines, Holmes, Hucker, A. Kelly, Lee, Mizeur, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Rosenberg, Ross, Tarrant, V. Turner, Valentino–Smith, Waldstreicher, Walker, ~~and Zucker~~ Zucker, Donoghue, Kipke, Morhaim, Pendergrass, and Reznik

AN ACT concerning

Health – Cadmium in Children's Jewelry – Prohibition

HB0145/814931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 145
(Third Reading File Bill)

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 313 – Delegate Stein

AN ACT concerning

Natural Resources – Woodland Incentives Fund – Renaming

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 398 – Baltimore County Delegation

AN ACT concerning

Task Force on the Method of Selecting the Baltimore County Board of Education

HB0398/244637/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 398
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 4, 14, and 17, in each instance, strike "Method of Selecting" and substitute "Membership and Operation of"; and in line 8, after "recommendations" insert ", including recommendations".

AMENDMENT NO. 2

On page 2, in line 1, after "Maryland" insert "who represent Baltimore County"; and in line 5, after "Delegates" insert "who represent Baltimore County".

AMENDMENT NO. 3

On page 1, in line 19, strike "12" and substitute "13".

On page 2, in line 7, strike "and"; and in line 9, after "Council" insert "; and

(7) one representative of the Maryland Association of Boards of Education, appointed by the Association".

On page 3, in line 1, strike "and"; in line 3, after "process" insert "; and

(4) improving the transparency and professionalism of the Baltimore County Board of Education"; and in line 15, strike "Parent Teacher Association" and substitute "PTA".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 437 – ~~Delegate Niemann~~ Delegates Niemann, Gilchrist, Beidle, Healey, and Glenn

AN ACT concerning

Real Property – Sales of New Homes – Minimum Visitability Features

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 476 – Carroll County Delegation

AN ACT concerning

Carroll County – Winery Special Event Permits – Farmers' Markets

HB0476/364239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 476
(Third Reading File Bill)

On page 2, in line 13, strike "**9**" and substitute "**12**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 487 – Delegates Rosenberg and Kaiser

AN ACT concerning

~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program – Internships

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Joint Resolution 7 – Delegates Cardin, Busch, Hixson, and Rosenberg

A House Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

HJ0007/464038/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE JOINT RESOLUTION 7
(Third Reading File Joint Resolution)

AMENDMENT NO. 1

On page 1, in line 7, strike "a certain date" and substitute "certain dates".

On page 2, strike in their entirety lines 10 through 19, inclusive, and substitute:

"(1) Six individuals appointed by the President of the Senate of Maryland, including:

(i) Three members of the Senate of Maryland, at least one of whom shall be a member of the minority party of the Senate; and

(ii) Three additional individuals, at least one of whom shall be a member of the principal minority party in the State;

(2) Six individuals appointed by the Speaker of the House, including:

(i) Three members of the House of Delegates, at least one of whom shall be a member of the minority party in the House; and

(ii) Three additional individuals, at least one of whom shall be a member of the principal minority party in the State;".

AMENDMENT NO. 2

On page 2, in line 20, strike "Nine" and substitute "Five"; in the same line, strike "three" and substitute "one"; in line 21, strike "members" and substitute "a member"; strike in their entirety lines 22 through 24, inclusive, and substitute:

"(i) The State Administrator of Elections, or the State Administrator's designee;

(ii) The Executive Director of the State Ethics Commission, or the Executive Director's designee; and";

in line 25, strike "(iv)" and substitute "(iii)"; and in the same line, strike "Six" and substitute "Three".

AMENDMENT NO. 3

On page 2, strike line 26 in its entirety and substitute:

"(c) The President of the Senate and the Speaker of the House jointly shall designate the chair of the Commission.".

AMENDMENT NO. 4

On page 3, in line 4, after "jurisdictions" insert ", including the federal government"; in line 15, strike "beneficiaries" and substitute "contributions to"; in line 26, after "a" insert "voluntary"; strike line 27 in its entirety and substitute "public financing of campaigns for local, statewide, legislative, and judicial offices, including the costs and practical funding sources available outside of the State's general fund;

(5) Examine issues relating to the purpose and function of slates, including the process by which a candidate is added to and removed from a slate, the practice of creating statewide and regional slates among legislative candidates, and the role encompassed in the party committee model utilized in other jurisdictions for activities currently conducted in Maryland through slates;

(6) Examine issues relating to the enforcement of election laws, including the roles and responsibilities of the State Board of Elections, the Office of the State Prosecutor, and the Office of the Attorney General;

(7) Examine issues relating to opinions from the Office of the Attorney General, including the dissemination of letters of advice;";

and in line 28, strike "(5)" and substitute "(8)".

AMENDMENT NO. 5

On page 3, strike in their entirety lines 29 through 33, inclusive, and substitute:

"(9) (i) Provide an interim report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2012 Session, to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly by December 31, 2011; and

(ii) Provide a final report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2013 Session, to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly by December 31, 2012.".

On page 4, in line 1, strike "2012" 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.

SPECIAL ORDERS

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

House Bill 362 – Chair, Economic Matters Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

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

HB0362/874039/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 362
(Third Reading File Bill)

On page 10, after line 16, insert:

"(3) the advisability of a requirement for the posting of a performance bond for all licensees, and if advisable, in what amounts, and triggered by what price contracts;

(4) a plan for facilitating better communication between licensees and consumers relating to contract performance completion dates;";

in lines 17 and 19, strike "(3)" and "(4)", respectively, and substitute "(5)" and "(6)", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

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

House Bill 38 – Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

AN ACT concerning

Nonpublic Schools ~~Accepting State Funds~~ Participating in State–Funded Education Programs – Bullying, Harassment, and Intimidation – Policies

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

HB0038/934236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 38
(Third Reading File Bill)

On page 1, in line 14, after "intimidation" insert ", or to require a certain statewide policy".

On page 3, strike line 9 in its entirety.

On page 5, in line 5, after "**TO**" insert "**:**

(1)";

in line 6, strike "**LIMIT**" and substitute "**LIMIT**"; and in line 7, after "**INTIMIDATION**" insert "**; OR**

(2) REQUIRE A STATEWIDE POLICY IN NONPUBLIC SCHOOLS RELATING TO BULLYING, HARASSMENT, AND INTIMIDATION".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

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

FLOOR AMENDMENT

HB0071/443222/2
BY: Senator Pugh

AMENDMENTS TO HOUSE BILL 71
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 17, after "purposes;" insert "providing that a certain authorization may not be expended or encumbered until a certain report is submitted to the City Council of Baltimore City and the General Assembly;".

AMENDMENT NO. 2

On page 11, in line 28, after "Management" insert ". Further provided that this authorization may not be encumbered or expended until the Housing Authority of Baltimore City submits a plan to the City Council of Baltimore City and, in accordance with § 2–1246 of the State Government Article, the General Assembly for satisfying all outstanding judgments related to lead paint litigation".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Senator DeGrange moved, duly seconded, to put **House Bill 71** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 982)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 71** on Third Reading and Final Passage.

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 41 Negative – 6 (See Roll Call No. 983)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 984)

ADJOURNMENT

At 3:18 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 12:00 Noon on Legislative Day April 5, 2011, Calendar Day, Saturday, April 9, 2011.

Annapolis, Maryland
Legislative Day: April 5, 2011
Calendar Day: Saturday, April 9, 2011
12:00 P.M. Session

The Senate met at 12:22 P.M.

Prayer by Senator C. Anthony Muse.

(See Exhibit A of Appendix III)

The Journal of April 4, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 986)

CONCURRENCE CALENDAR #20

AMENDED IN THE HOUSE

Senate Bill 484 – Senators King, Forehand, Garagiola, Montgomery, Peters, and Robey

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

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

SB0484/683395/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 484
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "authorizing" insert "counties and"; strike beginning with "and" in line 4 down through "employment" in line 5; strike beginning with "who" in line 7 down through "manner" in line 10 and substitute "unless the employee was hired after a certain date, received certain notice, and has not requested an exemption from direct deposit"; in line 12, after "requiring" insert "counties and"; and in line 20, strike "number".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 21 down through "**1.**" in line 22; strike beginning with the semicolon in line 23 down through "**EMPLOYMENT**" in line 25; and in line 27, after "**EMPLOYEE**" insert "**UNLESS THE EMPLOYEE**".

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page 2 through line 7 on page 3, inclusive, and substitute:

"**1. WAS HIRED AFTER SEPTEMBER 30, 2011;**

2. RECEIVED NOTICE OF THE EMPLOYEE'S RIGHT TO REQUEST AN EXEMPTION FROM THE PAYMENT OF WAGES BY DIRECT DEPOSIT; AND

3. HAS NOT REQUESTED AN EXEMPTION FROM THE PAYMENT OF WAGES BY DIRECT DEPOSIT.".

On page 3, in line 20, strike "**OF THE EMPLOYEE THAT IS**"; and in line 29, strike "**OF**" and substitute "**SELECTED BY**".

On page 4, in line 13, strike "**AUTOMATIC CLEARINGHOUSE**" and substitute "**AUTOMATED CLEARING HOUSE**"; and in line 15, strike "**NUMBER**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0484**
SPONSOR: Sen King, et al

SUBJECT: Counties and Municipal Corporations – Direct Deposit of Wages

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Garagiola, Chairman
Senator Kittleman
Senator Kelley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #22

AMENDED IN THE HOUSE

Senate Bill 124 – ~~**Senator Astle**~~ **Senators Astle, Conway, Dyson, Benson, Ferguson, Jennings, Montgomery, Pinsky, Reilly, Rosapepe, Simonaire, and Young**

AN ACT concerning

Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags

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

SB0124/226283/1
BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 124
(Third Reading File Bill)

On page 2, in line 5, after "**MEANS**" insert "**:**

(I)";

and in line 9, after "**DUTY**" insert "**; OR**

(II) THE FLAG DESIGNATED BY THE UNITED STATES CONGRESS AS THE OFFICIAL SYMBOL TO RECOGNIZE AND HONOR MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY, IF OTHER THAN THE HONOR AND REMEMBER FLAG CREATED BY HONOR AND REMEMBER, INC".

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0124**
SPONSOR: Sen Astle, et al
SUBJECT: Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags

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 Reilly, Chairman
Senator Young
Senator Montgomery.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 234 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

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

SB0234/943691/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 234
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "Fund;" insert "prohibiting a certain settlement offered to a licensee by the Commission from including a certain provision;"; and after line 22, insert:

"BY adding to
Article – Business Occupations and Professions
Section 17–413
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"**17–413.**

IF THE COMMISSION OFFERS A LICENSEE A SETTLEMENT TO REDUCE A FINE IMPOSED FOR A VIOLATION OF THIS TITLE, THE SETTLEMENT MAY NOT INCLUDE A PROVISION REQUIRING THE LICENSEE TO WAIVE THE LICENSEE'S RIGHT TO CONTEST A GUARANTY FUND CLAIM AGAINST THE LICENSEE.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0234**
SPONSOR: Chr EHE
SUBJECT: State Real Estate Commission – Sunset Extension and Program Evaluation

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

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0233**
SPONSOR: Del Barve, et al
SUBJECT: Counties and Municipal Corporations – Direct Deposit of Wages

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Feldman, Chairman
Delegate Braveboy, and
Delegate Hershey.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0233**
SPONSOR: Del Barve, et al
SUBJECT: Counties and Municipal Corporations – Direct Deposit of Wages

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Feldman, Chair
Delegate Braveboy
Delegate Hershey

The Senate appoints:
Senator Garagiola, Chairman
Senator Kittleman
Senator Kelley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

Calendar Day April 9, 2011
By the Majority Leader:
Ladies and Gentleman of the House of Delegates:

BILL: **HB 71**
SPONSOR: The Speaker (By Request – Administration)

SUBJECT: Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

The Senate respectfully requests that the House return said Bill for the purposes of a clerical adjustment to an amendment.

By Order,

William B.C. Addison, Jr.
Secretary

Journalized

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 9 (Emergency Bill)	Sen. Glassman	Harford Co – Alc Bevs – Special Class C–3 Misc Org or Club License
SB 32	Sen. Reilly	Agriculture – Practice of Veterinary Medicine – Exclusions
SB 57	Ch., Finance Com.	Maryland Health Care Commission – Certificate of Need Requirements
SB 88	The President	Maryland Insurance Administration – Program Evaluation
SB 120	Sen. Conway	Procurement – Minority Business Participation
SB 146	Chair, EHE Com.	State Board of Veterinary Medical Examiners – Licensing
SB 151	Sen. Frosh	Public Health – Containers of Infant Formula Manufactured with Bisphenol–A – Prohibition
SB 183	The President	Health Insurance – Conformity with Federal Law
SB 230	Sen. King	Public Information Act – Required Denials – Senior Citizen Activities Centers
SB 270	Sen. Edwards	Alcoholic Beverages –

		Allegany County Board of License Commissioners – Vacancies
SB 282	Chair, EHE Com.	Family Day Care Providers – Amnesty Period – Repeal
SB 287	Chair, EHE Com.	State Board of Public Accountancy – Educational Requirements for Examination and Licensure
SB 290	Chair, EHE Com.	State Board for Professional Engineers – Examinations
SB 293	Chair, EHE Com.	St Bd of Exmrs of Landscape Archts – Applicants for Licnsr – Educ and Experience Reqmts
SB 294	Chair, EHE Com.	State Board of Pilots – Limited Licenses to Provide Pilotage
SB 296	Sen. Shank	Washington County – Alcoholic Beverages – Micro–Breweries
SB 322	Chair, EHE Com.	State Board of Veterinary Medical Examiners – Registered Veterinary Technician
SB 391	Sen. Shank	Washington County – Alcoholic Beverages – Wine Festival License
SB 400	Sen. King	Department of Health and Mental Hygiene – Certificates of Foreign Birth – IH–3 Visa
SB 450	Sen. Frosh	Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit
SB 466	Carroll Co. Senators	Carroll County – Winery Special Event Permits – Farmers' Markets
SB 584	Sen. Jacobs	Public Health – Cord Blood Transplant Program
SB 641	Sen. Benson	Polysomnography – Technologists Licensure
SB 691 (Emergency Bill)	Sen. Middleton	PSC – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line
SB 710	Sen. Klausmeier	Health Insurance – Provider Panels – Notice of Receipt of

		Application
SB 839	Sen. Gladden	Counties – Kennel Licenses – Requirements for Breeders
SB 847	The President	Natural Resources – Aquaculture
SB 905	Sen. Mathias	Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License
SB 917	Sen. Colburn	Wicomico County – Alcoholic Beverages Licenses – Pub–Breweries and Micro–Breweries
SB 948 (Emergency Bill)	Sen. Glassman	Harford Co – One or Two Fam Dwellings Constructed as Industrialized Bldgs – Sprinkler Sys Reqmt
SB 950	Sen. Ramirez	PG Co – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period
SB 980	Sen. Middleton	Credit Unions – Boards of Directors – Electronically Conducted Elections

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

CONCURRENCE CALENDAR #16

AMENDED IN THE HOUSE

Senate Bill 147 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Home Inspectors – Continuing Professional Competency

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

SB0147/643498/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 147

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "basis;" insert "providing that certain educational hours from courses offered by certain entities satisfy the continuing professional competency requirement under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**(5)**" and substitute "**(6)**".

On page 3, after line 6, insert:

"**(6) EDUCATIONAL HOURS FROM A CONTINUING PROFESSIONAL COMPETENCY COURSE SATISFY THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION IF:**

(I) THE COURSE IS OFFERED BY:

1. THE AMERICAN SOCIETY OF HOME INSPECTORS; OR

2. THE NATIONAL ASSOCIATION OF HOME INSPECTORS; AND

(II) THE COMMISSION DETERMINES THAT THE COURSE INCREASES THE LICENSEE'S KNOWLEDGE OF THE PROVISION OF HOME INSPECTION SERVICES, INCLUDING ONE OR MORE COMPONENTS OF AN EXISTING RESIDENTIAL BUILDING.".

The preceding 2 amendments were read and concurred in.

SB0147/313022/1
BY: Delegate Kramer

AMENDMENT TO SENATE BILL 147, AS AMENDED

In the Economic Matters Committee Amendments (SB0147/643498/1), in line 8 of Amendment No. 2, strike "**OR**"; and in line 10, strike "**AND**" and substitute "**OR**

3. ANY OTHER PROVIDER APPROVED BY THE COMMISSION; AND".

The preceding amendment was read and concurred in.

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

Affirmative – 35 Negative – 0 (See Roll Call No. 987)

AMENDED IN THE HOUSE

Senate Bill 384 – Senator Mathias

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse ~~and Required Guidelines for Employees~~

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

SB0384/676889/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 384
(Third Reading File Bill)

On page 1, in line 13, after "Department" insert "of Health and Mental Hygiene".

The preceding amendment was read and concurred in.

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

Affirmative – 34 Negative – 0 (See Roll Call No. 988)

AMENDED IN THE HOUSE

Senate Bill 556 – Senators Pugh, Benson, Forehand, Jacobs, Jones–Rodwell, Kelley, King, Klausmeier, and Montgomery

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma–Informed Care

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

SB0556/196487/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 556
(Third Reading File Bill)

On page 1, in line 23, after "pilot" insert "program".

On page 10, in lines 25 and 33, in each instance, after "pilot" insert "program"; and in line 25, strike "of" and substitute "for".

On page 11, in lines 3 and 14, in each instance, after "pilot" insert "program"; in line 3, strike the second "of" and substitute "for"; and in line 12, strike "Health" and substitute "Hygiene".

The preceding amendment was read and concurred in.

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

Affirmative – 36 Negative – 0 (See Roll Call No. 989)

AMENDED IN THE HOUSE

Senate Bill 717 – Senator Garagiola and the President (By Request – Administration) and Senators DeGrange, Klausmeier, Manno, Mathias, Middleton, Muse, Pinsky, Pugh, Raskin, Rosapepe, ~~and Young~~ Young, and Kelley

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

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

SB0717/773698/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 717
(Third Reading File Bill)

On page 2, strike beginning with "**SOLAR**" in line 20 down through "**CORPORATION**" in line 21 and substitute "**SOLAR RATINGS AND CERTIFICATION CORPORATION**".

The preceding amendment was read and concurred in.

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

Affirmative – 39 Negative – 0 (See Roll Call No. 990)

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

Senate Bill 373 – Senators Kasemeyer and DeGrange

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

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

SB0373/745566/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 373
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "provisions" insert "; providing for the application of this Act".

AMENDMENT NO. 2

On page 3, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to apply to any action taken before the effective date of this Act.";

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

The preceding 2 amendments were read and concurred in.

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

Affirmative – 42 Negative – 0 (See Roll Call No. 991)

CONCURRENCE CALENDAR #18

AMENDED IN THE HOUSE

Senate Bill 297 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

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

SB0297/473799/1
BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 297
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "obtain certain criminal records of an applicant" and substitute "apply to the Criminal Justice Information System Central Repository for a state and national criminal history records check for each applicant"; in line 5, after

"license;" insert "requiring the Board to submit fingerprints of each applicant and certain fees to the Central Repository; requiring the Central Repository to forward certain information to the applicant and the Board;"; in line 7, strike "criminal records obtained" and substitute "certain information obtained from the Central Repository"; and in the same line, strike "are" and substitute "is".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"**(IV) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**";

strike in their entirety lines 11 through 20, inclusive, and substitute:

"**(3) (I) THE BOARD SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.**

(II) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:

1. TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

2. THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

3. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(III) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.";

in line 25, strike "**CRIMINAL RECORDS OBTAINED**" and substitute "**INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**"; in line 26, strike "**ARE**" and substitute "**IS**"; and in lines 26 and 27, strike "**DISSEMINATED TO THE PUBLIC**" and substitute "**REDISSEMINATED**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 43 Negative – 0 (See Roll Call No. 992)

AMENDED IN THE HOUSE

Senate Bill 479 – Senators Conway, Manno, Raskin, Benson, Ferguson, Frosh, Garagiola, Gladden, Glassman, Pinsky, Pugh, Young, and Zirkin

AN ACT concerning

Transportation – Procurement for MARC Train Service – Disclosure Requirements Regarding Involvement in Deportations

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

SB0479/136583/1
BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 479
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Train"; strike beginning with "– Disclosure" in line 2 down through "Deportations" in line 3; strike beginning with "requiring" in line 4 down through "service." in line 14, and substitute "prohibiting certain entities from being considered a responsible bidder or offeror for certain contracts to provide

Maryland Area Regional Commuter (MARC) service unless the entities comply with certain requirements; requiring that, in conjunction with the submission of certain bids or offers, certain entities provide certain units with a certain statement and estimated date for completing a certain process of assembling records; requiring certain entities to notify certain units of changes to a certain estimated date; requiring certain entities to comply with certain requirements for a certain process of assembling records; requiring certain entities to contract with certain archivists and historians to conduct a certain initial analysis and ensure that a certain process of assembling records is conducted in a certain manner; establishing requirements for a certain initial analysis; requiring certain entities to submit certain information to the State Archivist after a certain process of assembling records is completed; requiring the State Archivist to approve certain archivists, historians, and initial reports; requiring the State Archivist to provide certain guidance and oversight; requiring the State Archivist to make certain determinations and provide certain written notice of the determination to certain units; authorizing the State Archivist to use a designee to carry out certain provisions; requiring certain units to provide notice of intent to award certain contracts within a certain period of time; prohibiting certain units from awarding certain contracts to certain entities that do not comply with certain provisions; authorizing certain units to award certain entities after receiving certain notice; providing that certain prohibitions do not apply if a contract is awarded to certain bidders or offerors; authorizing certain entities to award certain contracts to certain entities after receiving certain notice; providing that, notwithstanding certain requirements, certain units may award certain contracts to certain bidders or offerors; prohibiting certain entities, bidders, or offerors from submitting certain protests; requiring that certain entities that submit certain bids or proposals to the Maryland Transit Administration comply with certain requirements; providing for the application of this Act; defining certain terms; and generally relating to procurement for MARC service and requirements for assembling records and disclosing information related to the deportation of victims."; and in line 17, strike "12–504" and substitute "12–511".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 and 13, inclusive; in lines 14 and 19, strike "**(C)**" and "**(D)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in lines 14, 23, and 25, in each instance, after "**INVOLVEMENT**" insert "**IN THE DEPORTATION OF VICTIMS**"; in line 15, strike "**DEPORTED**" and substitute "**TRANSPORTED**"; in line 18, strike "**JANUARY 1, 1942**" and substitute "**SEPTEMBER 1, 1939**"; in the same line, strike "**DECEMBER 31, 1944**" and substitute "**SEPTEMBER 2, 1945**"; in line 21, after "**ORGANIZATION**" insert "**OR A SUCCESSOR**

IN INTEREST OF THE CORPORATION, AFFILIATE, OR SIMILAR ORGANIZATION"; in lines 22 and 25, in each instance, strike "**HAS**" and substitute "**HAD**"; after line 25, insert:

"**(D) "MARC" MEANS THE MARYLAND AREA REGIONAL COMMUTER.**";

and strike beginning with "**OF**" in line 27 down through "**1944**" in line 30.

On page 3, after line 4, insert:

"**(F) "PROCESS OF ASSEMBLING THE RECORDS" MEANS TO:**

(1) ORGANIZE, DIGITIZE, AND MAKE RECORDS AVAILABLE TO THE PUBLIC IN AN INTERNET ACCESSIBLE, ELECTRONIC FORMAT THAT IS SEARCHABLE AND ANALYZABLE; AND

(2) PREPARE TO SUBMIT THE INFORMATION DESCRIBED IN § 12–507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.";

in line 5, strike "**(F)**" and substitute:

"**(G) (1) "RECORDS" MEANS MATERIAL RELATING TO THE DEPORTATION OF VICTIMS.**

(2)";

in lines 6, 7, 8, 9, 10, 11, 12, and 13, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively;

and after line 14, insert:

"**(H) "VICTIM" MEANS AN INDIVIDUAL WHO WAS ON AN ENTITY'S TRAIN FOR THE PURPOSE OF BEING TRANSPORTED TO AN EXTERMINATION CAMP, DEATH CAMP, OR A FACILITY USED TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON SEPTEMBER 1, 1939 AND ENDING ON SEPTEMBER 2, 1945.**".

AMENDMENT NO. 3

On page 4, in lines 6 and 16, in each instance, strike "**HAS**" and substitute "**HAD**"; in lines 6 and 16, in each instance, after "**INVOLVEMENT**" insert "**IN THE DEPORTATION OF VICTIMS**"; in line 7, after "**BID**" insert "**OR OFFER TO A UNIT OF STATE OR LOCAL GOVERNMENT**"; strike beginning with "**WITH**" in line 7 down through "**GOVERNMENT**" in line 9; in lines 9 and 14, in each instance, strike "**TRAIN**"; after line 10, insert:

"**12–504.**

AN ENTITY MAY NOT BE CONSIDERED A RESPONSIBLE BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE UNLESS THE ENTITY COMPLIES WITH THE REQUIREMENTS OF §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE.";

in line 11, strike "**12–504.**" and substitute "**12–505.**"; in line 12, strike "**BEFORE SUBMITTING**" and substitute "**IN CONJUNCTION WITH THE SUBMISSION OF**"; in the same line, strike "**FORMAL**"; in the same line, after "**BID**" insert "**OR OFFER**"; in line 13, strike "**THE DEPARTMENT OR OTHER UNIT OF THE**" and substitute "**A UNIT OF**"; in line 14, after "**SHALL**" insert "**SUBMIT TO THE UNIT**"; in line 15, strike "**CERTIFY TO THE DEPARTMENT OR UNIT WHETHER**" and substitute "**A STATEMENT THAT**"; strike beginning with "**DISCLOSE**" in line 17 down through "**SECTION**" in line 18 and substitute "**AN ESTIMATED DATE FOR COMPLETING THE PROCESS OF ASSEMBLING THE RECORDS AND PROVIDING INFORMATION TO THE STATE ARCHIVIST IN ACCORDANCE WITH §§ 12–506 AND 12–507 OF THIS SUBTITLE**"; after line 18, insert:

"**(B) THE ENTITY SHALL NOTIFY THE UNIT OF ANY CHANGE IN THE ESTIMATED DATE THAT WAS SUBMITTED TO THE UNIT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

12–506.

(A) BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY SUBJECT TO THIS SUBTITLE, THE ENTITY SHALL COMPLY WITH THE PROVISIONS

OF THIS SECTION FOR THE PROCESS OF ASSEMBLING THE RECORDS RELATED TO THE DEPORTATION OF VICTIMS.

(B) (1) AN ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A HISTORIAN TO CONDUCT AN INITIAL ANALYSIS OF THE RECORDS.

(2) THE ARCHIVIST AND HISTORIAN THAT CONDUCT THE INITIAL ANALYSIS SHALL:

(I) BE APPROVED BY THE STATE ARCHIVIST;

(II) BE INDEPENDENT OF THE ENTITY; AND

(III) CONDUCT THE ANALYSIS IN ACCORDANCE WITH THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.

(3) THE INITIAL ANALYSIS SHALL INCLUDE:

(I) AN INSPECTION OF EACH LOCATION IN WHICH THE ENTITY MAINTAINS RECORDS THAT MAY BE RELATED TO THE DEPORTATION OF VICTIMS; AND

(II) A REPORT SUBMITTED TO THE STATE ARCHIVIST.

(4) THE INITIAL REPORT SUBMITTED TO THE STATE ARCHIVIST SHALL INCLUDE:

(I) A LIST OF EACH LOCATION INSPECTED AND AN ASSESSMENT OF WHETHER THE LOCATION MAINTAINS ANY RECORDS;

(II) AN OUTLINE AND ASSESSMENT OF THE QUALITY OF THE RECORDS;

(III) A TIMELINE FOR THE PROCESS TO ASSEMBLE THE RECORDS; AND

(IV) AN ESTIMATED COST TO ASSEMBLE THE RECORDS.

(C) (1) AFTER THE INITIAL ANALYSIS IS CONCLUDED AND THE STATE ARCHIVIST HAS APPROVED THE INITIAL REPORT IN ACCORDANCE WITH § 12–508(A)(2)(I) OF THIS SUBTITLE, THE ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A HISTORIAN TO ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:

(I) THE INITIAL REPORT; AND

(II) THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.

(2) THE ARCHIVIST AND HISTORIAN CONTRACTED WITH TO CARRY OUT PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL BE APPROVED BY THE STATE ARCHIVIST; AND

(II) MAY BE THE ARCHIVIST AND HISTORIAN THAT CONDUCTED THE INITIAL ANALYSIS OR ANOTHER ARCHIVIST AND HISTORIAN APPROVED BY THE STATE ARCHIVIST.

(D) AFTER THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE, THE ENTITY SHALL PROVIDE THE INFORMATION REQUIRED UNDER § 12–507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.";

in line 19, strike "**(B) AN**" and substitute:

"**12–507.**

BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN";

in the same line, after "**SUBTITLE**" insert "**, THE ENTITY**"; strike beginning with "**STATE**" in line 19 down through "**1944**" in line 23 and substitute "**PROVIDE THE STATE ARCHIVIST WITH THE FOLLOWING INFORMATION AS IT RELATES TO THE**

DEPORTATION OF VICTIMS"; in line 24, after "**(1)**" insert "**A WRITTEN STATEMENT PROVIDING:**"; in the same line, strike "**HAS ANY**" and substitute "**POSSESSES, HAS CUSTODY OF, OR CONTROLS**"; in line 25, strike "**DEPORTATIONS IN ITS POSSESSION, CUSTODY, OR CONTROL**" and substitute "**THE DEPORTATION OF VICTIMS**"; in line 26, strike "**THE**" and substitute "**EACH**"; and in line 28, strike "**ANY**" and substitute "**EACH**".

AMENDMENT NO. 4

On page 5, in line 5, strike "**IN CONNECTION WITH THE DEPORTATIONS**" and substitute "**FROM EACH VICTIM**"; in lines 7 and 8, strike "**IN CONNECTION WITH THE DEPORTATIONS**" and substitute "**FROM EACH VICTIM, A WRITTEN DESCRIPTION OF**"; in line 18, after "**ACTIVITY;**" insert "**AND**"; strike beginning with "**IF**" in line 19 down through "**(5)**" in line 23 and substitute "**A WRITTEN STATEMENT CONCERNING**"; in line 25, strike "**REPORT**" and substitute "**DESCRIPTION**"; in the same line, after "**RESTITUTION**" insert "**OR REPARATIONS**"; in line 26, strike "**INDIVIDUALS DEPORTED BY THE ENTITY**" and substitute "**THE DEPORTATION OF EACH VICTIM**"; after line 26, insert:

"**12–508.**

(A) THE STATE ARCHIVIST SHALL:

(1) APPROVE AN ARCHIVIST AND HISTORIAN TO CONDUCT THE INITIAL ANALYSIS REQUIRED UNDER § 12–506(B) OF THIS SUBTITLE;

(2) WITHIN 14 DAYS AFTER RECEIVING THE INITIAL REPORT SUBMITTED IN ACCORDANCE WITH § 12–506(B) OF THIS SUBTITLE:

(I) REVIEW THE REPORT AND DETERMINE WHETHER, IN THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST, THE REPORT IS CONSISTENT WITH THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

(II) APPROVE AN ARCHIVIST AND HISTORIAN THAT WILL ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:

1. THE INITIAL REPORT; AND

2. THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS;

(3) AS NEEDED, PROVIDE GUIDANCE FOR AND OVERSIGHT OF THE PROCESS OF ASSEMBLING THE RECORDS;

(4) AFTER RECEIVING FROM AN ENTITY THE INFORMATION REQUIRED UNDER § 12–507 OF THIS SUBTITLE, DETERMINE WHETHER, IN THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST:

(I) THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE;

(II) THE PROCESS OF ASSEMBLING THE RECORDS WAS COMPLETED IN A MANNER CONSISTENT WITH:

1. THE INITIAL REPORT SUBMITTED IN ACCORDANCE WITH § 12–506(B) OF THIS SUBTITLE; AND

2. THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

(III) THE INFORMATION SUBMITTED UNDER § 12–507 OF THIS SUBTITLE IS AS COMPLETE AND ACCURATE AS POSSIBLE; AND

(5) PROVIDE WRITTEN NOTICE OF THE DETERMINATION MADE UNDER ITEM (4) OF THIS SUBSECTION TO:

(I) THE ENTITY; AND

(II) IF THE STATE ARCHIVIST DETERMINES THAT THE ENTITY MET THE REQUIREMENTS SET FORTH IN ITEM (4)(I), (II), AND (III) OF

THIS SUBSECTION, TO THE UNIT OF STATE OR LOCAL GOVERNMENT AWARDING THE PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE.

(B) THE STATE ARCHIVIST MAY USE A DESIGNEE TO CARRY OUT ANY PROVISION OF THIS SECTION.

12–509.

(A) AT LEAST 30 DAYS BEFORE AWARDING A PROCUREMENT CONTRACT ON WHICH AN ENTITY SUBJECT TO THIS SUBTITLE SUBMITTED A BID OR OFFER, A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PUBLISH NOTICE OF ITS INTENT TO AWARD THE PROCUREMENT CONTRACT.

(B) A UNIT OF STATE OR LOCAL GOVERNMENT MAY NOT AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY THAT DOES NOT COMPLY WITH §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE.

(C) A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY ONLY AFTER THE UNIT RECEIVES THE NOTICE FROM THE STATE ARCHIVIST IN ACCORDANCE WITH § 12–508(A)(5) OF THIS SUBTITLE.

(D) NOTWITHSTANDING THE REQUIREMENTS OF THIS SUBTITLE, A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO A BIDDER OR OFFEROR THAT IS NOT AN ENTITY SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE.

12–510.

AN ENTITY AWARDED A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE IN ACCORDANCE WITH § 12–509(C) OF THIS SUBTITLE IS CONSIDERED TO HAVE SATISFIED THE REQUIREMENTS OF §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE FOR ALL FUTURE PROCUREMENT CONTRACTS TO PROVIDE MARC SERVICE.

12–511.

THE ENTITY OR ANY OTHER BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE MAY NOT SUBMIT A PROTEST UNDER § 15–217 OF THIS ARTICLE RELATING TO THE REQUIREMENTS OF THIS SUBTITLE.";

in line 29, after "**ADMINISTRATION**" insert "**ON A PROCUREMENT CONTRACT**"; and strike beginning with "**TRAIN**" in line 30 down through "**REGION**" in line 31 and substitute "**SERVICE THAT IS FUNDED IN WHOLE OR IN PART BY PUBLIC FUNDS**".

On page 6, in line 2, strike "October 1, 2011" and substitute "June 1, 2011".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 993)

CONCURRENCE CALENDAR #19

AMENDED IN THE HOUSE

Senate Bill 534 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

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

SB0534/505569/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 534
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 11 down through "office;" in line 12.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 10 through 15, inclusive; and in line 16, strike "3." and substitute "2.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 994)

AMENDED IN THE HOUSE

Senate Bill 751 – Senator Manno

AN ACT concerning

Environment – Dishwashing Detergent Containing Phosphorus – Penalties

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

SB0751/450814/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 751
(Third Reading File Bill)

On page 3, in line 3, after "**FINE**" insert "**OF NOT LESS THAN $1,000 AND**"; and in line 4, strike "**$50,000**" and substitute "**$25,000**".

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 995)

AMENDED IN THE HOUSE

Senate Bill 765 – Senators Young, King, Madaleno, ~~and Rosapepe~~ Rosapepe, Montgomery, Forehand, Colburn, Manno, and Ferguson

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

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

SB0765/945866/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 765
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "lists;" insert "requiring the State Board and the Motor Vehicle Administration jointly to submit a report to certain committees of the General Assembly concerning the implementation of a fully automated voter registration system at the Motor Vehicle Administration by a certain date;".

AMENDMENT NO. 2

On page 3, after line 29, insert:

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

(a) In this section, "fully automated voter registration system" means a voter registration system at the Motor Vehicle Administration that:

(1) eliminates the use of paper voter registration forms by requiring each applicant who wishes to register to vote or update a voter registration record during a driver's license or identification card transaction or other transaction to electronically submit all the information required to register or update the applicant's registration at the time of the transaction; and

(2) transmits the information submitted under item (1) of this subsection electronically directly to elections officials.

(b) The State Board of Elections and the Motor Vehicle Administration shall jointly submit a report to the House Committee on Ways and Means, Senate

Education, Health, and Environmental Affairs Committee, House Appropriations Committee, and Senate Budget and Taxation Committee by October 1, 2011, concerning actions taken and plans made to implement a fully automated voter registration system at the Motor Vehicle Administration.

(c) The report submitted under this section shall include:

(1) a detailed timeline for complete implementation of a fully automated voter registration system at the Motor Vehicle Administration;

(2) a detailed estimate of the fiscal impact of implementing a fully automated voter registration system; and

(3) any other issues relating to the implementation of a fully automated voter registration system that the State Board of Elections and the Motor Vehicle Administration consider relevant.";

and in line 30, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 996)

AMENDED IN THE HOUSE

Senate Bill 906 – Senator Mathias

AN ACT concerning

Worcester County – Department of Liquor Control – Wine and Liquor Purchasing Option

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

SB0906/863990/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 906

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, after "(e)(2)," insert "(i)(2),"; and in line 18, strike "(i)(2),".

AMENDMENT NO. 2

On page 6, in lines 21 and 22, in each instance, strike the bracket; and in line 21, strike "Worcester County they shall meet at least once each week; in".

On page 9, in line 5, strike "**WHO**" and substitute "**THAT**"; and in line 34, after "the" insert "Worcester County".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 997)

AMENDED IN THE HOUSE

Senate Bill 913 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Board of Elections – Membership and Compensation

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

SB0913/785565/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 913

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 7 down through "office;" in line 9.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 8 through 14, inclusive; and in line 15, strike "3." and substitute "2.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 998)

CONCURRENCE CALENDAR #21

AMENDED IN THE HOUSE

Senate Bill 104 – Senators King, Benson, DeGrange, Ferguson, Forehand, Kasemeyer, Madaleno, Montgomery, Peters, Pinsky, Rosapepe, Stone, and Young

AN ACT concerning

Judith P. Hoyer Early Child Care and Education Enhancement Program – Annual Report

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

SB0104/415363/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 104
(Third Reading File Bill)

On page 1, in line 7, after "programs;" insert "altering the date on or before which the report is to be submitted;".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 999)

AMENDED IN THE HOUSE

Senate Bill 285 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Real Estate Commission – Reinstatement of Licenses and Inactive Status

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

SB0285/983199/1
BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 285
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "renewal;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 5, after line 18, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies only to licensees whose license is placed on inactive status on or after October 1, 2011.";

and in line 19, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1000)

AMENDED IN THE HOUSE

Senate Bill 344 – Senators Middleton, Kasemeyer, and Kelley

AN ACT concerning

Residential Child and Youth Care Practitioners – ~~Definition~~ Certification – ~~Change in Date and~~ Implementation Plan

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

SB0344/826484/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 344
(Third Reading File Bill)

On page 4, in line 19, after the semicolon insert "and"; and in lines 28 and 31, in each instance, strike "Rate" and substitute "Rates".

On page 5, in line 15, strike "Rate" and substitute "Rates".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1001)

AMENDED IN THE HOUSE

Senate Bill 496 – Senator Brinkley

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

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

SB0496/983792/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 496
(Third Reading File Bill)

On page 2, in line 9, strike "**(1)**"; in lines 10 and 18, in each instance, strike the first bracket; in line 10, strike "**] (I)**"; in line 17, after "**BEER;**" insert "**AND**"; in line 18, strike "**] (II)**"; in line 22, strike "**1.**" and substitute "**(I)**"; and in line 25, strike "**2.**" and substitute "**(II)**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1002)

AMENDED IN THE HOUSE

Senate Bill 578 – Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, ~~and Young~~ Young, Dyson, Klausmeier, and Pinsky

AN ACT concerning

~~Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit~~
State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses, Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

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

SB0578/686780/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 578
(Third Reading File Bill)

On page 9, in line 5, strike "**PASSED**"; in line 6, strike "**THE**" and substitute "**PASSED THE**"; and in line 8, strike "**HAS SUBMITTED**" and substitute "**SUBMITTED**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1003)

AMENDED IN THE HOUSE

Senate Bill 728 – Senator Simonaire

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

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

SB0728/583091/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 728
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "a certain number of" and substitute "one of the".

AMENDMENT NO. 2

On page 2, in lines 1 and 2, in each instance, strike "**NINE**" and substitute "**EIGHT**"; in lines 3 and 5, in each instance, strike "**SEVEN**" and substitute "**SIX**"; in line 10, strike "**TWO**" and substitute "**ONE**"; in the same line, after "**BE**" insert "**A**"; in the same line, strike "**ENGINEERS**" and substitute "**ENGINEER**"; and in line 13, strike "**ALL**" and substitute "**OTHER**".

On page 3, in line 1, strike "**TWO**" and substitute "**ONE**"; and in the same line, strike "**MEMBERS**" and substitute "**MEMBER**".

On page 4, in line 11, strike "terms of the two new members" and substitute "term of the new member"; and in line 12, strike "they are" and substitute "the member is".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1004)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #25

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

Senate Bill 888 – Senator Gladden

AN ACT concerning

Trusts – Special Needs, Supplemental Needs, or Pooled Asset Special Needs Trusts – Public Benefits

SB0888/328678/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 888
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 11 and 12, strike "or the Maryland Department of Assessments and Taxation".

AMENDMENT NO. 2

On page 2, strike beginning with "**A**" in line 18 down through "**(II)**" in line 22; and in lines 24, 29, and 32, strike "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively.

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

AMENDMENT NO. 3

On page 3, in lines 4 and 5, strike "**OR THE DEPARTMENT OF ASSESSMENTS AND TAXATION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 977 – Senators Gladden and Dyson

AN ACT concerning

Freedom of Speech – Picketing at a Funeral – Distance

SB0977/368972/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 977
(First Reading File Bill)

In the sponsor line, strike "and Dyson" and substitute ", Dyson, Simonaire, Middleton, Edwards, Mathias, Stone, Jacobs, Klausmeier, Kasemeyer, Forehand, Brinkley, Reilly, Pipkin, Colburn, Getty, Kittleman, Rosapepe, Shank, Jennings, Glassman, Frosh, Brochin, Ramirez, Raskin, Zirkin, and Garagiola".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #21

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

Senate Bill 249 – Senator Mathias

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

SB0249/359237/2
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 249
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Worcester County –"; and in the same line, after "Organizations" insert "on the Eastern Shore – Expansion and Oversight"; in line 3, after the first "of" insert "requiring the State Comptroller to regulate the operation of slot machines by certain eligible organizations in certain counties;"; in line 5, after "circumstances;" insert "authorizing the Comptroller to adopt certain regulations; requiring the Comptroller to set the amount of a certain annual fee in a certain manner; prohibiting the Comptroller from issuing licenses for slot machines to certain eligible organizations in certain locations in Ocean City; prohibiting the Comptroller from initiating certain reporting and audit requirements until a certain date;"; and in line 6, strike "in Worcester County" and substitute "in certain counties".

AMENDMENT NO. 2

On page 3, in line 4, after "the" insert "**GROSS**".

AMENDMENT NO. 3

On page 3, in line 18, after "(1)" insert "**(I) THE STATE COMPTROLLER SHALL REGULATE THE OPERATION OF SLOT MACHINES UNDER THIS SECTION.**

(II) THE STATE COMPTROLLER MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION, INCLUDING REQUIRING AUDITS OF THE ANNUAL REPORTS SUBMITTED TO THE STATE COMPTROLLER UNDER SUBSECTION (C)(2)(VIII) OF THIS SECTION.

(2)";

strike beginning with "sheriff" in line 20 down through "machine" in line 21 and substitute "**STATE COMPTROLLER**"; in line 22, strike "(2)" and substitute "**(3)**"; in the same line strike "county" and substitute "**STATE COMPTROLLER**"; in line 23, strike "of $50"; strike beginning with "The" in line 27 down through "county" in line 28 and substitute "**THE STATE COMPTROLLER SHALL SET THE AMOUNT OF THE ANNUAL FEE SO THAT THE TOTAL PROCEEDS OF THE ANNUAL FEE EQUAL AN AMOUNT DIRECTLY RELATED TO ADMINISTRATIVE COSTS OF THE STATE COMPTROLLER TO REGULATE THE OPERATION OF SLOT MACHINES UNDER THIS SECTION**"; and in line 29, strike "sheriff" and substitute "**STATE COMPTROLLER**".

AMENDMENT NO. 4

On page 4, after line 6, insert:

"**(G) THE COMPTROLLER MAY NOT ISSUE A LICENSE FOR A SLOT MACHINE TO AN ELIGIBLE ORGANIZATION LOCATED IN OCEAN CITY THAT IS LOCATED EAST OF SOUTH AND NORTH BALTIMORE AVENUES.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Comptroller may not initiate any audit or reporting requirements, as authorized under § 12–304(e)(1)(ii) of the Criminal Law Article as enacted by this Act, until July 1, 2012.";

in line 7, strike "2." and substitute "3."; and in line 8, strike "October 1, 2011" and substitute "June 1, 2011".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 39 – Delegates Conway and McDermott

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

HB0039/379334/1
BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 39
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Worcester County –"; and in the same line, after "Organizations" insert "on the Eastern Shore – Expansion and Oversight"; in line 3, after the first "of" insert "requiring the State Comptroller to regulate the operation of slot machines by certain eligible organizations in certain counties;"; in line 5, after

"circumstances;" insert "authorizing the Comptroller to adopt certain regulations; requiring the Comptroller to set the amount of a certain annual fee in a certain manner; prohibiting the Comptroller from issuing licenses for slot machines to certain eligible organizations in certain locations in Ocean City; prohibiting the Comptroller from initiating certain reporting and audit requirements until a certain date;"; and in line 6, strike "in Worcester County" and substitute "in certain counties".

AMENDMENT NO. 2

On page 3, in line 9, after "the" insert "**GROSS**".

AMENDMENT NO. 3

On page 3, in line 23, after "(1)" insert "**(I) THE STATE COMPTROLLER SHALL REGULATE THE OPERATION OF SLOT MACHINES UNDER THIS SECTION.**

(II) THE STATE COMPTROLLER MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION, INCLUDING REQUIRING AUDITS OF THE ANNUAL REPORTS SUBMITTED TO THE STATE COMPTROLLER UNDER SUBSECTION (C)(2)(VIII) OF THIS SECTION.

(2)";

strike beginning with "sheriff" in line 25 down through "machine" in line 26 and substitute "**STATE COMPTROLLER**"; in line 27, strike "(2)" and substitute "**(3)**"; in the same line, strike "county" and substitute "**STATE COMPTROLLER**"; and in line 28, strike "of $50".

On page 4, strike beginning with "The" in line 2 down through "county" in line 3 and substitute "**THE STATE COMPTROLLER SHALL SET THE AMOUNT OF THE ANNUAL FEE SO THAT THE TOTAL PROCEEDS OF THE ANNUAL FEE EQUAL AN AMOUNT DIRECTLY RELATED TO ADMINISTRATIVE COSTS OF THE STATE COMPTROLLER TO REGULATE THE OPERATION OF SLOT MACHINES UNDER THIS SECTION**"; and in line 4, strike "sheriff" and substitute "**STATE COMPTROLLER**".

AMENDMENT NO. 4

On page 4, after line 11, insert:

"**(G) THE COMPTROLLER MAY NOT ISSUE A LICENSE FOR A SLOT MACHINE TO AN ELIGIBLE ORGANIZATION LOCATED IN OCEAN CITY THAT IS LOCATED EAST OF SOUTH AND NORTH BALTIMORE AVENUES.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Comptroller may not initiate any audit or reporting requirements, as authorized under § 12–304(e)(1)(ii) of the Criminal Law Article as enacted by this Act, until July 1, 2012.";

in line 12, strike "2." and substitute "3."; and in line 13, strike "October 1, 2011" and substitute "June 1, 2011".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1156 – Delegates Rudolph and James

AN ACT concerning

~~Northeastern Maryland~~ Task Force to Study the Creation of a Regional Higher Education ~~and Applied Technology~~ Center in Northeastern Maryland

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #25

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

House Bill 519 – Delegates Arora, Clippinger, Anderson, Carter, Conaway, Dumais, Frick, Lee, Luedtke, Mitchell, Niemann, Simmons, Sophocleus, Summers, Tarrant, Valderrama, Valentino–Smith, and Waldstreicher

AN ACT concerning

Firearms – ~~Knowing~~ Violation of Specified Prohibitions – Ammunition and Penalty

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

The motion was adopted.

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

House Bill 739 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Sexual Assault Crisis Programs and Domestic Violence Programs – Transfer to the Governor's Office of Crime Control and Prevention

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 752 – Delegates Barkley, Anderson, Arora, Barnes, Clagett, Clippinger, Cluster, DeBoy, Dumais, Dwyer, Gilchrist, Glass, K. Kelly, Lee, McComas, McDermott, Mitchell, Parrott, Simmons, Smigiel, Valderrama, Vallario, and Waldstreicher

AN ACT concerning

Maryland Correctional Enterprises – Prohibiting Access to Personal Information

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 752
(Third Reading File Bill)

On page 2, in line 28, after the second "**TO**" insert "**THE**"; and in line 29, after "**INFORMATION**" insert "**OF ANOTHER**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 801 – Delegates Valentino–Smith, Alston, Healey, Parrott, Simmons, V. Turner, Vallario, Washington, and Wilson

AN ACT concerning

Criminal Procedure – Victims' Rights – Enforcement

HB0801/318673/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 801
(Third Reading File Bill)

On page 3, in line 22, strike "**ALLEGED VIOLATION**" and substitute "**DENIAL OR ALLEGED FAILURE TO CONSIDER**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 899 – Delegates Clagett, Anderson, DeBoy, Dumais, Frush, Gaines, Glenn, Guzzone, Haynes, Hixson, Hubbard, James, Jones, K. Kelly,

McIntosh, Nathan–Pulliam, Proctor, B. Robinson, Ross, Sophocleus, Valderrama, Vaughn, Walker, and Zucker

AN ACT concerning

Division of Parole and Probation – Warrant Apprehension Unit – Powers ~~and Pension System~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1033 – Delegates Oaks and McIntosh

AN ACT concerning

Environment – Reducing Lead Risk in Housing – ~~Lead Paint Dust Testing~~ Risk Reduction Standards

HB1033/538979/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1033
(Third Reading File Bill)

AMENDMENT NO. 1

On page 6, strike beginning with "**NONAFFECTED**" in line 14 down through "**PROPERTY**" in line 15 and substitute "**LEAD–FREE DWELLING UNIT OR ANOTHER DWELLING UNIT THAT HAS SATISFIED THE RISK REDUCTION STANDARD IN ACCORDANCE WITH § 6–815 OF THIS SUBTITLE**".

AMENDMENT NO. 2

On page 8, in line 18, strike "one member" and substitute "two members"; in the same line, after "Maryland," insert "one of whom shall be a member of the minority party,"; in line 20, strike "two" and substitute "three"; and in the same line, after "Delegates," insert "one of whom shall be a member of the minority party,".

AMENDMENT NO. 3

On page 4 in lines 20, 21, 23, 26, and 30, and on page 5 in lines 3, 7, 9, and 11, strike "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", and "(9)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", and "**(IX)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1141 – ~~**Delegate James**~~ **Delegates James, Glass, Impallaria, McComas, McDonough, Norman, Stifler, and Szeliga**

AN ACT concerning

~~**Juvenile Court – Truancy Court – Petition**~~
Juvenile Law – Truancy Reduction Pilot Program – Filing of Petition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1190 – **Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson**

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

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

The motion was adopted.

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

House Bill 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1277 – Delegates Smigiel and McDermott

AN ACT concerning

Trusts – Special Needs, Supplemental Needs, or Pooled Asset Special Needs Trusts – Public Benefits

HB1277/658676/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1277
(Third Reading File Bill)

On page 2, strike beginning with "**A**" in line 22 down through "**(II)**" in line 26; and in line 28, strike "**(III)**" and substitute "**(II)**".

On page 3, in lines 1, 4, and 8, strike "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**(III)**", "**(IV)**", and "**(V)**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1315 – Howard County Delegation

AN ACT concerning

Howard County – Orphans' Court Sessions
Ho. Co. 9–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1327 – Delegate Conaway

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

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 1190 – Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #29

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

House Bill 109 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Transportation – Outdoor Signs Along Federal–Aid Primary Highways – Scenic Byways

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 166 – The Speaker (By Request – Administration) and Delegates Hammen, Hubbard, Anderson, Arora, Barnes, Cullison, Dumais, Gutierrez, Guzzone, Hucker, A. Kelly, Lee, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Rosenberg, V. Turner, and Zucker

AN ACT concerning

Maryland Health Benefit Exchange Act of 2011

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 167 – The Speaker (By Request – Administration) and Delegates Stein and Cardin

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

HB0167/597678/2
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 167

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "certain terms" and substitute "a certain term"; and in line 18, strike "Two members" and substitute "One member".

AMENDMENT NO. 2

On page 2, in line 17, after "Counties" insert ", including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State";

and in line 18, after "League" insert ", including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State".

AMENDMENT NO. 3

On page 3, in line 1, strike "Two representatives" and substitute "One representative"; in line 6, after "Association;" insert "and"; in lines 7 and 8, strike "Greater Washington Region Clean Cities Coalition; and" and substitute "retail electric supplier community."; and strike in its entirety line 9.

On page 4, after line 9, insert:

"(10) Recommend a method of displaying pricing information at public charging stations;";

and in lines 10 and 12, strike "(10)" and "(11)", respectively, and substitute "(11)" and "(12)", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health Services Cost Review Commission – User Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 244 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Workers' Compensation – Occupational Disease – Deputy Sheriffs

Senator Simonaire moved, duly seconded, to make the Bill and Report a Special Order for April 11, 2011.

The motion was adopted.

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

House Bill 286 – Delegates Morhaim and Kipke

AN ACT concerning

Hospitals and Freestanding Ambulatory Care Facilities – ~~Pracitioner~~ Practitioner Performance Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 460 – Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kipke, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, ~~and V. Turner~~ V. Turner, Rudolph, and Valderrama

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

HB0460/807379/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 460
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "circumstances;" insert "prohibiting the Program from requiring a private entity to establish, operate, or fund a drop–off site or disposal program;".

On page 2, in line 5, after "15–605(f)" insert "and (g)".

AMENDMENT NO. 2

On page 4, after line 16, insert:

"**(G) THE PROGRAM MAY NOT REQUIRE A PRIVATE ENTITY TO ESTABLISH, OPERATE, OR FUND A DROP–OFF SITE OR DISPOSAL PROGRAM.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 482 – Delegates Frick and Hucker

AN ACT concerning

Consumer Protection – Information on Payment Device Receipts – Limitations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 714 – Delegates Hucker, Barkley, Cullison, Dwyer, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, Kaiser, A. Kelly, Kramer, Niemann, Reznik, S. Robinson, Summers, V. Turner, Valentino–Smith, and Waldstreicher

AN ACT concerning

Health – Newborn Screening Program – Critical Congenital Heart Disease

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 756 – Delegates Oaks, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Hammen, Harrison, Haynes, McHale, McIntosh, Mitchell, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington

AN ACT concerning

Baltimore City – Binding Arbitration – Police Officers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 757 – Delegates Mitchell, Alston, Clippinger, Conaway, Cullison, Frick, Haynes, A. Kelly, Oaks, Rosenberg, Stukes, Summers, Washington, and Zucker

AN ACT concerning

~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board – Development of ~~an~~ Educational ~~Program~~ Programs to Aid Unemployed State Residents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #30

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

House Bill 763 – Delegate Feldman

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 908 – Delegate Stein

AN ACT concerning

Motor Vehicles – Leased Vehicles – Advertising Practices

HB0908/707772/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 908
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "a person" and substitute "an original lessor"; in line 7, after the semicolon, insert "altering the application of certain provisions of law regarding leasing vehicles to lessees in a certain manner;".

AMENDMENT NO. 2

On page 3, in line 15, strike "A person" and substitute "**THE ORIGINAL LESSOR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 941 – Delegates Morhaim, Cardin, Clagett, ~~and George~~ George, Cullison, Ready, Murphy, Reznik, Pena–Melnyk, Kipke, Krebs, A. Kelly, McDonough, Kach, and Donoghue

AN ACT concerning

Dining Out Growth Act of 2011

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 959 – Delegate Davis

AN ACT concerning

Insurance – Surplus Lines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 982 – Delegate Rudolph

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 992 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Roads

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1005 – Prince George's County Delegation

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – ~~Removal~~ Extension of Sunset PG 403–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **HB 0071**
SPONSOR: The Spkr (Admin)
SUBJECT: Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2011

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates consents to the Senate request for the return of HB 0071 for further consideration in the Senate.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

RECONSIDERATION

Senator Pugh moved, duly seconded, to reconsider the vote by which **House Bill 71** passed Third Reading.

The motion was adopted.

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

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

FLOOR AMENDMENT

HB0071/573724/1
BY: Senator Pugh

AMENDMENTS TO HOUSE BILL 71
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 24, after "*budget*;" insert "requiring the Housing Authority of Baltimore City to submit a certain report to the City Council of Baltimore City and to the General Assembly;".

AMENDMENT NO. 2

On page 79, after line 5, insert:

"SECTION 15A. AND BE IT FURTHER ENACTED, That the Housing Authority of Baltimore City shall submit a plan to the City Council of Baltimore City and, in accordance with § 2–1246 of the State Government Article, the General Assembly for satisfying all outstanding judgments related to lead paint litigation and shall identify any capital costs to comply with the judgments.".

The preceding 2 amendments were read and adopted.

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

Affirmative – 40 Negative – 6 (See Roll Call No. 1005)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #30

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

House Bill 1022 – Delegates Vaughn, Barkley, Bobo, Braveboy, Harrison, Hucker, Jameson, Kramer, Love, Minnick, Niemann, Olszewski, and Washington

AN ACT concerning

Commercial Law – Debt Settlement Services

HB1022/227875/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1022
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after "date;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 12, strike in their entirety lines 8 through 22, inclusive, and substitute:

"**(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR EACH INDIVIDUAL DEBT, A DEBT SETTLEMENT SERVICES FEE SHALL:**

(I) BEAR THE SAME PROPORTIONAL RELATIONSHIP TO THE DEBT SETTLEMENT SERVICES FEE FOR SETTLING THE TOTAL DEBT AS THE INDIVIDUAL DEBT AMOUNT BEARS TO THE TOTAL DEBT; OR

(II) BE CALCULATED AS A PERCENTAGE OF THE AMOUNT BY WHICH THE PRINCIPAL AMOUNT OF THE DEBT EXCEEDS THE AMOUNT PAID TO THE CREDITOR OR DEBT COLLECTOR TO SETTLE THE DEBT.

(2) THE PERCENTAGE CHARGED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE THE SAME FOR EACH INDIVIDUAL DEBT.".

AMENDMENT NO. 3

On page 16, in line 12, strike "**APRIL 30**" and substitute "**MARCH 15 OF**"; in lines 28 and 29, in each instance, strike "April 30" and substitute "March 15"; and in line 29, strike "2015" and substitute "2014".

On page 17, in line 9, strike the comma and substitute ":

1.";

in the same line, after the second "debt" insert "and the savings amount"; after line 9, insert:

"2. the amount of the debt settlement services fee charged to the consumer and how it was calculated; and

3. the amount of the debt settlement services fee that would have been charged if calculated based on:

A. 30% of the excess of the principal amount of the debt over the amount paid to settle the debt, up to 20% of the principal amount of the total debt; and

B. 25% of the principal amount of the total debt;";

in line 10, after "of" insert "debt settlement services"; in line 26, strike "and"; in line 28, after "period" insert ";

(6) a profit and loss statement of debt settlement services provided to Maryland consumers for the previous calendar year prepared by an independent certified public accountant in accordance with generally accepted accounting principles; and

(7) any other information the Commissioner reasonably requires";

in line 30, strike "2013" and substitute "2014".

On page 18, in line 6, strike "the calculation of and" and substitute "a"; in line 6, strike the comma; strike lines 7 and 8 in their entirety and substitute "would be beneficial to consumers and fair to the debt settlement services industry."; and in line 10, after "2011." insert "It shall remain effective for a period of 3 years and 9 months and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1028 – Delegate Hixson

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

HB1028/357071/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1028
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "certain activity" and substitute "a certain image"; and strike beginning with "providing" in line 7 down through "machine;" in line 8.

AMENDMENT NO. 2

On page 2, in line 24, strike "**ALL ACTIVITY**" and substitute "**AN IMAGE**"; and in line 27, after "**45**" insert "**CALENDAR**".

On pages 2 and 3, strike beginning with "**A**" in line 28 on page 2 down through "**(D)**" in line 1 on page 3.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1038 – Delegates Olszewski and Kach

AN ACT concerning

Commercial Law – Residential Mortgage Loans – Escrow Amounts

HB1038/187778/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1038
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "and lending institutions" and substitute ", credit grantors, and servicers of loans"; and in line 7, after "Act;" insert "authorizing a lender, a credit grantor, or a servicer of a loan to charge interest to a borrower on certain funds under certain circumstances; defining a certain term;".

AMENDMENT NO. 2

On page 3, in line 21, strike "**IF**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF**"; in lines 23 and 30, in each instance, after "**LENDER**" insert "**OR A SERVICER OF A LOAN**"; in line 25, after "**LENDER**" insert "**OR SERVICER**"; and after line 31, insert:

"**(3) (I) IN THIS PARAGRAPH, "OTHER EXPENSES" DOES NOT INCLUDE MONEY REQUIRED BY A LENDER OR A SERVICER OF A LOAN FOR AN ESCROW ACCOUNT CUSHION AS PERMITTED BY THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT.**

(II) A LENDER OR A SERVICER OF A LOAN MAY CHARGE INTEREST TO A BORROWER ON THE AMOUNT OF FUNDS THE LENDER OR SERVICER ADVANCES TO PAY TAXES, INSURANCE PREMIUMS, OR OTHER EXPENSES OWED BY THE BORROWER IN ORDER TO PROTECT THE SECURITY OF THE LOAN.

(III) INTEREST MAY BE CHARGED BY A LENDER OR A SERVICER OF A LOAN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH ONLY IF:

1. THE LENDER OR SERVICER ADVANCES ITS OWN FUNDS BECAUSE FUNDS OF THE BORROWER WERE NOT AVAILABLE TO PAY THE TAXES, INSURANCE PREMIUMS, OR OTHER EXPENSES OWED BY THE BORROWER;

2. THE NEED FOR THE ADVANCE WAS NOT CAUSED BY AN ERROR OF THE LENDER OR SERVICER IN SERVICING THE LOAN;

3. THE LENDER OR SERVICER PROVIDES NOTICE TO THE BORROWER THAT THE ADVANCE WAS MADE AND THAT INTEREST WILL BE CHARGED ON THE ADVANCE;

4. INTEREST DOES NOT BEGIN TO ACCRUE UNTIL 60 DAYS AFTER NOTICE HAS BEEN PROVIDED TO THE BORROWER IN ACCORDANCE WITH ITEM 3 OF THIS SUBPARAGRAPH;

5. INTEREST IS CHARGED ONLY ON THE AMOUNT OF FUNDS ACTUALLY ADVANCED BY THE LENDER OR SERVICER AFTER THE LENDER OR SERVICER HAS USED ALL AVAILABLE FUNDS OF THE BORROWER TO PAY TAXES, INSURANCE PREMIUMS, OR OTHER EXPENSES OWED BY THE BORROWER; AND

6. THE BORROWER IS PERMITTED TO REPAY THE ADVANCE AS PERMITTED BY THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT.".

On page 5, in line 27, strike "**IF**" and substitute "**SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF**"; in line 29, strike "**LENDING INSTITUTION**" and substitute "**CREDIT GRANTOR OR A SERVICER OF A LOAN**"; and in line 31, strike "**LENDING INSTITUTION**" and substitute "**LENDER OR SERVICER**".

On page 6, in line 4, strike "**LENDING INSTITUTION**" and substitute "**CREDIT GRANTOR OR A SERVICER OF A LOAN**"; and after line 5, insert:

"**(III) 1. IN THIS SUBPARAGRAPH, "OTHER EXPENSES" DOES NOT INCLUDE MONEY REQUIRED BY A CREDIT GRANTOR OR A SERVICER OF A LOAN FOR AN ESCROW ACCOUNT CUSHION AS PERMITTED BY THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT.**

2. A CREDIT GRANTOR OR A SERVICER OF A LOAN MAY CHARGE INTEREST TO A CONSUMER BORROWER ON THE AMOUNT OF FUNDS THE CREDIT GRANTOR OR SERVICER ADVANCES TO PAY TAXES, INSURANCE PREMIUMS, OR OTHER EXPENSES OWED BY THE CONSUMER BORROWER IN ORDER TO PROTECT THE SECURITY OF THE LOAN.

3. INTEREST MAY BE CHARGED BY A CREDIT GRANTOR OR A SERVICER OF A LOAN UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH ONLY IF:

A. THE CREDIT GRANTOR OR SERVICER ADVANCES ITS OWN FUNDS BECAUSE FUNDS OF THE CONSUMER BORROWER WERE NOT AVAILABLE TO PAY THE TAXES, INSURANCE PREMIUMS, OR OTHER EXPENSES OWED BY THE CONSUMER BORROWER;

B. THE NEED FOR THE ADVANCE WAS NOT CAUSED BY AN ERROR OF THE CREDIT GRANTOR OR SERVICER IN SERVICING THE LOAN;

C. THE CREDIT GRANTOR OR SERVICER PROVIDES NOTICE TO THE CONSUMER BORROWER THAT THE ADVANCE WAS MADE AND THAT INTEREST WILL BE CHARGED ON THE ADVANCE;

D. INTEREST DOES NOT BEGIN TO ACCRUE UNTIL 60 DAYS AFTER NOTICE HAS BEEN PROVIDED TO THE CONSUMER BORROWER IN ACCORDANCE WITH ITEM C OF THIS SUBSUBPARAGRAPH;

E. INTEREST IS CHARGED ONLY ON THE AMOUNT OF FUNDS ACTUALLY ADVANCED BY THE CREDIT GRANTOR OR SERVICER AFTER THE CREDIT GRANTOR OR SERVICER HAS USED ALL AVAILABLE FUNDS OF THE CONSUMER BORROWER TO PAY TAXES, INSURANCE PREMIUMS, OR OTHER EXPENSES OWED BY THE CONSUMER BORROWER; AND

F. THE CONSUMER BORROWER IS PERMITTED TO REPAY THE ADVANCE AS PERMITTED BY THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1038/987972/1
BY: Finance Committee

AMENDMENT TO HOUSE BILL 1038, AS AMENDED

On page 2 of the Finance Committee Amendments (HB1038/187778/1), in the last line of Amendment No. 2, strike "**LENDER**" and substitute "**CREDIT GRANTOR**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1134 – Delegates Hucker, Barkley, Burns, and Frick

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 1146 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Electronic Health Records – ~~Definition of State-Regulated Payor –~~ State Employee and Retiree Health and Welfare Benefits Program – Incentives

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1182 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Bromwell, Cullison, Donoghue, Kach, Pena–Melnyk, and Reznik

AN ACT concerning

Certificates of Need – Percutaneous Coronary Intervention Services

HB1182/417477/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1182
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "to" insert "conduct a study and".

AMENDMENT NO. 2

On page 2, in line 3, after "(1)" insert "study the appropriate oversight of PCI services, including:

(i) the role of accreditation and external peer review; and

(ii) the use of clinical and administrative databases;

(2) based on its study,";

and in line 5, strike "(2)" and substitute "(3)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones, Proctor, and Washington

AN ACT concerning

Department of Transportation – Employee Grievance Procedures – Streamlined Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1343 – Allegany County Delegation

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #31

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

House Bill 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, ~~and Wood~~ Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O'Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

SECOND PRINTING

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

HB0897/997278/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 897
(Third Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, strike beginning with "granting" in line 6 down through "circumstances;" in line 9; and in line 11, after "date;" insert "providing for the termination of this Act, subject to a certain contingency;".

AMENDMENT NO. 2

On page 2, strike beginning with "**(1)**" in line 13 down through "**(C)**" in line 28.

On page 3, in line 8, strike "**(D)**" and substitute "**(C)**"; after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, if any federal or State agency determines that denatonium benzoate is unsuitable for use due to a danger

that it poses to persons, property, or the environment, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. The Department of Health and Mental Hygiene shall notify the Department of Legislative Services within 5 days after receiving notice of the federal or State agency determination described under this section.";

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

The preceding 2 amendments were read only.

Senator DeGrange moved, duly seconded, to make the Bill and Amendments a Special Order for April 11, 2011.

The motion was adopted.

CONCURRENCE CALENDAR #23

AMENDED IN THE HOUSE

Senate Bill 431 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Tax Sales – Notification

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

SB0431/885866/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 431
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "increasing" in line 6 down through "County;" in line 7 and substitute "including among the allowable expenses relating to certain tax sales in Baltimore County, a fee that may be established by the County Executive and subject to review by the County Council of Baltimore County for legal services, administrative costs, and mailing expenses, not to exceed actual costs, to be collected and paid into the general fund of Baltimore County;".

AMENDMENT NO. 2

On page 3, in line 1, in each instance, strike the brackets; in the same line, strike "**(V)**"; in the same line, strike "**(VI)**"; in lines 8 and 10, in each instance, strike the bracket; strike beginning with "where" in line 8 down through "$7.50" in line 9 and substitute "**A FEE, THAT MAY BE ESTABLISHED BY THE COUNTY EXECUTIVE AND SUBJECT TO REVIEW BY THE COUNTY COUNCIL FOR LEGAL SERVICES, ADMINISTRATIVE COSTS, AND MAILING EXPENSES RELATING TO THE SALE FOR EACH PROPERTY, NOT TO EXCEED ACTUAL COSTS, TO BE COLLECTED AND PAID INTO THE GENERAL FUND OF BALTIMORE COUNTY**";

in line 14, strike the brackets; in the same line, strike "**(VI)**"; in the same line, strike "**AND BALTIMORE COUNTY**"; strike beginning with "**OR**" in line 16 down through "**APPLICABLE**" in line 17; in line 18, strike "**OR BALTIMORE COUNTY, AS APPLICABLE**"; in lines 21 and 25, in each instance, strike the brackets; and in lines 21 and 25, strike "**(VII)**" and "**(VIII)**", respectively.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1006)

CONCURRENCE CALENDAR #24

AMENDED IN THE HOUSE

Senate Bill 14 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops, Strip Searches, and Body Cavity Searches – Reporting Requirements

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

SB0014/510813/1
BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 14
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 2 down through "Requirements" in line 3; in lines 5 and 15, in each instance, strike ", strip searches, and body cavity searches"; in line 18, strike "certain" and substitute "specified"; strike beginning with "providing" in line 19 down through "Act" in line 20 and substitute "providing certain exceptions applicable to law enforcement agencies that are subject to certain agreements; defining certain terms; altering certain definitions; repealing certain provisions of this Act; providing for the termination of a certain provision of this Act; providing for a delayed effective date for certain provisions of this Act"; and strike beginning with the comma in line 21 down through "searches" in line 22.

On page 2, after line 3, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–113
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 16, inclusive; in lines 17, 19, 22, and 28, strike "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(2)**", "**(3)**", "**(4)**", and "**(5)**", respectively; in line 18, after "**ARTICLE**" insert "**AND THAT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS SECTION**"; in line 21, after "**AGENCY**" insert "**THAT IS SUBJECT TO THIS SECTION**"; and strike in their entirety lines 31 through 33, inclusive.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 and 2; in line 3, strike "**(10)**" and substitute "**(6)**"; in line 3, strike beginning with "**SUBJECT**" through the comma; in line 4, strike "**TRAFFIC**" and substitute "**TRAFFIC**"; and strike beginning with "**EXCEPT**" in line 16 down through "**(C)**" in line 21.

AMENDMENT NO. 4

On page 4, strike beginning with "**AND**" in line 1 down through the second "**SEARCHES**" in line 2; after line 4, insert:

"**(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS ONE OR MORE LAW ENFORCEMENT OFFICERS.**

(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON THE RACE OR ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.";

in line 6, strike beginning with the first "**OR**" through the second "**SEARCH**"; and in lines 10 and 11, 12 and 13, and 15 and 16, in each instance, strike "**, STRIP SEARCH, OR BODY CAVITY SEARCH**".

AMENDMENT NO. 5

On page 5, in line 15, strike "**(C)(3)**" and substitute "**(B)(3)**"; strike beginning with "**DESCRIBED**" in line 19 down through "**(B)**" in line 20 and substitute "**THAT IS EXEMPT UNDER SUBSECTION (C)(2)**".

AMENDMENT NO. 6

On page 6, in line 5, strike "**EACH**" and substitute "**A**"; strike beginning with the first "**AND**" in line 6 down through "**SEARCHES**" in line 7; in line 9, strike "**LAW ENFORCEMENT**"; in line 10, after "**(2)**" insert "**(I)**"; strike beginning with the colon in line 10 down through "**PROHIBIT**" in line 11 and substitute "**PROHIBIT**"; strike beginning with the comma in line 12 down through "**BUT**" in line 13 and substitute a period; in line 14, strike "**MAKE**" and substitute "**THE POLICY SHALL MAKE**"; in the same line, strike "**THE POLICY**" and substitute "**IT**"; in line 18, strike "**REQUIRE**" and substitute "**PROVIDE FOR**"; and after line 35, insert:

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

Article – Transportation

25–113.

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

(2) "Law enforcement agency" means an agency that is listed in § 3–101(e) of the Public Safety Article **[**and that, in accordance with subsection (c) of this section, is subject to the provisions of this section**]**.

(3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency **[**that is subject to this section**]**.

(4) **[**"Maryland Statistical Analysis Center" means the research, development, and evaluation component of the Governor's Office of Crime Control and Prevention.

(5) "Police Training Commission" means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.

(6)**]** (i) "Traffic stop" means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) "Traffic stop" does not include:

1. A checkpoint or roadblock stop;

2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;

3. A stop based on the use of radar, laser, or vascar technology; or

4. A stop based on the use of license plate reader technology.

(b) [The Police Training Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;

(3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against race–based traffic stops that a law enforcement agency can use in developing its policy in accordance with subsection (g) of this section.

(c) (1) Subject to paragraph (2) of this subsection, this section applies to each law enforcement agency that has one or more law enforcement officers.

(2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires it to collect data on the race or ethnicity of the drivers of motor vehicles stopped.

(d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

(1) The date, location, and the time of the stop;

(2) The approximate duration of the stop;

(3) The traffic violation or violations alleged to have been committed that led to the stop;

(4) Whether a search was conducted as a result of the stop;

(5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;

(6) Whether any contraband or other property was seized in the course of the search;

(7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;

(8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;

(9) Whether an arrest was made as a result of either the stop or the search;

(10) If an arrest was made, the crime charged;

(11) The state in which the stopped vehicle is registered;

(12) The gender of the driver;

(13) The date of birth of the driver;

(14) The state and, if available on the driver's license, the county of residence of the driver; and

(15) The race or ethnicity of the driver as:

(i) Asian;

(ii) Black;

(iii) Hispanic;

(iv) White; or

(v) Other.

(e) (1) A law enforcement agency shall:

(i) Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and

(ii) Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.

(2) A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.

(f) (1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e) of this section based on a methodology developed in consultation with the Police Training Commission.

(2) The Maryland Statistical Analysis Center shall submit a report of the findings to the Governor, the General Assembly as provided in § 2–1246 of the State Government Article, and each law enforcement agency before September 1 of each year.

(g)**]** (1) A law enforcement agency shall adopt a policy against race–based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

[(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and

to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h) (1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the Police Training Commission.

(2) The Police Training Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the Police Training Commission, the Maryland Statistical Analysis Center and the Police Training Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.**]**".

AMENDMENT NO. 7

On page 7, strike in their entirety lines 1 through 4, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2011. Section 1 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 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.".

The preceding 7 amendments were read and concurred in by roll call vote as follows:

Affirmative – 35 Negative – 12 (See Roll Call No. 1007)

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

Affirmative – 36 Negative – 11 (See Roll Call No. 1008)

AMENDED IN THE HOUSE

Senate Bill 595 – ~~**Senator Raskin**~~ **Senators Raskin, Kelley, Forehand, and Jacobs**

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

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

SB0595/463398/1
BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 595
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Limited" insert "Name Requirements for Benefit Corporations and"; and in line 12, after "organization;" insert "establishing certain requirements for the name of certain benefit limited liability companies;".

On page 2, in line 1, after "law;" insert "establishing certain requirements for the name of certain benefit corporations;"; in line 3, strike the second "and" and substitute a comma; in line 4, after "companies" insert ", and benefit corporations"; and after line 29, insert:

"BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–502(a) and (b) and 5–6C–03
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 9, in line 23, before "**A**" insert "**(A)**"; and after line 26, insert:

"**(B) THE NAME OF A DOMESTIC BENEFIT LIMITED LIABILITY COMPANY OR A FOREIGN BENEFIT LIMITED LIABILITY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.**".

On page 12, after line 23, insert:

"1–502.

(a) **(1)** The name of a corporation must include one of the following words or an abbreviation of one of the following words:

[(1)**]** **(I)** "Company", if it is not preceded by the word "and" or a symbol for the word "and";

[(2)**]** **(II)** "Corporation";

[(3)**]** **(III)** "Incorporated"; or

[(4)**]** **(IV)** "Limited".

(2) IF A CORPORATION IS A BENEFIT CORPORATION, THE NAME OF THE BENEFIT CORPORATION MUST INCLUDE:

(I) THE WORDS "BENEFIT CORPORATION";

(II) "BENEFIT CORP.";

(III) THE WORDS "BENEFIT COMPANY", IF NOT PRECEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND"; OR

(IV) "BENEFIT CO.", IF NOT PRECEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND".

(b) **(1)** The name of a limited liability company must include:

[(1)**]** **(I)** The words "limited liability company";

[(2)**]** **(II)** "L.L.C.";

[(3)**]** **(III)** "LLC";

[(4)**]** **(IV)** "L.C."; or

[(5)**]** **(V)** "LC".

(2) IF A LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY, THE NAME OF THE BENEFIT LIMITED LIABILITY COMPANY MUST INCLUDE:

(I) THE WORDS "BENEFIT LIMITED LIABILITY COMPANY";

(II) "BENEFIT L.L.C.";

(III) "BENEFIT LLC";

(IV) "BENEFIT L.C."; OR

(V) "BENEFIT LC".

5–6C–03.

(a) A corporation may elect to be a benefit corporation under this subtitle by amending or including in the charter of the corporation a statement that the corporation is a benefit corporation.

(b) An amendment described in subsection (a) of this section shall be approved in accordance with Title 2, Subtitle 6 of this article.

(C) THE NAME OF A DOMESTIC BENEFIT CORPORATION OR A FOREIGN BENEFIT CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.".

AMENDMENT NO. 3

On page 12, in line 25, strike "October" and substitute "June".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1009)

MESSAGE TO THE SENATE

BILL: **SB 0741**
SPONSOR: Sens Pugh and Madaleno
SUBJECT: Commercial Law – Debt Settlement Services

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Middleton, Chair
Senator Pugh
Senator Kittleman

The House appoints:
Delegate Vaughn, Chairman
Delegate Stifler, and
Delegate Barnes.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

SPECIAL ORDERS

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

House Bill 519 – Delegates Arora, Clippinger, Anderson, Carter, Conaway, Dumais, Frick, Lee, Luedtke, Mitchell, Niemann, Simmons, Sophocleus, Summers, Tarrant, Valderrama, Valentino–Smith, and Waldstreicher

AN ACT concerning

Firearms – ~~Knowing~~ Violation of Specified Prohibitions – Ammunition and Penalty

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #55

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

House Bill 357 – Chair, Economic Matters Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

HB0357/714333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 357
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 9 down through "provision;" in line 11; in line 16, after "date;" insert "requiring the Commission to submit a certain report to certain committees of the General Assembly jointly with the Office of Financial Regulation on or before a certain date;".

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 3

On page 5, after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the State Real Estate Commission, jointly with the Office of Financial Regulation, shall report to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) for each licensee, the number of foreclosures resulting from a real estate transaction in which the licensee participated;

(2) recommendations on how the Commission and the Office can incorporate a licensee's foreclosure statistics into the requirements for license renewal; and

(3) recommendations for legislation regulating licensee activity to reduce the number of property foreclosures.";

and in line 20, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 405 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 817 – Delegate Mizeur

AN ACT concerning

Environment – Composting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 943 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Boiler and Pressure Vessels – Special Inspector Commission – Insurance Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1143 – Delegate Sophocleus

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1240 – Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway–Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Counties – Natural Resources – ~~Right~~ Authorization to Harvest Seafood and Engage in the Seafood Industry

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #56

CONSENT CALENDAR #63

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 996	FAV	St. Mary's County Delegation	St. Mary's County – Alcoholic Beverages – Beer Festival License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 535 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Off–Sale Beer and Light Wine Licenses
MC 9–11

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

The motion was adopted.

House Bill 542 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License
MC 3–11

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

The motion was adopted.

House Bill 545 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcohol Sales – Burtonsville ~~Towne~~ Town Square and Hillandale Shopping Center
MC 2–11

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

The motion was adopted.

House Bill 1095 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Development District Licenses
PG 302–11

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #57

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

House Bill 202 – Delegates Kaiser, Bobo, Cane, Carr, Clippinger, Frick, Gutierrez, Guzzone, Hixson, Ivey, Luedtke, McIntosh, A. Miller, Reznik, B. Robinson, Rosenberg, F. Turner, Waldstreicher, Washington, and Zucker

AN ACT concerning

Education – Discrimination Prohibited – Protected Classes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 364 – Delegate Walker

AN ACT concerning

Student Participation in High School Sports – Academic Requirements

HB0364/374636/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 364
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Sports –" insert "Minimum"; in the same line, after "Requirements" insert "– Proposed Standards"; in line 3, after "Education" insert ", in consultation with county boards of education,"; strike beginning with "adopt" in line 3 down through "establish" in line 4 and substitute "report to certain committees of the General Assembly on or before a certain date regarding"; in line 5, strike "must" and substitute "should"; in line 6, strike "regulations" and substitute "report"; in the same line, strike "provisions" and substitute "recommendations"; strike beginning with "requiring" in line 7 down through "Board;" in line 9; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "the" in line 17 on page 1 down through "**BOARD.**" in line 13 on page 2 and substitute "on or before December 31, 2011, the State Board of Education, in consultation with the county boards of education, shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, regarding the minimum academic performance standards that students in public high schools in the State should meet in order to participate in athletic competitions sanctioned by a county board of education. The report shall include recommendations regarding the curriculum content, minimum grade point average, and grade progress that public high school students should satisfy to be eligible to participate in athletic competitions sanctioned by the county board.".

On page 2, in line 15, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 456 – Delegates Morhaim, Busch, Branch, Hammen, Barve, McIntosh, Barkley, Barnes, Beidle, Bobo, Bohanan, Boteler, Burns, Cane, Cardin, Carr, Carter, Clagett, Conaway, Cullison, Davis, Feldman, Glenn, Griffith, Gutierrez, Guzzone, Haynes, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Mitchell, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, ~~and Washington~~ Washington, Pendergrass, and Donoghue

AN ACT concerning

Procurement – Minority Business Participation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1119 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit
PG 311–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **SB 0103**
SPONSOR: Chr FIN
SUBJECT: Ofc of the Commr of Fincl Reg, the Banking Bd, and the St Coll Agnc Lic Bd – Sunset Ext and Pgm Eval

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates recedes from its position on SB 0103.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0718**
SPONSOR: Sen Garagiola
SUBJECT: Telephone Companies – Distribution of Telephone Directories

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates recedes from its position on SB 0718.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 63 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

Maryland Consolidated Capital Bond ~~Loan of 2008~~ Loans of 2008 and 2010 – St. Mary's County – United States Colored Troops Memorial Monument

FOR the purpose of amending the Maryland Consolidated Capital Bond ~~Loan of 2008~~ Loans of 2008 and 2010 to add the Board of County Commissioners of St. Mary's County as a grantee to ~~a~~ certain ~~grant~~ grants and expanding the purpose of the ~~grant~~ grants; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond ~~Loan of 2008~~ Loans of 2008 and 2010.

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(BV–2)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA03(BK)

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

House Bill 393 – Delegates Otto and McDermott

EMERGENCY BILL

AN ACT concerning

Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee

FOR the purpose of repealing certain limitations on the amount of the solid waste disposal fee imposed on certain property in the Smith Island Solid Waste District in Somerset County; making this Act an emergency measure; and generally relating to the solid waste removal fee imposed in the Smith Island Solid Waste District in Somerset County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Somerset County
Section 8–201
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2009 Supplement, as amended)

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

House Bill 536 – Montgomery County Delegation

AN ACT concerning

Montgomery County – ~~Septic~~ On–Site Sewage Disposal System and Well Easements – Rural Zones
MC 17–11

FOR the purpose of providing that, with certain exceptions, in Montgomery County a ~~subdivision~~ septic system or well located in a certain rural zone may ~~be served by a septic system or a well located on a contiguous~~ serve a certain property under certain easements under certain circumstances; establishing certain exceptions; ~~clarifying that this Act does not authorize the creation of additional lots;~~ defining a certain ~~terms~~ term; and generally relating to ~~septic~~ on–site sewage disposal system and well easements in Montgomery County.

BY adding to
Article – Environment
Section 9–1110
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 678 – Delegates Otto and McDermott

AN ACT concerning

~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

FOR the purpose of authorizing ~~a sanitary commission~~ the sanitary district in Somerset County to charge a late fee for certain unpaid water and sewer usage charges; authorizing the Sanitary Commission in Somerset County to require the payment of certain late fees before reconnecting certain water service; providing that when a certain charge is in default it will accrue interest from a certain date and at a certain rate; and generally relating to water and sewer service charges in Somerset County.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–601(a), (d), (j), and (k)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–662
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1307 – Delegate Morhaim

AN ACT concerning

Public Employees' and Retirees' Benefit Sustainability Commission – Advance Directives

FOR the purpose of requiring the Public Employees' and Retirees' Benefit Sustainability Commission to study and make recommendations relating to the completion of advance directives used to plan for future health care decisions by retirees of the State Retirement and Pension System; requiring the Commission to submit certain reports to a certain commission, certain committees, and the Office of the Attorney General on or before a certain date; and generally relating to a study by the Public Employees' and Retirees' Benefit Sustainability Commission on the completion of advance directives used to plan for future health care decisions by retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Chapter 484 of the Acts of the General Assembly of 2010
Section 46(g) and (h)

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

House Bill 1312 – Delegate Griffith

AN ACT concerning

State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members

FOR the purpose of requiring that certain members or former members of the State Retirement and Pension System complete and submit a certain application stating a certain date when the member or former member desires to commence receipt of a certain vested retirement allowance; prohibiting certain members or former members of the State Retirement and Pension System from receiving a certain vested retirement allowance for a certain period of time; providing that certain members or former members of the State Retirement and Pension System may receive a return of their accumulated contributions before payment of a certain vested allowance; providing that certain former members of the State Retirement and Pension System to whom certain accumulated contributions are returned are not entitled to any further benefits; providing for the application of this Act; and generally relating to members or former members of the State Retirement and Pension System receiving a vested retirement allowance.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 29–302 and 29–303
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1338 – ~~Delegate Kipke~~ Delegates Kipke, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, and Tarrant

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – ~~Contracts, Disclosures, and Audits~~ Claims

FOR the purpose of ~~requiring each contract between a pharmacy benefits manager and a pharmacy, pharmacist, or retail pharmacy network or agent of a pharmacy, pharmacist, or retail pharmacy network to contain at a minimum certain provisions; requiring a pharmacy benefits manager to disclose certain information to certain entities at certain times; requiring a pharmacy benefits manager that, in a certain contract, calculates reimbursement for prescription drugs and other products and supplies in accordance with a certain formula to use a certain price in that calculation; requiring a pharmacy benefit manager to~~

~~update certain prices at an interval not less than a certain number of business days and to make certain disclosures about certain prices and a certain methodology; prohibiting a pharmacy benefits manager that has a certain management or ownership interest from discriminating or restricting the rights of a beneficiary or offering certain copayments to a beneficiary; altering the requirements for an audit conducted by a pharmacy benefits manager of a pharmacy or pharmacist under contract with the pharmacy benefits manager; requiring that a copy of a certain final audit report be delivered to a plan sponsor within certain periods of time under certain circumstances; requiring a certain recoupment of a certain claims payment to be based only on a certain fee and not on a certain cost; prohibiting a pharmacy benefits manager and a plan sponsor from taking certain actions on the basis of certain errors; making stylistic changes~~ providing that certain errors may not constitute fraud or grounds for recoupment of specified claims payments under specified circumstances; specifying that certain claims remain subject to recoupment of overpayment or payment of any discovered underpayment by a pharmacy benefits manager; defining a certain term; and generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–1628 and~~ 15–1629
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1354 – Delegate Cane

EMERGENCY BILL

AN ACT concerning

Environment – Construction of Wells

FOR the purpose of requiring the Department of the Environment to take certain actions before proposing to adopt or make changes to certain regulations and ~~statutes~~ laws governing the construction of wells; prohibiting the Department from proposing to adopt certain changes to certain regulations and laws governing the construction of wells unless the State Board of Well Drillers approves the changes; providing a certain exception; making a stylistic change; making this Act an emergency measure; and generally relating to the authority of the Department of the Environment to regulate the construction of wells.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1305

Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #22

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

Senate Bill 423 – Senators Peters, Colburn, Garagiola, Glassman, Kasemeyer, Klausmeier, Mathias, Middleton, Miller, Pugh, Robey, and Zirkin

AN ACT concerning

State Lottery – Licenses – Veterans' Organizations

SB0423/319033/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 423
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Colburn, Garagiola, Glassman, Kasemeyer, Klausmeier," and substitute "Klausmeier, Colburn, DeGrange, Garagiola, Glassman, Kasemeyer,"; in line 3, after "issue" insert "to certain veterans' organizations"; in line 4, strike "lottery ticket terminals" and substitute "instant ticket lottery machines"; in line 5, strike "State lottery" and substitute "certain lottery machine"; in the same line, strike "to veterans' organizations"; in line 6, after "circumstances;" insert "exempting certain counties from certain provisions; requiring a veterans' organization to locate and operate certain instant ticket lottery machines in certain places; authorizing the Director to adopt certain regulations;"; strike beginning with "requiring" in line 6 down through "Fund;" in line 10; in line 10, strike "certain"; in the same line, strike "lottery" and substitute "certain lottery machine"; in line 12, strike "distributions" and substitute "deductions"; in the same line, after "made;" insert "requiring the Comptroller to distribute a certain percentage of proceeds deposited in the State Lottery Fund from certain lottery machine ticket sales by veterans' organizations to the Maryland Veterans Trust Fund;"; in line 13, strike "lottery ticket terminals" and substitute "instant ticket lottery machines"; in line 15,

strike "lottery ticket terminals" and substitute "instant ticket lottery machines; defining a certain term"; in line 17, strike the second "State lottery" and substitute "certain lottery machine"; strike in their entirety lines 19 through 23, inclusive; in line 26, strike "9–119(a) and (b)" and substitute "9–120(b)"; and after line 28, insert:

"BY repealing and reenacting, without amendments,
Article – State Government
Section 9–120(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 6, inclusive; in line 9, after "(a)" insert "**IN THIS SECTION, "VETERANS' ORGANIZATION" MEANS AN ORGANIZATION THAT IS TAX EXEMPT AND ORGANIZED AS A VETERANS' ORGANIZATION UNDER § 501(C)(19) OR § 501(C)(4) OF THE INTERNAL REVENUE CODE.**

(B)";

in the same line, strike "**(C)**" and substitute "**(D)**"; in lines 13 and 21, strike "(b)" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 21, after "**(1)**" insert "**THIS SUBSECTION DOES NOT APPLY IN:**

(I) CAROLINE COUNTY;

(II) CECIL COUNTY;

(III) DORCHESTER COUNTY;

(IV) KENT COUNTY;

(V) QUEEN ANNE'S COUNTY;

(VI) SOMERSET COUNTY;

(VII) TALBOT COUNTY;

(VIII) WICOMICO COUNTY; AND

(IX) WORCESTER COUNTY.

(2) (I)";

in the same line, strike "**THIS SUBSECTION**" and substitute "**SUBPARAGRAPH (II) OF THIS PARAGRAPH**";

in lines 22 and 23, strike "**THREE LOTTERY TICKET TERMINALS**" and substitute "**FIVE INSTANT TICKET LOTTERY MACHINES**"; strike beginning with "**AS**" in line 23 down through "**ARTICLE**" in line 24; and after line 24, insert:

"**(II) A VETERANS' ORGANIZATION THAT IS ISSUED A LICENSE UNDER THIS SUBSECTION SHALL LOCATE AND OPERATE ITS INSTANT TICKET LOTTERY MACHINES AT ITS PRINCIPLE MEETING HALL IN THE COUNTY IN WHICH THE VETERANS' ORGANIZATION IS LOCATED.**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, strike "**(III)**" and substitute "**(3)**"; strike beginning with "**AND**" in line 9 down through "**MADE**" in line 10 and substitute "**AS PROVIDED UNDER § 9–117 OF THIS SUBTITLE**"; in line 12, strike "**LOTTERY TICKETS**" and substitute "**TICKETS FROM INSTANT TICKET LOTTERY MACHINES**"; in line 13, after "**SUBTITLE**" insert "**TO BE DISTRIBUTED AS PROVIDED UNDER § 9–120(B) OF THIS SUBTITLE**"; in line 14, strike "**(3)**" and substitute "**(4)**"; in lines 16 and 17, strike "**LOTTERY TICKET TERMINALS**" and substitute "**INSTANT TICKET LOTTERY MACHINES**"; in line 19, strike "**LOTTERY TICKETS**" and substitute "**TICKETS FROM INSTANT TICKET LOTTERY MACHINES**"; in lines 19 and 20, strike "**USED FOR CHARITABLE PURPOSES OR**"; in lines 20 and 21, strike "**THE MARYLAND VETERANS TRUST FUND OR**"; in line 22, strike "**LOTTERY TICKET TERMINALS**" and substitute "**INSTANT TICKET LOTTERY MACHINES**"; after line 22, insert:

"**(5) THE DIRECTOR MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION THAT INCLUDE RESTRICTING THE LOCATION OF INSTANT TICKET LOTTERY MACHINES IN AREAS OF A VETERANS' ORGANIZATION'S PUBLIC MEETING HALL THAT IS ACCESSIBLE TO THE PUBLIC.**";

and in lines 23 and 27, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 28 on page 4, inclusive, and substitute:

"9–120.

(a) The Comptroller shall distribute the State Lottery Fund to pay:

(1) on a pro rata basis for the daily and nondaily State lottery games, the expenses of administering and operating the State lottery, as authorized under this subtitle and the State budget; and

(2) then, except as provided in § 10–113.1 of the Family Law Article and § 11–618 of the Criminal Procedure Article, the holder of each winning ticket or share.

(b) (1) Promptly after the 1st day of each month, the Comptroller shall pay:

(i) into the Maryland Stadium Facilities Fund the money that remains in the State Lottery Fund from the proceeds of the sports lotteries conducted for the benefit of the Maryland Stadium Authority, after the distribution under subsection (a) of this section; **[**and**]**

(II) AFTER JUNE 30, 2012, INTO THE MARYLAND VETERANS TRUST FUND 10% OF THE MONEY THAT REMAINS IN THE STATE LOTTERY FUND FROM THE PROCEEDS OF SALES OF TICKETS FROM INSTANT TICKET LOTTERY MACHINES BY VETERANS' ORGANIZATIONS UNDER § 9–112(D) OF THIS SUBTITLE, AFTER THE DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION; AND

[(ii)**] (III)** into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all other lotteries after the distribution under subsection (a) of this section.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.".

On page 5, in lines 10 and 11, strike "**LOTTERY TICKETS**" and substitute "**TICKETS FROM INSTANT TICKET LOTTERY MACHINES**"; and in line 11, strike "**§ 9–112(C)**" and substitute "**§ 9–112(D)**".

On page 6, lines 2 and 3, strike "lottery ticket terminals" and substitute "instant ticket lottery machines".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 615 – Senator Jones–Rodwell

AN ACT concerning

Education – Residential Boarding Education Programs for At–Risk Youth – Funding

SB0615/319635/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 615
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Jones–Rodwell" and substitute "Senators Jones–Rodwell and McFadden".

AMENDMENT NO. 2

On page 2, in line 15, strike "**FISCAL YEARS 2010 THROUGH 2012, FOR**"; strike beginning with "**BEGINNING**" in line 18 down through "**(II)**" in line 24; and in line 25, after "**THEREAFTER,**" insert "**FOR EACH STUDENT ENROLLED IN A PROGRAM, AS REPORTED BY THE DEPARTMENT, THE GOVERNOR SHALL APPROPRIATE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 448 – Delegates Ivey, Afzali, Anderson, Barnes, Barve, Conaway, Davis, Frick, Frush, Gilchrist, Glenn, Griffith, Guzzone, Hammen, Hucker, Kaiser, Luedtke, McHale, A. Miller, Mitchell, Murphy, Oaks, Proctor, B. Robinson, Stocksdale, Stukes, Summers, Tarrant, F. Turner, Valderrama, Vaughn, Walker, Washington, and Wilson

AN ACT concerning

Education – Residential Boarding Education Programs for At–Risk Youth – Funding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 1010)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #66

Senate Joint Resolution 4 – Senator Dyson

A Senate Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1011)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #25

CONSENT CALENDAR #14

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 245	Howard County Del.	Howard County – Alcoholic Beverages – Beer, Wine and Liquor Tasting License Ho. Co. 5–11	EHE
HB 326	Baltimore County Del.	Baltimore County – Winery Special Event Permits – Farmers' Markets	EHE
HB 477	Carroll County Del.	Carroll County – Commissioners – Term Limits and Vacancies	EHE
HB 614	Montgomery/PG Co. Del.	Prince George's Co – M–NCPPC – Site Plan Approval Auth and Public Ethics Reqmts MC/PG 114–11	EHE
HB 1218	Frederick County Del.	Frederick County – Beer, Wine and Liquor Tasting License	EHE
HB 1274	Charles County Del.	Charles Co – Alc Bevs – Class B–Stadium (Baseball Stadium) On–Sale Beer, Wine and Liquor License	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 14 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1012)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #26

House Bill 38 – Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

AN ACT concerning

Nonpublic Schools ~~Accepting State Funds~~ Participating in State–Funded Education Programs – Bullying, Harassment, and Intimidation – Policies

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1013)

The Bill was then sent to the House of Delegates.

House Bill 145 – Delegates Hubbard, Barnes, Bobo, Branch, Braveboy, Costa, Cullison, Frush, Gaines, Holmes, Hucker, A. Kelly, Lee, Mizeur, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Rosenberg, Ross, Tarrant, V. Turner, Valentino–Smith, Waldstreicher, Walker, ~~and Zucker~~ Zucker, Donoghue, Kipke, Morhaim, Pendergrass, and Reznik

AN ACT concerning

Health – Cadmium in Children's Jewelry – Prohibition

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1014)

The Bill was then sent to the House of Delegates.

House Bill 313 – Delegate Stein

AN ACT concerning

Natural Resources – Woodland Incentives Fund – Renaming

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1015)

The Bill was then sent to the House of Delegates.

House Bill 362 – Chair, Economic Matters Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1016)

The Bill was then sent to the House of Delegates.

House Bill 398 – Baltimore County Delegation

AN ACT concerning

Task Force on the Method of Selecting the Baltimore County Board of Education

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1017)

The Bill was then sent to the House of Delegates.

House Bill 437 – ~~Delegate Niemann~~ Delegates Niemann, Gilchrist, Beidle, Healey, and Glenn

AN ACT concerning

Real Property – Sales of New Homes – Minimum Visitability Features

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1018)

The Bill was then sent to the House of Delegates.

House Bill 476 – Carroll County Delegation

AN ACT concerning

Carroll County – Winery Special Event Permits – Farmers' Markets

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1019)

The Bill was then sent to the House of Delegates.

House Bill 487 – Delegates Rosenberg and Kaiser

AN ACT concerning

~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program – Internships

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1020)

The Bill was then sent to the House of Delegates.

House Bill 1225 – Delegates Gilchrist, Bobo, Frush, Holmes, Hucker, Lafferty, A. Miller, Morhaim, Niemann, S. Robinson, Stein, Waldstreicher, and Weir

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

FLOOR AMENDMENT

HB1225/463120/1
BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 1225
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Commercial"; and in lines 4, 6, 8, and 9, in each instance, strike "commercial".

AMENDMENT NO. 2

On page 2, in lines 13 and 14, strike "**§ 4–701**" and substitute "**§ 4–210.2, § 4–701, OR § 4–745**"; in lines 14 and 16, in each instance, strike "**SUBTITLE**" and substitute "**TITLE**"; in line 16, strike "**§ 4–701**" and substitute "**§ 4–210.2, § 4–701, OR § 4–745**"; and in lines 32 and 34, in each instance, strike "**COMMERCIAL**".

On page 3, in line 12, strike "**COMMERCIAL**"; and in line 14, strike "**COMMERCIAL**" and substitute "**A**".

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

Affirmative – 13 Negative – 33 (See Roll Call No. 1021)

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

Affirmative – 42 Negative – 4 (See Roll Call No. 1022)

The Bill was then sent to the House of Delegates.

House Joint Resolution 7 – Delegates Cardin, Busch, Hixson, and Rosenberg

A House Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1023)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #27

CONSENT CALENDAR #20

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 273	Del. Gilchrist	Natural Resources – Oyster Poaching – Hearing	EHE
HB 292	Del. Minnick	Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties	EHE
HB 1025	The Speaker	State Government – Land	EHE

		Acquisitions and Transfers of Property	
HB 1053	The Speaker	Natural Resources – Aquaculture	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 20 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1024)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #28

House Bill 53 – Delegate Hubbard

AN ACT concerning

Environment – ~~Commercial Dishwashing Detergent – Prohibition~~ Phosphorus – Commercial Dishwashing Detergent

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1025)

The Bill was then sent to the House of Delegates.

House Bill 54 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1026)

The Bill was then sent to the House of Delegates.

House Bill 57 – Delegates Costa and Vitale

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1027)

The Bill was then sent to the House of Delegates.

House Bill 347 – Delegate Lafferty

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1028)

The Bill was then sent to the House of Delegates.

House Bill 396 – Delegates Beidle, Frush, Gilchrist, Glenn, Holmes, Lafferty, Love, Malone, McIntosh, Niemann, Stein, and Weir

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1029)

The Bill was then sent to the House of Delegates.

House Bill 881 – Delegate S. Robinson

AN ACT concerning

Agriculture – Waste Kitchen Grease

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1030)

The Bill was then sent to the House of Delegates.

House Bill 1093 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses
PG 312–11

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1031)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #29

CONSENT CALENDAR #16

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 201	Del. Beitzel	Garrett County – Vacancy in Office of County Commissioner – Appointment Process	EHE
HB 228	Del. Haddaway–Riccio	Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels	EHE
HB 237	Del. Anderson	Baltimore City – Zoning Requirements – Administrative Adjustments	EHE
HB 675	Del. Otto	Somerset County – Private Sale of County Property	EHE
HB 826	Carroll County Del.	Carroll County – Abatement of Nuisances	EHE
HB 1334	Del. McDermott	Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 16 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1032)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #30

House Bill 148 – Frederick County Delegation

AN ACT concerning

Allegany County and Frederick County – ~~Board~~ Boards of Elections – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1033)

The Bill was then sent to the House of Delegates.

House Bill 506 – Anne Arundel County Delegation

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1034)

The Bill was then sent to the House of Delegates.

House Bill 520 – Delegates Rosenberg, Mizeur, Arora, Barve, Cardin, Cullison, DeBoy, Donoghue, Feldman, Frank, Hubbard, Hucker, Kach, A. Kelly, Kipke, Kramer, Lafferty, Lee, McDonough, Mitchell, Morhaim, Murphy, Oaks, Pena–Melnyk, Ready, Reznik, Ross, Stein, Tarrant, V. Turner, Vaughn, and Zucker

AN ACT concerning

Transportation – Procurement for MARC ~~Train~~ Service ~~– Disclosure Requirements Regarding Involvement in Deportations~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1035)

The Bill was then sent to the House of Delegates.

House Bill 561 – **Delegates Cardin and Rosenberg**

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1036)

The Bill was then sent to the House of Delegates.

House Bill 625 – **Carroll County Delegation**

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1037)

The Bill was then sent to the House of Delegates.

House Bill 766 – **Delegates Mizeur, Barkley, Bobo, Carr, Frick, Ivey, Kaiser, Lafferty, Luedtke, McMillan, A. Miller, W. Miller, Pena–Melnyk, Reznik, Ross, Sophocleus, ~~and F. Turner~~ F. Turner, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Ready, Tarrant, and V. Turner**

AN ACT concerning

Joint Committee on Transparency and Open Government Act

FLOOR AMENDMENT

HB0766/374836/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 766, AS AMENDED

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (HB0766/774535/1), in line 8 of Amendment No. 2, after "**VOTES**" insert "**ON LEGISLATION**".

The preceding amendment was read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1038)

The Bill was then sent to the House of Delegates.

House Bill 954 – Washington County Delegation

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1039)

The Bill was then sent to the House of Delegates.

House Bill 1154 – Delegate Gilchrist

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

FLOOR AMENDMENT

HB1154/343123/1
BY: Senator Colburn

AMENDMENT TO HOUSE BILL 1154
(Third Reading File Bill)

On page 2, in lines 7 and 15, in each instance, strike "**§ 4–701**" and substitute "**§ 4–210.2, § 4–701, OR § 4–745**".

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

Affirmative – 18 Negative – 28 (See Roll Call No. 1040)

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

Affirmative – 42 Negative – 5 (See Roll Call No. 1041)

The Bill was then sent to the House of Delegates.

House Bill 1243 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County ~~Executive and County Council of Baltimore County~~ – License Fees

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

Affirmative – 43 Negative – 3 (See Roll Call No. 1042)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #31

CONSENT CALENDAR #17

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 257	Del. Murphy	Election Law – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote	EHE
HB 267	Del. Anderson	Public Ethics Laws – Baltimore Cty – Hlth Dept, Police Dept, and Civilian Review Bd	EHE
HB 511	Del. Dumais	Juvenile Services – Services and Programs for Females	EHE
HB 604	Charles County Del.	Charles County – Board of Elections – Membership	EHE
HB 1013	Del. Hixson	State Department of Ed –	EHE

Permanent Hearing Aid Loan
Bank Program – Establishment
and Operation

All of the above listed bills on the Third Reading Consent Calendar No. 17 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1043)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 37 – Delegates Carr, Pena–Melnyk, Barnes, Beidle, Hucker, Lafferty, Mizeur, and Niemann

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1044)

The Bill was then sent to the House of Delegates.

House Bill 66 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Podiatric Medical Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1045)

The Bill was then sent to the House of Delegates.

House Bill 79 – Delegate Walker

AN ACT concerning

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 – 46 Negative – 0 (See Roll Call No. 1046)

The Bill was then sent to the House of Delegates.

House Bill 328 – Delegate Feldman

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1047)

The Bill was then sent to the House of Delegates.

House Bill 354 – Delegates V. Turner, Alston, Costa, Donoghue, Elliott, Healey, Hubbard, Kach, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Valderrama, and Valentino–Smith

AN ACT concerning

Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1048)

The Bill was then sent to the House of Delegates.

House Bill 841 – ~~Delegate Kipke~~ Delegates Kipke, Kach, Pendergrass, Bromwell, Cullison, Krebs, and Donoghue

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1049)

The Bill was then sent to the House of Delegates.

House Bill 858 – Delegates Hixson, Davis, Waldstreicher, Barkley, Cardin, Cullison, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, A. Miller, Mizeur, Morhaim, Niemann, Reznik, S. Robinson, Rosenberg, Summers, V. Turner, ~~Waldstreicher, and Walker~~ Walker, and Howard

AN ACT concerning

Education – ~~Student Athletes~~ Public Schools and Youth Sports Programs – Concussions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1050)

The Bill was then sent to the House of Delegates.

House Bill 986 – Delegates Hubbard, Costa, ~~and Stocksdale~~ Stocksdale, Donoghue, A. Kelly, Krebs, Oaks, Pena–Melnyk, and V. Turner

AN ACT concerning

Pharmacists – Administration of Vaccines – Children

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1051)

The Bill was then sent to the House of Delegates.

House Bill 998 – Delegates Valentino–Smith, Boteler, Conaway, Dwyer, K. Kelly, McComas, ~~and Minnick~~ Minnick, Burns, Haddaway–Riccio, Hershey, McHale, and Schulz

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Business Occupations and Professions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1052)

The Bill was then sent to the House of Delegates.

House Bill 1135 – Delegates Love, Beidle, Burns, Costa, Feldman, Impallaria, Kipke, Pena–Melnyk, and Ross

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1053)

The Bill was then sent to the House of Delegates.

House Bill 1175 – ~~**Delegates Barkley and Davis**~~ **Economic Matters Committee and Delegates Hucker, Ivey, Barkley, Afzali, Alston, Anderson, Arora, Aumann, Barnes, Barve, Beidle, Bobo, Boteler, Branch, Busch, Cane, Cardin, Carr, Clagett, Cluster, Conway, Costa, Cullison, Davis, Dumais, Eckardt, Elliott, Feldman, Frank, Frick, Frush, Gaines, George, Gilchrist, Glenn, Griffith, Gutierrez, Haddaway–Riccio, Hammen, Harrison, Healey, Hershey, Hixson, Holmes, Hubbard, Impallaria, Jacobs, Jameson, Kach, Kaiser, A. Kelly, Kipke, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McDermott, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Myers, Niemann, Otto, Pena–Melnyk, Pendergrass, Proctor, Ready, Reznik, S. Robinson, Rosenberg, Ross, Rudolph, Schulz, Serafini, Simmons, Smigiel, Stein, Stocksdale, Stukes, Summers, Szeliga, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Washington, Wilson, and Zucker**

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipment

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1054)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #33

CONSENT CALENDAR #18

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 34	Del. Malone	Commission to Study the Impact of Immigrants in	EHE

		Maryland – Sunset Extension	
HB 67	The Speaker	State Board of Architects – Sunset Extension and Program Evaluation	EHE
HB 68	The Speaker	St Bd of Heating, Ventilation, A–C, and Refrig Contractors – Sunset Ext and Program Evaluation	EHE
HB 69	The Speaker	State Board for Professional Engineers – Sunset Extension and Program Evaluation	EHE
HB 329	Del. S. Robinson	Public Information Act – Required Denials – Senior Citizen Activities Centers	EHE
HB 332	Del. Wood	Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend	EHE
HB 361	Ch., Econ Matters Co.	State Board of Master Electricians – Sunset Extension and Revision	EHE
HB 1116	Prince George's Del.	PG Co – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period PG 416–11	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 18 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1055)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #34

CONSENT CALENDAR #19

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 36	Del. Kach	State Board of Podiatric	EHE

		Medical Examiners – Unannounced Inspections	
HB 65	The Speaker	Electrology Practice Committee – Sunset Extension and Program Evaluation	EHE
HB 75	The Speaker	State Board of Examiners of Psychologists – Sunset Extension and Program Evaluation	EHE
HB 188	Del. Donoghue	State Board of Physical Therapy Examiners – Licensure and Regulation	EHE
HB 311	Del. Hubbard	Professional Counselors and Therapists – Continuing Education – Home Study	EHE
HB 387	Del. Nathan–Pulliam	Residential Child and Youth Care Practitioners – Certification – Implementation Plan	EHE
HB 503	Del. Bromwell	Hlth Occups Bds – Discipline of Hlth Care Practitioners – Failure to Comply with Gov's Order	EHE
HB 560	Del. Hubbard	Polysomnography – Technologists Licensure	EHE
HB 600	Del. Hammen	Health Care Providers – Investigations – Information Sharing Among State Agencies	EHE & FIN

All of the above listed bills on the Third Reading Consent Calendar No. 19 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1056)

The Bills were then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 93 – Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner

AN ACT concerning

Election Law – Independent Expenditures and Electioneering Communications – Reporting

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

HB0093/704230/3
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 93
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, after "communications;" insert "clarifying that a person who makes a certain contribution may not be considered to have made a disbursement for electioneering communications because of the contribution;".

On page 2, in line 20, after "date;" insert "providing that only independent expenditures or disbursements for electioneering communications made after the effective date of this Act shall be considered for certain purposes;".

AMENDMENT NO. 2

On page 6, in line 16, after "**DONATION**" insert "**IN EXCESS OF $50**".

On page 10, in line 29, after "**DONATION**" insert "**IN EXCESS OF $50**".

AMENDMENT NO. 3

On page 8, in line 19, strike "**AND**"; and in line 22, after "**BALLOT**" insert "**; AND**

4. IS NOT MADE IN COORDINATION WITH, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE, A CAMPAIGN FINANCE ENTITY OF A CANDIDATE, AN AGENT OF A CANDIDATE, OR A BALLOT ISSUE COMMITTEE".

AMENDMENT NO. 4

On page 10, in line 32, after "**(F)**" insert "**(1)**".

On page 11, after line 2, insert:

"**(2) A PERSON WHO MAKES A CONTRIBUTION TO A CAMPAIGN FINANCE ENTITY MAY NOT BE CONSIDERED TO HAVE MADE A DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS UNDER THIS SECTION BECAUSE OF THE CONTRIBUTION.**".

AMENDMENT NO. 5

On page 12, in line 19, strike "**INDEPENDENT EXPENDITURE**" and substitute "**ELECTIONEERING COMMUNICATION**".

AMENDMENT NO. 6

On page 12, after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That only independent expenditures or disbursements for an electioneering communication made after the effective date of this Act shall be considered in determining whether a person has made the aggregate amount of independent expenditures or disbursements for electioneering communications that subjects the person to the requirements of this Act.";

and in lines 26 and 32, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 6 Committee amendments were withdrawn.

HB0093/704230/5

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 93

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, after "communications;" insert "clarifying that a person who makes a certain contribution may not be considered to have made a disbursement for electioneering communications because of the contribution;".

On page 2, in line 20, after "date;" insert "providing that only independent expenditures or disbursements for electioneering communications made after the effective date of this Act shall be considered for certain purposes;".

AMENDMENT NO. 2

On page 6, in line 15, strike "**A**"; and in line 16, strike "**DONATION**" and substitute "**CUMULATIVE DONATIONS IN EXCESS OF $51**".

On page 10, in line 29, strike "**A DONATION**" and substitute "**CUMULATIVE DONATIONS IN EXCESS OF $51**".

AMENDMENT NO. 3

On page 8, in line 19, strike "**AND**"; and in line 22, after "**BALLOT**" insert "**; AND**

4. IS NOT MADE IN COORDINATION WITH, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE, A CAMPAIGN FINANCE ENTITY OF A CANDIDATE, AN AGENT OF A CANDIDATE, OR A BALLOT ISSUE COMMITTEE".

AMENDMENT NO. 4

On page 10, in line 32, after "**(F)**" insert "**(1)**".

On page 11, after line 2, insert:

"**(2) A PERSON WHO MAKES A CONTRIBUTION TO A CAMPAIGN FINANCE ENTITY MAY NOT BE CONSIDERED TO HAVE MADE A DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS UNDER THIS SECTION BECAUSE OF THE CONTRIBUTION.**".

AMENDMENT NO. 5

On page 12, in line 19, strike "**INDEPENDENT EXPENDITURE**" and substitute "**ELECTIONEERING COMMUNICATION**".

AMENDMENT NO. 6

On page 12, after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That only independent expenditures or disbursements for an electioneering communication made after the effective date of this Act shall be considered in determining whether a person has made the aggregate amount of independent expenditures or disbursements for electioneering communications that subjects the person to the requirements of this Act.";

and in lines 26 and 32, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 6 substitute Committee amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0093/163323/1
BY: Senator Shank

AMENDMENTS TO HOUSE BILL 93, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Substitute Amendments (HB0093/704230/5), in line 4 of Amendment No. 1, after "date" insert "for certain provisions of this Act".

On page 2 of the bill, in line 20, after "severable;" insert "requiring the State Board of Elections, beginning on a certain date, to undertake certain steps to inform the public about the requirements of this Act;".

AMENDMENT NO. 2

On page 12 of the bill, after line 31, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That beginning July 1, 2011, the State Board of Elections shall undertake steps to inform the public about the requirements of this Act, including:

(1) holding seminars and disseminating materials throughout all geographic regions of the State concerning the requirements of this Act;

(2) issuing mailings concerning the requirements of this Act to all campaign finance entities and other persons who are or whom the State Board believes may be subject to the requirements of this Act;

(3) issuing a series of public service media announcements; and

(4) taking other measures the State Board considers appropriate to inform the public on ways to comply with the requirements of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect July 1, 2011.";

and in line 32, after "That" insert ", except as provided in Section 4 of this Act,".

On page 2 of the Education, Health, and Environmental Affairs Committee Substitute Amendments, in line 8 of Amendment No. 6, strike "4." and substitute "6.".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 11, 2011.

The motion was adopted.

THE COMMITTEE ON RULES REPORT #14

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

House Bill 154 – Delegate Krebs

AN ACT concerning

Unemployment Insurance – Religious Organizations – Disclosure of Exemption from Covered Employment

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

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

House Bill 173 – The Speaker (By Request – Administration) and Delegates Hixson, Alston, Barve, Bohanan, Branch, Cardin, Davis, Feldman, Frick, Gaines, Healey, Howard, Ivey, Mizeur, Reznik, Rosenberg, Ross, Summers, Vallario, ~~Walker, and Zucker~~ Walker, Zucker, Lee, A. Miller, and Stukes

AN ACT concerning

Business and Economic Development – Invest Maryland Program

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

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

House Bill 869 – Delegates Hixson, Arora, Barkley, Barve, Feldman, Frick, Gilchrist, Kaiser, Luedtke, A. Miller, Reznik, and F. Turner

AN ACT concerning

Education – Maintenance of Effort – Penalty

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

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

House Bill 1023 – Delegates Glenn, Anderson, Conaway, Harrison, Haynes, McHale, B. Robinson, Stukes, and Tarrant

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near ~~Churches~~ Places of Worship or Schools

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

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

House Bill 1127 – Delegates Glenn, Carr, Conaway, Harrison, McHale, Olszewski, B. Robinson, and Stukes

AN ACT concerning

Baltimore City – 45th Legislative District – Alcoholic Beverages – Landlords – Licensed Premises ~~That Violate Minimum Distance Requirement from Schools or Churches~~

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

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

House Bill 1281 – Delegates Stukes, Haynes, ~~and Mitchell~~ Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

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

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

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1281 – Delegates Stukes, Haynes, ~~and Mitchell~~ Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

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

Read and ordered journalized.

RECONSIDERATION

Senator Astle moved, duly seconded, to reconsider the vote by which **House Bill 506** passed Third Reading.

The motion was adopted.

House Bill 506 – Anne Arundel County Delegation

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

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

Senator Astle moved, duly seconded, to recommit the Bill.

The motion was adopted.

SPECIAL ORDERS

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

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

House Bill 535 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Off–Sale Beer and Light Wine Licenses
MC 9–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 542 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License
MC 3–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 545 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcohol Sales – Burtonsville ~~Towne~~ Town Square and Hillandale Shopping Center
MC 2–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1095 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Development District Licenses
PG 302–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 1057)

ADJOURNMENT

At 3:37 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 6, 2011, Calendar Day, Monday, April 11, 2011.

Annapolis, Maryland
Legislative Day: April 6, 2011
Calendar Day: Monday, April 11, 2011
10:00 A.M. Session

The Senate met at 10:18 A.M.

Prayer by Reverend Greg St. Cyr, Bay Area Community Church, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of April 5, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 1059)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 125	Sen. Gladden	Baltimore City – Used Car Dealers – Sunday Operations
SB 139	Sen. Zirkin	Family Law – Grounds for Absolute Divorce
SB 182	The President	Maryland Health Benefit Exchange Act of 2011
SB 196	Sen. Garagiola	Sexual Offense in the Fourth Degree – Statute of Limitations – Increase
SB 200	Sen. Zirkin	Juvenile Services – Recidivism – Reporting
SB 204	Sen. Forehand	Criminal Law – Sexual Crimes – Definitions

SB 228	Sen. Glassman	Agrl Prod Sales – Producer Mobile Farmer's Market License – Public Festival and Event Authorzn
SB 258	Sen. Montgomery	State Board of Physical Therapy Examiners – Licensure and Regulation
SB 289	Chair, EHE Com.	Higher Education – Edward T. Conroy Memorial Scholarship Program – Eligibility
SB 291	Chair, EHE Com.	State Government – Maryland Veterans Commission – Membership
SB 309	Sen. Kelley	Consumer Protection – Transparency in Consumer Arbitrations Act
SB 317	Sen. Pinsky	Homeowner's Insurance – Victims of Crimes of Violence – Discrimination Prohibited
SB 331	Sen. Brinkley	Frederick County – Roadside Solicitation of Money or Donations – Permit Program
SB 347	Sen. Pugh	Task Force to Stdy the Impact of Adjunct Faculty on Graduation Rates at Historically Black Instns
SB 374	Sen. Gladden	Baltimore City – Circuit Court – Grand Jury Investigation
SB 380	Sen. Pinsky	Electricity – Net Energy Metering
SB 430	Sen. Klausmeier	Baltimore County – Public School Employees – Collective Bargaining Units
SB 514	Sen. Middleton	Maryland Community Health Resources Commission – Health Care Reform – Implementation
SB 515	Sen. Zirkin	Public Defender – Representation – Income Eligibility and Appointment by a Court
SB 539	Sen. Colburn	Environment – Bay Restoration Fund – Authorized Uses
SB 568	Sen. Pugh	Labor and Employment – Workers' Compensation – Venue for Appeal
SB 609	Sen. Ferguson	Public Charter Schools –

		School Sites and Buildings – Availability for Occupation and Use
SB 656	Sen. Kelley	Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms
SB 664	Sen. Middleton	Health Occupations – Dental Hygienists – Nitrous Oxide
SB 685	Sen. Astle	Unemployment Insurance – Messenger Service Drivers – Delivery
SB 696	Sen. Forehand	Estates and Trusts – Tenancy by the Entirety Property – Transfer to Trustee or Trustees
SB 723	Sen. Rosapepe	Medical Records – Health Information Exchanges
SB 743	Sen. Pugh	Family Planning Works Act
SB 755	Sen. Pugh	Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System
SB 770	Sen. Conway	Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies
SB 786	Sen. Montgomery	Health – Newborn Screening Program – Critical Congenital Heart Disease
SB 787	Sen. Raskin	Juvenile Services – Services and Programs for Females
SB 841	Sen. Pugh	Arts and Entertainment Districts – Artistic Work – Design
SB 850	Sen. Middleton	Licensed Insurance Producers – Information on State Health Programs
SB 876	Sen. Klausmeier	Baltimore County – Miscellaneous Business Licenses – Fees
SB 883	The President	Prescription Drug Monitoring Program
SB 947	Sen. Jones–Rodwell	State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members

SB 960	Sen. Middleton	Health Care Providers – Investigations – Information Sharing Among State Agencies
SB 974	Sen. Astle	Health Insurance – Pharmacy Benefits Managers – Claims
SB 993	Sen. Middleton	Maryland Automobile Insurance Fund – Employee Compensation

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

THE COMMITTEE ON RULES REPORT #15

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

House Bill 63 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

Maryland Consolidated Capital Bond ~~Loan of 2008~~ Loans of 2008 and 2010 – St. Mary's County – United States Colored Troops Memorial Monument

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

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

House Bill 83 – ~~Delegate K. Kelly~~ Delegates K. Kelly, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Ambulance Service Providers – Direct Reimbursement

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

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

House Bill 96 – Delegates George, Aumann, Barnes, Bates, Beidle, Bohanan, Boteler, Clagett, Dwyer, Eckardt, Fisher, Frank, Haddaway–Riccio, Hixson, Hough, Jameson, Kach, Kipke, Krebs, Love, McMillan, A. Miller,

W. Miller, Minnick, Myers, Norman, O'Donnell, Ready, Ross, Schuh, Schulz, Sophocleus, Stocksdale, Stukes, Szeliga, Vitale, Walker, Weir, ~~and Wilson~~ Wilson, Lafferty, McDonough, A. Kelly, Costa, and Bromwell

AN ACT concerning

Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags

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

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

House Bill 393 – Delegates Otto and McDermott

EMERGENCY BILL

AN ACT concerning

Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee

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

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

House Bill 536 – Montgomery County Delegation

AN ACT concerning

Montgomery County – ~~Septic~~ On–Site Sewage Disposal System and Well Easements – Rural Zones
MC 17–11

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

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

House Bill 646 – Delegates Braveboy and Pena–Melnyk

AN ACT concerning

Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System

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

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

House Bill 678 – Delegates Otto and McDermott

AN ACT concerning

~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

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

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

House Bill 1073 – Delegates Boteler, Afzali, Cluster, DeBoy, Dwyer, Fisher, Frank, George, Glass, Hershey, Howard, Impallaria, Kach, Krebs, McComas, McConkey, McDonough, A. Miller, Mitchell, Myers, Norman, Olszewski, Reznik, Schulz, Serafini, Smigiel, Stocksdale, Stukes, V. Turner, Weir, Wilson, and Wood

AN ACT concerning

State Lottery Agency – Veterans Lottery – Established

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

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

House Bill 1089 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications
PG 411–11

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

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

House Bill 1121 – Delegate McHale

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy, Refuse–Derived Fuel, and Small Hydroelectric Power Plants

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

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

House Bill 1163 – Delegate Love

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

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

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

House Bill 1181 – ~~Delegate Braveboy~~ Delegates Braveboy and Stifler

AN ACT concerning

~~Real Estate Appraisal Management Companies – Registration and Regulation~~ State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies

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

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

House Bill 1228 – The Speaker (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

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

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

House Bill 1229 – The Speaker (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

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

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

House Bill 1312 – Delegate Griffith

AN ACT concerning

State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members

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

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

House Bill 1338 – ~~Delegate Kipke~~ Delegates Kipke, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, and Tarrant

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – ~~Contracts, Disclosures, and Audits~~ Claims

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 15	Sen. Madaleno	Commission to Study the Impact of Immigrants in Maryland – Sunset Extension
SB 103	Ch., Finance Com.	Ofc of the Commr of Fincl Reg, the Banking Bd, and the St Coll Agnc Lic Bd – Sunset Ext and Pgm Eval
SB 148 (Emergency Bill)	Sen. Currie	Md Consolidated Capital Bond Loan of 2010 – Prince George's Co – Largo High Sch PTSA Track Renov
SB 149 (Emergency Bill)	Sen. Currie	Md Consolidated Capital Bond Loan of 2010 – Prince George's Co – Forestville Military Academy Track
SB 214	Sen. Jones–Rodwell	Public Ethics Laws – Baltimore Cty – Hlth Dept, Police Dept, and Civilian Review Bd
SB 302	Sen. Jones–Rodwell	Baltimore City – Zoning Requirements – Administrative Adjustments
SB 472	Carroll Co. Senators	Carroll County – Commissioners – Term Limits and Vacancies
SB 509	Sen. Peters	Prince George's County – Ethics Reforms
SB 532	Sen. Currie	Real Property – Homeowners Assn Elections – Enforc by the Div of Consumer Protection
SB 535	Carroll Co. Senators	Carroll County – Abatement of Nuisances
SB 569 (Emergency Bill)	Sen. Mathias	Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee
SB 645	Sen. Ferguson	Baltimore City – Sale of Property to Enforce Lien for Water and Sewer Service
SB 718	Sen. Garagiola	Telephone Companies – Distribution of Telephone Directories
SB 767	Sen. Mathias	Somerset County – Private Sale of County Property
SB 826	Sen. Mathias	Somerset County – Water and

		Sewer Service – Late Fees
SB 849	The President	State Government – Land Acquisitions and Transfers of Property
SB 901	Sen. Miller	M–NCPPC – Prince George's Co – Site Plan Approval Authority
SB 902	Sen. Miller	PG Co – Pub Ethics Requirements

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #67

Senate Bill 249 – Senator Mathias

AN ACT concerning

~~Worcester County –~~ Slot Machines for Nonprofit Organizations on the Eastern Shore – Expansion and Oversight

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

Affirmative – 38 Negative – 7 (See Roll Call No. 1060)

The Bill was then sent to the House of Delegates.

Senate Bill 423 – Senators Peters~~, Colburn, Garagiola, Glassman, Kasemeyer, Klausmeier~~, Klausmeier, Colburn, DeGrange, Garagiola, Glassman, Kasemeyer, Mathias, Middleton, Miller, Pugh, Robey, and Zirkin

AN ACT concerning

State Lottery – Licenses – Veterans' Organizations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1061)

The Bill was then sent to the House of Delegates.

Senate Bill 615 – ~~**Senator Jones–Rodwell**~~ **Senators Jones–Rodwell and McFadden**

AN ACT concerning

Education – Residential Boarding Education Programs for At–Risk Youth – Funding

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

Affirmative – 36 Negative – 10 (See Roll Call No. 1062)

The Bill was then sent to the House of Delegates.

Senate Bill 888 – **Senator Gladden**

AN ACT concerning

Trusts – Special Needs, Supplemental Needs, or Pooled Asset Special Needs Trusts – Public Benefits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1063)

The Bill was then sent to the House of Delegates.

Senate Bill 977 – **Senators Gladden** ~~**and Dyson**~~**, Dyson, Simonaire, Middleton, Edwards, Mathias, Stone, Jacobs, Klausmeier, Kasemeyer, Forehand, Brinkley, Reilly, Pipkin, Colburn, Getty, Kittleman, Rosapepe, Shank, Jennings, Glassman, Frosh, Brochin, Ramirez, Raskin, Zirkin, and Garagiola**

AN ACT concerning

Freedom of Speech – Picketing at a Funeral – Distance

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1064)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #35

House Bill 39 – Delegates Conway and McDermott

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

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

Affirmative – 39 Negative – 6 (See Roll Call No. 1065)

The Bill was then sent to the House of Delegates.

House Bill 1033 – Delegates Oaks and McIntosh

AN ACT concerning

Environment – Reducing Lead Risk in Housing – ~~Lead Paint Dust Testing~~ Risk Reduction Standards

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1066)

The Bill was then sent to the House of Delegates.

House Bill 1141 – ~~Delegate James~~ Delegates James, Glass, Impallaria, McComas, McDonough, Norman, Stifler, and Szeliga

AN ACT concerning

~~Juvenile Court – Truancy Court – Petition~~
Juvenile Law – Truancy Reduction Pilot Program – Filing of Petition

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1067)

The Bill was then sent to the House of Delegates.

House Bill 1156 – Delegates Rudolph and James

AN ACT concerning

~~Northeastern Maryland~~ Task Force to Study the Creation of a Regional Higher Education ~~and Applied Technology~~ Center in Northeastern Maryland

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

The motion was adopted.

House Bill 1190 – Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

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

The motion was adopted.

House Bill 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1068)

The Bill was then sent to the House of Delegates.

House Bill 1277 – Delegates Smigiel and McDermott

AN ACT concerning

Trusts – Special Needs, Supplemental Needs, or Pooled Asset Special Needs Trusts – Public Benefits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1069)

The Bill was then sent to the House of Delegates.

House Bill 1315 – Howard County Delegation

AN ACT concerning

Howard County – Orphans' Court Sessions
Ho. Co. 9–11

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1070)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #36

House Bill 167 – The Speaker (By Request – Administration) and Delegates Stein and Cardin

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1071)

The Bill was then sent to the House of Delegates.

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health Services Cost Review Commission – User Fees

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

Affirmative – 36 Negative – 10 (See Roll Call No. 1072)

The Bill was then sent to the House of Delegates.

House Bill 286 – Delegates Morhaim and Kipke

AN ACT concerning

Hospitals and Freestanding Ambulatory Care Facilities – ~~Pracitioner~~ Practitioner Performance Evaluation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1073)

The Bill was then sent to the House of Delegates.

House Bill 460 – Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kipke, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, ~~and V. Turner~~ V. Turner, Rudolph, and Valderrama

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the House of Delegates.

House Bill 482 – Delegates Frick and Hucker

AN ACT concerning

Consumer Protection – Information on Payment Device Receipts – Limitations

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1075)

The Bill was then sent to the House of Delegates.

House Bill 714 – Delegates Hucker, Barkley, Cullison, Dwyer, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, Kaiser, A. Kelly, Kramer, Niemann, Reznik, S. Robinson, Summers, V. Turner, Valentino–Smith, and Waldstreicher

AN ACT concerning

Health – Newborn Screening Program – Critical Congenital Heart Disease

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1076)

The Bill was then sent to the House of Delegates.

House Bill 756 – Delegates Oaks, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Hammen, Harrison, Haynes, McHale, McIntosh, Mitchell, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington

AN ACT concerning

Baltimore City – Binding Arbitration – Police Officers

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1077)

The Bill was then sent to the House of Delegates.

House Bill 757 – Delegates Mitchell, Alston, Clippinger, Conaway, Cullison, Frick, Haynes, A. Kelly, Oaks, Rosenberg, Stukes, Summers, Washington, and Zucker

AN ACT concerning

~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board – Development of ~~an~~ Educational ~~Program~~ Programs to Aid Unemployed State Residents

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1078)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 109 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Transportation – Outdoor Signs Along Federal–Aid Primary Highways – Scenic Byways

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1079)

The Bill was then sent to the House of Delegates.

House Bill 166 – The Speaker (By Request – Administration) and Delegates Hammen, Hubbard, Anderson, Arora, Barnes, Cullison, Dumais, Gutierrez, Guzzone, Hucker, A. Kelly, Lee, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Rosenberg, V. Turner, and Zucker

AN ACT concerning

Maryland Health Benefit Exchange Act of 2011

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

Affirmative – 33 Negative – 12 (See Roll Call No. 1080)

The Bill was then sent to the House of Delegates.

House Bill 739 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Sexual Assault Crisis Programs and Domestic Violence Programs – Transfer to the Governor's Office of Crime Control and Prevention

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1081)

The Bill was then sent to the House of Delegates.

House Bill 752 – Delegates Barkley, Anderson, Arora, Barnes, Clagett, Clippinger, Cluster, DeBoy, Dumais, Dwyer, Gilchrist, Glass, K. Kelly, Lee, McComas, McDermott, Mitchell, Parrott, Simmons, Smigiel, Valderrama, Vallario, and Waldstreicher

AN ACT concerning

Maryland Correctional Enterprises – Prohibiting Access to Personal Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1082)

The Bill was then sent to the House of Delegates.

House Bill 801 – Delegates Valentino–Smith, Alston, Healey, Parrott, Simmons, V. Turner, Vallario, Washington, and Wilson

AN ACT concerning

Criminal Procedure – Victims' Rights – Enforcement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1083)

The Bill was then sent to the House of Delegates.

House Bill 899 – Delegates Clagett, Anderson, DeBoy, Dumais, Frush, Gaines, Glenn, Guzzone, Haynes, Hixson, Hubbard, James, Jones, K. Kelly, McIntosh, Nathan–Pulliam, Proctor, B. Robinson, Ross, Sophocleus, Valderrama, Vaughn, Walker, and Zucker

AN ACT concerning

Division of Parole and Probation – Warrant Apprehension Unit – Powers ~~and Pension System~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1084)

The Bill was then sent to the House of Delegates.

House Bill 1327 – Delegate Conaway

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

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

Affirmative – 41 Negative – 5 (See Roll Call No. 1085)

The Bill was then sent to the House of Delegates.

House Bill 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1086)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #38

House Bill 1022 – Delegates Vaughn, Barkley, Bobo, Braveboy, Harrison, Hucker, Jameson, Kramer, Love, Minnick, Niemann, Olszewski, and Washington

AN ACT concerning

Commercial Law – Debt Settlement Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1087)

The Bill was then sent to the House of Delegates.

House Bill 1028 – Delegate Hixson

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

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

Affirmative – 33 Negative – 13 (See Roll Call No. 1088)

The Bill was then sent to the House of Delegates.

House Bill 1038 – Delegates Olszewski and Kach

AN ACT concerning

Commercial Law – Residential Mortgage Loans – Escrow Amounts

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

The motion was adopted.

House Bill 1134 – Delegates Hucker, Barkley, Burns, and Frick

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1089)

The Bill was then sent to the House of Delegates.

House Bill 1146 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Electronic Health Records – ~~Definition of State-Regulated Payor –~~ State Employee and Retiree Health and Welfare Benefits Program – Incentives

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1090)

The Bill was then sent to the House of Delegates.

House Bill 1182 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Bromwell, Cullison, Donoghue, Kach, Pena–Melnyk, and Reznik

AN ACT concerning

Certificates of Need – Percutaneous Coronary Intervention Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1091)

The Bill was then sent to the House of Delegates.

House Bill 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones, Proctor, and Washington

AN ACT concerning

Department of Transportation – Employee Grievance Procedures – Streamlined Process

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1092)

The Bill was then sent to the House of Delegates.

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1093)

The Bill was then sent to the House of Delegates.

House Bill 1343 – Allegany County Delegation

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1094)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 357 – Chair, Economic Matters Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1095)

The Bill was then sent to the House of Delegates.

House Bill 405 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1096)

The Bill was then sent to the House of Delegates.

House Bill 817 – Delegate Mizeur

AN ACT concerning

Environment – Composting

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1097)

The Bill was then sent to the House of Delegates.

House Bill 943 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Boiler and Pressure Vessels – Special Inspector Commission – Insurance Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1098)

The Bill was then sent to the House of Delegates.

House Bill 996 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Beer Festival License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1099)

The Bill was then sent to the House of Delegates.

House Bill 1143 – Delegate Sophocleus

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1100)

The Bill was then sent to the House of Delegates.

House Bill 1240 – Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway–Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Counties – Natural Resources – ~~Right~~ Authorization to Harvest Seafood and Engage in the Seafood Industry

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1101)

The Bill was then sent to the House of Delegates.

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

FLOOR AMENDMENT

HB1252/123229/1
BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 1252
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "time;" insert "establishing that a person fishing under a certain permit or license who unlawfully captures a certain amount of striped bass while committing certain fishing violations is subject to imprisonment not exceeding a certain amount of time;".

AMENDMENT NO. 2

On page 2, after line 34, insert:

"**(3) IN ADDITION TO ANY OTHER PENALTY PROVIDED UNDER THIS TITLE, A PERSON FISHING UNDER A PERMIT OR LICENSE ISSUED UNDER § 4–210.2 OR § 4–745 OF THIS TITLE WHO UNLAWFULLY CAPTURES STRIPED BASS IN AN AMOUNT GREATER THAN OR EQUAL TO FIVE TIMES THE LEGAL CATCH LIMIT FOR THAT PERMIT OR LICENSE WHILE COMMITTING ANY OF THE FOLLOWING VIOLATIONS IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS:**

(I) USING UNLAWFUL GEAR;

(II) HARVESTING DURING CLOSED SEASONS;

(III) HARVESTING FROM A CLOSED AREA;

(IV) VIOLATING ESTABLISHED SIZE LIMITS; OR

(V) VIOLATING TAGGING AND REPORTING REQUIREMENTS.".

The preceding 2 amendments were withdrawn.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1102)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 519 – Delegates Arora, Clippinger, Anderson, Carter, Conaway, Dumais, Frick, Lee, Luedtke, Mitchell, Niemann, Simmons, Sophocleus, Summers, Tarrant, Valderrama, Valentino–Smith, and Waldstreicher

AN ACT concerning

Firearms – ~~Knowing~~ Violation of Specified Prohibitions – Ammunition and Penalty

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1103)

The Bill was then sent to the House of Delegates.

House Bill 763 – Delegate Feldman

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1104)

The Bill was then sent to the House of Delegates.

House Bill 908 – Delegate Stein

AN ACT concerning

Motor Vehicles – Leased Vehicles – Advertising Practices

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1105)

The Bill was then sent to the House of Delegates.

House Bill 941 – Delegates Morhaim, Cardin, Clagett, ~~and George~~ George, Cullison, Ready, Murphy, Reznik, Pena–Melnyk, Kipke, Krebs, A. Kelly, McDonough, Kach, and Donoghue

AN ACT concerning

Dining Out Growth Act of 2011

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1106)

The Bill was then sent to the House of Delegates.

House Bill 959 – Delegate Davis

AN ACT concerning

Insurance – Surplus Lines

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1107)

The Bill was then sent to the House of Delegates.

House Bill 982 – Delegate Rudolph

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1108)

The Bill was then sent to the House of Delegates.

House Bill 992 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Roads

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1109)

The Bill was then sent to the House of Delegates.

House Bill 1005 – Prince George's County Delegation

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – ~~Removal~~ Extension of Sunset
PG 403–11

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1110)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 202 – Delegates Kaiser, Bobo, Cane, Carr, Clippinger, Frick, Gutierrez, Guzzone, Hixson, Ivey, Luedtke, McIntosh, A. Miller, Reznik, B. Robinson, Rosenberg, F. Turner, Waldstreicher, Washington, and Zucker

AN ACT concerning

Education – Discrimination Prohibited – Protected Classes

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

Affirmative – 42 Negative – 3 (See Roll Call No. 1111)

The Bill was then sent to the House of Delegates.

House Bill 364 – Delegate Walker

AN ACT concerning

Student Participation in High School Sports – Academic Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1112)

The Bill was then sent to the House of Delegates.

House Bill 448 – Delegates Ivey, Afzali, Anderson, Barnes, Barve, Conaway, Davis, Frick, Frush, Gilchrist, Glenn, Griffith, Guzzone, Hammen, Hucker, Kaiser, Luedtke, McHale, A. Miller, Mitchell, Murphy, Oaks,

Proctor, B. Robinson, Stocksdale, Stukes, Summers, Tarrant, F. Turner, Valderrama, Vaughn, Walker, Washington, and Wilson

AN ACT concerning

Education – Residential Boarding Education Programs for At–Risk Youth – Funding

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

Affirmative – 40 Negative – 7 (See Roll Call No. 1113)

The Bill was then sent to the House of Delegates.

House Bill 456 – Delegates Morhaim, Busch, Branch, Hammen, Barve, McIntosh, Barkley, Barnes, Beidle, Bobo, Bohanan, Boteler, Burns, Cane, Cardin, Carr, Carter, Clagett, Conaway, Cullison, Davis, Feldman, Glenn, Griffith, Gutierrez, Guzzone, Haynes, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Mitchell, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, ~~and Washington~~ Washington, Pendergrass, and Donoghue

AN ACT concerning

Procurement – Minority Business Participation

FLOOR AMENDMENT

HB0456/463927/1
BY: Senator Muse

AMENDMENTS TO HOUSE BILL 456
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Participation" insert "and Oversight"; and in line 3, after "of" insert "establishing a WSSC Procurement Oversight Committee; providing for the membership, terms, and duties of the Committee; requiring the Washington Suburban Sanitary Commission to submit, on or before a certain date, a written report to the Committee demonstrating compliance with a certain minority business

enterprise law; stating the findings of the General Assembly; requiring the Committee to report to certain delegations to the General Assembly on or before a certain date;".

On page 2, in line 13, strike "in State procurement" and substitute "and oversight"; and after line 13, insert:

"BY adding to
Article – Public Utilities
Section 20–207.1
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2
On page 4, after line 2, insert:

"Article – Public Utilities

20–207.1.

(A) THE GENERAL ASSEMBLY FINDS THAT THE COMMISSION IS NOT IN COMPLIANCE WITH THE MINORITY BUSINESS ENTERPRISE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) THERE IS A WSSC PROCUREMENT OVERSIGHT COMMITTEE.

(2) (I) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

1. ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

2. ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

3. ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY; AND

4. ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY.

(II) EACH MEMBER SHALL:

1. BE A RESIDENT OF THE SANITARY DISTRICT; AND

2. HAVE EXPERIENCE WITH PROCUREMENT ACTIVITIES OR MINORITY BUSINESS ENTERPRISES.

(III) THE MEMBERS SHALL BE APPOINTED ON OR BEFORE OCTOBER 1, 2011.

(IV) THE MEMBERS SHALL SERVE FOR A TERM OF 4 YEARS AND MAY BE REAPPOINTED IF THE COMMITTEE ASSUMES AUTHORITY OVER PROCUREMENT ACTIVITIES OF THE COMMISSION UNDER SUBSECTION (C)(2) OF THIS SECTION.

(C) (1) THE COMMITTEE SHALL REVIEW ANY PROCUREMENT MADE BY THE COMMISSION FOR COMPLIANCE WITH THIS SUBTITLE.

(2) NOTWITHSTANDING ANY OTHER LAW, IF THE COMMITTEE DETERMINES THAT THE COMMISSION HAS NOT ACHIEVED COMPLIANCE WITH THIS SUBTITLE AS DEMONSTRATED BY THE REPORT REQUIRED BY SUBSECTION (D) OF THIS SECTION, THE COMMITTEE SHALL HAVE SOLE AUTHORITY OVER ANY PROCUREMENT ACTIVITIES OF THE COMMISSION.

(D) ON OR BEFORE DECEMBER 1, 2011, THE COMMISSION SHALL SUBMIT A WRITTEN REPORT TO THE COMMITTEE DEMONSTRATING ITS COMPLIANCE WITH THIS SUBTITLE.".

AMENDMENT NO. 3

On page 12, after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2013, the WSSC Procurement Oversight Committee shall report to the Montgomery County and Prince George's County Senate and House delegations to the Maryland

General Assembly, in accordance with § 2–1246 of the State Government Article, on the status of minority business enterprise participation in procurements for the Washington Suburban Sanitary Commission.";

and in lines 20 and 26, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

The preceding 3 amendments were read and rejected.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1114)

The Bill was then sent to the House of Delegates.

House Bill 535 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Off–Sale Beer and Light Wine Licenses
MC 9–11

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1115)

The Bill was then sent to the House of Delegates.

House Bill 542 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License
MC 3–11

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

The motion was adopted.

House Bill 545 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcohol Sales – Burtonsville ~~Towne~~ Town Square and Hillandale Shopping Center
MC 2–11

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1116)

The Bill was then sent to the House of Delegates.

House Bill 1095 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Development District Licenses
PG 302–11

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1117)

The Bill was then sent to the House of Delegates.

House Bill 1119 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit
PG 311–11

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

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **HB 0071**
SPONSOR: The Spkr (Admin)
SUBJECT: Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2011

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints:

Delegate Jones, Chair
Delegate Griffith
Delegate Proctor
Delegate Conway
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Gaines, Bohanan and Clagett.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0071**
SPONSOR: The Spkr (Admin)
SUBJECT: Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2011

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Jones, Chair
Delegate Griffith
Delegate Proctor
Delegate Conway
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Gaines, Bohanan and Clagett.

The Senate appoints:
Senator DeGrange, Chair
Senator Kasemeyer
Senator McFadden
Senator King
Senator Edwards

In addition, the Senate has appointed in advisory capacity: Senators Peters and Colburn.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0048**
SPONSOR: Del Morhaim, et al
SUBJECT: State Government – Open Meetings Act – Notice and Complaints

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0048**
SPONSOR: Del Morhaim, et al
SUBJECT: State Government – Open Meetings Act – Notice and Complaints

The Senate does not recede in the Senate amendments.

The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **SB 0244**
SPONSOR: Sen Pugh, et al
SUBJECT: Public Service Commission – Customer Education on Customer Choice

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments and respectfully requests the Senate to reconsider and concur. Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Davis, Chairman
Delegate Jameson, and
Delegate W. Miller.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0244**
SPONSOR: Sen Pugh, et al
SUBJECT: Public Service Commission – Customer Education on Customer Choice

The Senate still does not concur in the House amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Davis, Chair
Delegate Jameson
Delegate Miller

The Senate appoints:
Senator Middleton, Chairman
Senator Pugh
Senator Kittleman.

Said Bill is returned herewith.
By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0837**
SPONSOR: Del Smigiel, et al
SUBJECT: Courts – Exemption from Execution – Exception for Child Support Arrearage

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Dumais, Chairman
Delegate Alston, and
Delegate McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0837**
SPONSOR: Del Smigiel, et al
SUBJECT: Courts – Exemption from Execution – Exception for Child Support Arrearage

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Alston
Delegate McComas

The Senate appoints:
Senator Ramirez, Chairman
Senator Gladden
Senator Getty.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #29

AMENDED IN THE HOUSE

Senate Bill 692 – Senator Middleton and the President (By Request – Administration) and Senators Benson, Forehand, Frosh, Garagiola, Jones–Rodwell, King, Madaleno, Manno, Mathias, Montgomery, Muse, Pinsky, Ramirez, Raskin, ~~and Rosapepe~~ Rosapepe, Kittleman, Klausmeier, Pipkin, and Pugh

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act – Safety Violations

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

SB0692/803997/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 692
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, strike "a"; in line 3, strike "penalty" and substitute "penalties on or after a certain date"; in line 4, strike "a"; in line 5, strike "provision" and substitute "provisions"; in the same line, strike "penalties imposed" and substitute "corrective action taken"; in line 14, before "declaring" insert "altering the maximum daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil penalty that may be imposed for a related series of safety violations;"; strike beginning with "requiring" in line 22 down through "date;" in line 24; and after line 36, insert:

"BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 13–201 and 13–202
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 7, in line 4, after "**OUTAGE;**" insert "**AND**"; in line 6, strike "**; AND**" and substitute a period; and strike in their entirety lines 7 through 9, inclusive.

On page 9, strike in their entirety lines 13 through 27, inclusive; in line 28, strike "3." and substitute "2."; and in line 31, strike "4." and substitute "3.".

AMENDMENT NO. 3

On page 5, in line 26, strike "**MAY IMPOSE A PENALTY**" and substitute "**SHALL TAKE APPROPRIATE CORRECTIVE ACTION**".

On pages 5 and 6, strike beginning with "**IN**" in line 30 on page 5 down through "**YEAR**" in line 1 on page 6 and substitute "**, INCLUDING, ON OR AFTER JULY 1, 2014, THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR NONCOMPLIANCE AS PROVIDED IN § 13–201 OF THIS ARTICLE**".

On page 9, after line 12, insert:

"13–201.

(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) **§ 7–213 AS IT APPLIES TO ELECTRIC COOPERATIVES;**

(4) Title 8, Subtitles 1 and 3;

[(4)**] (5)** Title 9, Subtitle 3; and

[(5)**] (6)** Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding $10,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed $2,500.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

(e) A civil penalty collected under this section shall be paid into the General Fund of the State.

13–202.

(a) In this section, "safety violation" means a condition or activity likely to cause injury or harm to an individual or property.

(b) This section does not apply to a safety violation by a gas company that is subject to § 13–203 of this subtitle.

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this division that relates to safety is subject to a civil penalty not exceeding **[**$500**]** **$10,000** for each violation for each day that the violation persists.

(2) **[**The maximum civil penalty may not exceed:

(i) $50,000 for a related series of violations; or

(ii) for**]** **FOR** a common carrier, **THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED** $500 for each violation or related series of violations stemming from a single safety inspection.

(d) In determining the amount of a civil penalty imposed under this section, the Commission shall consider the:

(1) appropriateness of the penalty to the size of the public service company;

(2) number of previous violations of this article by the public service company;

(3) gravity of the current violation; and

(4) good faith of the public service company in attempting to achieve compliance after notification of the violation.

(e) The public service company involved may request reconsideration of a penalty imposed under this section within 30 days after the date of notification of the determination.".

The preceding 3 amendments were read and not concurred in.

SB0692/833426/1
BY: Delegate Davis

AMENDMENTS TO SENATE BILL 692, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 22, after "recommendations;" insert "providing for the application of a certain provision of this Act;".

AMENDMENT NO. 2

On page 9 of the bill, after line 30, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the limitation in § 7–213(f)(2)(ii) of the Public Utilities Article, as enacted by Section 1 of this Act, on the imposition of civil penalties before July 1, 2014, applies only to penalties imposed against an electric company for failing to meet the service quality and reliability standards established by the Public Service Commission in accordance with Section 1 of this Act.".

On page 1 of the Economic Matters Committee Amendments (SB0692/803997/1), in line 4 of Amendment No. 2, strike the second "3." and substitute "4.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0692**
SPONSOR: Sen Middleton and the Pres (Admin), et al
SUBJECT: Maryland Electricity Service Quality and Reliability Act – Safety Violations

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Middleton, Chairman
Senator Garagiola
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #27

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

Senate Bill 790 – Senator Raskin

AN ACT concerning

Limited Liability Company Act

SB0790/668077/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 790
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "only"; and in the same line, after "form" insert "only".

On pages 1 and 2, strike beginning with "authorizing" in line 29 on page 1 down through "liabilities;" in line 3 on page 2.

On page 2, in line 45, strike ", 4A–402.1,".

AMENDMENT NO. 2

On page 4, in line 7, strike "**ONLY**"; and in the same line, after "**FORM**" insert "**ONLY**".

AMENDMENT NO. 3

On page 6, strike in their entirety lines 5 through 31, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 291 – Delegates Morhaim, Anderson, Arora, Aumann, Barnes, Barve, Bobo, Boteler, Branch, Burns, Cane, Cardin, Carr, Clagett, Cullison, Donoghue, Feldman, Frank, Frush, Gilchrist, Glenn, Griffith, Gutierrez, Guzzone, Harrison, Haynes, Hixson, Hucker, Ivey, Kach, Kaiser, Kramer, Lafferty, Love, Luedtke, McComas, McConkey, McHale, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Murphy, Nathan–Pulliam, Niemann, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Smigiel, Stein, Stukes, Tarrant, F. Turner, Valderrama, Vaughn, Washington, and Weir

AN ACT concerning

Public Health – ~~Medical Marijuana~~ Maryland Medical Marijuana Model Program Work Group

HB0291/868277/1
BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 291
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Public Health" and substitute "Medical Marijuana – Affirmative Defenses".

On page 3, in line 10, before "requiring" insert "establishing that, in a prosecution for the use or possession of marijuana, or the use or possession with intent to use drug paraphernalia related to marijuana, it is an affirmative defense that the defendant used or possessed marijuana or drug paraphernalia related to marijuana because the defendant has a certain debilitating medical condition, the debilitating medical condition is severe and resistant to conventional medicine, and marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition; providing that a certain affirmative defense may not be used under certain circumstances; prohibiting the State Board of Physicians from reprimanding, placing on probation, or suspending or revoking a license of a licensee for providing a patient with a written statement, medical records, or testimony that, in the licensee's professional opinion, the patient is likely to receive therapeutic or palliative relief from marijuana; providing that this Act shall not be deemed to release a licensee from the duty to exercise a professional standard of care when evaluating a

patient's medical condition;"; in line 19, after "Act;" insert "defining certain terms;"; and after line 20, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–601 and 5–619
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 14–404(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

On page 4, in line 2, after "That" insert "the Laws of Maryland read as follows:".

AMENDMENT NO. 2
On page 4, after line 6, insert:

"Article – Criminal Law

5–601.

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding $25,000 or both.

(2) A person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(3) (i) **1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2. "BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP" MEANS A RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT'S MEDICAL CONDITION.

3. "DEBILITATING MEDICAL CONDITION" MEANS A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES ONE OR MORE OF THE FOLLOWING, AS DOCUMENTED BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP:

A. CACHEXIA OR WASTING SYNDROME;

B. SEVERE OR CHRONIC PAIN;

C. SEVERE NAUSEA;

D. SEIZURES;

E. SEVERE AND PERSISTENT MUSCLE SPASMS; OR

F. ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.

(II) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

[(ii)**]** **2.** Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding $100.

(III) 1. IN A PROSECUTION FOR THE USE OR POSSESSION OF MARIJUANA UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT USED OR POSSESSED MARIJUANA BECAUSE:

A. THE DEFENDANT HAS A DEBILITATING MEDICAL CONDITION THAT HAS BEEN DIAGNOSED BY A PHYSICIAN WITH WHOM THE DEFENDANT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP;

B. THE DEBILITATING MEDICAL CONDITION IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE; AND

C. MARIJUANA IS LIKELY TO PROVIDE THE DEFENDANT WITH THERAPEUTIC OR PALLIATIVE RELIEF FROM THE DEBILITATING MEDICAL CONDITION.

2. THE AFFIRMATIVE DEFENSE MAY NOT BE USED IF THE DEFENDANT WAS:

A. USING MARIJUANA IN A PUBLIC PLACE; OR

B. IN POSSESSION OF MORE THAN 1 OUNCE OF MARIJUANA.

5–619.

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

(1) any statement by an owner or a person in control of the object concerning its use;

(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;

(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;

(4) a residue of a controlled dangerous substance on the object;

(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c) (1) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

(4) (i) **1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2. "BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP" MEANS A RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT'S MEDICAL CONDITION.

3. "DEBILITATING MEDICAL CONDITION" MEANS A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES ONE OR MORE OF THE FOLLOWING, AS DOCUMENTED BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP:

A. CACHEXIA OR WASTING SYNDROME;

B. SEVERE OR CHRONIC PAIN;

C. SEVERE NAUSEA;

D. SEIZURES;

E. SEVERE AND PERSISTENT MUSCLE SPASMS; OR

F. ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.

(II) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

[(ii)**]** **2.** Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, on conviction of a violation of this subsection, the maximum penalty that the court may impose on the person is a fine not exceeding $100.

(III) 1. IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING DRUG PARAPHERNALIA RELATED TO MARIJUANA, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT USED OR POSSESSED DRUG PARAPHERNALIA RELATED TO MARIJUANA BECAUSE:

A. THE DEFENDANT HAS A DEBILITATING MEDICAL CONDITION THAT HAS BEEN DIAGNOSED BY A PHYSICIAN WITH WHOM THE DEFENDANT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP;

B. THE DEBILITATING MEDICAL CONDITION IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE; AND

C. MARIJUANA IS LIKELY TO PROVIDE THE DEFENDANT WITH THERAPEUTIC OR PALLIATIVE RELIEF FROM THE DEBILITATING MEDICAL CONDITION.

2. THE AFFIRMATIVE DEFENSE MAY NOT BE USED IF THE DEFENDANT WAS:

A. USING MARIJUANA IN A PUBLIC PLACE; OR

B. IN POSSESSION OF MORE THAN 1 OUNCE OF MARIJUANA.

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding $15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

Article – Health Occupations

14–404.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT REPRIMAND, PLACE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OF A LICENSEE FOR PROVIDING A PATIENT WITH A WRITTEN STATEMENT, MEDICAL RECORDS, OR TESTIMONY THAT, IN THE LICENSEE'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA.

(2) NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO RELEASE A LICENSEE FROM THE DUTY TO EXERCISE A PROFESSIONAL STANDARD OF CARE WHEN EVALUATING A PATIENT'S MEDICAL CONDITION.".

AMENDMENT NO. 3

On page 24, after line 24, insert:

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

On page 27, in line 16, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, ~~and Niemann~~ Niemann, Healey, and Cane

SECOND PRINTING

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #23

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

Senate Bill 473 – Senators Madaleno, Currie, Forehand, Jones–Rodwell, Montgomery, and Rosapepe

AN ACT concerning

Earned Income Credit Information Act

SB0473/249231/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 473
(First Reading File Bill)

On page 3, in line 4, after "**CODE;**" insert "**AND**"; and strike beginning with the semicolon in line 6 down through "**REFUNDABLE**" in line 11.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0473/203620/1

BY: Senator Peters

AMENDMENTS TO SENATE BILL 473
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "make available" and substitute "mail"; in the same line, after "to" insert "all"; and in the same line, strike "of" and substitute "in".

AMENDMENT NO. 2

On page 2, in line 28, strike "**MAKE**" and substitute "**MAIL**"; in line 29, strike "**AVAILABLE**"; in the same line, after "**TO**" insert "**ALL**"; and in the same line, after "**EMPLOYERS**" insert "**IN THE STATE**".

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

Affirmative – 29 Negative – 17 (See Roll Call No. 1118)

Read the second time and ordered prepared for Third Reading.

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

House Bill 173 – The Speaker (By Request – Administration) and Delegates Hixson, Alston, Barve, Bohanan, Branch, Cardin, Davis, Feldman, Frick, Gaines, Healey, Howard, Ivey, Mizeur, Reznik, Rosenberg, Ross, Summers, Vallario, ~~Walker, and Zucker~~ Walker, Zucker, Lee, A. Miller, and Stukes

AN ACT concerning

Business and Economic Development – Invest Maryland Program

HB0173/859539/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 173
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Authority;" insert "requiring members of the Authority to file certain financial disclosures;"; in line 11, after "allocated;" insert "requiring the Governor to submit a certain appropriation under certain circumstances; requiring the Governor and the Secretary to make a certain reduction to certain credits under certain circumstances; authorizing the Governor to submit a certain budget amendment;"; in line 19, after "procedures;" insert "stating a certain goal of the State and a certain intent of the General Assembly;"; and in line 21, after "time;" insert "requiring certain investment returns to be reinvested in certain businesses;".

On page 2, in line 28, after "format;" insert "providing that a certain publication is not required to include any property or confidential information;"; and in line 37, strike "6–528" and substitute "6–529".

AMENDMENT NO. 2

On page 8, in line 13, strike "**AND**"; and in line 15, after "**INVESTMENTS**" insert "**; AND**

(IV) AT LEAST ONE SHALL BE A RESIDENT OF A RURAL COUNTY IN THE STATE".

On page 9, after line 24, insert:

"**(C) A MEMBER OF THE AUTHORITY SHALL FILE A PUBLIC DISCLOSURE OF FINANCIAL INTERESTS AS REQUIRED UNDER THE MARYLAND PUBLIC ETHICS LAW.**".

AMENDMENT NO. 3

On page 10, in line 17, after "**AUTHORITY**" insert "**EQUITY PARTICIPATION INVESTMENT PROGRAM**"; in line 19, after "**SUBTITLE 5**" insert "**, PART V**"; after line 20, insert:

"**(C) IT IS THE GOAL OF THE STATE THAT A PORTION OF THE DESIGNATED CAPITAL RECEIVED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION BE USED TO MAKE QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES LOCATED IN RURAL AREAS OF THE STATE.**";

in lines 21 and 27, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; and in line 25, strike "**OR**" and substitute "**TO**".

On page 29, after line 2, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If the December 2011 report of the Board of Revenue Estimates indicates an increase in General Fund revenues for fiscal year 2012 over the revenues estimated in the March 2011 report as adjusted by the 2011 enacted legislation by at least

$70,000,000, the Governor shall submit a deficiency appropriation for the fiscal year 2012 budget to the Dedicated Purpose Account during the 2012 legislative session.

(b) The amount of the deficiency appropriation may not exceed $70,000,000.

(c) If the General Assembly approves or modifies the deficiency appropriation, the maximum amount specified in § 6–512(e) of the Economic Development Article, as enacted by this Act, of the credits that may be allocated under this Act shall be reduced in an amount so that the resulting amount of designated capital as defined under § 6–501 of the Economic Development Article, as enacted by this Act, plus the amount of the deficiency appropriation, as approved by the General Assembly, is equal to the amount of designated capital that the auction would have otherwise resulted in if $100,000,000 in credits were available for auction.

(d) The Governor is authorized to transfer by approved budget amendment from the Dedicated Purpose Account an amount equal to the approved deficiency appropriation to fund investments under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a portion of funds received under this Act be used to make qualified investments in qualified businesses located in rural counties of the State.".

AMENDMENT NO. 4

On page 24, after line 5, insert:

"**6–523.**

INVESTMENT RETURNS RESULTING FROM THE QUALIFIED INVESTMENTS MADE UNDER THE PROGRAM BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY SHALL BE USED TO MAKE ADDITIONAL QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY.".

AMENDMENT NO. 5

On page 25, after line 32, insert:

"**(3) THE REPORT PUBLISHED ON THE WEB SITE IS NOT REQUIRED TO INCLUDE ANY PROPRIETARY OR CONFIDENTIAL INFORMATION.**".

On page 27, in lines 7 and 23, in each instance, after "**NAMES**" insert "**AND LOCATIONS**".

On page 28, in line 8, after "**NAMES**" insert "**AND LOCATIONS**"; in line 19, after "**CREATED**" insert "**IN THE STATE**"; and in line 21, after "**RETAINED**" insert "**IN THE STATE**".

AMENDMENT NO. 6

On page 11, in line 24, strike "**MARCH**" and substitute "**MAY**".

On page 12, in line 3, strike "**APRIL**" and substitute "**JUNE**".

On page 13, in line 26, strike "**§ 6–528**" and substitute "**§ 6–529**".

On page 24, in lines 15, 16, and 18, strike "**6–523.**", "**6–524.**", and "**6–525.**", respectively, and substitute "**6–524.**", "**6–525.**", and "**6–526.**", respectively.

On page 25, in lines 6, 21, and 24, strike "**6–526.**", "**6–527.**", and "**6–528.**", respectively, and substitute "**6–527.**", "**6–528.**", and "**6–529.**", respectively.

On page 29, in line 3, strike "3." and substitute "5.".

The preceding 6 amendments were read only.

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

The motion was adopted.

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

House Bill 632 – Delegates Mizeur, Barkley, Bobo, Carr, Dumais, Frick, Gilchrist, Hixson, Ivey, Lafferty, Luedtke, A. Miller, Murphy, Reznik, Rosenberg, Ross, ~~and F. Turner~~ F. Turner, and Howard

AN ACT concerning

Earned Income Credit Information Act

HB0632/219633/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 632
(Third Reading File Bill)

On page 3, in line 9, after "**CODE;**" insert "**AND**"; and strike beginning with the semicolon in line 11 down through "**REFUNDABLE**" in line 16.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0632/153628/1

BY: Senator Peters

AMENDMENTS TO HOUSE BILL 632
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "make available" and substitute "mail"; in the same line, after "to" insert "all"; and in the same line, strike "of" and substitute "in".

AMENDMENT NO. 2

On page 3, in line 2, strike "**MAKE**" and substitute "**MAIL**"; in line 3, strike "**AVAILABLE**"; in the same line, after "**TO**" insert "**ALL**"; and in the same line, after "**EMPLOYERS**" insert "**IN THE STATE**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1105 – Prince George's County Delegation

AN ACT concerning

Prince George's County – School Facilities ~~Surcharge for~~ Surcharge – Replacement of Existing Single–Family Dwelling Unit
PG 408–11

HB1105/329837/1
BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1105
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Surcharge" insert "Exemption"; in line 3, after "Unit" insert "in the Rural Tier"; in line 5, strike "repealing certain conditions on the applicability of" and substitute "establishing an exemption to"; in line 6, strike "exemption"; in line 8, after "unit" insert "in the Rural Tier of Prince George's County; requiring the County Executive of Prince George's County to include in a certain report certain information about any exemptions granted to the school facilities surcharge"; and in line 10, after "term;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, in line 7, after "(5)" insert "**(A)**"; in lines 9 and 10, in each instance, strike the bracket; in line 10, after "is" insert a colon; after line 10, insert:

"**(I) SIMILAR TO THE PREVIOUSLY EXISTING SINGLE–FAMILY DWELLING UNIT; AND**

(II)";

in line 13, strike "**OWNED**" and substitute "**OWNED**"; after line 14, insert:

"**(B) IN THE RURAL TIER, AS DEFINED BY THE PRINCE GEORGE'S COUNTY APPROVED GENERAL PLAN, AS AMENDED, THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO A SINGLE–FAMILY DWELLING UNIT THAT IS TO BE BUILT OR SUBCONTRACTED BY AN INDIVIDUAL OWNER TO REPLACE ON THE SAME LOT A PREVIOUSLY EXISTING SINGLE–FAMILY DWELLING UNIT IF THE SINGLE–FAMILY DWELLING UNIT IS OWNED AND**

OCCUPIED BY THE SAME INDIVIDUAL WHO OWNED AND OCCUPIED THE PREVIOUSLY EXISTING SINGLE–FAMILY DWELLING UNIT.";

and in line 34, strike "and".

AMENDMENT NO. 3

On page 5, in line 1, after "collected" insert "**; AND**

(3) REGARDING AN EXEMPTION FROM THE PAYMENT OF THE SCHOOL FACILITIES SURCHARGE:

(A) THE NUMBER OF PROPERTIES FOR WHICH AN EXEMPTION WAS GRANTED UNDER THIS SECTION;

(B) THE TYPE OF EXEMPTION GRANTED; AND

(C) FOR EACH TYPE OF EXEMPTION, THE AMOUNT THAT WOULD HAVE BEEN PAID IF AN EXEMPTION HAD NOT BEEN GRANTED";

and in line 9, after "2011." insert "It shall remain effective for a period of 2 years and, at the end of May 31, 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.

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

House Bill 1281 – Delegates Stukes, Haynes, ~~and Mitchell~~ Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #32

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

House Bill 442 – Delegates Rosenberg, Feldman, and Frick

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 807 – Delegates McHale and Hammen

AN ACT concerning

Labor and Employment – Health Care Personnel Training Fund

HB0807/927471/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 807
(Third Reading File Bill)

On page 2, in line 4, strike "**PRESIDENT OF THE BOARD**" and substitute "**DEPARTMENT**"; in line 9, strike "**CONSISTS**" and substitute "**SHALL CONSIST SOLELY**"; in line 11, after the semicolon insert "**AND**"; strike beginning with the semicolon in line 12 down through "**MONEY**" in line 14; in line 22, after "**FUND**" insert "**:**

(1)";

and in line 23, after "**BUDGET**" insert "**; AND**

(2) SHALL BE MADE IN CONSULTATION WITH THE GOVERNOR'S WORKFORCE INVESTMENT BOARD".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

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:

Nominee No. L–14, Donald A. Hastings for Worcester County Liquor Control Board.

QUESTION IS: "WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?"

Senator Mathias moved, duly seconded, to make the Nominee No. L–14 a Special Order for the end of today's business.

The motion was adopted.

House Bill 244 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Workers' Compensation – Occupational Disease – Deputy Sheriffs

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, ~~and Wood~~ Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O'Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

SECOND PRINTING

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

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

HB0897/997278/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 897
(Third Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, strike beginning with "granting" in line 6 down through "circumstances;" in line 9; and in line 11, after "date;" insert "providing for the termination of this Act, subject to a certain contingency;".

AMENDMENT NO. 2

On page 2, strike beginning with "**(1)**" in line 13 down through "**(C)**" in line 28.

On page 3, in line 8, strike "**(D)**" and substitute "**(C)**"; after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, if any federal or State agency determines that denatonium benzoate is unsuitable for use due to a danger that it poses to persons, property, or the environment, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. The Department of Health and Mental Hygiene shall notify the Department of

Legislative Services within 5 days after receiving notice of the federal or State agency determination described under this section.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 897** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 897** on Third Reading and Final Passage.

House Bill 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, ~~and Wood~~ Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O'Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

SECOND PRINTING

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1119)

The Bill was then sent to the House of Delegates.

House Bill 93 – Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner

AN ACT concerning

Election Law – Independent Expenditures and Electioneering Communications – Reporting

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

FLOOR AMENDMENT

HB0093/163323/1
BY: Senator Shank

AMENDMENTS TO HOUSE BILL 93, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Substitute Amendments (HB0093/704230/5), in line 4 of Amendment No. 1, after "date" insert "for certain provisions of this Act".

On page 2 of the bill, in line 20, after "severable;" insert "requiring the State Board of Elections, beginning on a certain date, to undertake certain steps to inform the public about the requirements of this Act;".

AMENDMENT NO. 2

On page 12 of the bill, after line 31, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That beginning July 1, 2011, the State Board of Elections shall undertake steps to inform the public about the requirements of this Act, including:

(1) holding seminars and disseminating materials throughout all geographic regions of the State concerning the requirements of this Act;

(2) issuing mailings concerning the requirements of this Act to all campaign finance entities and other persons who are or whom the State Board believes may be subject to the requirements of this Act;

(3) issuing a series of public service media announcements; and

(4) taking other measures the State Board considers appropriate to inform the public on ways to comply with the requirements of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect July 1, 2011.";

and in line 32, after "That" insert ", except as provided in Section 4 of this Act,".

On page 2 of the Education, Health, and Environmental Affairs Committee Substitute Amendments, in line 8 of Amendment No. 6, strike "4." and substitute "6.".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

HB0093/163323/2
BY: Senator Shank

AMENDMENTS TO HOUSE BILL 93, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Substitute Amendments (HB0093/704230/5), in line 4 of Amendment No. 1, after "date" insert "for certain provisions of this Act".

On page 2 of the bill, in line 20, after "severable;" insert "requiring the State Board of Elections, beginning on a certain date, to undertake certain steps to inform the public about the requirements of this Act;".

AMENDMENT NO. 2

On page 12 of the bill, after line 31, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That beginning July 1, 2011, the State Board of Elections shall undertake steps to inform the public about the requirements of this Act, including:

(1) holding seminars and disseminating materials concerning the requirements of this Act;

(2) issuing mailings concerning the requirements of this Act to all persons who are or whom the State Board reasonably believes may be subject to the requirements of this Act; and

(3) taking other measures the State Board considers appropriate to inform the public on ways to comply with the requirements of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect July 1, 2011.";

and in line 32, after "That" insert ", except as provided in Section 4 of this Act,".

On page 2 of the Education, Health, and Environmental Affairs Committee Substitute Amendments, in line 8 of Amendment No. 6, strike "4." and substitute "6.".

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

Affirmative – 12 Negative – 35 (See Roll Call No. 1120)

FLOOR AMENDMENT

HB0093/773227/1
BY: Senator Shank

AMENDMENT TO HOUSE BILL 93
(Third Reading File Bill)

On page 2, strike beginning with "or" in line 13 down through "maintains" in line 14.

On page 7, in line 7, strike "**(1) AN**" and substitute "**IF AN**"; strike beginning with "**SHALL**" in line 10 down through "**ENTITY**" in line 12; in line 13, after "**DONORS,**" insert "**THE ENTITY SHALL**"; and strike beginning with the semicolon in line 18 down through "**REPORT**" in line 28.

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

Affirmative – 12 Negative – 34 (See Roll Call No. 1121)

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

The motion was rejected by a roll call vote as follows:

Affirmative – 9 Negative – 35 (See Roll Call No. 1122)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #28

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

House Bill 22 – Delegate Smigiel

AN ACT concerning

~~Administrative Office of the Courts – Uniform~~ Courts – Attorneys – Subpoena Procedures and Forms for Circuit Courts

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

The motion was adopted.

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

House Bill 235 – Delegates Pena–Melnyk, A. Kelly, Alston, Anderson, Barkley, Barnes, Barve, Beidle, Bobo, Carr, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Hubbard, Hucker, Ivey, Kaiser, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Waldstreicher, Washington, and Zucker

AN ACT concerning

Human Relations – Sexual Orientation and Gender Identity – Antidiscrimination

HB0235/578273/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 235

(Third Reading File Bill)

On page 2, in line 34, after "**A**" insert "**PERSISTENT, BONA FIDE**"; and in line 35, strike "**OR**" and substitute "**AND THE CONSISTENT, PUBLIC MANIFESTATION OF THAT IDENTITY IN THE GENDER–RELATED**".

The preceding amendment was read and adopted.

Senator DeGrange moved, duly seconded, to recommit the Bill.

The motion was adopted by a roll call vote as follows:

Affirmative – 27 Negative – 20 (See Roll Call No. 1123)

CONCURRENCE CALENDAR #25

AMENDED IN THE HOUSE

Senate Bill 167 – Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, ~~Manno,~~ Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

~~Higher Education – Tuition Charges – Maryland High School Students~~
Public Institutions of Higher Education – Tuition Rates – Exemptions

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

Senator Brochin moved, duly seconded, to postpone indefinitely further action on **Senate Bill 167**.

The motion was rejected by a roll call vote as follows:

Affirmative – 20 Negative – 27 (See Roll Call No. 1124)

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

SB0167/345069/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 167
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "rates" insert "and shall be eligible to pay certain tuition rates"; in line 10, after the semicolon insert "requiring certain individuals, as a condition of being exempt from paying the out–of–state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System;"; in line 14, strike "resident tuition charges" and substitute "tuition rates"; and in line 18, after "policies;" insert "providing that certain students may not be counted as in–State students for certain purposes;".

AMENDMENT NO. 2

On page 4, in line 9, strike "**AND**"; after line 9, insert:

"**(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND**";

and in line 10, strike "**(6)**" and substitute "**(7)**"; in line 15, after "**ARTICLE**" insert "**AND SUBJECT TO SUBSECTION (H) OF THIS SECTION**"; in line 16, strike "**EXEMPT FROM PAYING THE NONRESIDENT**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT**"; in line 18, strike "**UNDER**" and substitute "**NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET**"; in line 19, after "**SECTION**" insert "**, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION**"; and in line 32, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**".

On page 5, in line 3, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**"; in line 5, strike "**EXEMPT FROM PAYING THE OUT–OF–COUNTY**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN–COUNTY**"; in lines 20 and 22, in each instance, strike "**RESIDENT TUITION CHARGES**" and substitute "**THE TUITION RATE**"; and in line 23, strike "**OR (C)**" and substitute "**, (C), OR (D)**".

On page 6, after line 3, insert:

"**(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN–STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND**

UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.".

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

Affirmative – 24 Negative – 23 (See Roll Call No. 1125)

SB0167/523121/2
BY: Delegate Simmons

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "times" insert "; authorizing a public institution of higher education to waive a certain requirement to provide certain tax documents under certain circumstances; requiring a community college or a public senior higher education institution that makes a determination to waive certain requirements to keep certain records and to report certain information to the Maryland Higher Education Commission"; and in line 16, strike "a certain report" and substitute "certain reports".

AMENDMENT NO. 2

On page 3, strike beginning with "**HAS**" in line 26 down through "**HAS**" in line 27 and substitute "**:**

(I) HAS";

in line 27, after "**RETURN**" insert "**, IF REQUIRED BY LAW**"; and in lines 28 and 31, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 4, in line 1, strike "**(III)**" and substitute "**3.**"; after line 4, insert:

"**(II) IF NOT REQUIRED TO FILE A MARYLAND INCOME TAX RETURN, HAS HAD MARYLAND INCOME TAX WITHHELD, INCLUDING ON ALL TAXABLE INCOME EARNED OUTSIDE THE STATE, FOR AT LEAST 90 DAYS EACH YEAR OF THE YEARS REQUIRED TO BE REPORTED UNDER ITEM (I) OF THIS ITEM; AND**

(III) IF UNABLE TO PROVIDE DOCUMENTATION OF A MARYLAND INCOME TAX RETURN OR OF MARYLAND INCOME TAX WITHHOLDING FOR EACH YEAR REQUIRED UNDER ITEM (I) OF THIS ITEM, HAD SERIOUS AND SUBSTANTIAL CIRCUMSTANCES THAT WERE NEITHER CREATED BY NOR WITHIN THE CONTROL OF THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT THAT PREVENTED THE INDIVIDUAL FROM EARNING MARYLAND TAXABLE INCOME DURING THAT PERIOD.";

strike beginning with "**HAS**" in line 27 down through "**HAS**" in line 28 and substitute "**:**

(I) HAS";

in line 28, after "**RETURN**" insert "**, IF REQUIRED BY LAW**"; in lines 29, 31, and 34, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; and in line 35, strike "**AND**" and substitute:

"**(II) IF NOT REQUIRED TO FILE A MARYLAND INCOME TAX RETURN, HAS HAD MARYLAND INCOME TAX WITHHELD, INCLUDING ON ALL TAXABLE INCOME EARNED OUTSIDE THE STATE, FOR AT LEAST 90 DAYS EACH YEAR OF THE YEARS REQUIRED TO BE REPORTED UNDER ITEM (I) OF THIS ITEM; AND**

(III) IF UNABLE TO PROVIDE DOCUMENTATION OF A MARYLAND INCOME TAX RETURN OR OF MARYLAND INCOME TAX WITHHOLDING FOR EACH YEAR REQUIRED UNDER ITEM (I) OF THIS ITEM, HAD SERIOUS AND SUBSTANTIAL CIRCUMSTANCES THAT WERE NEITHER CREATED BY NOR WITHIN THE CONTROL OF THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT THAT PREVENTED THE INDIVIDUAL FROM EARNING MARYLAND TAXABLE INCOME DURING THAT PERIOD; AND".

AMENDMENT NO. 3

On page 6, before line 4, insert:

"**(I) (1) IF A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION FINDS THAT THE DOCUMENTATION PROVIDED BY AN INDIVIDUAL UNDER SUBSECTION (B)(4)(III) OR (C)(4)(III) OF THIS SECTION**

PROVIDES CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT WAS UNABLE TO EARN MARYLAND TAXABLE INCOME DUE TO SERIOUS AND SUBSTANTIAL CIRCUMSTANCES THAT WERE NEITHER CREATED BY NOR WITHIN THE CONTROL OF THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT, THE COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY WAIVE THE REQUIREMENTS OF SUBSECTION (B)(4) OR (C)(4) OF THIS SECTION.

(2) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION SHALL:

(I) KEEP A RECORD OF:

1. EACH INSTANCE THAT THE COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION CONSIDERS THE GRANTING OF A WAIVER UNDER THIS SUBSECTION; AND

2. THE FACTUAL CIRCUMSTANCES, WITHOUT ANY PERSONAL IDENTIFYING INFORMATION, REGARDING EACH DETERMINATION OF THE COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION TO GRANT OR DENY A WAIVER; AND

(II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

(3) THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

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

Affirmative – 24 Negative – 23 (See Roll Call No. 1125)

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

The motion was rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 1126)

QUORUM CALL

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

(See Roll Call No. 1127)

RECONSIDERATION

Senator Middleton moved, duly seconded, to reconsider the vote by which the Senate concurred in the House amendments to **Senate Bill 167**.

The motion was adopted by roll call vote as follows:

Affirmative – 28 Negative – 19 (See Roll Call No. 1128)

Senate Bill 167 – Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, ~~Manno,~~ Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

~~Higher Education – Tuition Charges – Maryland High School Students~~
Public Institutions of Higher Education – Tuition Rates – Exemptions

STATUS OF BILL: QUESTION IS: "WILL THE SENATE CONCUR IN THE HOUSE AMENDMENTS?"

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

The motion was rejected by a roll call vote as follows:

Affirmative – 17 Negative – 29 (See Roll Call No. 1129)

CONCURRENCE CALENDAR #26

AMENDED IN THE HOUSE

Senate Bill 620 – Senators Manno, Forehand, Montgomery, Pinsky, and Ramirez

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

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

SB0620/790913/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 620
(Third Reading File Bill)

On page 5, in line 1, strike "at the expiration of the term"; and strike beginning with "**FOR**" in line 2 down through "**PARTIES**" in line 15.

On pages 7 and 8, strike beginning with "**FOR**" in line 29 on page 7 down through "**PARTIES**" in line 7 on page 8.

The preceding amendment was read and concurred in.

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

Affirmative – 32 Negative – 9 (See Roll Call No. 1130)

CONCURRENCE CALENDAR #27

AMENDED IN THE HOUSE

Senate Bill 392 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Water and Sewer Debt Reduction Fund – Repeal

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

SB0392/920014/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 392
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Conococheague Industrial Pretreatment Facility"; and in lines 6, 8 and 9, and 12, in each instance, strike "Washington County pretreatment facility" and substitute "Conococheague Industrial Pretreatment Facility".

AMENDMENT NO. 2

On page 2, in lines 20 and 24, in each instance, strike "**WASHINGTON COUNTY PRETREATMENT FACILITY**" and substitute "**CONOCOCHEAGUE INDUSTRIAL PRETREATMENT FACILITY**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1131)

CONCURRENCE CALENDAR #28

AMENDED IN THE HOUSE

Senate Bill 402 – ~~**Senator Glassman**~~ **Senators Glassman and Pugh**

AN ACT concerning

Motor Carrier Companies – Local Public Transportation Systems – Exemption from Motor Carrier Permit Requirement

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

SB0402/183796/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 402
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "9–201" insert "and 9–207".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"9–207.

(a) This section applies to a motor carrier providing transportation for hire by or through contract with a public authority, or a federal, State, district, or municipal transportation agency.

(b) A motor carrier subject to this section:

(1) is also subject to §§ 5–101 and 5–304 of this article; and

(2) **EXCEPT AS PROVIDED IN § 9–201(B)(7) OF THIS SUBTITLE,** shall obtain a motor carrier permit under § 9–201 of this subtitle.

(c) A motor carrier permit issued to a motor carrier subject to this section may be:

(1) subject to conditions under § 9–203 of this subtitle; and

(2) suspended, revoked, or subsequently denied under § 9–204 of this subtitle.

(d) Except as provided in this section, the provisions of this division do not apply to a motor carrier subject to this section.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1132)

AMENDED IN THE HOUSE

Senate Bill 690 – ~~**Senator Middleton**~~ **Senators Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh**

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy

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

SB0690/833899/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 690
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Waste–to–Energy" insert "and Refuse–Derived Fuel"; in line 4, after "waste–to–energy" insert "and refuse–derived fuel"; in line 5, after "that" insert "a Tier 1 source using"; in the same line, after "waste–to–energy" insert "or refuse–derived fuel"; and in line 7, after "waste–to–energy" insert ", refuse–derived fuel,".

AMENDMENT NO. 2

On page 2, in line 18, strike "**AND**"; and in line 19, after "**WASTE–TO–ENERGY**" insert "**; AND**

(11) REFUSE–DERIVED FUEL".

On page 3, in line 32, strike "**AND**"; and in the same line, after "**(10)**", insert "**, OR (11)**".

The preceding 2 amendments were read only.

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

The motion was adopted.

AMENDED IN THE HOUSE

Senate Bill 694 – Senators Kelley and Middleton

AN ACT concerning

Insurance – Surplus Lines ~~Insurance Multi-State Compliance Compact~~

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

SB0694/223698/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 694
(Third Reading File Bill)

On page 14, in line 28, strike "**REPORT**" and substitute "**REPORTS**".

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1133)

CONCURRENCE CALENDAR #30

AMENDED IN THE HOUSE

Senate Bill 658 – Senators Kelley ~~and Miller~~, Miller, Glassman, Klausmeier, Muse, and Pugh

AN ACT concerning

~~Real Estate Appraisal Management Companies – Registration and Regulation~~

State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies

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

SB0658/413297/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 658
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 34, after "board;" insert "requiring the referral of certain matters to the appraisal management company hearing board;".

On page 3, in line 3, after "unspent" insert "and unencumbered"; in line 15, strike "16–5B–19" and substitute "16–5B–18"; and in line 22, after "16–202," insert "16–211(a),".

AMENDMENT NO. 2

On page 6, after line 7, insert:

"16–211.

(a) The Commission shall refer to the Hearing Board for a hearing any matter for which a hearing may be required under § 16–701**, [**or**]** § 16–701.1**, OR § 16–701.2** of this title.".

On page 19, in line 27, strike "**ON**".

On page 25, strike in their entirety lines 28 through 32, inclusive.

On page 30, in line 1, after "**UNSPENT**" insert "**AND UNENCUMBERED**".

AMENDMENT NO. 3

On page 30, after line 18, insert:

"**(E) THE FEES ESTABLISHED FOR EACH PROFESSION REGULATED UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF REGULATING EACH PROFESSION.**".

On page 35, strike in their entirety lines 16 through 19, inclusive; and in line 20, strike "4." and substitute "3.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1134)

AMENDED IN THE HOUSE

Senate Bill 822 – Senator Middleton

AN ACT concerning

Maryland Communities for a Lifetime Act

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

SB0822/406289/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 822
(Third Reading File Bill)

On page 10, in line 8, after "Maryland" insert "**CENTER ON AGING**".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1135)

CONCURRENCE CALENDAR #31

AMENDED IN THE HOUSE

Senate Bill 747 – ~~Senator Stone~~ Senators Stone, Raskin, Brochin, Forehand, and Jacobs

AN ACT concerning

Domestic Violence – Cruelty Toward a Pet or Service Animal

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

SB0747/652714/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 747
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Cruelty Toward a Pet or Service Animal" and substitute "Additional Relief – Award of Temporary Possession of Pet"; strike beginning with the second "order" in line 5 down through "order;" in line 10 and substitute "award temporary possession of any pet of a person eligible for relief or a respondent;"; in line 10, strike "certain terms" and substitute "a certain term"; in line 11, strike "and cruelty toward a pet or service animal"; and strike in their entirety lines 12 through 16, inclusive.

On page 2, in line 2, strike "and (q)"; in line 8, after "(viii)," insert "and"; and in the same line, strike ", and 4–509(a)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 7 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 13 through 21, inclusive; and in lines 22, 24, and 25, strike "**(R)**", "**(S)**", and "**(T)**", respectively, and substitute "**(Q)**", "**(R)**", and "**(S)**", respectively.

AMENDMENT NO. 4

On page 5, strike beginning with "**IF**" in line 5 down through "**PARTY**" in line 17 and substitute "**AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT**".

AMENDMENT NO. 5

On page 6, strike beginning with "**IF**" in line 3 down through "**PARTY**" in line 16 and substitute "**AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT**".

AMENDMENT NO. 6

On pages 6 and 7, strike beginning with "**IF**" in line 24 on page 6 down through "**PARTY**" in line 4 on page 7 and substitute "**AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT**".

AMENDMENT NO. 7

On page 7, strike in their entirety lines 5 through 15, inclusive.

The preceding 7 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1136)

CONCURRENCE CALENDAR #32

AMENDED IN THE HOUSE

Senate Bill 746 – Senator Stone

AN ACT concerning

Economic Development – Task Force on Job Creation

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

SB0746/653096/1
BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 746
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 3, and 14, in each instance, after "on" insert "Industrial"; in the same lines, in each instance, after "Creation" insert "in Baltimore County"; in line 7, strike "the State" and substitute "certain industries and businesses in

Baltimore County"; in line 8, strike "inventory" and substitute "identify"; strike beginning with "and" in line 8 down through "and" in line 9; in line 9, after "creation" insert "in certain sectors"; and in line 11, after "purpose;" insert "requiring the Task Force to consider certain findings of the Maryland Economic Development Commission and the Governor's Commission on Small Business in carrying out its activities;".

AMENDMENT NO. 2

On page 1, in line 17, after "on" insert "Industrial"; and in the same line, after "Creation" insert "in Baltimore County".

On page 2, in lines 8 and 30, in each instance, strike "the State" and substitute "Baltimore County"; strike in its entirety line 21; in line 22, strike "heavy"; in lines 22 and 23, strike "the State" and substitute "Baltimore County"; in line 24, strike "inventory" and substitute "identify"; in the same line, strike "and local agencies, laws, regulations, and"; in line 25, strike "the private sector" and substitute "industry, ship building and repair, and businesses that supply industry in Baltimore County"; and in line 27, strike "the effectiveness of the agencies, laws, regulations, and policies" and substitute "their effectiveness".

AMENDMENT NO. 3

On page 3, in lines 1, 2, 3, 3 and 4, 5, and 6, in each instance, strike "the State" and substitute "Baltimore County"; after line 6, insert:

"(g) In carrying out the activities described in subsection (f) of this Act, the Task Force shall consider the relevant findings of the Maryland Economic Development Commission, established in accordance with § 2–202(a) of the Economic Development Article, and of the Governor's Commission on Small Business, established by Executive Order 01.01.2010.13.";

and in line 7, strike "(g)" and substitute "(h)".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1137)

CONCURRENCE CALENDAR #33

AMENDED IN THE HOUSE

Senate Bill 281 – Senators Miller, Currie, Muse, Peters, and Ramirez

CONSTITUTIONAL AMENDMENT

AN ACT concerning

<u>Baltimore County and</u> Prince George's County – Orphans' Court Judges – Qualifications

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

SB0281/702717/1

BY: House Judiciary Committee

<u>AMENDMENTS TO SENATE BILL 281</u>
(Third Reading File Bill)

<u>AMENDMENT NO. 1</u>

On page 1, in line 2, strike "<u>Baltimore County and</u>"; strike beginning with "<u>Baltimore</u>" in line 5 down through "<u>and</u>" in line 6; and in line 7, strike "<u>Baltimore County and</u>".

<u>AMENDMENT NO. 2</u>

On page 2, strike in their entirety lines 7 through 12, inclusive.

<u>AMENDMENT NO. 3</u>

On page 2, in lines 13, 19, 21, and 23, strike "**<u>(D)</u>**", "**<u>(E)</u>**", "**<u>(F)</u>**", and "**<u>(G)</u>**", respectively, and substitute "**<u>(C)</u>**", "**<u>(D)</u>**", "**<u>(E)</u>**", and "**<u>(F)</u>**", respectively; in line 28, strike "<u>multiple jurisdictions</u>" and substitute "<u>only one county</u>"; and in line 30, strike "<u>do not</u>".

<u>The preceding 3 amendments were read and concurred in.</u>

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1138)

CONCURRENCE CALENDAR #34

AMENDED IN THE HOUSE

Senate Bill 176 – The President (By Request – Administration) and Senators Garagiola, Klausmeier, Astle, King, Madaleno, and Rosapepe

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

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

SB0176/330416/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 176
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 1, strike "One member" and substitute "Two members".

AMENDMENT NO. 2

On page 3, in line 11, strike "and"; and in line 13, after "Association" insert "; and

(xiii) One representative of the retail electric supplier community".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1139)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 44 – Delegates Jones, Barve, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, and Schuh

EMERGENCY BILL

AN ACT concerning

Education – Waiver from 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 Superintendent of Schools to provide a certain preliminary assessment to the State Board; requiring the State Board to consider certain factors when making a decision whether to grant a waiver; altering the date by which the State Board must inform the county governing body whether the waiver application has been granted or denied; requiring the State Department of Education to report to the General Assembly on or before a certain date; making stylistic changes; providing for the application of this Act; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the maintenance of effort requirement for elementary and secondary public 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 Rules.

House Bill 230 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Haynes, Mitchell, B. Robinson, Stukes, and Washington

AN ACT concerning

Baltimore City – Education – Public School Facilities and Construction Bond Authority

FOR the purpose of ~~altering the maximum aggregate principal amount of school construction bonds that the Baltimore City Board of School Commissioners may issue;~~ altering the maximum maturity date of ~~bonds~~ school construction bonds that the Baltimore City Board of School Commissioners may issue; requiring the Board to submit a certain report on a certain plan for public school facilities on or before a certain date; and generally relating to public school facilities and the issuance of bonds for school construction in Baltimore City.

BY repealing and reenacting, with amendments,

Article – Education
Section ~~4–306.2(b) and (g)(2)~~ 4–306.2(g)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 4–306.2(a) ~~and (e)~~ through (e)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 431 – Delegates Love, Barnes, Beidle, Costa, George, Kipke, Pena–Melnyk, and Sophocleus

AN ACT concerning

Motor Carrier Companies – Local Public Transportation Systems – Exemption from Motor Carrier Permit Requirement

FOR the purpose of providing that a motor carrier permit is not required for a local public transportation system established under a law enacted by the local governing body of a county or municipal corporation; providing that a motor carrier permit is not required for a motor vehicle used by a privately owned transportation company exclusively to provide transportation system services under a certain contract; requiring a certain privately owned transportation company to obtain a motor carrier permit for certain motor vehicles under certain circumstances; repealing certain exemptions for particular counties; and generally relating to motor carriers and motor carrier permits.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 9–201 and 9–207
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 462 – ~~Delegate Hogan~~ Delegates Hogan and Hucker

AN ACT concerning

Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

FOR the purpose of authorizing a ~~county board of education~~ law enforcement agency, in consultation with a ~~certain local law enforcement agency~~ county board of education, to place school bus monitoring cameras on county school buses for the purpose of recording a motor vehicle committing a violation relating to overtaking and passing school vehicles, if authorized by a local law enacted by the governing body of the local jurisdiction; ~~requiring a school bus operator to give a recording of the violation to a certain local law enforcement agency;~~ requiring a ~~recording~~ recorded image made by a school bus monitoring camera to include certain images and information; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; providing for the payment of fines imposed and the distribution of revenues collected as a result of violations enforced by school bus monitoring cameras; requiring a certain local law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain period of time; providing for the contents of a certain citation; authorizing a local law enforcement agency to mail a warning instead of a citation; authorizing a person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a school bus monitoring camera; requiring the District Court to provide certain evidence to a local law enforcement agency under certain circumstances; authorizing a local law enforcement agency to mail a certain notice within a certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or suspend the registration of a motor vehicle under certain circumstances; establishing that a violation for which a civil penalty may be imposed under this Act is not a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may not be considered for certain insurance purposes; requiring the Chief Judge of the District Court, in consultation with certain local law enforcement agencies, to adopt certain procedures; providing that a proceeding for a certain violation recorded by a school bus monitoring camera is under the exclusive original jurisdiction of the District Court; providing that a recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a certain proceeding under certain circumstances; defining certain terms; and generally relating to the use of school bus monitoring cameras to enforce offenses relating to overtaking and passing school vehicles.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–706
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–706.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 521 – Delegates Carter, Vallario, Anderson, Gutierrez, and Rosenberg

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 2010 Supplement)

BY adding to
Article – Estates and Trusts
Section 14–114
Annotated Code of Maryland
(2001 Replacement Volume and 2010 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 2010 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 2010 Supplement)

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

House Bill 683 – Delegates Jones, Burns, and Nathan–Pulliam

AN ACT concerning

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

FOR the purpose of requiring the Board of Education of Baltimore County to ~~negotiate certain fees with certain employee organizations representing certain certificated and noncertificated employees to be charged to certain nonmembers hired or promoted into a unit on or before a certain date for certain representation when membership includes a certain percentage of those eligible for membership; requiring the Board to negotiate certain fees with certain employee organizations representing certain certificated and noncertificated employees to be charged to certain nonmembers who are hired or promoted into a unit on or after a certain date~~ meet and confer with an employee organization that represents certain certificated and noncertificated employees by a certain date regarding a certain matter; and generally relating to collective bargaining ~~and representation fees~~ units for ~~certain~~ certificated and noncertificated school personnel in Baltimore County.

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 6–504~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

House Bill 712 – Delegates Hucker, Braveboy, Carr, Gutierrez, Ivey, Kaiser, Luedtke, Olszewski, Rosenberg, and V. Turner

AN ACT concerning

Judith P. Hoyer Early Child Care and Education Enhancement Program – Annual Report

FOR the purpose of ~~altering a date that a certain report is due;~~ 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; altering the date on or before which the report is to be submitted; 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 2010 Supplement)

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

House Bill 1153 – Delegate Barve

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

FOR the purpose of repealing the Maryland Anatomical Gift Act and enacting the Maryland Revised Uniform Anatomical Gift Act; authorizing certain individuals to make, amend, or revoke anatomical gifts; providing the methods by which anatomical gifts may be made; authorizing certain individuals to refuse to make certain anatomical gifts; establishing certain circumstances under which an anatomical gift is prohibited; establishing the persons to which certain anatomical gifts may be made; establishing a certain priority if more than one person in a certain class makes a gift; establishing certain purposes for which certain anatomical gifts can be made; establishing a certain priority for certain anatomical gifts if more than one purpose is given for the anatomical gift; requiring certain persons to search certain individuals for a document of gift or other information identifying the individual as a donor under certain circumstances; requiring certain individuals to allow certain examination and copying of certain anatomical gifts or refusals; ~~requiring that certain procurement organizations be allowed certain access to certain records of the Motor Vehicle Administration;~~ authorizing certain procurement organizations to make certain examinations to ensure the medical suitability of certain anatomical gifts; providing for the acceptance and removal of certain anatomical gifts; establishing certain acts as felonies and establishing certain penalties; providing that certain persons are guilty of a felony and subject to a certain penalty for purchasing or selling certain parts under certain circumstances; authorizing a person to charge a certain amount for providing certain services; establishing that certain donors may make certain gifts by authorizing that

certain statements or symbols be included on a certain registry; providing that certain persons that act in good faith are not liable in certain civil actions; requiring the Secretary of Health and Mental Hygiene to contract with and provide compensation to a certain nonprofit entity for the establishment, maintenance, and operation of a donor registry; requiring that the Organ and Tissue Donation Awareness Fund provide funds for the establishment, operation, and maintenance of a certain donor registry; requiring the Motor Vehicle Administration to cooperate in the transfer of certain information to the donor registry; establishing certain administrative terms for the donor registry; providing for the resolution of conflicts between certain anatomical gifts and certain advance directives; requiring that certain procurement organizations and the Office of the Chief Medical Examiner (OCME) cooperate to maximize the opportunity to recover certain anatomical gifts and to facilitate certain OCME examinations; providing for the terms of the recoveries between certain procurement organizations and OCME; providing for the resolution of conflicts between certain anatomical gift designations and certain investigations by OCME; providing that this Act supersedes a certain federal statute; requiring that certain directions to make, amend, revoke, or refuse to make an anatomical gift be recorded in certain medical records; altering the circumstances under which the consent of certain representatives is not necessary; requiring the custodian of certain motor vehicle records containing personal information to disclose certain personal information for use by certain procurement organizations under certain circumstances; repealing a certain provision prohibiting that certain donor designations appear on certain minors' drivers' licenses; making certain technical changes; defining certain terms; and generally relating to the Maryland Revised Uniform Anatomical Gift Act.

BY repealing
Article – Estates and Trusts
Section 4–501 through 4–513 and the subtitle "Subtitle 5. Maryland Anatomical Gift Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

BY adding to
Article – Estates and Trusts
Section 4–501 through 4–522 to be under the new subtitle "Subtitle 5. Maryland Revised Uniform Anatomical Gift Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–408, 5–604.1, 13–901, and 19–310(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–303
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1188 – Delegates James and Hubbard

AN ACT concerning

Maryland Communities for a Lifetime Act

FOR the purpose of establishing the Maryland Communities for a Lifetime Program within the Department of Aging; ~~altering the membership of the Interagency Committee on Aging Services; providing for the term of a representative of a Community for a Lifetime on the Interagency Committee; prohibiting the reappointment of a representative of a Community for a Lifetime for more than a certain number of terms; requiring the Interagency Committee to plan for assisting Communities for a Lifetime annually; altering the composition of local interagency committees; requiring the Secretary of Aging to determine the amount of a grant for a proposed or existing senior activities center capital improvement after considering whether a Community for a Lifetime is affected by the project; requiring the Senior Citizen Activities Center Operating Fund to be used to benefit Communities for a Lifetime in a certain manner;~~ requiring the Secretary of Aging, with the advice of the Innovations in Aging Services Advisory Council, to include provisions for funding grants sought by Communities for a Lifetime within an Innovations in Aging Services Program plan in a certain manner; altering the membership of the Innovations in Aging Services Advisory Council; establishing the purpose of certain provisions of this Act; requiring the Department of Aging~~, in consultation with area agencies on aging and the Interagency Committee on Aging Services, to establish, oversee, and coordinate the Maryland Communities for a Lifetime Program; requiring the Department of Aging~~ to collect and make available certain best practices; authorizing a county or municipal corporation to establish a certification process for Communities for a Lifetime; requiring the Department of Aging to ~~consider~~ recommend certain criteria ~~in its~~ for the certification process for Communities for a Lifetime; requiring a Community for a Lifetime to report to the Department of Aging on certain progress and plans by a certain date each year; ~~requiring a Community for a Lifetime to be considered a priority funding area;~~ defining a certain term; and generally relating to establishing a Maryland Communities for a Lifetime Program.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–101, ~~10–302, 10–306, 10–504, 10–514,~~ 10–603, and 10–604

Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section ~~10–301, 10–501, 10–502, and~~ 10–602
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY adding to
Article – Human Services
Section 10–801 through 10–804 to be under the new subtitle "Subtitle 8. Maryland Communities for a Lifetime Program"
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 5–7B–02~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

House Bill 1324 – Delegates Conway, Cane, Eckardt, McDermott, ~~and Otto~~ Otto, and Haddaway–Riccio

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that ~~a question~~ certain questions be placed on the ballot in Wicomico County at the November general election of 2012 to determine the sense of the voters of the County on ~~the issue of changing~~ whether to change the method of selecting members of the Wicomico County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Wicomico County.

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

House Bill 530 – Delegates Rosenberg, Ivey, Kaiser, and Luedtke

AN ACT concerning

Public Charter Schools – ~~Occupation and Use of~~ School Sites and Buildings – Availability for Occupation and Use

FOR the purpose of requiring certain county boards of education to inform the county commissioners or the county council if certain land, schools sites, or buildings have been determined by the county board to be no longer needed for school purposes under certain circumstances; requiring the county commissioners or county council to provide a certain notice to a county board under certain circumstances within a certain period of time; requiring certain county boards ~~of education~~ to inform certain public charter schools in the county if school sites or buildings have been determined by the county board to be no longer needed for school purposes under certain circumstances; requiring certain county boards to establish certain procedures; prohibiting a public charter school that is occupying and using a certain school site or building from selling, disposing of, or otherwise transferring the school site or building; exempting certain buildings or property occupied and used by a public charter school from certain real property taxes for a certain period of time; and generally relating to the disposition of certain property owned by a county board of education and to public charter schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–115
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 9–111 and 9–112
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1213 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – ~~Tax Rates~~ Supplementary Appropriation

FOR the purpose of altering ~~State tax rates for alcoholic beverages sold in Maryland; and generally relating to the alcoholic beverage tax~~ the rate of the sales and use tax imposed on the sale of an alcoholic beverage; making this Act a supplementary appropriation to fund certain public school construction projects and related capital improvements; and generally relating to the sales and use tax imposed on the sale of an alcoholic beverage and a supplementary appropriation.

~~BY repealing and reenacting, with amendments,~~

~~Article – Tax – General~~
~~Section 5–105~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume)~~

BY adding to
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2010 Replacement Volume)

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

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 362** SPONSOR: **Senator Raskin**

SUBJECT: **Correctional Services – Division of Parole and Probation – Supervision Fee**

THIRD READING CALENDAR HOUSE NO. **13** SENATE NO. **45**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached House Judiciary Committee Amendments (SB0362/132916/1) be adopted.

SB0362/132916/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 362
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "requirement;" in line 5.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 27 through 31, inclusive, and substitute:

"(f) (1) If a supervisee does not comply with the fee requirement:

(i) the Division of Parole and Probation shall notify the Commission; and

(ii) the Commission may revoke parole or mandatory supervision.".

Senate Members:	House Members:
Chair, **Jamie Raskin**	Chair, **Kriselda Valderrama**
Victor R. Ramirez	**Luke Clippinger**
Christopher B. Shank	**Michael J. Hough**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 39 Negative – 8 (See Roll Call No. 1140)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 233** SPONSOR: **Delegate Barve**

SUBJECT: **Counties and Municipal Corporations – Direct Deposit of Wages**

THIRD READING CALENDAR HOUSE NO. **34** SENATE NO. **15**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Finance Committee Amendments (HB0233/227876/1) be adopted.

HB0233/227876/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 233
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "deposit" insert "and to require an employee to receive the payment of wages by direct deposit as a condition of employment"; strike beginning with "unless" in line 5 down through "deposit" in line 7 and substitute "who was hired before a certain date under certain circumstances, whose employment is not conditioned on the employee receiving the payment of wages by direct deposit, or who does not have a certain bank account and opts out of direct deposit in a certain manner"; and in line 17, strike "number".

AMENDMENT NO. 2

On page 2, in line 19, after "**MAY**" insert "**:**

1.";

in line 21, after "**SUBSECTION**" insert "**; AND**

2. REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT";

in line 24, strike "**UNLESS THE EMPLOYEE**"; and strike in their entirety lines 25 through 30, inclusive, and substitute:

"**1. WHO WAS HIRED BEFORE OCTOBER 1, 2011, UNLESS THE COUNTY OR MUNICIPAL CORPORATION, BEFORE OCTOBER 1, 2011,**

REQUIRED BY LOCAL LAW, REGULATION, OR COLLECTIVE BARGAINING AGREEMENT, THE PAYMENT OF WAGES BY DIRECT DEPOSIT;

2. WHOSE EMPLOYMENT IS NOT CONDITIONED ON THE EMPLOYEE RECEIVING THE PAYMENT OF WAGES BY DIRECT DEPOSIT; OR

3. WHO:

A. DOES NOT HAVE A PERSONAL BANK ACCOUNT; AND

B. INFORMS THE EMPLOYEE'S EMPLOYER THAT THE EMPLOYEE WISHES TO OPT OUT OF DIRECT DEPOSIT.".

On page 3, in line 16, strike "**A**" and substitute "**THE**"; and in line 22, strike "**OF**" and substitute "**SELECTED BY**".

On page 4, in line 5, strike "**AUTOMATIC CLEARINGHOUSE**" and substitute "**AUTOMATED CLEARING HOUSE**"; and in line 7, strike "**NUMBER**".

Senate Members:	House Members:
Chair, **Rob Garagiola**	Chair, **Brian J. Feldman**
Allan H. Kittleman	**Aisha N. Braveboy**
Delores G. Kelley	**Stephen S. Hershey, Jr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1141)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 749** SPONSOR: **Delegate Waldstreicher**

SUBJECT: **Correctional Services – Division of Parole and Probation – Supervision Fee**

THIRD READING CALENDAR HOUSE NO. **19** SENATE NO. **13**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Judicial Proceedings Committee Amendments (HB0749/618374/1) be rejected.

Senate Members:	House Members:
Chair, **Jamie Raskin**	Chair, **Kriselda Valderrama**
Victor R. Ramirez	**Luke Clippinger**
Christopher B. Shank	**Michael J. Hough**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 39 Negative – 8 (See Roll Call No. 1142)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 173 – The Speaker (By Request – Administration) and Delegates Hixson, Alston, Barve, Bohanan, Branch, Cardin, Davis, Feldman, Frick, Gaines, Healey, Howard, Ivey, Mizeur, Reznik, Rosenberg, Ross, Summers, Vallario, ~~Walker, and Zucker~~ Walker, Zucker, Lee, A. Miller, and Stukes

AN ACT concerning

Business and Economic Development – Invest Maryland Program

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

HB0173/859539/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 173
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Authority;" insert "requiring members of the Authority to file certain financial disclosures;"; in line 11, after "allocated;" insert "requiring the Governor to submit a certain appropriation under certain circumstances; requiring the Governor and the Secretary to make a certain reduction to certain credits under certain circumstances; authorizing the Governor to submit a certain budget amendment;"; in line 19, after "procedures;" insert "stating a certain goal of the State and a certain intent of the General Assembly;"; and in line 21, after "time;" insert "requiring certain investment returns to be reinvested in certain businesses;".

On page 2, in line 28, after "format;" insert "providing that a certain publication is not required to include any property or confidential information;"; and in line 37, strike "6–528" and substitute "6–529".

AMENDMENT NO. 2

On page 8, in line 13, strike "**AND**"; and in line 15, after "**INVESTMENTS**" insert "**; AND**

(IV) AT LEAST ONE SHALL BE A RESIDENT OF A RURAL COUNTY IN THE STATE".

On page 9, after line 24, insert:

"**(C) A MEMBER OF THE AUTHORITY SHALL FILE A PUBLIC DISCLOSURE OF FINANCIAL INTERESTS AS REQUIRED UNDER THE MARYLAND PUBLIC ETHICS LAW.**".

AMENDMENT NO. 3

On page 10, in line 17, after "**AUTHORITY**" insert "**EQUITY PARTICIPATION INVESTMENT PROGRAM**"; in line 19, after "**SUBTITLE 5**" insert "**, PART V**"; after line 20, insert:

"**(C) IT IS THE GOAL OF THE STATE THAT A PORTION OF THE DESIGNATED CAPITAL RECEIVED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION BE USED TO MAKE QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES LOCATED IN RURAL AREAS OF THE STATE.**";

in lines 21 and 27, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; and in line 25, strike "**OR**" and substitute "**TO**".

On page 29, after line 2, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If the December 2011 report of the Board of Revenue Estimates indicates an increase in General Fund revenues for fiscal year 2012 over the revenues estimated in the March 2011 report as adjusted by the 2011 enacted legislation by at least $70,000,000, the Governor shall submit a deficiency appropriation for the fiscal year 2012 budget to the Dedicated Purpose Account during the 2012 legislative session.

(b) The amount of the deficiency appropriation may not exceed $70,000,000.

(c) If the General Assembly approves or modifies the deficiency appropriation, the maximum amount specified in § 6–512(e) of the Economic Development Article, as enacted by this Act, of the credits that may be allocated under this Act shall be reduced in an amount so that the resulting amount of designated capital as defined under § 6–501 of the Economic Development Article, as enacted by this Act, plus the amount of the deficiency appropriation, as approved by the General Assembly, is equal to the amount of designated capital that the auction would have otherwise resulted in if $100,000,000 in credits were available for auction.

(d) The Governor is authorized to transfer by approved budget amendment from the Dedicated Purpose Account an amount equal to the approved deficiency appropriation to fund investments under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a portion of funds received under this Act be used to make qualified investments in qualified businesses located in rural counties of the State.".

AMENDMENT NO. 4

On page 24, after line 5, insert:

"**6–523.**

INVESTMENT RETURNS RESULTING FROM THE QUALIFIED INVESTMENTS MADE UNDER THE PROGRAM BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY SHALL BE USED TO MAKE ADDITIONAL QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY.".

AMENDMENT NO. 5

On page 25, after line 32, insert:

"**(3) THE REPORT PUBLISHED ON THE WEB SITE IS NOT REQUIRED TO INCLUDE ANY PROPRIETARY OR CONFIDENTIAL INFORMATION.**".

On page 27, in lines 7 and 23, in each instance, after "**NAMES**" insert "**AND LOCATIONS**".

On page 28, in line 8, after "**NAMES**" insert "**AND LOCATIONS**"; in line 19, after "**CREATED**" insert "**IN THE STATE**"; and in line 21, after "**RETAINED**" insert "**IN THE STATE**".

AMENDMENT NO. 6

On page 11, in line 24, strike "**MARCH**" and substitute "**MAY**".

On page 12, in line 3, strike "**APRIL**" and substitute "**JUNE**".

On page 13, in line 26, strike "**§ 6–528**" and substitute "**§ 6–529**".

On page 24, in lines 15, 16, and 18, strike "**6–523.**", "**6–524.**", and "**6–525.**", respectively, and substitute "**6–524.**", "**6–525.**", and "**6–526.**", respectively.

On page 25, in lines 6, 21, and 24, strike "**6–526.**", "**6–527.**", and "**6–528.**", respectively, and substitute "**6–527.**", "**6–528.**", and "**6–529.**", respectively.

On page 29, in line 3, strike "3." and substitute "5.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0173/729234/1
BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 173, AS AMENDED

On page 1 of the Budget and Taxation Committee Amendments (HB0173/859539/1), in line 4 of Amendment No. 1, strike beginning with "requiring" through "make" and substitute "providing for"; in line 5, strike "to certain credits"; in the same line, after "circumstances" insert "to the maximum amount of certain credits that may be allocated"; and in line 11, strike "property" and substitute "proprietary".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0173/953327/2
BY: Senator Middleton

AMENDMENTS TO HOUSE BILL 173
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 8, after "Fund," insert "the Rural Maryland Council,".

AMENDMENT NO. 2

On page 10, in line 13, after "**(I)**" insert "**$250,000 TO THE RURAL MARYLAND COUNCIL FOR ITS OPERATIONAL EXPENSES;**

(II)";

in the same line, after "**75%**" insert "**OF THE REMAINING AMOUNT**"; in line 17, strike "**(II)**" and substitute "**(III)**"; and in the same line, after "**25%**" insert "**OF THE REMAINING AMOUNT**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Madaleno moved, duly seconded, to put **House Bill 173** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 34 Negative – 13 (See Roll Call No. 1143)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 173** on Third Reading and Final Passage.

House Bill 173 – The Speaker (By Request – Administration) and Delegates Hixson, Alston, Barve, Bohanan, Branch, Cardin, Davis, Feldman, Frick, Gaines, Healey, Howard, Ivey, Mizeur, Reznik, Rosenberg, Ross, Summers, Vallario, ~~Walker, and Zucker~~ Walker, Zucker, Lee, A. Miller, and Stukes

AN ACT concerning

Business and Economic Development – Invest Maryland Program

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 34 Negative – 12 (See Roll Call No. 1144)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #35

AMENDED IN THE HOUSE

Senate Bill 167 – Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, ~~Manno,~~ Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

~~Higher Education – Tuition Charges – Maryland High School Students~~
Public Institutions of Higher Education – Tuition Rates – Exemptions

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

SB0167/345069/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 167
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "rates" insert "and shall be eligible to pay certain tuition rates"; in line 10, after the semicolon insert "requiring certain individuals, as a condition of being exempt from paying the out–of–state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System;"; in line 14, strike "resident tuition charges" and substitute "tuition rates"; and in line 18, after "policies;" insert "providing that certain students may not be counted as in–State students for certain purposes;".

AMENDMENT NO. 2

On page 4, in line 9, strike "**AND**"; after line 9, insert:

"**(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND**";

and in line 10, strike "**(6)**" and substitute "**(7)**"; in line 15, after "**ARTICLE**" insert "**AND SUBJECT TO SUBSECTION (H) OF THIS SECTION**"; in line 16, strike "**EXEMPT FROM PAYING THE NONRESIDENT**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT**"; in line 18, strike "**UNDER**" and substitute "**NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET**"; in line 19, after "**SECTION**" insert "**, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION**"; and in line 32, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**".

On page 5, in line 3, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**"; in line 5, strike "**EXEMPT FROM PAYING THE OUT–OF–COUNTY**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN–COUNTY**"; in lines 20 and 22, in each instance, strike "**RESIDENT TUITION CHARGES**" and substitute "**THE TUITION RATE**"; and in line 23, strike "**OR (C)**" and substitute "**, (C), OR (D)**".

On page 6, after line 3, insert:

"**(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN–STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.**".

The preceding 2 amendments were read and not concurred in.

SB0167/523121/2
BY: Delegate Simmons

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "times" insert "; authorizing a public institution of higher education to waive a certain requirement to provide certain tax documents under certain circumstances; requiring a community college or a public senior higher education institution that makes a determination to waive certain requirements to keep certain records and to report certain information to the Maryland Higher Education Commission"; and in line 16, strike "a certain report" and substitute "certain reports".

AMENDMENT NO. 2

On page 3, strike beginning with "**HAS**" in line 26 down through "**HAS**" in line 27 and substitute "**:**

(I) HAS";

in line 27, after "**RETURN**" insert "**, IF REQUIRED BY LAW**"; and in lines 28 and 31, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 4, in line 1, strike "**(III)**" and substitute "**3.**"; after line 4, insert:

"**(II) IF NOT REQUIRED TO FILE A MARYLAND INCOME TAX RETURN, HAS HAD MARYLAND INCOME TAX WITHHELD, INCLUDING ON ALL TAXABLE INCOME EARNED OUTSIDE THE STATE, FOR AT LEAST 90 DAYS EACH YEAR OF THE YEARS REQUIRED TO BE REPORTED UNDER ITEM (I) OF THIS ITEM; AND**

(III) IF UNABLE TO PROVIDE DOCUMENTATION OF A MARYLAND INCOME TAX RETURN OR OF MARYLAND INCOME TAX WITHHOLDING FOR EACH YEAR REQUIRED UNDER ITEM (I) OF THIS ITEM, HAD SERIOUS AND SUBSTANTIAL CIRCUMSTANCES THAT WERE NEITHER CREATED BY NOR WITHIN THE CONTROL OF THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT THAT PREVENTED THE INDIVIDUAL FROM EARNING MARYLAND TAXABLE INCOME DURING THAT PERIOD.";

strike beginning with "**HAS**" in line 27 down through "**HAS**" in line 28 and substitute "**:**

(I) HAS";

in line 28, after "**RETURN**" insert "**, IF REQUIRED BY LAW**"; in lines 29, 31, and 34, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; and in line 35, strike "**AND**" and substitute:

"**(II) IF NOT REQUIRED TO FILE A MARYLAND INCOME TAX RETURN, HAS HAD MARYLAND INCOME TAX WITHHELD, INCLUDING ON ALL TAXABLE INCOME EARNED OUTSIDE THE STATE, FOR AT LEAST 90 DAYS EACH YEAR OF THE YEARS REQUIRED TO BE REPORTED UNDER ITEM (I) OF THIS ITEM; AND**

(III) IF UNABLE TO PROVIDE DOCUMENTATION OF A MARYLAND INCOME TAX RETURN OR OF MARYLAND INCOME TAX WITHHOLDING FOR EACH YEAR REQUIRED UNDER ITEM (I) OF THIS ITEM, HAD SERIOUS AND SUBSTANTIAL CIRCUMSTANCES THAT WERE NEITHER CREATED BY NOR WITHIN THE CONTROL OF THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT THAT PREVENTED THE INDIVIDUAL FROM EARNING MARYLAND TAXABLE INCOME DURING THAT PERIOD; AND".

AMENDMENT NO. 3

On page 6, before line 4, insert:

"**(I) (1) IF A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION FINDS THAT THE DOCUMENTATION PROVIDED BY AN INDIVIDUAL UNDER SUBSECTION (B)(4)(III) OR (C)(4)(III) OF THIS SECTION PROVIDES CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT WAS UNABLE TO EARN MARYLAND TAXABLE INCOME DUE TO SERIOUS AND SUBSTANTIAL CIRCUMSTANCES THAT WERE NEITHER CREATED BY NOR WITHIN THE CONTROL OF THE APPLICANT OR PARENT OR LEGAL GUARDIAN OF THE APPLICANT, THE COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY WAIVE THE REQUIREMENTS OF SUBSECTION (B)(4) OR (C)(4) OF THIS SECTION.**

(2) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION SHALL:

(I) KEEP A RECORD OF:

1. EACH INSTANCE THAT THE COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION CONSIDERS THE GRANTING OF A WAIVER UNDER THIS SUBSECTION; AND

2. THE FACTUAL CIRCUMSTANCES, WITHOUT ANY PERSONAL IDENTIFYING INFORMATION, REGARDING EACH DETERMINATION OF THE COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION TO GRANT OR DENY A WAIVER; AND

(II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

(3) THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0167**
SPONSOR: Sen Ramirez, et al
SUBJECT: Public Institutions of Higher Education – Tuition Rates – Exemptions

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 Pinsky, Chairman
Senator Rosapepe
Senator Ferguson.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

House Bill 1156 – Delegates Rudolph and James

AN ACT concerning

~~Northeastern Maryland~~ Task Force to Study the Creation of a Regional Higher Education ~~and Applied Technology~~ Center in Northeastern Maryland

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1145)

The Bill was then sent to the House of Delegates.

House Bill 1190 – Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1146)

The Bill was then sent to the House of Delegates.

House Bill 542 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License
MC 3–11

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1147)

The Bill was then sent to the House of Delegates.

House Bill 1119 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit
PG 311–11

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1148)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #58

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

House Bill 220 – ~~Delegates McConkey and Schuh~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 287 – ~~**Delegate Pena–Melnyk**~~ **Delegates Pena–Melnyk, Bromwell, Tarrant, Cullison, V. Turner, Pendergrass, Nathan–Pulliam, A. Kelly, and Oaks**

AN ACT concerning

Maryland Perfusion Act

HB0287/814637/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 287
(Third Reading File Bill)

On page 2, in line 13, strike "14–5E–24" and substitute "14–5E–25".

On page 20, in line 15, strike "**14–5E–26.**" and substitute "**14–5E–25.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 339 – Delegates Frush, Busch, Alston, Anderson, Barkley, Barnes, Barve, Braveboy, Carr, Frick, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hubbard, Hucker, Ivey, Kipke, Lee, Morhaim, Niemann, Pena–Melnyk, Proctor, B. Robinson, Ross, Rudolph, Summers, Tarrant, V. Turner, Valderrama, Valentino–Smith, Waldstreicher, and Zucker

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

HB0339/974239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 339
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "develop" in line 7 down through "program" in line 8 and substitute "collect and review certain data concerning spay/neuter services in the State".

AMENDMENT NO. 2

On page 2, in line 21, strike "and"; after line 21, insert:

"(xi) one representative of the Maryland Dog Federation;

(xii) one representative of the Friends of Prince George's County Animals; and";

in line 22, strike "(xi)" and substitute "(xiii)"; and in line 26, strike "Legislative Services" and substitute "Agriculture".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 543 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License
MC 14–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 573 – Delegates Hubbard, Bobo, and Clagett, and Delegates Braveboy, Frush, Pena–Melnyk, ~~and Wood~~ Wood, and Glenn

AN ACT concerning

Fertilizer Use Act of 2011

HB0573/324131/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 573
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 13, insert:

"BY repealing
Article – Agriculture
Section 8–803.5
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)";

and strike in their entirety lines 20 through 24, inclusive.

AMENDMENT NO. 2

On page 13, in line 15, strike "**AND**" and substitute "**OR**".

On page 21, in line 6, strike "**AND**" and substitute "**OR**".

On page 23, in line 1, strike the comma and substitute "**AND**"; in line 2, strike "**, AND (5)**"; in line 9, strike "**DEFICIENCY**"; in line 11, strike "**OR**" and substitute "**AND**"; in line 17, strike "**2015**" and substitute "**OCTOBER 1, 2013**".

On page 24, strike in their entirety lines 8 through 13, inclusive.

On page 26, strike beginning with the colon in line 18, down through "**A**" in line 19 and substitute "**, A**"; in lines 21, 26, and 30, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; and in line 30, strike "**; AND**" and substitute a period.

On pages 26 and 27, strike in their entirety the lines beginning with line 31 on page 26 through line 2 on page 27.

On page 30, in line 10, strike "**PROTECTION OF**" and substitute "**ESTABLISHED STATE GOALS TO PROTECT**".

On page 31, strike beginning with "2" in line 4 down through "5" in line 5 and substitute "4 and 5".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Pinsky moved, duly seconded, to put **House Bill 573** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 573** on Third Reading and Final Passage.

House Bill 573 – Delegates Hubbard, Bobo, and Clagett, and Delegates Braveboy, Frush, Pena–Melnyk, ~~and Wood~~ Wood, and Glenn

AN ACT concerning

Fertilizer Use Act of 2011

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 42 Negative – 5 (See Roll Call No. 1149)

The Bill was then sent to the House of Delegates.

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

House Bill 740 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Online Voter Registration

HB0740/724532/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 740
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "changes;" insert "requiring that not more than a certain amount of the funds in the Fair Campaign Financing Fund be transferred to the State Board of Elections for certain fiscal years for the purpose of implementing an online voter registration system; requiring that funds transferred from the Fair Campaign Financing Fund be used to pay certain costs that would otherwise be paid by local governments; requiring that any funds transferred from the Fair Campaign Financing Fund that are not used to implement an online voter registration system revert to the Fair Campaign Financing Fund;".

On page 2, after line 7, insert:

"BY repealing and reenacting, without amendments,
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(a) and (c)

BY adding to
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(l)".

AMENDMENT NO. 2

On page 6, after line 3, insert:

"Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010

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.

(c) A transfer under this section may not reduce the balance in the Fund below $1,000,000.

(L) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2012 AND FISCAL YEAR 2013, A CUMULATIVE SUM IN THE AMOUNT OF NOT MORE THAN $250,000 OF THE BALANCE IN THE FUND SHALL BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS TRANSFERRED UNDER THIS SUBSECTION SHALL BE USED TO PAY COSTS ASSOCIATED WITH IMPLEMENTATION OF AN ONLINE VOTER REGISTRATION SYSTEM THAT WOULD OTHERWISE BE PAID BY LOCAL GOVERNMENTS.

(3) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER THIS SUBSECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 758 – Delegates Mitchell, Alston, Barve, Branch, Clippinger, Cullison, Frick, Haynes, A. Kelly, A. Miller, Oaks, Rosenberg, Stukes, Summers, F. Turner, Valentino–Smith, Walker, and Washington

AN ACT concerning

Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1292 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

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

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #26

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

Senate Bill 840 – Senator Gladden

AN ACT concerning

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

SB0840/898577/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 840
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Lead Paint Dust Testing" and substitute "Risk Reduction Standards"; strike beginning with "altering" in line 3 down through "changes;" in line 7 and substitute "altering the requirements for the owner of a certain affected property to satisfy a certain lead–risk reduction standard; altering a certain requirement relating to certain inspections of certain affected properties; altering the performance components required under a certain modified risk reduction standard; altering the information that the owner of a certain affected property is required to submit to verify satisfaction of a certain modified risk reduction standard; repealing certain requirements relating to a tenant's failure or refusal to verify the statement of work performed on a certain affected property; repealing an alternative to satisfying a certain modified risk reduction standard; altering certain provisions relating to a certain rebuttable presumption related to verification of a certain modified risk reduction standard; repealing certain requirements for a certain statement relating to work performed on an affected property; authorizing certain civil penalties for certain enforcement actions; making certain conforming changes; requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate processes that reduce the incidence of lead poisoning in certain properties and submit a certain report to the General Assembly by a certain date; requiring the Department to adopt certain regulations; providing for a delayed effective date for certain provisions of this Act;"; and strike in their entirety lines 8 through 12, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Environment
Section 6–815(a), (b), and (c), 6–816, 6–819(a), (e), (f), and (k), and 6–850(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment

Section 6–819(c) and (d)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 6–819(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, in line 25, strike the colon.

On page 2, in line 1, strike "(1) Passing" and substitute "**PASSING**"; and in lines 4 and 6, strike "(i)" and "(ii)", respectively, and substitute "**(1)**" and "**(2)**", respectively.

On pages 2 and 3, strike beginning with the semicolon in line 6 on page 2 down through "Department" in line 3 on page 3.

On page 3, strike beginning with the colon in line 6 down through "Passing" in line 7 and substitute "**PASSING**"; strike beginning with the semicolon in line 8 down through "effect" in line 13 and substitute "**IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**"; and after line 13, insert:

"(c) **[**Except for affected properties that pass a test for lead–contaminated dust under § 6–816 of this subtitle, at**]** **AT** each change in occupancy, an owner of an affected property shall have the property inspected to verify that the risk reduction standard specified in this section has been satisfied.".

On page 4, in line 8, after "**TO**" insert "**FEDERAL, STATE, OR**"; after line 17, insert:

"(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property has an elevated blood lead level documented by a

test for EBL greater than or equal to 15 ug/dl before February 24, 2006 or greater than or equal to 10 ug/dl on or after February 24, 2006; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(E) AN OWNER OF AN AFFECTED PROPERTY IS IN COMPLIANCE WITH SUBSECTION (C) OR (D) OF THIS SECTION IF, AS APPLICABLE:

(1) THE OWNER SATISFIES THE MODIFIED RISK REDUCTION WITHIN 30 DAYS AFTER RECEIVING A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT IN ACCORDANCE WITH THIS SECTION; OR

(2) THE OWNER PROVIDES FOR THE TEMPORARY RELOCATION OF TENANTS TO A LEAD–FREE DWELLING UNIT OR ANOTHER DWELLING UNIT THAT HAS SATISFIED THE RISK REDUCTION STANDARD IN ACCORDANCE WITH § 6–815

OF THIS SUBTITLE WITHIN 30 DAYS AFTER THE RECEIPT OF A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT.

[(e)**](F)** Except as provided in § 6–817(b) of this subtitle, on and after February 24, 2006, an owner of affected properties shall ensure that 100% of the owner's affected properties in which a person at risk does not reside have satisfied the modified risk reduction standard.

[(f)**](G) [**(1)**]** An owner of an affected property shall verify satisfaction of the modified risk reduction standard by submitting a **[**statement of the work performed on the property, verified by the tenant and an accredited supervisor or contractor,**]** **REPORT FROM AN ACCREDITED INSPECTOR** to the Department **[**on or before the tenth day of the month following the month in which the work was completed**]**.

[(2) (i) If the tenant fails or refuses to verify the statement of work performed on the affected property, the owner shall within 5 business days of the failure or refusal, contact an inspector accredited under § 6–818(a) of this subtitle to inspect the affected property.

(ii) The inspector's report shall either certify that the work required to be performed under this section was satisfactorily completed or specify precisely what additional work is required.

(iii) If additional work is required:

1. The owner shall have 20 days after receipt of the inspector's report in which to perform the work, subject to a weather delay under the provisions of subsection (j) of this section; and

2. The inspector shall reinspect the affected property after the additional work is completed and:

A. Issue a report certifying that the work is complete; and

B. Mail a copy of the report to the tenant, the owner, and the Department within 10 days after the inspection or reinspection.**]**";

after line 24, insert:

"(k) **[**(1)**]** The **[**statement verified by the owner and the tenant of work performed on the affected property in accordance with subsection (f)(1) of this section or the final**]** report of the inspector verifying **[**that work was performed on the affected property in accordance with subsection (f)(2) of this section**]COMPLIANCE WITH THIS SUBTITLE** shall create a rebuttable presumption, that may be overcome by clear and convincing evidence, that the owner is in compliance with the modified risk reduction standard for the affected property unless there is:

(i) Proof of actual fraud as to that affected property; or

(ii) Proof that the work performed on the affected property was not performed by or under the supervision of personnel accredited under § 6–1002 of this title.

[(2) The statement verified by the owner and the tenant of work performed on the affected property in accordance with subsection (f)(1) of this section shall contain a statement:

(i) Describing the modified risk reduction standard required under this subtitle;

(ii) That execution of this statement by the tenant can affect the tenant's legal rights; and

(iii) That if the tenant is not satisfied that the modified risk reduction standard has been met, the tenant should not execute the statement and should inform the owner and that the owner will have the affected property inspected by a certified inspector at the owner's expense.**]**

6–850.

(a) Except as provided in § 6–849 of this subtitle, in addition to any other remedies provided in this subtitle, the provisions and procedures of §§ 7–256 through 7–264 and 7–266**[**(b)**]** of this article shall be used and shall apply to enforce violations of this subtitle, provided that the penalty imposed under § 7–266(b)(2)(i) of this article may not exceed $500 per day for any violation of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of the Environment shall conduct a study to evaluate processes that reduce the incidence of lead poisoning in affected and nonaffected properties, including rental properties built from 1950 through 1978 and owner–occupied properties.

(b) The Department of the Environment shall conduct the study required under subsection (a) of this section in consultation with:

(1) two members of the Senate of Maryland, one of whom shall be a member of the minority party, appointed by the President of the Senate;

(2) three members of the House of Delegates, one of whom shall be a member of the minority party, appointed by the Speaker of the House; and

(3) one or two representatives from each of the following:

(i) the Department of Health and Mental Hygiene;

(ii) the Department of Housing and Community Development;

(iii) the City of Baltimore;

(iv) the Apartment and Office Building Association;

(v) the Coalition to End Childhood Lead Poisoning;

(vi) the Maryland Association of Realtors;

(vii) the Maryland Lead Poisoning Prevention Commission;

(viii) the Maryland MultiHousing Association;

(ix) the Maryland Property Owners Association; and

(x) a lead abatement contractors association.

(c) The study shall evaluate:

(1) current lead poisoning data, including housing and population at–risk data from the United States Census, related to affected and nonaffected properties to determine the populations most at risk in the State;

(2) lead poisoning data collection methods for affected and nonaffected properties, including identification of data gaps and methods to fill them;

(3) outreach to and education of owners and tenants of nonaffected properties;

(4) potential for expanding the applicability of the current Reduction of Lead Risk in Housing law to nonaffected and noncompliant properties;

(5) long–term funding for lead poisoning prevention activities; and

(6) other issues the Department determines relevant to reducing the incidence of lead poisoning in affected and nonaffected properties.

(d) On or before December 31, 2011, the Department of the Environment shall 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.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the Environment shall adopt regulations related to reporting requirements of dust testing laboratory results.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2012.";

in line 25, strike "2." and substitute "5."; in the same line, after "That" insert ", except as provided in Section 4 of this Act,"; and in line 26, 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.

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

House Bill 266 – Delegates Waldstreicher, Alston, Anderson, Arora, Aumann, Clippinger, Dumais, Frank, Frush, Haddaway–Riccio, Hough, Lee, Luedtke, McDermott, Mitchell, Morhaim, S. Robinson, Smigiel, Tarrant, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Human Trafficking Victim Protection Act

HB0266/168473/1
BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 266
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 10 down through "proof" in line 20 and substitute "authorizing a court to order a person who has been convicted of human trafficking to pay restitution to the victim for certain expenses incurred by the victim; providing for the verification of certain expenses alleged to be incurred by the victim; establishing that certain absences of the victim may not be a basis for denial of restitution; establishing that this Act may not be construed to limit a person's right to certain restitution; clarifying that certain provisions of law related to restitution apply to an order of restitution under this Act; authorizing the expungement of certain records by certain persons convicted of prostitution under certain circumstances".

On page 2, in line 1, strike "without" and substitute "with"; and strike in their entirety lines 6 through 10, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 3, after line 14, insert:

"**(3) (I) IN ADDITION TO THE PENALTIES PROVIDED IN THIS SUBSECTION, THE COURT MAY ORDER A PERSON CONVICTED UNDER THIS SECTION TO PAY RESTITUTION TO THE VICTIM FOR EXPENSES INCURRED BY THE VICTIM:**

1. THAT ARE A DIRECT RESULT OF THE PERSON'S CRIMINAL ACTIONS;

2. IN RELOCATING THE VICTIM AND THE VICTIM'S FAMILY AWAY FROM THE PERSON OR THE PERSON'S ASSOCIATES; OR

3. IN THE REPATRIATION OF THE VICTIM OR THE VICTIM'S FAMILY TO THE VICTIM'S COUNTRY OF CITIZENSHIP IF THE PREPONDERANCE OF THE EVIDENCE SHOWS THAT THE VICTIM WAS BROUGHT TO THE UNITED STATES BY FRAUD OR DECEPTION.

(II) ANY EXPENSES ALLEGED TO BE INCURRED UNDER THIS PARAGRAPH MAY BE VERIFIED BY:

1. A LAW ENFORCEMENT OFFICER, AS TO EXPENSES ALLEGEDLY INCURRED IN RELATION TO THE SAFETY OF THE VICTIM OR THE VICTIM'S FAMILY; OR

2. A PROVIDER OF MENTAL HEALTH SERVICES, AS TO EXPENSES ALLEGEDLY INCURRED IN RELATION TO THE EMOTIONAL WELL–BEING OF THE VICTIM.

(III) THE RETURN OF THE VICTIM TO THE VICTIM'S COUNTRY OF CITIZENSHIP OR ANY OTHER ABSENCE OF THE VICTIM FROM THE VICTIM'S COUNTRY OF RESIDENCE MAY NOT BE A BASIS FOR A DENIAL OF RESTITUTION.

(IV) THIS PARAGRAPH MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE.

(V) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, THE PROVISIONS OF TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE APPLY TO AN ORDER OF RESTITUTION UNDER THIS PARAGRAPH.".

On pages 4 through 6, strike in their entirety the lines beginning with line 21 on page 4 through line 2 on page 6, inclusive, and substitute:

"10–105.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, as a substitute for a criminal charge may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

(1) the person is acquitted;

(2) the charge is otherwise dismissed;

(3) a probation before judgment is entered, unless the person is charged with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article;

(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;

(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;

(6) the case is compromised under § 3–207 of the Criminal Law Article;

(7) the charge was transferred to the juvenile court under § 4–202 of this article;

(8) the person:

(i) is convicted of only one criminal act, and that act is not a crime of violence; and

(ii) is granted a full and unconditional pardon by the Governor;

[or**]**

(9) the person was convicted of a crime under any State or local law that prohibits:

(i) urination or defecation in a public place;

(ii) panhandling or soliciting money;

(iii) drinking an alcoholic beverage in a public place;

(iv) obstructing the free passage of another in a public place or a public conveyance;

(v) sleeping on or in park structures, such as benches or doorways;

(vi) loitering;

(vii) vagrancy;

(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or

(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7–705(b)(6) of the Transportation Article, any of the acts specified in § 7–705 of the Transportation Article**; OR**

(10) (I) THE PERSON WAS CONVICTED OF PROSTITUTION UNDER § 11–306 OF THE CRIMINAL LAW ARTICLE; AND

(II) THE PERSON'S INVOLVEMENT IN PROSTITUTION WAS THE RESULT OF THE PERSON HAVING BEEN A VICTIM OF HUMAN TRAFFICKING UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.

(2) If the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

(c) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge.

(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:

(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or

(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.

(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.

(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.

(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3–207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.

(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.

(7) A court may grant a petition for expungement at any time on a showing of good cause.

(d) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon, entry, or conviction has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.

(f) Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(g) (1) The State's Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 363 – Delegates Simmons, Dumais, Kramer, and Lee

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

HB0363/288876/1
BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 363
(Third Reading File Bill)

On page 2, in line 11, strike "**SUBSTANTIAL**" and substitute "**GROSS**"; in line 23, strike "substantial" and substitute "gross"; and in line 24, strike "Act," and substitute "Act:

(1)";

and in line 26, after "Institute" insert "; and

(2) is a separate and distinct standard from the "gross negligence" standard that is used by and interpreted under § 2–209 of the Criminal Law Article".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 637 – Delegate Feldman

AN ACT concerning

Limited Liability Company Act

HB0637/678977/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 637
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "authorizing" in line 4 down through "liabilities;" in line 9.

On page 3, in line 6, strike ", 4A–402.1,".

AMENDMENT NO. 2

On pages 6 and 7, strike in their entirety the lines beginning with line 12 on page 6 through line 2 on page 7, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 728 – Delegate Niemann

AN ACT concerning

Residential Property – Foreclosure – Required Documents – Timing of Mediation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 729 – Delegate Simmons

AN ACT concerning

Civil Actions – Class Action Waiver in a Written Agreement – Unenforceability

HB0729/608575/3

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 729
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Unenforceability" and substitute "Unconscionability"; in line 9, strike "not enforceable" and substitute "presumptively unconscionable"; and in the same line, strike "providing for the application of this Act;" and substitute "providing that the presumption may be rebutted under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 1, after "**AGREEMENT**" insert "**BETWEEN A BUSINESS ENTITY AND AN EMPLOYEE OR A BUSINESS ENTITY AND A CONSUMER OF ITS PRODUCTS OR SERVICES THAT IS**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 6 and 7 and substitute:

"**(B) (1) THERE IS A REBUTTABLE PRESUMPTION THAT A WAIVER DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS UNCONSCIONABLE.**

(2) THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT THE PARTIES TO THE AGREEMENT ARE OF EQUAL BARGAINING POWER AND THE WAIVER IS NOT AN UNFAIR EXPLOITATION OF A DISPARITY IN BARGAINING POSITION BETWEEN THE PARTIES.".

AMENDMENT NO. 4

On page 2, strike in their entirety lines 8 through 10, inclusive; and in line 11, strike "3." and substitute "2.".

The preceding 4 amendments were read and adopted.

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

The motion was rejected by a roll call vote as follows:

Affirmative – 19 Negative – 20 (See Roll Call No. 1150)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1167 – Delegates Conway, Cane, McDermott, and Rudolph

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Passenger Scooter – Use in Ocean City

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

Correctional Services – Revocation of Parole – Application of Diminution Credits and Reimposition of Sentence

HB1174/358878/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1174
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Application of Diminution Credits and"; strike beginning with "altering" in line 4 down through "time;" in line 7; in line 11, after "inmate;" insert "requiring the Department of Public Safety and Correctional Services to submit a certain report; providing for the termination of this Act;"; and strike in its entirety line 14 and substitute "Section 7–401 and 7–403(a)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 3

On page 3, after line 24, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Public Safety and Correctional Services shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) the number of inmates whose sentences of imprisonment following a revocation of parole were reduced under the provisions of this Act, broken down by the type of crime that the inmate committed that led to the revocation of parole; and

(2) the recidivism rate of individuals released as a result of this Act from a term of imprisonment following a revocation of parole.";

in line 25, strike "2." and substitute "3."; and in line 26, after the period, insert "It shall remain effective for a period of 2 years and 9 months 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.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #59

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

House Bill 293 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Weights and Measures – Registration Fees

HB0293/504634/1

BY: Education, Health, and Environmental Affairs

AMENDMENTS TO HOUSE BILL 293
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "circumstances" in line 8 and substitute "altering the cap on certain fees for registering certain scales and meters".

AMENDMENT NO. 2

On page 2, in line 12, strike "**(A)**"; in lines 12 and 13, in each instance, strike the bracket; strike beginning with "**THE**" in line 13 down through "**MEASURES**" in line 15; in lines 16, 17, 19, 20, 21, 22, 23, 24, 26, 28, and 30, in each instance, strike the

bracket; in line 17, strike "$225" and substitute "**$325**"; and in line 26, strike "$275" and substitute "**$375**".

On page 3, in lines 1, 2, and 5, in each instance, strike the bracket; strike in their entirety lines 6 through 9, inclusive; and in line 11, 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.

Senator Conway moved, duly seconded, to put **House Bill 293** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 293** on Third Reading and Final Passage.

House Bill 293 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Weights and Measures – Registration Fees

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 38 Negative – 7 (See Roll Call No. 1151)

The Bill was then sent to the House of Delegates.

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

House Bill 534 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Polling Places – Electioneering Boundaries
MC 19–11

HB0534/754339/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 534
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "County" in line 5 and substitute "specifying that, in Montgomery County the line beyond which electioneering is prohibited outside a polling place may be established within a certain range on the approval of the county board of elections".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 28 through 30, inclusive, and substitute:

"**(II) IN MONTGOMERY COUNTY, ON APPROVAL OF THE LOCAL BOARD, THE LINE MAY BE LOCATED AT ANY POINT BETWEEN 25 FEET AND 100 FEET FROM THE ENTRANCE AND EXIT.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0534/603027/1
BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 534, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, before "Montgomery" insert "Carroll County and"; and in line 6, after "in" insert "Carroll County and".

In the Education, Health, and Environmental Affairs Committee Amendments (HB0534/754339/1), in line 2 of Amendment No. 1, after "in" insert "Carroll County and"; and in the same line, after "County" insert a comma.

AMENDMENT NO. 2

In the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 2, after "**IN**" insert "**CARROLL COUNTY AND**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #24

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

House Bill 748 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator DeGrange moved, duly seconded, to put **House Bill 748** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 748** on Third Reading and Final Passage.

House Bill 748 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1152)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 174** SPONSOR: **The President**

SUBJECT: **Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony**

THIRD READING CALENDAR HOUSE NO. **13** SENATE NO. **49**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached House Judiciary Committee Amendments (SB0174/592819/1) be adopted.

SB0174/592819/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 174
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Use" in line 2 down through "Felony" in line 3 and substitute "Restrictions Against Use and Possession of Firearms"; strike beginning with "prohibiting" in line 4 down through "felonies;" in line 5 and substitute "expanding the prohibition against the use of handguns and certain antique firearms in the commission of certain crimes of violence or felonies to include the use of any firearm, whether loaded or unloaded; altering the predicate crimes and increasing the maximum term of imprisonment applicable to a violation of the prohibition against a person who was previously convicted of a certain crime of violence or drug–related crime possessing a certain regulated firearm; providing that the imposition of certain mandatory minimum sentences are within the discretion of the court under certain circumstances; providing that certain mandatory minimum sentences may not be imposed unless the State's Attorney notifies a certain person in writing at a certain time of the State's intention to seek a certain sentence; 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; providing that each violation of a certain provision of law is a separate crime;"; strike beginning with the

first "of" in line 6 down through "felonies" in line 7 and substitute "and possession of firearms"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–143
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY adding to
Article – Public Safety
Section 5–206
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)".

AMENDMENT NO. 2
On page 2, after line 20, insert:

"Article – Public Safety

5–133.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence; or

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, **[**§ 5–606, § 5–607, § 5–608, § 5–609,**]** § 5–612, § 5–613, or § 5–614 of the Criminal Law Article.

(2) **(I) [**A**] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A** person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years**[**, no part of which may be suspended.

(3) A person sentenced under paragraph (1) of this subsection may not be eligible for parole**] AND NOT EXCEEDING 15 YEARS.**

(II) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

(III) EXCEPT AS OTHERWISE PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(3) AT THE TIME OF THE COMMISSION OF THE OFFENSE, IF A PERIOD OF MORE THAN 5 YEARS HAS ELAPSED SINCE THE PERSON COMPLETED SERVING THE SENTENCE FOR THE MOST RECENT CONVICTION UNDER SUBSECTION (C)(1)(I) OR (II) OF THIS SECTION, INCLUDING ALL IMPRISONMENT, MANDATORY SUPERVISION, PROBATION, AND PAROLE:

(I) THE IMPOSITION OF THE MANDATORY MINIMUM SENTENCE IS WITHIN THE DISCRETION OF THE COURT; AND

(II) THE MANDATORY MINIMUM SENTENCE MAY NOT BE IMPOSED UNLESS THE STATE'S ATTORNEY NOTIFIES THE PERSON IN WRITING AT LEAST 30 DAYS BEFORE TRIAL OF THE STATE'S INTENTION TO SEEK THE MANDATORY MINIMUM SENTENCE.

(4) Each violation of this subsection is a separate crime.

5–143.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(c) Each violation of this section is a separate crime.

5–206.

(A) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON WAS PREVIOUSLY CONVICTED OF:

(1) A CRIME OF VIOLENCE; OR

(2) A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, OR § 5–614 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS.

(C) EACH VIOLATION OF THIS SUBSECTION IS A SEPARATE CRIME.".

Senate Members:		House Members:	
Chair,	**Brian E. Frosh**	Chair,	**Curt Anderson**
	Jennie M. Forehand		**Jill P. Carter**
	Joseph M. Getty		**Kathleen M. Dumais**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 29 Negative – 18 (See Roll Call No. 1153)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 25 Negative – 22 (See Roll Call No. 1154)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 22 – Delegate Smigiel

AN ACT concerning

~~Administrative Office of the Courts – Uniform~~ Courts – Attorneys – Subpoena Procedures and Forms for Circuit Courts

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 690 – ~~Senator Middleton~~ Senators Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy

STATUS OF BILL: QUESTION IS: "WILL THE SENATE CONCUR IN THE HOUSE AMENDMENTS?"

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

The motion was adopted.

House Bill 1292 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MOTION

Senator Zirkin moved, duly seconded, to put **House Bill 363** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 363** on Third Reading and Final Passage.

House Bill 363 – **Delegates Simmons, Dumais, Kramer, and Lee**

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

STATUS OF BILL: BILL ON 3RD READING

Senator Colburn moved, duly seconded, 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 47 Members present.

(See Roll Call No. 1155)

ADJOURNMENT

At 4:23 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 6:15 P.M. on Legislative Day April 7, 2011, Calendar Day, Monday, April 11, 2011.

Annapolis, Maryland
Legislative Day: April 7, 2011
Calendar Day: Monday, April 11, 2011
6:15 P.M. Session

The Senate met at 6:39 P.M.

Prayer by Reverend Greg St. Cyr.

The Journal of April 6, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 1156)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 613	Sen. Jones–Rodwell	Bd of Lqr Lic Commrs for Baltimore Cty – Ethics, Staff Comp, Open Meetings, and Perf Audit
SB 757	Sen. Kittleman	Election Law – Electronic Media – Electronic Contributions and Expenditures
SB 806	Sen. Young	Election Law – Online Voter Registration
SB 836	Sen. McFadden	Baltimore City – 45th District – Alcoholic Beverages – Licenses
SB 882	The President	Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

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

THE COMMITTEE ON RULES REPORT #16

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

House Bill 47 – ~~**Delegate O'Donnell**~~ **Delegates O'Donnell, Hammen, Ready, Cullison, Krebs, Costa, McDonough, Frank, Morhaim, Kach, Oaks, and Pena–Melnyk**

AN ACT concerning

State Government – Open Meetings Act – Online Training

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

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

House Bill 230 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Haynes, Mitchell, B. Robinson, Stukes, and Washington

AN ACT concerning

Baltimore City – Education – Public School Facilities and Construction Bond Authority

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

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

House Bill 462 – ~~**Delegate Hogan**~~ **Delegates Hogan and Hucker**

AN ACT concerning

Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

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

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

House Bill 521 – Delegates Carter, Vallario, Anderson, Gutierrez, and Rosenberg

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

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

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

House Bill 530 – Delegates Rosenberg, Ivey, Kaiser, and Luedtke

AN ACT concerning

Public Charter Schools – ~~Occupation and Use of~~ School Sites and Buildings – Availability for Occupation and Use

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

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

House Bill 683 – Delegates Jones, Burns, and Nathan–Pulliam

AN ACT concerning

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

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

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

House Bill 712 – Delegates Hucker, Braveboy, Carr, Gutierrez, Ivey, Kaiser, Luedtke, Olszewski, Rosenberg, and V. Turner

AN ACT concerning

Judith P. Hoyer Early Child Care and Education Enhancement Program – Annual Report

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

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

House Bill 715 – Delegates Walker, Barnes, Branch, Braveboy, Davis, Feldman, Hixson, Howard, Hubbard, Luedtke, Mitchell, Morhaim, Murphy, Niemann, Olszewski, Ross, Stukes, F. Turner, Vallario, Vaughn, Waldstreicher, and Wilson

AN ACT concerning

Consumer Protection – Home Appliances – Warranty Enforcement

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

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

House Bill 1130 – Delegates Hucker, Barkley, Feldman, and McHale

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

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

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

House Bill 1153 – Delegate Barve

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

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

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

House Bill 1213 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – ~~Tax Rates~~ Supplementary Appropriation

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

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

House Bill 1304 – Delegates Hucker, Bobo, Impallaria, W. Miller, Murphy, Myers, ~~and Rudolph~~ Rudolph, Barkley, Barnes, Braveboy, Burns, Davis, Feldman, Haddaway–Riccio, Harrison, Hershey, Jameson, Kramer, Love, McHale, Minnick, Olszewski, Schuh, Schulz, Stifler, and Vaughn

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

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

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

House Bill 1307 – Delegate Morhaim

AN ACT concerning

Public Employees' and Retirees' Benefit Sustainability Commission – Advance Directives

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

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

House Bill 1354 – Delegate Cane

EMERGENCY BILL

AN ACT concerning

Environment – Construction of Wells

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #68

Senate Bill 473 – Senators Madaleno, Currie, Forehand, Jones–Rodwell, Montgomery, and Rosapepe

AN ACT concerning

Earned Income Credit Information Act

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

Affirmative – 31 Negative – 11 (See Roll Call No. 1157)

The Bill was then sent to the House of Delegates.

Senate Bill 790 – Senator Raskin

AN ACT concerning

Limited Liability Company Act

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1158)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #69

Senate Bill 840 – Senator Gladden

AN ACT concerning

Environment – Reducing Lead Risk in Housing – ~~Lead Paint Dust Testing~~ Risk Reduction Standards

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1159)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #42

House Bill 93 – Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner

AN ACT concerning

Election Law – Independent Expenditures and Electioneering Communications – Reporting

FLOOR AMENDMENT

HB0093/633325/1
BY: Senator Getty

AMENDMENTS TO HOUSE BILL 93
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "or" in line 13 down through "maintains" in line 14; in line 19, after "Act;" insert "requiring persons required to submit independent expenditure reports or electioneering communications reports to submit the reports to the State Board in an electronic storage medium and in a certain format; requiring the State Board to make independent expenditure reports and electioneering communications reports available to the public in a certain manner and to maintain the reports in a certain manner;"; and strike line 30 in its entirety, and substitute "Section 1–101(bb), 2–102(b)(5), and 13–324".

AMENDMENT NO. 2

On page 7, in line 7, strike "**(1) AN**" and substitute "**IF AN**"; strike beginning with "**SHALL**" in line 10 down through "**ENTITY**" in line 12; in line 13, after "**DONORS,**" insert "**THE ENTITY SHALL**"; and strike beginning with the semicolon in line 18 down through "**REPORT**" in line 28.

On page 11, in line 23, strike "**(1) AN**" and substitute "**IF AN**"; strike beginning with "**SHALL**" in line 24 down through "**ENTITY**" in line 26; and in line 27, after "**DONORS,**" insert "**THE ENTITY SHALL**".

On pages 11 and 12, strike beginning with the semicolon in line 32 on page 11 down through "**REPORT**" in line 9 on page 12.

AMENDMENT NO. 3

On page 12, before line 23, insert:

"13–324.

(a) (1) Except as provided in paragraph (2) of this subsection, campaign finance reports**, INDEPENDENT EXPENDITURE REPORTS, OR ELECTIONEERING COMMUNICATIONS REPORTS** required to be filed with the State Board shall be submitted using an electronic storage medium, and in a format, that the State Board approves.

(2) The State Board may exempt a campaign finance entity with de minimis financial activity from the requirement to submit campaign finance reports using an electronic medium.

(b) On request the State Board shall supply to a person who is required to file campaign finance reports**, INDEPENDENT EXPENDITURE REPORTS, OR ELECTIONEERING COMMUNICATIONS REPORTS** using an electronic medium the computer software and the disks or other media on which the required information is to be entered.

(c) Campaign finance reports**, INDEPENDENT EXPENDITURE REPORTS, AND ELECTIONEERING COMMUNICATIONS REPORTS** received by the State Board in an electronic storage format shall be maintained in accordance with § 13–341 of this subtitle.

(d) The State Board shall make the campaign finance reports**, INDEPENDENT EXPENDITURE REPORTS, AND ELECTIONEERING COMMUNICATIONS REPORTS** that are maintained in an electronic storage format under subsection (c) of this section widely and easily accessible to the public:

(1) using any existing public or private systems for data dissemination;

(2) on terms that the State Board determines are consistent with the purposes and requirements of this article; and

(3) by making any computer disk submitted by a person available for duplication.

(e) The State Board may refuse to accept or process a campaign finance report**, INDEPENDENT EXPENDITURE REPORT, OR ELECTIONEERING COMMUNICATIONS REPORT** that is not submitted in accordance with the requirements of this section.

(f) The State Board shall:

(1) develop specifications for submitting campaign finance reports**, INDEPENDENT EXPENDITURE REPORTS, AND ELECTIONEERING COMMUNICATIONS REPORTS** using an electronic medium; and

(2) adopt regulations to implement this section.".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 1160)

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

Affirmative – 38 Negative – 8 (See Roll Call No. 1161)

The Bill was then sent to the House of Delegates.

House Bill 244 – ~~**Delegate Costa**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – Workers' Compensation – Occupational Disease – Deputy Sheriffs

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1162)

The Bill was then sent to the House of Delegates.

House Bill 291 – Delegates Morhaim, Anderson, Arora, Aumann, Barnes, Barve, Bobo, Boteler, Branch, Burns, Cane, Cardin, Carr, Clagett, Cullison, Donoghue, Feldman, Frank, Frush, Gilchrist, Glenn, Griffith, Gutierrez, Guzzone, Harrison, Haynes, Hixson, Hucker, Ivey, Kach, Kaiser, Kramer, Lafferty, Love, Luedtke, McComas, McConkey, McHale, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Murphy, Nathan–Pulliam, Niemann, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Smigiel, Stein, Stukes, Tarrant, F. Turner, Valderrama, Vaughn, Washington, and Weir

AN ACT concerning

Public Health – ~~Medical Marijuana~~ Maryland Medical Marijuana Model Program Work Group

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

Affirmative – 43 Negative – 3 (See Roll Call No. 1163)

The Bill was then sent to the House of Delegates.

House Bill 442 – Delegates Rosenberg, Feldman, and Frick

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

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

Affirmative – 37 Negative – 9 (See Roll Call No. 1164)

The Bill was then sent to the House of Delegates.

House Bill 632 – Delegates Mizeur, Barkley, Bobo, Carr, Dumais, Frick, Gilchrist, Hixson, Ivey, Lafferty, Luedtke, A. Miller, Murphy, Reznik, Rosenberg, Ross, ~~and F. Turner~~ F. Turner, and Howard

AN ACT concerning

Earned Income Credit Information Act

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

Affirmative – 35 Negative – 11 (See Roll Call No. 1165)

The Bill was then sent to the House of Delegates.

House Bill 807 – Delegates McHale and Hammen

AN ACT concerning

Labor and Employment – Health Care Personnel Training Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1166)

The Bill was then sent to the House of Delegates.

House Bill 1105 – Prince George's County Delegation

AN ACT concerning

Prince George's County – School Facilities ~~Surcharge for~~ Surcharge – Replacement of Existing Single–Family Dwelling Unit PG 408–11

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1167)

The Bill was then sent to the House of Delegates.

House Bill 1281 – Delegates Stukes, Haynes, ~~and Mitchell~~ Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1168)

The Bill was then sent to the House of Delegates.

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1169)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 220 – ~~**Delegates McConkey and Schuh**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1170)

The Bill was then sent to the House of Delegates.

House Bill 287 – ~~**Delegate Pena–Melnyk**~~ **Delegates Pena–Melnyk, Bromwell, Tarrant, Cullison, V. Turner, Pendergrass, Nathan–Pulliam, A. Kelly, and Oaks**

AN ACT concerning

Maryland Perfusion Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1171)

The Bill was then sent to the House of Delegates.

House Bill 339 – Delegates Frush, Busch, Alston, Anderson, Barkley, Barnes, Barve, Braveboy, Carr, Frick, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hubbard, Hucker, Ivey, Kipke, Lee, Morhaim, Niemann, Pena–Melnyk, Proctor, B. Robinson, Ross, Rudolph, Summers, Tarrant, V. Turner, Valderrama, Valentino–Smith, Waldstreicher, and Zucker

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1172)

The Bill was then sent to the House of Delegates.

House Bill 543 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License MC 14–11

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1173)

The Bill was then sent to the House of Delegates.

House Bill 740 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Online Voter Registration

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

Affirmative – 41 Negative – 5 (See Roll Call No. 1174)

The Bill was then sent to the House of Delegates.

House Bill 758 – Delegates Mitchell, Alston, Barve, Branch, Clippinger, Cullison, Frick, Haynes, A. Kelly, A. Miller, Oaks, Rosenberg, Stukes, Summers, F. Turner, Valentino–Smith, Walker, and Washington

AN ACT concerning

Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1175)

The Bill was then sent to the House of Delegates.

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1176)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #44

House Bill 266 – Delegates Waldstreicher, Alston, Anderson, Arora, Aumann, Clippinger, Dumais, Frank, Frush, Haddaway–Riccio, Hough, Lee, Luedtke, McDermott, Mitchell, Morhaim, S. Robinson, Smigiel, Tarrant, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Human Trafficking Victim Protection Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1177)

The Bill was then sent to the House of Delegates.

House Bill 637 – Delegate Feldman

AN ACT concerning

Limited Liability Company Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1178)

The Bill was then sent to the House of Delegates.

House Bill 728 – Delegate Niemann

AN ACT concerning

Residential Property – Foreclosure – Required Documents – Timing of Mediation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1179)

The Bill was then sent to the House of Delegates.

House Bill 729 – Delegate Simmons

AN ACT concerning

Civil Actions – Class Action Waiver in a Written Agreement – Unenforceability

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

The motion was rejected by a roll call vote as follows:

Affirmative – 21 Negative – 24 (See Roll Call No. 1180)

FLOOR AMENDMENT

HB0729/803825/1
BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 729, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (HB0729/608575/3) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with "Class" in line 2 down through "Unenforceability" in line 3 and substitute "Agreements with Business Entities – Arbitration Clause"; strike beginning with "providing" in line 4 down through "agreement" in line 10 and substitute "providing that an arbitration clause that is in a written agreement between a business entity and an employee or a business entity and a consumer of its products or services must be conspicuously distinct from other provisions in the agreement and located on the signature page of the agreement or initialed by the employee or consumer; and generally relating to arbitration clauses in agreements with business entities".

AMENDMENT NO. 3

On page 2 of the bill, strike in their entirety lines 1 through 10, inclusive, and substitute:

"**AN ARBITRATION CLAUSE THAT IS IN A WRITTEN AGREEMENT BETWEEN A BUSINESS ENTITY AND AN EMPLOYEE OR A BUSINESS ENTITY AND A CONSUMER OF ITS PRODUCTS OR SERVICES MUST BE:**

(1) CONSPICUOUSLY DISTINCT FROM OTHER PROVISIONS IN THE AGREEMENT; AND

(2) (I) LOCATED ON THE SIGNATURE PAGE OF THE AGREEMENT; OR

(II) INITIALED BY THE EMPLOYEE OR CONSUMER.";

and in line 11, strike "3." and substitute "2.".

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

Affirmative – 23 Negative – 22 (See Roll Call No. 1181)

Read the third time and failed for want of a constitutional majority:

Affirmative – 21 Negative – 25 (See Roll Call No. 1182)

House Bill 1167 – Delegates Conway, Cane, McDermott, and Rudolph

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Passenger Scooter – Use in Ocean City

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1183)

The Bill was then sent to the House of Delegates.

House Bill 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

Correctional Services – Revocation of Parole – Application of Diminution Credits and Reimposition of Sentence

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

Affirmative – 42 Negative – 4 (See Roll Call No. 1184)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #45

House Bill 22 – Delegate Smigiel

AN ACT concerning

~~Administrative Office of the Courts – Uniform~~ Courts – Attorneys – Subpoena Procedures and Forms for Circuit Courts

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

Affirmative – 43 Negative – 2 (See Roll Call No. 1185)

The Bill was then sent to the House of Delegates.

House Bill 534 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Polling Places – Electioneering Boundaries MC 19–11

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1186)

The Bill was then sent to the House of Delegates.

House Bill 1292 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

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

The motion was rejected by a roll call vote as follows:

Affirmative – 8 Negative – 35 (See Roll Call No. 1187)

FLOOR AMENDMENT

HB1292/463127/1
BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 1292
(Third Reading File Bill)

On page 1, in line 2, strike "– Alcoholic Beverages – Licenses and Fees" and substitute "Alcohol Tax Act of 2011".

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

Affirmative – 9 Negative – 34 (See Roll Call No. 1188)

FLOOR AMENDMENT

HB1292/823228/1
BY: Senator Simonaire
(To be offered in the Education, Health, and Environmental Affairs Committee)

AMENDMENTS TO HOUSE BILL 1292
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Fees"; strike beginning with "altering" in line 3 down through "County;" in line 4; and strike beginning with "5–101(a)(1)," in line 20 down through "and" in line 22.

On page 2, strike beginning with "5–101(c)(1)," in line 5 down through "8–202.1(f)," in line 7.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 26 on page 2 through line 18 on page 6, inclusive.

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

Affirmative – 11 Negative – 33 (See Roll Call No. 1189)

FLOOR AMENDMENT

HB1292/403521/1
BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 1292
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, before "altering" insert "altering a certain provision of law relating to the reimbursement for certain expenses incurred by members of the Board of License Commissioners;"; in line 22, before "8–202.1(c)(1)" insert "and"; and in lines 22 and 23, strike ", and 15–109(c)".

On page 2, in line 8, strike "and"; and in the same line, after "12–202(a)" insert ", and 15–109(c)".

AMENDMENT NO. 2

On page 10, in line 13, before "In" insert "**(1)**"; strike beginning with ", plus" in line 15, down through "them" in line 16; and after line 19, insert:

"**(2) SUBJECT TO THE APPROVAL OF THE COMPTROLLER, EACH MEMBER OF THE BOARD SHALL RECEIVE $300 EACH MONTH FOR THE REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED BY THE MEMBER.**".

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

Affirmative – 10 Negative – 33 (See Roll Call No. 1190)

FLOOR AMENDMENT

HB1292/653921/1
BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 1292
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, before "and" insert "requiring the Anne Arundel County Board of License Commissioners to report to the Anne Arundel County Senate Delegation and the Anne Arundel County House Delegation on or before a certain date each year certain information relating to the amount of revenue generated by certain alcoholic beverages license fees;".

AMENDMENT NO. 2

On page 11, before line 1, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That on or before July 1 of each year, the Anne Arundel County Board of License Commissioners shall report to the Anne Arundel County Senate Delegation and the Anne Arundel County House Delegation:

(a) The total amount of revenue generated from the increase in alcoholic beverages license fees, as enacted by Section 1 of this Act, that is deposited into the general fund of Anne Arundel County; and

(b) Of the total amount of revenue generated from the increase in alcoholic beverages license fees, as enacted by Section 1 of this Act, that is deposited into the general fund of Anne Arundel County, the amount received by the Anne Arundel County Board of License Commissioners and the amount remaining in the general fund of Anne Arundel County.";

and in line 1, strike "4." and substitute "5.".

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

Affirmative – 11 Negative – 33 (See Roll Call No. 1191)

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

Affirmative – 42 Negative – 4 (See Roll Call No. 1192)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **SB 0167**
SPONSOR: Sen Ramirez, et al
SUBJECT: Public Institutions of Higher Education – Tuition Rates – Exemptions

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 Pinsky, Chair
Senator Rosapepe
Senator Ferguson

The House appoints:
Delegate Kaiser, Chairman
Delegate Luedtke, and
Delegate Myers.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **HB 0908**
SPONSOR: Del Stein
SUBJECT: Motor Vehicles – Leased Vehicles – Advertising Practices

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Stein, Chairman
Delegate Malone, and
Delegate Norman.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0908**
SPONSOR: Del Stein
SUBJECT: Motor Vehicles – Leased Vehicles – Advertising Practices

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Stein, Chair
Delegate Malone
Delegate Norman

The Senate appoints:
Senator Astle, Chairman
Senator Glassman
Senator Kelley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #38

AMENDED IN THE HOUSE

Senate Bill 327 – Senators Forehand, Benson, Colburn, Ferguson, Garagiola, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Madaleno, Manno, Montgomery, Pinsky, Ramirez, Raskin, Simonaire, Stone, and Young

AN ACT concerning

Human Trafficking Victim Protection Act

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

SB0327/472216/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 327
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "circumstances;" in line 21 and substitute "authorizing a person convicted of prostitution to file a motion to vacate the judgment under certain circumstances; establishing the requirements for a motion filed under this Act; requiring the court to hold a hearing on the motion under certain circumstances, with a certain exception; authorizing the court to take certain actions in ruling on the motion; requiring the court to state on the record the reasons for its ruling on the motion; establishing that a defendant in a proceeding under this Act has the burden of proof;".

On page 2, in line 1, strike "with" and substitute "without"; and strike in their entirety lines 11 through 15, inclusive, and substitute:

"BY adding to
Article – Criminal Procedure
Section 8–302
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 21 on page 3 through line 15 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, after line 32, insert:

"**8–302.**

(A) A PERSON CONVICTED OF PROSTITUTION UNDER § 11–306 OF THE CRIMINAL LAW ARTICLE MAY FILE A MOTION TO VACATE THE JUDGMENT IF:

(1) WHEN THE PERSON COMMITTED THE ACT OR ACTS OF PROSTITUTION, THE PERSON WAS ACTING UNDER DURESS CAUSED BY THREATS OF HARM TO THE PERSON OR THE PERSON'S FAMILY; AND

(2) THE PERSON'S CONVICTION FOR PROSTITUTION WAS THE RESULT OF ANOTHER'S VIOLATION OF THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.

(B) A MOTION FILED UNDER THIS SECTION SHALL:

(1) BE IN WRITING;

(2) BE SIGNED AND CONSENTED TO BY THE STATE'S ATTORNEY;

(3) BE MADE WITHIN A REASONABLE PERIOD OF TIME AFTER THE CONVICTION; AND

(4) DESCRIBE THE EVIDENCE AND PROVIDE COPIES OF ANY DOCUMENTS SHOWING THAT THE DEFENDANT IS ENTITLED TO RELIEF UNDER THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON A MOTION FILED UNDER

THIS SECTION IF THE MOTION SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE COURT MAY DISMISS A MOTION WITHOUT A HEARING IF THE COURT FINDS THAT THE MOTION FAILS TO ASSERT GROUNDS ON WHICH RELIEF MAY BE GRANTED.

(D) (1) IN RULING ON A MOTION FILED UNDER THIS SECTION, THE COURT MAY VACATE THE CONVICTION, MODIFY THE SENTENCE, OR GRANT A NEW TRIAL.

(2) THE COURT SHALL STATE THE REASONS FOR ITS RULING ON THE RECORD.

(E) A DEFENDANT IN A PROCEEDING UNDER THIS SECTION HAS THE BURDEN OF PROOF.".

AMENDMENT NO. 4

On pages 5 through 9, strike in their entirety the lines beginning with line 33 on page 5 through line 17 on page 9, inclusive.

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0327**
SPONSOR: Sen Forehand, et al
SUBJECT: Human Trafficking Victim Protection Act

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 Forehand, Chairman
Senator Zirkin
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #36

AMENDED IN THE HOUSE

Senate Bill 308 – Senators Brinkley, Raskin, Colburn, Currie, Forehand, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Kittleman, Klausmeier, Madaleno, Mathias, Miller, Montgomery, Peters, Pinsky, Pugh, Reilly, Rosapepe, and Zirkin

AN ACT concerning

~~Public Health –~~ Medical Marijuana – Affirmative Defenses – Maryland Medical Marijuana Model Program Workgroup

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

SB0308/766487/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 308
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike beginning with the second "the" in line 6 down through "testimony" in line 19 and substitute "or the use or possession with intent to use drug paraphernalia related to marijuana, it is an affirmative defense that the defendant used or possessed marijuana or drug paraphernalia related to marijuana because the defendant has a certain debilitating medical condition, the debilitating medical condition is severe and resistant to conventional medicine, and marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition; providing that a certain affirmative defense may not be used under certain circumstances"; and in line 34, after "Act;" insert "defining certain terms;".

AMENDMENT NO. 2

On pages 26 and 27, strike beginning with "In" in line 10 on page 26 down through "**MARIJUANA.**" in line 2 on page 27 and substitute:

"**1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2. "BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP" MEANS A RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT'S MEDICAL CONDITION.

3. "DEBILITATING MEDICAL CONDITION" MEANS A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES ONE OR MORE OF THE FOLLOWING, AS DOCUMENTED BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP:

A. CACHEXIA OR WASTING SYNDROME;

B. SEVERE OR CHRONIC PAIN;

C. SEVERE NAUSEA;

D. SEIZURES;

E. SEVERE AND PERSISTENT MUSCLE SPASMS; OR

F. ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.

(II) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

[(ii)**]** **2.** Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding $100.

(III) 1. IN A PROSECUTION FOR THE USE OR POSSESSION OF MARIJUANA UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT USED OR POSSESSED MARIJUANA BECAUSE:

A. THE DEFENDANT HAS A DEBILITATING MEDICAL CONDITION THAT HAS BEEN DIAGNOSED BY A PHYSICIAN WITH WHOM THE DEFENDANT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP;

B. THE DEBILITATING MEDICAL CONDITION IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE; AND

C. MARIJUANA IS LIKELY TO PROVIDE THE DEFENDANT WITH THERAPEUTIC OR PALLIATIVE RELIEF FROM THE DEBILITATING MEDICAL CONDITION.

2. THE AFFIRMATIVE DEFENSE MAY NOT BE USED IF THE DEFENDANT WAS:

A. USING MARIJUANA IN A PUBLIC PLACE; OR

B. IN POSSESSION OF MORE THAN 1 OUNCE OF MARIJUANA.".

AMENDMENT NO. 3

On pages 28 and 29, strike in their entirety the lines beginning with line 19 on page 28 through line 12 on page 29, inclusive, and substitute:

"(4) (i) **1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2. "BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP" MEANS A RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING

RESPONSIBILITY FOR THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT'S MEDICAL CONDITION.

3. "DEBILITATING MEDICAL CONDITION" MEANS A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES ONE OR MORE OF THE FOLLOWING, AS DOCUMENTED BY A PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP:

A. CACHEXIA OR WASTING SYNDROME;

B. SEVERE OR CHRONIC PAIN;

C. SEVERE NAUSEA;

D. SEIZURES;

E. SEVERE AND PERSISTENT MUSCLE SPASMS; OR

F. ANY OTHER CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.

(II) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

[(ii)**]** **2.** Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, on conviction of a violation of this subsection, the maximum penalty that the court may impose on the person is a fine not exceeding $100.

(III) 1. IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING DRUG PARAPHERNALIA RELATED TO MARIJUANA, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT USED OR POSSESSED DRUG PARAPHERNALIA RELATED TO MARIJUANA BECAUSE:

A. THE DEFENDANT HAS A DEBILITATING MEDICAL CONDITION THAT HAS BEEN DIAGNOSED BY A PHYSICIAN WITH WHOM THE DEFENDANT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP;

B. THE DEBILITATING MEDICAL CONDITION IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE; AND

C. MARIJUANA IS LIKELY TO PROVIDE THE DEFENDANT WITH THERAPEUTIC OR PALLIATIVE RELIEF FROM THE DEBILITATING MEDICAL CONDITION.

2. THE AFFIRMATIVE DEFENSE MAY NOT BE USED IF THE DEFENDANT WAS:

A. USING MARIJUANA IN A PUBLIC PLACE; OR

B. IN POSSESSION OF MORE THAN 1 OUNCE OF MARIJUANA.".

AMENDMENT NO. 4

On page 31, in line 4, after the second "the" insert "Maryland Chapter of the"; and in line 5, strike "Coalition on Alcohol and Other Drug Dependencies" and substitute "Council on Alcoholism and Drug Dependence".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 38 Negative – 6 (See Roll Call No. 1193)

AMENDED IN THE HOUSE

Senate Bill 756 – ~~**Senator Kelley**~~ **Senators Kelley, Brochin, Forehand, Raskin, Ramirez, and Gladden**

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

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

SB0756/926481/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 756
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 16 down through "Administration;" in line 18.

AMENDMENT NO. 2

On page 19, strike beginning with the colon in line 25 down through "**ANY**" in line 28 and substitute "**ANY**"; and strike in their entirety lines 30 through 33, inclusive.

On page 20, in lines 1, 17, 22, 26, and 32, strike "**(C)**", "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively, and substitute "**(B)**", "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively; and in line 23, strike "**(C) OR (D)**" and substitute "**(B) OR (C)**".

On page 21, in lines 5, 20, 24, and 30, strike "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(G)**", "**(H)**", "**(I)**", and "**(J)**", respectively.

On page 27, in line 6, strike "**§ 4–512(G)**" and substitute "**§ 4–512(F)**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1194)

CONCURRENCE CALENDAR #37

AMENDED IN THE HOUSE

Senate Bill 803 – Senators Raskin, Astle, Benson, Brochin, Colburn, Currie, Forehand, Frosh, Jacobs, King, Madaleno, Manno, Middleton, Montgomery, Muse, Peters, Pinsky, Robey, Shank, Simonaire, Stone, Young, and Zirkin

AN ACT concerning

Drunk Driving Elimination Act

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

SB0803/392717/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 803
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 2 and substitute "Drunk Driving Reduction Act".

On pages 1 and 2, strike beginning with "altering" in line 3 on page 1 down through "in" in line 3 on page 2 and substitute "expanding participation in the Ignition Interlock System Program by authorizing certain individuals who have committed a certain alcohol–related administrative offense to be participants under certain circumstances; requiring the Motor Vehicle Administration to establish the Program in accordance with certain statutory provisions; requiring rather than authorizing the Administration to establish a certain protocol; expanding participation in the Program by requiring certain individuals who are convicted of a certain offense and who had a certain alcohol concentration at the time of testing to participate in the Program for certain periods of time and successfully complete the Program; expanding participation in the Program by requiring certain individuals to participate in the Program for certain periods of time and successfully complete the Program as a condition of modification of a license suspension or revocation and issuance of a restrictive license; requiring the Administration to impose a certain license restriction for certain periods of time under certain circumstances; requiring the Administration to suspend for an indefinite period, rather than revoke, licenses of certain individuals who are convicted of a certain offense and had a certain alcohol concentration at the time of testing and who fail to participate in the Program or successfully complete the Program; providing that a suspension or revocation of a license that is imposed as a

result of certain circumstances shall be concurrent with any other suspension or revocation arising out of the same incident; requiring the Administration to suspend for certain periods of time the licenses of certain individuals who refuse to participate in or fail to successfully complete the Program; providing for reconsideration of entry in the Program under certain circumstances; requiring the Administration to establish a certain fee; requiring individuals 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; providing that certain Program participation under this Act shall be concurrent with Program participation under any other provision of law; providing that an individual who is removed from the Program may reenter the Program under certain circumstances; establishing a criminal prohibition of a participant in the Program driving a vehicle without an ignition interlock system; providing for certain penalties; providing for certain administrative procedures; establishing that certain information provided to the Administration is sufficient for the Administration to exercise its authority to allow a participant in the Program to operate a motor vehicle owned or provided by the person's employer in the course of employment without an ignition interlock system under certain circumstances; requiring the Administration to provide certain warnings to certain persons; prohibiting a person from raising the absence of a warning or failure to receive the warning as a basis for limiting the authority of the Administration in a certain manner; clarifying language; and generally relating to".

On page 2, strike in their entirety lines 4 through 13, inclusive, and substitute:

"BY renumbering
Article – Transportation
Section 16–205.1(o)
to be Section 16–205.1(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–113(b)(1) and (4), 16–205(f)(1), 16–404(c)(3), 21–902(a)(1) and (2) and (b)(1), and 27–107(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing

Article – Transportation
Section 16–205.1(n)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 16–113(k) and 16–205.1(n), (o), and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–205.1(b)(3)(viii)3., 16–404(c)(2), 16–404.1, 27–101(h), and 27–107(g)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 14 on page 2 through line 19 on page 6, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–205.1(o) of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 16–205.1(q).

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

Article – Transportation

16–113.

(b) (1) Notwithstanding the licensee's driving record, the Administration shall impose on each licensee under the age of 21 years an alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood.

(4) An individual under the age of 21 years who is convicted of a violation of § 21–902(a), (b), or (c) of this article may be required, for a period of not more than 3 years, to participate in the Ignition Interlock System Program in order to retain the individual's driver's license.

(K) A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS TITLE MAY NOT DRIVE OR ATTEMPT TO DRIVE A VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IN VIOLATION OF AN IGNITION INTERLOCK SYSTEM RESTRICTION ON A LICENSE ISSUED TO THE PARTICIPANT.

16–205.

(f) (1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16–205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16–404.1 of this title.

16–205.1.

(b) (3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(viii) Within 72 hours after the issuance of the order of suspension, send any confiscated driver's license, copy of the suspension order, and a sworn statement to the Administration, that states:

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of testing is ineligible for modification of a suspension or issuance of a restrictive license under subsection **[**(n)(1) or (2)**] (O)** of this section.

[(n) (1) The Administration may modify a suspension under this section or issue a restrictive license if:

(i) The licensee did not refuse to take a test;

(ii) The licensee has not had a license suspended under this section during the past 5 years;

(iii) The licensee has not been convicted under § 21–902 of this article during the past 5 years;

(iv) The licensee has a test result indicating an alcohol concentration of less than 0.15; and

(v) 1. The licensee is required to drive a motor vehicle in the course of employment;

2. The license is required for the purpose of attending an alcoholic prevention or treatment program;

3. The Administration finds that the licensee has no alternative means of transportation available to or from the licensee's place of employment and, without the license, the licensee's ability to earn a living would be severely impaired; or

4. The Administration finds that the license is required for the purpose of obtaining health care treatment, including a prescription, that is necessary for the licensee or a member of the licensee's immediate family and the licensee and the licensee's immediate family have no alternative means of transportation available to obtain the health care treatment.

(2) In addition to the authority to modify a suspension or issue a restrictive license under paragraph (1) or (4) of this subsection, the Administration may modify a suspension under this section or issue a restrictive license, including a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a participant in the Ignition Interlock System Program established under § 16–404.1 of this title, if:

(i) The licensee did not refuse to take a test;

(ii) The licensee has not been convicted under § 21–902 of this article;

(iii) The licensee has a test result indicating an alcohol concentration of less than 0.15; and

(iv) The license is required for the purpose of attending:

1. A noncollegiate educational institution as defined in § 2–206(a) of the Education Article; or

2. A regular program at an institution of postsecondary education.

(3) If the licensee refused to take a test or took a test that indicated an alcohol concentration of 0.15 or more at the time of testing, the Administration may not modify a suspension under this section or issue a restrictive license except as provided under paragraph (4) of this subsection.

(4) (i) In addition to the authority to modify a suspension or issue a restrictive license under subsection (b)(3)(vii) of this section or paragraph (1) or (2) of this subsection, the Administration may modify a suspension under this section or issue a restrictive license to a licensee as provided in this paragraph.

(ii) If the licensee refused to take a test or took a test that indicated an alcohol concentration of 0.15 or more, the Administration may modify a suspension under this section or issue a restrictive license if the licensee participates in the Ignition Interlock System Program for 1 year.

(5) (i) If the Administration modifies a suspension or issues a restrictive license under subsection (b)(3)(vii) of this section or paragraph (4) of this subsection and the licensee does not successfully complete the licensee's required participation in the Ignition Interlock System Program, the Administration shall summarily suspend the licensee's driver's license or driving privilege for the full period of suspension specified in this section for the applicable administrative offense.

(ii) The Administration shall notify a licensee of a suspension under this paragraph.

(iii) A licensee may request an administrative hearing on a suspension imposed under this paragraph.**]**

(N) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSEE:

(I) WHO TAKES A TEST THAT INDICATES AN ALCOHOL CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15;

(II) WHOSE LICENSE HAS NOT BEEN SUSPENDED UNDER THIS SECTION DURING THE PAST 5 YEARS; AND

(III) WHO HAS NOT BEEN CONVICTED UNDER § 21–902 OF THIS ARTICLE DURING THE PAST 5 YEARS.

(2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER THIS SECTION OR ISSUE A RESTRICTIVE LICENSE IF THE ADMINISTRATION FINDS THAT:

(I) THE LICENSEE IS REQUIRED TO DRIVE A MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT;

(II) THE LICENSE IS REQUIRED FOR THE PURPOSE OF ATTENDING AN ALCOHOL PREVENTION OR TREATMENT PROGRAM;

(III) THE LICENSEE HAS NO ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF EMPLOYMENT AND, WITHOUT THE LICENSE, THE LICENSEE'S ABILITY TO EARN A LIVING WOULD BE SEVERELY IMPAIRED;

(IV) THE LICENSE IS REQUIRED FOR THE PURPOSE OF OBTAINING HEALTH CARE TREATMENT, INCLUDING A PRESCRIPTION, THAT IS NECESSARY FOR THE LICENSEE OR A MEMBER OF THE LICENSEE'S IMMEDIATE FAMILY AND THE LICENSEE AND THE LICENSEE'S IMMEDIATE FAMILY HAVE NO ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE TO OBTAIN THE HEALTH CARE TREATMENT; OR

(V) THE LICENSE IS REQUIRED FOR THE PURPOSE OF ATTENDING A NONCOLLEGIATE EDUCATIONAL INSTITUTION AS DEFINED IN § 2–206(A) OF THE EDUCATION ARTICLE OR A REGULAR PROGRAM AT AN INSTITUTION OF POSTSECONDARY EDUCATION.

(O) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSEE WHO:

(I) REFUSED TO TAKE A TEST;

(II) TOOK A TEST THAT INDICATED AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING; OR

(III) TOOK A TEST THAT INDICATED AN ALCOHOL CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15 AT THE TIME OF TESTING AND WHO IS INELIGIBLE FOR A MODIFICATION OF A SUSPENSION OR ISSUANCE OF A RESTRICTIVE LICENSE UNDER SUBSECTION (N) OF THIS SECTION.

(2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER THIS SECTION OR ISSUE A RESTRICTIVE LICENSE ONLY IF THE LICENSEE PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.

(P) (1) IF THE ADMINISTRATION MODIFIES A SUSPENSION UNDER THIS SECTION OR ISSUES A RESTRICTIVE LICENSE ON CONDITION THAT THE LICENSEE PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM AND THE LICENSEE DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND THE LICENSEE'S DRIVER'S LICENSE OR DRIVING PRIVILEGE FOR THE FULL PERIOD OF SUSPENSION SPECIFIED IN THIS SECTION FOR THE APPLICABLE VIOLATION.

(2) THE ADMINISTRATION SHALL NOTIFY A LICENSEE OF A SUSPENSION UNDER THIS SUBSECTION.

(3) A LICENSEE MAY REQUEST AN ADMINISTRATIVE HEARING ON A SUSPENSION IMPOSED UNDER THIS SUBSECTION.

(4) IF A LICENSEE REQUESTS A HEARING UNDER THIS SUBSECTION, THE SUSPENSION SHALL BE STAYED PENDING THE DECISION AT THE ADMINISTRATIVE HEARING.

16–404.

(c) (2) Subject to the provisions of paragraph (3) of this subsection, the following suspension periods may apply to a suspension for an accumulation of points under § 16–402(a)(25) of this subtitle for a violation of § 21–902(b) or (c) of this article or a suspension imposed under **[**§ 16–404.1(b)(4)(iii)**] § 16–404.1(E)(1)(III)** of this subtitle:

(i) For a first conviction, not more than 6 months;

(ii) For a second conviction at least 5 years after the date of the first conviction, not more than 9 months;

(iii) For a second conviction less than 5 years after the date of the first conviction or for a third conviction, not more than 12 months; and

(iv) For a fourth or subsequent conviction, not more than 24 months.

(3) The Administration may issue a restrictive license for the period of the suspension to an individual who participates in the Administration's Ignition Interlock System Program under § 16–404.1 of this subtitle.

16–404.1.

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

(2) "Approved service provider" means a person who is certified by:

(i) The Administration to service, install, monitor, calibrate, and provide information on ignition interlock systems; and

(ii) A manufacturer to be qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(3) "Manufacturer" means a person who manufactures ignition interlock systems and who certifies that approved service providers are qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(4) "Participant" means a participant in the Ignition Interlock System Program.

(5) "Program" means the Ignition Interlock System Program.

(b) (1) The Administration **[**may**]** **SHALL** establish an Ignition Interlock System Program **IN ACCORDANCE WITH THIS SECTION**.

(2) The Administration **[**may**]** **SHALL** establish a protocol for the Program by regulations that require certain minimum standards for all service providers who service, install, monitor, calibrate, and provide information on ignition interlock systems and include requirements that:

(i) A service provider who applies to the Administration for certification as an approved service provider shall demonstrate that the service provider is able to competently service, install, monitor, calibrate, and provide information **TO THE ADMINISTRATION AT LEAST EVERY 30 DAYS** on **INDIVIDUALS REQUIRED TO USE** ignition interlock systems;

(ii) A service provider who applies to the Administration for certification as an approved service provider shall be certified by a signed affidavit from the manufacturer that the service provider has been trained by an authorized manufacturer and that the service provider is competent to service, install, monitor, calibrate, and provide information on ignition interlock systems;

(iii) Approved service providers be deemed to be authorized representatives of a manufacturer; and

(iv) Any service of notice upon an approved service provider, who has violated any laws or regulations or whose ignition interlock system has violated any laws or regulations, be deemed as service upon the manufacturer who certified the approved service provider.

[(3)**] (C)** An individual may be a participant if:

[(i)**] (1)** The individual's license is suspended or revoked **UNDER § 16–205 OF THIS TITLE** for a violation of § 21–902(a), (b), or (c) of this article

or **§ 16–404 OF THIS SUBTITLE FOR** an accumulation of points under § 16–402(a)(25) or (34) of this subtitle;

[(ii) The individual is ordered to participate in the Program by a court under § 27–107 of this article;

(iii)**] (2)** The individual's license has an alcohol restriction imposed under **[**§ 16–113(b) or (g)**] § 16–113(G)(1)** of this title; or

[(iv)**] (3)** The Administration modifies a suspension or issues a restrictive license to the individual under **[**§ 16–205.1(b)(3)(vii) or (n)(2) or (4)**] § 16–205.1** of this title.

(D) (1) (I) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE AND HAD AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF 0.15 OR MORE.

(II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND FAILS TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND, NOTWITHSTANDING § 16–208 OF THIS TITLE, THE INDIVIDUAL'S LICENSE UNTIL THE INDIVIDUAL SUCCESSFULLY COMPLETES THE PROGRAM.

(III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.

(2) (I) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL SHALL BE A PARTICIPANT AS A CONDITION OF MODIFICATION OF A SUSPENSION OR REVOCATION OF A LICENSE OR ISSUANCE OF A RESTRICTIVE LICENSE IF THE INDIVIDUAL:

1. IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER UNDER § 27–107 OF THIS ARTICLE;

2. IS CONVICTED OF A VIOLATION OF § 21–902(A) OR (B) OF THIS ARTICLE AND WITHIN THE PRECEDING 5 YEARS THE INDIVIDUAL HAS BEEN CONVICTED OF ANY VIOLATION OF § 21–902 OF THIS ARTICLE; OR

3. WAS UNDER THE AGE OF 21 YEARS ON THE DATE OF A VIOLATION BY THE INDIVIDUAL OF:

A. AN ALCOHOL RESTRICTION IMPOSED UNDER § 16–113(B)(1) OF THIS TITLE; OR

B. § 21–902(A), (B), OR (C) OF THIS ARTICLE.

(II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND THE INDIVIDUAL FAILS TO PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S LICENSE FOR 1 YEAR.

(III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.

(3) AN INDIVIDUAL WHO IS SUBJECT TO THIS SUBSECTION SHALL PARTICIPATE IN THE PROGRAM FOR:

(I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM;

(II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM; AND

(III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE INDIVIDUAL IS REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM.

(4) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT LIMIT A LONGER PERIOD OF PROGRAM PARTICIPATION THAT IS REQUIRED BY:

(I) A COURT ORDER UNDER § 27–107 OF THIS ARTICLE; OR

(II) THE ADMINISTRATION IN ACCORDANCE WITH ANOTHER PROVISION OF THIS TITLE.

(E) IF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION DOES NOT INITIALLY BECOME A PARTICIPANT:

(1) THE INDIVIDUAL MAY APPLY LATER TO THE ADMINISTRATION TO BE A PARTICIPANT; AND

(2) THE ADMINISTRATION MAY RECONSIDER ANY SUSPENSION OR REVOCATION OF THE DRIVER'S LICENSE OF THE INDIVIDUAL ARISING OUT OF THE SAME CIRCUMSTANCES AND ALLOW THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM.

[(4)**] (F) (1)** The Administration may:

(i) Issue a restrictive license to an individual who is a participant in the Program during the suspension period as provided under **[**§ 16–404(c)(3)**] § 16–205 OR § 16–205.1 OF THIS TITLE OR § 16–404** of this subtitle;

(ii) Reinstate the driver's license of a participant whose license has been revoked for a violation of § 21–902(a), (b), or (c) of this article or revoked for an accumulation of points under § 16–402(a)(34) of this subtitle for a violation of § 21–902(a) of this article; and

(iii) Notwithstanding any other provision of law, impose on a participant a period of suspension in accordance with § 16–404(c)(2) and (3) of this subtitle in lieu of a license revocation for:

1. A violation of § 21–902(a), (b), or (c) of this article; or

2. An accumulation of points under § 16–402(a)(34) of this subtitle for a violation of § 21–902(a) of this article.

[(5)**] (2)** A notice of suspension or revocation sent to an individual under this title shall include information about the Program and how **[**the individual can qualify for admission to**] INDIVIDUALS PARTICIPATE IN** the Program.

[(6)**] (3)** The Administration **[**may**] SHALL** establish a fee for the Program **THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM**.

(G) SUBJECT TO § 27–107(G)(2) OF THIS ARTICLE, THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON THE INDIVIDUAL'S LICENSE THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION.

[(c)**] (H) [**For purposes of § 16–404(c)(3) of this subtitle and subsection (d) of this section, a**] A** participant is considered to begin participation in the Program when the participant provides evidence of the installation of an ignition interlock system by an approved service provider in a manner required by the Administration.

[(d)**] (I)** An individual whose license is suspended under § 16–404(c)(2)(iv) of this subtitle is a habitual offender whose license may not be reinstated unless the individual participates in the Program for at least 24 months.

[(e)**] (J)** (1) For purposes of an ignition interlock system used under § 16–205(f) of this title, this section, or a court order under § 27–107 of this article, the Administration shall permit only the use of an ignition interlock system that meets or exceeds the technical standards for breath alcohol ignition interlock devices published in the Federal Register from time to time.

(2) For purposes of an ignition interlock system used under this section, the Administration shall require the Program protocol adopted by the Administration.

[(f)**] (K)** (1) An individual required to use an ignition interlock system under a court order **OR THIS SECTION**:

(i) Shall be monitored by the Administration; and

(ii) **[**Shall**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SHALL** pay the fee required by the Administration under subsection **[**(b)(6)**] (F)(3)** of this section.

(2) THE ADMINISTRATION SHALL WAIVE THE FEE REQUIRED UNDER THIS SUBSECTION FOR AN INDIVIDUAL WHO IS INDIGENT.

[(2)**] (L)** A court order that requires the use of an ignition interlock system is not affected by § 16–404(c)(3) of this subtitle.

(M) IF AN INDIVIDUAL PARTICIPATES IN THE PROGRAM UNDER THIS SECTION AND PARTICIPATES IN THE PROGRAM IN ACCORDANCE WITH ANY OTHER PROVISION OF LAW ARISING OUT OF THE SAME INCIDENT, THE PERIODS OF PARTICIPATION IN THE PROGRAM SHALL BE CONCURRENT.

(N) IF AN INDIVIDUAL SUCCESSFULLY COMPLETES THE PROGRAM AND THE INDIVIDUAL'S LICENSE IS NOT REFUSED, REVOKED, SUSPENDED, OR CANCELED UNDER ANOTHER PROVISION OF THIS ARTICLE, THE ADMINISTRATION SHALL IMMEDIATELY ISSUE A LICENSE TO THE LICENSEE.

(O) (1) NOTWITHSTANDING § 16–208 OF THIS TITLE, IF THE ADMINISTRATION REMOVES AN INDIVIDUAL FROM THE PROGRAM BECAUSE THE INDIVIDUAL VIOLATED REQUIREMENTS OF THE PROGRAM, THE ADMINISTRATION MAY ALLOW THE INDIVIDUAL TO REENTER THE PROGRAM AFTER A PERIOD OF 30 DAYS FROM THE DATE OF REMOVAL.

(2) IF AN INDIVIDUAL REENTERS THE PROGRAM UNDER THIS SUBSECTION, THE INDIVIDUAL SHALL PARTICIPATE IN THE PROGRAM FOR THE ENTIRE PERIOD OF TIME THAT WAS INITIALLY NECESSARY FOR SUCCESSFUL COMPLETION OF THE PROGRAM WITHOUT ANY CREDIT FOR THE PERIOD OF PARTICIPATION BEFORE THE INDIVIDUAL WAS REMOVED FROM THE PROGRAM.

(3) NOTHING CONTAINED IN PARAGRAPH (2) OF THIS SUBSECTION LIMITS A PERIOD OF PARTICIPATION IN THE PROGRAM REQUIRED UNDER ANY OTHER PROVISION OF THIS TITLE OR § 27–107 OF THIS ARTICLE.

(P) A SUSPENSION OR REVOCATION OF A LICENSE OF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION THAT IS IMPOSED AS A RESULT OF THE FAILURE OF THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE PROGRAM SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION ARISING OUT OF THE SAME INCIDENT FOR WHICH THE INDIVIDUAL IS SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION.

(Q) (1) IF A PERSON IS CONVICTED OF ANY VIOLATION OF § 21–902 OF THIS ARTICLE, THE ADMINISTRATION SHALL INCLUDE IN THE NOTICE OF PROPOSED SUSPENSION OR REVOCATION A WARNING IN BOLD CONSPICUOUS TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE PERSON IS SUBSEQUENTLY CONVICTED OF A VIOLATION OF § 21–902(A) OR (B) OF THIS ARTICLE AS DESCRIBED IN THIS SECTION.

(2) AT THE TIME THAT THE ADMINISTRATION ISSUES A LICENSE TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, THE ADMINISTRATION SHALL PROVIDE TO THE PERSON A WRITTEN WARNING IN BOLD CONSPICUOUS TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE ADMINISTRATION FINDS THE PERSON VIOLATED THE ALCOHOL RESTRICTION ON A DRIVER UNDER THE AGE OF 21 YEARS OR THE PERSON VIOLATED ANY PROVISION OF § 21–902 OF THIS ARTICLE.

(3) A PERSON MAY NOT RAISE THE ABSENCE OF THE WARNING DESCRIBED UNDER THIS SUBSECTION OR THE FAILURE TO RECEIVE THAT WARNING AS A BASIS FOR LIMITING THE AUTHORITY OF THE ADMINISTRATION TO REQUIRE THAT THE PERSON PARTICIPATE IN THE PROGRAM IN ACCORDANCE WITH THIS SECTION.

21–902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(b) (1) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

27–101.

(h) Any person who is convicted of a violation of any of the provisions of **§ 16–113(K) OF THIS ARTICLE ("IGNITION INTERLOCK SYSTEM PROGRAM PARTICIPANT DRIVING VEHICLE WITHOUT IGNITION INTERLOCK"),** § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled, suspended, refused, or revoked"), § 17–107 of this article ("Prohibitions"), or § 17–110 of this article ("Providing false evidence of required security") is subject to:

(1) For a first offense, a fine of not more than $1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than $1,000, or imprisonment for not more than 2 years, or both.

27–107.

(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21–902(a) of this article ("Driving while under the influence of alcohol or under the influence of alcohol per se"), or § 21–902(b) of this article ("Driving while impaired by alcohol"), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6–220 of the Criminal Procedure Article for, a violation of § 21–902(a) or § 21–902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

(g) (2) **(I) THIS PARAGRAPH DOES NOT LIMIT OR OTHERWISE AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER OF A COMMERCIAL DRIVER'S LICENSE.**

(II) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if the court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

(III) THE ADMINISTRATION MAY ALLOW A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS ARTICLE TO OPERATE IN THE COURSE OF THE PERSON'S EMPLOYMENT A MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF THE PERSON PROVIDES INFORMATION ACCEPTABLE TO THE ADMINISTRATION REGARDING THE PERSON'S CURRENT EMPLOYMENT AND THE NEED FOR THE PERSON TO OPERATE THE MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT.".

AMENDMENT NO. 3

On page 6, in line 20, strike "2." and substitute "3.".

The preceding 3 amendments were read and concurred in.

SB0803/802814/1

BY: Chairman, House Judiciary Committee

AMENDMENT TO SENATE BILL 803, AS AMENDED
(Third Reading File Bill)

On page 10 of the House Judiciary Committee Amendments (SB803/392717/1), in line 14 of Amendment No. 2, strike "**§ 16–404.1(E)(1)(III)**" and substitute "**§ 16–404.1(F)(1)(III)**".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1195)

CONFERENCE COMMITTEE REPORT

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 71 –
THE CAPITAL BUDGET

(See Exhibit M of Appendix III)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 1196)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #39

AMENDED IN THE HOUSE

Senate Bill 170 – Senator McFadden

AN ACT concerning

Baltimore City – Education – Construction Bond Authority

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

SB0170/494568/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 170
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Construction" insert "Public School Facilities and"; strike beginning with "altering" in line 3 down through "issue;" in line 5; in line 5, strike "bonds;" and substitute "school construction bonds that the Baltimore City Board of School Commissioners may issue; requiring the Board to submit a certain report on a certain plan for public school facilities on or before a certain date;"; and in

line 6, before "the" insert "public school facilities and"; in line 9, strike "4–306.2(b) and (g)(2)" and substitute "4–306.2(g)(2)"; and in line 14, strike "and (c)".

AMENDMENT NO. 2

On page 2, in line 6, strike the brackets; and in the same line, strike "**$250,000,000**".

AMENDMENT NO. 3

On page 2, after line 31, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2011, the Baltimore City Board of School Commissioners shall report to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article, on a long–term plan for the alignment of public school facilities with projected enrollments and educational programs within the Baltimore City Public School System.";

and in line 32, strike "2." and substitute "3.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1197)

AMENDED IN THE HOUSE

Senate Bill 512 – Senators Edwards and Miller

EMERGENCY BILL

AN ACT concerning

Gaming – Video Lottery Terminals

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

SB0512/465761/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 512
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Resort;" insert "limiting the number of video lottery terminals for operation at a video lottery facility in Allegany County;"; strike beginning with "authorizing" in line 6 down through "approvals;" in line 8; in line 13, after "circumstances;" insert "altering the hours of operation of video lottery facilities on certain days;"; in line 16, after "County;" insert "authorizing certain fund managers to use certain grant money from the Small, Minority, and Women–Owned Businesses Account to pay for certain expenses; requiring the Board of Public Works to set the maximum amount of grant money that each fund manager may use for a certain purpose;"; in line 20, after "operation" insert "and use of proceeds"; and in line 24, after "provisions;" insert "providing for the application of this Act;".

On page 2, strike in its entirety line 5 and substitute "Section 9–1A–05(a), 9–1A–11(d), 9–1A–23(a), 9–1A–27(a) and (b), 9–1A–35, and 9–1A–36(h)(1), (i)(1)"; in line 11, strike "9–1A–11(b) and (c)" and substitute "9–1A–05(d), 9–1A–11(b) and (c), and 9–1A–36(i)(2)"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–102(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)";

and in line 16, strike "7–211(i)" and substitute "7–244".

AMENDMENT NO. 2

On page 3, in line 12, strike "**COUNTY,**" and substitute "**COUNTY:**

(I)";

in line 14, strike "**RESORT**" and substitute "**RESORT; AND**

(II) NOTWITHSTANDING § 9–1A–36(I)(2) OF THIS SUBTITLE, AWARD MORE THAN 1,000 VIDEO LOTTERY TERMINALS FOR OPERATION AT A VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY".

On page 7, after line 14, insert:

"(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Video Lottery Facility Location Commission may not allocate more than the following number of video lottery terminals for:

(i) a location in Anne Arundel County – 4,750 video lottery terminals;

(ii) a location in Baltimore City – 3,750 video lottery terminals;

(iii) a location in Cecil County – 2,500 video lottery terminals;

(iv) a location in Rocky Gap State Park (Allegany County) – **[**1,500**] 1,000** video lottery terminals; and

(v) a location in Worcester County – 2,500 video lottery terminals.

(2) The Video Lottery Facility Location Commission may allocate video lottery terminals in a manner that is different from the allocation provided in paragraph (1) of this subsection on a determination that the market factors and other factors evaluated under subsection (k) of this section warrant the different allocation, provided that no one location may be allocated more than 4,750 video lottery terminals.".

AMENDMENT NO. 3

On page 3, in line 20, strike the brackets; strike beginning with "**EXCEPT**" in line 20 down through "**AN**" in line 21; strike beginning with "**THAT**" in line 27 down through "**SUBTITLE**" in line 28; strike beginning with "**OWN**" in line 28 down through "**OR**" in line 29; and in line 30, strike the brackets.

AMENDMENT NO. 4

On page 5, after line 3, insert:

"9–1A–23.

(a) **(1) [**A**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** video lottery facility may operate daily from 8 a.m. to 2 a.m.

(2) A VIDEO LOTTERY FACILITY MAY EXTEND OPERATIONS UNTIL 4 A.M. ON SATURDAY AND 4 A.M. ON SUNDAY.".

AMENDMENT NO. 5

On page 6, after line 20, insert:

"9–1A–35.

(a) There is a Small, Minority, and Women–Owned Businesses Account under the authority of the Board of Public Works.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Board of Public Works, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Board of Public Works as provided under subsection (c) of this section.

(c) (1) In this subsection, "eligible fund manager" means an entity that has significant financial or investment experience, under criteria developed by the Board of Public Works.

(2) Subject to the provisions of paragraph (3) of this subsection, the Board of Public Works shall make grants to eligible fund managers to provide

investment capital and loans to small, minority, and women–owned businesses in the State.

(3) The Board of Public Works shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women–owned businesses in the jurisdictions and communities surrounding a video lottery facility.

(d) Fund managers receiving grants under this section shall:

(1) keep proper records of funds and accounts;

(2) provide an annual report to the Governor and, in accordance with § 2–1246 of this article, the General Assembly on investment capital and loans made pursuant to subsection (c) of this section; and

(3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ELIGIBLE FUND MANAGER MAY USE MONEY FROM GRANTS RECEIVED UNDER THIS SECTION TO PAY EXPENSES FOR ADMINISTRATIVE, ACTUARIAL, LEGAL, AND TECHNICAL SERVICES.

(2) THE BOARD OF PUBLIC WORKS SHALL SET THE MAXIMUM AMOUNT OF GRANT MONEY THAT EACH ELIGIBLE FUND MANAGER MAY USE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

[(e)**](F)** Each fiscal year the Legislative Auditor shall audit and evaluate the utilization of the funds that are allocated to small, minority, and women–owned businesses by eligible fund managers under subsection (c)(3) of this section.".

AMENDMENT NO. 6

On page 8, after line 2, insert:

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

after line 3, insert:

"6–102.

(e) Unless exempted under § 7–211, § 7–211.1, **§ 7–244,** or § 7–501 of this article, the interest or privilege of a person in property that is owned by the federal government, the State, a county, a municipal corporation, or an agency or instrumentality of the federal government, the State, a county, or a municipal corporation is subject to property tax as though the lessee or the user of the property were the owner of the property, if the property is leased or otherwise made available to that person:

(1) by the federal government, the State, a county, a municipal corporation, or an agency or instrumentality of the federal government, the State, a county, or a municipal corporation; and

(2) with the privilege to use the property in connection with a business that is conducted for profit.";

in line 4, strike "7–211." and substitute "**7–244.**"; in line 5, strike "**(I) (1) (I)**" and substitute "**(A) (1)**"; in the same line, strike "**SUBSECTION**" and substitute "**SECTION**"; in lines 7, 9, and 11, strike "**(II)**", and "**(III)**", and "**(2)**", respectively, and substitute "**(2)**", "**(3)**", and "**(B)**", respectively; in line 12, strike "**OWNED OR**"; and after line 14, insert:

"**(C) AN INTEREST OF A PERSON IN VIDEO LOTTERY TERMINALS AND ANY ASSOCIATED EQUIPMENT OR SOFTWARE OWNED BY THE STATE LOTTERY COMMISSION AS PROVIDED IN § 9–1A–21 OF THE STATE GOVERNMENT ARTICLE IS NOT SUBJECT TO PROPERTY TAX.**";

before line 15, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall apply to all taxable years beginning after June 30, 2011.";

and in line 15, strike "2." and substitute "4.".

The preceding 6 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1198)

MESSAGE TO THE SENATE

BILL: **HB 0356**
SPONSOR: Del Niemann, et al
SUBJECT: Motor Vehicles – Towing Practices and Procedures

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Niemann, Chairman
Delegate Malone, and
Delegate Norman.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0356**
SPONSOR: Del Niemann, et al
SUBJECT: Motor Vehicles – Towing Practices and Procedures

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Niemann, Chair
Delegate Malone
Delegate Norman

The Senate appoints:
Senator Raskin, Chairman
Senator Frosh
Senator Shank.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 521 – Delegates Carter, Vallario, Anderson, Gutierrez, and Rosenberg

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

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

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 241** SPONSOR: **Delegate Anderson**

SUBJECT: **Criminal Law – Restrictions Against Use and Possession of Firearms**

THIRD READING CALENDAR HOUSE NO. **19** SENATE NO. **12**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Judicial Proceedings Committee Amendments (SB0241/328176/1) be rejected.

Senate Members:		House Members:	
Chair,	**Brian E. Frosh**	Chair,	**Curt Anderson**
	Jennie M. Forehand		**Jill P. Carter**
	Joseph M. Getty		**Kathleen M. Dumais**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 28 Negative – 18 (See Roll Call No. 1199)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #61

CONSENT CALENDAR #64

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 393 (Emergency Bill)	FAV	Dels Otto and McDermott	Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee
HB 678	FAV	Dels Otto and	Somerset County – Water and Sewer

HB 1089	FAV	McDermott Prince George's County Delegation	Service – Late Fees PG Co – Pub Ethics Requirements PG 411–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Dyson moved, duly seconded, to put **the bills** on Third Reading on the same day in compliance with the Constitution.

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

All of the above listed bills on the Second Reading Consent Calendar No. 61 were read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1200)

The Bills were then sent to the House of Delegates.

CONCURRENCE CALENDAR #40

AMENDED IN THE HOUSE

Senate Bill 570 – ~~**Senator Pugh**~~ **Senators Pugh, Forehand, Gladden, Ramirez, and Raskin**

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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

SB0570/620411/1
BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 570
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 14 down through "circumstances;" in line 15.

On pages 2 and 3, strike in their entirety the lines beginning with line 43 on page 2 through line 3 on page 3, inclusive.

AMENDMENT NO. 2

On page 10, in line 17, strike "**$1,000**" and substitute "**$1,200**".

On pages 10 through 12, strike in their entirety the lines beginning with line 32 on page 10 through line 9 on page 12, inclusive.

On page 19, in line 13, strike "**LOWER**" and substitute "**DIFFERENT**"; in line 29, strike "**LOWER**"; in line 30, strike "**$175**" and substitute "**$300**"; and in line 31, strike "**$10**" and substitute "**$30**".

On page 20, in line 4, strike "**$1,000**" and substitute "**$1,200**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0570**
SPONSOR: Sen Pugh, et al
SUBJECT: Motor Vehicles – Towing Practices and Procedures

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Raskin, Chairman
Senator Frosh
Senator Shank.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #26

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

House Bill 1213 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – ~~Tax Rates~~ Supplementary Appropriation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #25

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

House Bill 230 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Haynes, Mitchell, B. Robinson, Stukes, and Washington

AN ACT concerning

Baltimore City – Education – Public School Facilities and Construction Bond Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 869 – Delegates Hixson, Arora, Barkley, Barve, Feldman, Frick, Gilchrist, Kaiser, Luedtke, A. Miller, Reznik, and F. Turner

AN ACT concerning

Education – Maintenance of Effort – Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1312 – Delegate Griffith

AN ACT concerning

State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **HB 0510**
SPONSOR: Del Waldstreicher, et al
SUBJECT: Criminal Law – Harassment – Penalties

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Frosh moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 510
(Third Reading File Bill)

On page 3, in line 26, strike "**180 DAYS**" and substitute "**1 YEAR**".

The Senate receded on the preceding amendment and the amendment was withdrawn.

House Bill 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

Criminal Law – ~~Peace Orders, Stalking, and~~ Harassment – Penalties

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

Affirmative – 29 Negative – 5 (See Roll Call No. 1201)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0510**
SPONSOR: Del Waldstreicher, et al
SUBJECT: Criminal Law – Harassment – Penalties

The Senate recedes from its position on HB 0510.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

House Bill 363 – Delegates Simmons, Dumais, Kramer, and Lee

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

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

FLOOR AMENDMENT

HB0363/633420/1
BY: Senator Colburn

AMENDMENT TO HOUSE BILL 363
(Third Reading File Bill)

On page 2, in line 1, strike the second comma and substitute "**AND A**"; and in line 2, strike "**, LOCOMOTIVE, ENGINE, AND TRAIN**".

The preceding amendment was read and rejected.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1202)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 167** SPONSOR: **Senator Ramirez**

SUBJECT: **Public Institutions of Higher Education – Tuition Rates – Exemptions**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **26**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Committee on Ways and Means Amendments (SB0167/345069/1) be adopted.

(2) That the amendment by Delegate Simmons (SB0167/523121/2) be rejected.

(3) That the attached Conference Committee Amendment (SB0167/133621/1) be adopted.

SB0167/345069/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 167
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "rates" insert "and shall be eligible to pay certain tuition rates"; in line 10, after the semicolon insert "requiring certain individuals, as a condition of being exempt from paying the out–of–state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System;"; in line 14, strike "resident tuition charges" and substitute "tuition rates"; and in line 18, after "policies;" insert "providing that certain students may not be counted as in–State students for certain purposes;".

AMENDMENT NO. 2

On page 4, in line 9, strike "**AND**"; after line 9, insert:

"**(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND**";

and in line 10, strike "**(6)**" and substitute "**(7)**"; in line 15, after "**ARTICLE**" insert "**AND SUBJECT TO SUBSECTION (H) OF THIS SECTION**"; in line 16, strike "**EXEMPT FROM PAYING THE NONRESIDENT**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT**"; in line 18, strike "**UNDER**" and substitute "**NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET**"; in line 19, after

"**SECTION**" insert "**, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION**"; and in line 32, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**".

On page 5, in line 3, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**"; in line 5, strike "**EXEMPT FROM PAYING THE OUT–OF–COUNTY**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN–COUNTY**"; in lines 20 and 22, in each instance, strike "**RESIDENT TUITION CHARGES**" and substitute "**THE TUITION RATE**"; and in line 23, strike "**OR (C)**" and substitute "**, (C), OR (D)**".

On page 6, after line 3, insert:

"**(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN–STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.**".

SB0167/133621/1
BY: Conference Committee

AMENDMENTS TO SENATE BILL 167
(Third Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 10, strike "withholding or".

AMENDMENT NO. 2
On page 3, strike beginning with "**HAD**" in line 26 down through "**HAS**" in line 27.

On page 4, strike beginning with "**HAD**" in line 27 down through "**HAS**" in line 28.

Senate Members: House Members:

Chair, **Paul G. Pinsky** Chair, **Anne R. Kaiser**

Jim Rosapepe	**Eric G. Luedtke**
Bill Ferguson	**LeRoy E. Myers, Jr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 27 Negative – 19 (See Roll Call No. 1203)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, ~~and Niemann~~ Niemann, Healey, and Cane

SECOND PRINTING

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh moved, duly seconded, to put **House Bill 1246** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1246** on Third Reading and Final Passage.

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, ~~and Niemann~~ Niemann, Healey, and Cane

SECOND PRINTING

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1204)

The Bill was then sent to the House of Delegates.

House Bill 1038 – Delegates Olszewski and Kach

AN ACT concerning

Commercial Law – Residential Mortgage Loans – Escrow Amounts

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1205)

The Bill was then sent to the House of Delegates.

AMENDED IN THE HOUSE

Senate Bill 690 – ~~Senator Middleton~~ Senators Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy

STATUS OF BILL: QUESTION IS: "WILL THE SENATE CONCUR IN THE HOUSE AMENDMENTS?"

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

SB0690/833899/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 690
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Waste–to–Energy" insert "and Refuse–Derived Fuel"; in line 4, after "waste–to–energy" insert "and refuse–derived fuel"; in line 5, after "that" insert "a Tier 1 source using"; in the same line, after "waste–to–energy" insert "or refuse–derived fuel"; and in line 7, after "waste–to–energy" insert ", refuse–derived fuel,".

AMENDMENT NO. 2

On page 2, in line 18, strike "**AND**"; and in line 19, after "**WASTE–TO–ENERGY**" insert "**; AND**

(11) REFUSE–DERIVED FUEL".

On page 3, in line 32, strike "**AND**"; and in the same line, after "**(10)**", insert "**, OR (11)**".

The preceding 2 amendments were read and concurred in.

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

The motion was rejected by a roll call vote as follows:

Affirmative – 11 Negative – 31 (See Roll Call No. 1206)

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

Affirmative – 24 Negative – 20 (See Roll Call No. 1207)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #41

AMENDED IN THE HOUSE

Senate Bill 421 – Senators Edwards and Middleton

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

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

SB0421/430014/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 421
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "funds;" insert "authorizing a local government to use a certain amount of certain funds only for certain purposes;".

AMENDMENT NO. 2

On page 2, after line 20, insert:

"**(IV) IF A COUNTY QUALIFIES FOR THE ADDITIONAL FUNDS FOR DEVELOPMENT PROJECTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, 25% OF THE FUNDS MAY BE USED ONLY FOR:**

1. LAND ACQUISITION;

2. REPAIR OR RENOVATION OF EXISTING RECREATIONAL FACILITIES OR STRUCTURES; OR

3. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, CAPITAL RENEWAL.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1208)

AMENDED IN THE HOUSE

Senate Bill 487 – Senators Middleton ~~and Frosh~~, Frosh, Young, Conway, Pinsky, Simonaire, Benson, Rosapepe, Ferguson, Montgomery, and Jennings

AN ACT concerning

Fertilizer Use Act of 2011

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

SB0487/250418/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 487
(Third Reading File Bill)

On page 13, in line 15, strike "**AND**" and substitute "**OR**".

On page 21, in line 4, strike "**AND**" and substitute "**OR**".

On page 22, in line 31, strike the first comma and substitute "**AND**"; and in the same line, strike "**, AND (5)**".

On page 23, in line 8, strike "**OR**" and substitute "**AND**"; and in line 9, strike "**JULY**" and substitute "**OCTOBER**".

On page 24, strike in their entirety lines 1 through 6, inclusive.

On page 26, strike beginning with the colon in line 9 down through "**A**" in line 10 and substitute "**, A**"; in lines 12, 17, and 21, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; in line 21, strike "**; AND**" and substitute a period; and strike in their entirety lines 22 through 26, inclusive.

The preceding amendment was read and concurred in.

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

Affirmative – 37 Negative – 7 (See Roll Call No. 1209)

AMENDED IN THE HOUSE

Senate Bill 607 – Senator Conway

AN ACT concerning

Agriculture – Waste Kitchen Grease

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

SB0607/170016/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 607
(Third Reading File Bill)

On page 3, in line 12, strike "**(1)**".

On page 6, in line 27, strike "**AND PENALTIES**".

The preceding amendment was read and concurred in.

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

Affirmative – 42 Negative – 3 (See Roll Call No. 1210)

AMENDED IN THE HOUSE

Senate Bill 639 – Senators Benson, Astle, Colburn, Madaleno, Montgomery, Raskin, Shank, and Stone

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

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

SB0639/970315/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 639
(Third Reading File Bill)

On page 2, in line 19, after the semicolon insert "and"; strike in their entirety lines 20 through 22, inclusive; in line 23, strike "(xiii)" and substitute "(xi)"; and in line 27, strike "Agriculture" and substitute "Legislative Services".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1211)

AMENDED IN THE HOUSE

Senate Bill 644 – Senators Ferguson and Madaleno

AN ACT concerning

Joint Committee on Transparency and Open Government Act

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

SB0644/486884/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "State Government – Transparency and Open Government"; in line 11, after "year;" insert "providing that a

public body need not prepare written minutes of an open meeting under certain circumstances; specifying that certain information shall be deemed the minutes of a certain session; clarifying provisions regarding the minutes of certain meetings of a public body; altering a provision that requires a public body to keep a copy of certain tape recordings;"; in line 12, after "Government" insert "and minutes of meetings of a public body"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 10–509
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 5, after line 10, insert:

"10–509.

(a) This section does not:

(1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or

(2) limit the matters that a public body may include in its minutes.

(b) **(1) [**As**] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AS** soon as practicable after a public body meets, it shall have written minutes of its session prepared.

(2) A PUBLIC BODY NEED NOT PREPARE WRITTEN MINUTES OF AN OPEN SESSION:

(I) IF LIVE AND ARCHIVED VIDEO OR AUDIO STREAMING OF THE OPEN SESSION IS AVAILABLE; OR

(II) IF THE PUBLIC BODY VOTES AND THE INDIVIDUAL VOTES TAKEN BY EACH MEMBER OF THE PUBLIC BODY WHO PARTICIPATES IN THE VOTING ARE POSTED PROMPTLY ON THE INTERNET.

(3) THE INFORMATION SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DEEMED THE MINUTES OF THE OPEN SESSION.

(c) (1) The **WRITTEN** minutes shall reflect:

(i) each item that the public body considered;

(ii) the action that the public body took on each item; and

(iii) each vote that was recorded.

(2) If a public body meets in closed session, the **WRITTEN** minutes for its next open session shall include:

(i) a statement of the time, place, and purpose of the closed session;

(ii) a record of the vote of each member as to closing the session;

(iii) a citation of the authority under this subtitle for closing the session; and

(iv) a listing of the topics of discussion, persons present, and each action taken during the session.

(3) (i) A session may be tape recorded by a public body.

(ii) Except as otherwise provided in paragraph (4) of this subsection, the **WRITTEN** minutes and any tape recording of a closed session shall be sealed and may not be open to public inspection.

(4) The **WRITTEN** minutes and any tape recording shall be unsealed and open to inspection as follows:

(i) for a meeting closed under § 10–508(a)(5) of this subtitle, when the public body invests the funds;

(ii) for a meeting closed under § 10–508(a)(6) of this subtitle, when the public securities being discussed have been marketed; or

(iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the **WRITTEN** minutes and any tape recording.

(d) Except as provided in subsection (c) of this section, **WRITTEN** minutes of a public body are public records and shall be open to public inspection during ordinary business hours.

(e) A public body shall keep a copy of the **WRITTEN** minutes of each session and any tape recording made under **[**subsection**]** **SUBSECTIONS (B)(2) OR** (c)(3)(i) of this section for at least 1 year after the date of the session.".

AMENDMENT NO. 3

On page 5, in line 12, strike "October" and substitute "June".

The preceding 3 amendments were read and concurred in.

SB0644/686989/2

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 644, AS AMENDED

On page 2 of the Health and Government Operations Committee Amendments (SB0644/486884/1), in line 8 of Amendment No. 2, after "**VOTES**" insert "**ON LEGISLATION**".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1212)

AMENDED IN THE HOUSE

Senate Bill 961 – Senator Garagiola

AN ACT concerning

State Vehicle Fleet – Use of Biofuels

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

SB0961/926686/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 961
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Fleet" insert "and Gasoline Service Facilities"; in the same line, after "Use" insert "and Selling"; in line 8, after "circumstances;" insert "repealing certain requirements regarding the leasing of gasoline service stations located on the John F. Kennedy Memorial Highway; authorizing the Maryland Transportation Authority to require a gasoline service facility located on the John F. Kennedy Memorial Highway to sell a blend of fuel containing at least a certain percentage of biodiesel fuel or certain other biofuel;"; and after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–404
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 23, insert:

"Article – Transportation

4–404.

(a) The Authority shall construct any gasoline service facilities that it finds to be needed on the John F. Kennedy Memorial Highway.

[(b) (1) To give users of the highway a reasonable choice of motor fuels manufactured, produced, or marketed by different companies, at a reasonable price,

each gasoline service station shall be offered for lease in accordance with Division II of the State Finance and Procurement Article and this section.

(2) To promote competition and prevent monopolies, a sufficient number of gasoline service stations operated by at least 2 different companies may be established among the service areas along the highway.

(3) One person may not be awarded a lease for or have the use of more than one half of the total number of service stations on the entire highway, and 1 supplier, distributor, or retailer of motor fuel may not have the right to market fuel identified by its trademark, trade name, or brand at more than one half of the total number of service stations on the entire highway.**]**

(B) THE AUTHORITY MAY REQUIRE A GASOLINE SERVICE FACILITY LOCATED ON THE JOHN F. KENNEDY MEMORIAL HIGHWAY TO SELL A BLEND OF FUEL THAT IS AT LEAST 5% BIODIESEL FUEL OR OTHER BIOFUEL APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A FUEL OR FUEL ADDITIVE OR APPROVED UNDER THE EPA RENEWABLE FUELS STANDARD 2 PROGRAM.

(c) The Authority shall regulate the prices of fuel products sold on the highway to the extent necessary to achieve reasonable costs to patrons.

(d) The lessee of any service station established under this section shall accept in payment for products sold and services rendered those credit cards that the Authority directs.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1213)

CONCURRENCE CALENDAR #43

MESSAGE TO THE SENATE

BILL: **SB 0221**
SPONSOR: Sen Conway

SUBJECT: Environment – Decabrominated Diphenyl Ether – Trace Amounts

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments and respectfully requests the Senate to reconsider and concur. Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Frush, Chairman
Delegate Vitale, and
Delegate S. Robinson.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

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

SB0221/890910/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 221
(Third Reading File Bill)

On page 2, in lines 20 and 21, strike "**OF THE PRODUCT AS A WHOLE**"; and in line 28, strike "**OF THE PRODUCT AS A WHOLE**".

On page 3, in lines 5 and 6, strike "**OF THE PRODUCT AS A WHOLE**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1214)

THE COMMITTEE ON FINANCE REPORT #35

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 683 – Delegates Jones, Burns, and Nathan–Pulliam

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining ~~and Representation Fees~~ Units

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 1130 – Delegates Hucker, Barkley, Feldman, and McHale

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #42

AMENDED IN THE HOUSE

Senate Bill 952 – Senator Ramirez

AN ACT concerning

Prince George's County ~~– Bladensburg~~ – Alcoholic Beverages – Development District Licenses and Board of License Commissioners Employees

Senator Conway moved that the Senate not concur in the House amendments.

SB0952/463693/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 952
(Third Reading File Bill)

On page 1, in line 2, after "County" insert "– Bladensburg"; in line 3, strike "and Board of License Commissioners Employees"; strike beginning with "altering" in line 11 down through "circumstances;" in line 13; in line 14, strike "and employees of the Board of License Commissioners of"; in line 18, strike the first comma and substitute "and"; and in the same line, strike ", and 15–112(r)(4)".

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 3 on page 2, inclusive.

On page 3, strike in their entirety lines 7 through 22, inclusive.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0952**
SPONSOR: Sen Ramirez
SUBJECT: Prince George's Co – Alc Bevs – Dev District Licenses and Bd of License Commissioners Employees

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON FINANCE REPORT #33

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 83 – ~~Delegate K. Kelly~~ Delegates K. Kelly, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Ambulance Service Providers – Direct Reimbursement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 154 – Delegate Krebs

AN ACT concerning

Unemployment Insurance – Religious Organizations – Disclosure of Exemption from Covered Employment

Favorable report adopted.

Senator Muse moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 1121 – Delegate McHale

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy, Refuse–Derived Fuel, and Small Hydroelectric Power Plants

HB1121/667578/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1121

(Third Reading File Bill)

On page 1, in line 2, strike the first comma and substitute "and"; strike beginning with ", and" in line 2 down through "Plants" in line 3; in line 7, strike the first comma and substitute "or"; in lines 7 and 8, strike ", or certain small hydroelectric power plants"; and in lines 10 and 11, strike "small hydroelectric power plants,".

On page 4, in line 4, strike "**(8),**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 1181 – ~~**Delegate Braveboy**~~ **Delegates Braveboy and Stifler**

AN ACT concerning

~~**Real Estate Appraisal Management Companies – Registration and Regulation**~~ **State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies**

HB1181/277074/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1181
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 33, after "board;" insert "requiring the referral of certain matters to the appraisal management company hearing board;".

On page 3, in line 2, after "unspent" insert "and unencumbered"; in line 14, strike "16–5B–19" and substitute "16–5B–18"; and in line 21, after "16–202," insert "16–211(a),".

AMENDMENT NO. 2

On page 6, after line 7, insert:

"16–211.

(a) The Commission shall refer to the Hearing Board for a hearing any matter for which a hearing may be required under § 16–701**, [**or**]** § 16–701.1**, OR § 16–701.2** of this title.".

On page 19, in line 27, strike "**ON**".

On page 25, strike in their entirety lines 28 through 32, inclusive.

On page 30, in line 1, after "**UNSPENT**" insert "**AND UNENCUMBERED**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Astle moved, duly seconded, to put **House Bill 1181** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1181** on Third Reading and Final Passage.

House Bill 1181 – ~~**Delegate Braveboy**~~ **Delegates Braveboy and Stifler**

AN ACT concerning

~~**Real Estate Appraisal Management Companies – Registration and Regulation**~~ **State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 39 Negative – 1 (See Roll Call No. 1215)

The Bill was then sent to the House of Delegates.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 1228 – **The Speaker (By Request – Administration)**

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 1229 – **The Speaker (By Request – Administration)**

AN ACT concerning

Prescription Drug Monitoring Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 1338 – ~~**Delegate Kipke**~~ **Delegates Kipke, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, and Tarrant**

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – ~~Contracts, Disclosures, and Audits~~ Claims

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **HB 0054**
SPONSOR: Del Hubbard
SUBJECT: Environment – Decabrominated Diphenyl Ether – Trace Amounts

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Frush, Chairman
Delegate S. Robinson, and
Delegate Vitale.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Conway moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

HB0054/154832/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 54
(Third Reading File Bill)

On page 2, in lines 20 and 27, in each instance, after "**MASS**" insert "**OF THE PRODUCT AS A WHOLE**".

On page 3, in line 5, after "**MASS**" insert "**OF THE PRODUCT AS A WHOLE**".

The Senate receded on the preceding amendment and the amendment was withdrawn.

House Bill 54 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1216)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0054**
SPONSOR: Del Hubbard
SUBJECT: Environment – Decabrominated Diphenyl Ether – Trace Amounts

The Senate recedes from its position on HB 0054.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #29

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 130 – Delegates Braveboy, Burns, Cane, Carr, Carter, Gaines, Howard, Pena–Melnyk, B. Robinson, Ross, V. Turner, Valderrama, Washington, ~~and Wilson~~ Wilson, and Glenn

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 178 – Delegates Alston, Anderson, Arora, Barnes, Braveboy, Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott, Mitchell, Oaks, Pena–Melnyk, Ross, Simmons, Smigiel, Stukes, Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

Senator Kittleman moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 741** SPONSOR: **Senator Pugh**

SUBJECT: **Commercial Law – Debt Settlement Services**

THIRD READING CALENDAR HOUSE NO. **15** SENATE NO. **54**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Economic Matters Committee Amendments (SB0741/773797/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0741/443920/1) be adopted.

SB0741/443920/1
BY: Conference Committee

AMENDMENTS TO SENATE BILL 741
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 19, after "date;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 12, in line 23, strike "**PARAGRAPHS (2) AND (3)**" and substitute "**PARAGRAPH (2)**"; in line 29, strike "**DIFFERENCE BETWEEN**" and substitute "**AMOUNT BY WHICH**"; and in the same line, strike "**AND**" and substitute "**EXCEEDS**".

On page 13, strike in their entirety lines 1 through 3, inclusive.

On page 16, in line 5, strike "**AN**" and substitute "**THE**"; in the same line, strike "**NOT LESS THAN**" and substitute "**OF**"; strike beginning with "**AT**" in line 5 down through "**FILED**" in line 6; and in line 22, strike "**APRIL 30**" and substitute "**MARCH 15 OF**".

On page 17, in lines 7 and 8, in each instance, strike "April 30" and substitute "March 15"; in line 8, strike "2015" and substitute "2014"; in line 20, strike the comma and substitute ":

1.";

in the same line, after the second "debt" insert "and the savings amount"; after line 20, insert:

"2. the amount of the debt settlement services fee charged to the consumer and how it was calculated; and

3. the amount of the debt settlement services fee that would have been charged if calculated based on:

A. 30% of the excess of the principal amount of the debt over the amount paid to settle the debt, up to 20% of the principal amount of the total debt; and

B. 25% of the principal amount of the total debt;";

and in line 21, after "of" insert "debt settlement services".

On page 18, in line 7, strike "and"; in line 9, after "period" insert ";

(6) a profit and loss statement of debt settlement services provided to Maryland consumers for the previous calendar year prepared by an independent certified public accountant in accordance with generally accepted accounting principles; and

(7) any other information the Commissioner reasonably requires";

in line 19, strike "the calculation of and" and substitute "a"; in line 19, strike the comma; strike in their entirety lines 20 through 22, inclusive, and substitute "would be beneficial to consumers and fair to the debt settlement services industry."; and in line 24, after "2011." insert "It shall remain effective for a period of 3 years and 9 months and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

Senate Members:		House Members:	
Chair,	**Thomas M. Middleton**	Chair,	**Michael L. Vaughn**
	Catherine E. Pugh		**Donna Stifler**
	Allan H. Kittleman		**Ben Barnes**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1217)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #46

AMENDED IN THE HOUSE

Senate Bill 740 – Senator Madaleno

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

Senator Conway moved that the Senate not concur in the House amendments.

SB0740/136080/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 740
(Third Reading File Bill)

On page 1, in line 11, strike "providing for the termination of this Act;".

On page 7, strike beginning with "It" in line 6 down through "effect." in line 8.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0740**
SPONSOR: Sen Madaleno
SUBJECT: State Government – Access to Public Records – Electronic Documents

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #45

AMENDED IN THE HOUSE

Senate Bill 994 – Senators Jones–Rodwell ~~and Madaleno~~, Madaleno, Currie, King, Manno, ~~and McFadden~~ McFadden, and Forehand

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – Supplementary Appropriation

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0994/595467/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 994
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 8 down through "purposes;" in line 9.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 22 down through "**2013,**" in line 27.

On page 3, in line 9, strike "$5,000,000" and substitute "$15,000,000"; strike in their entirely lines 10 through 14, inclusive; and in line 15, strike "4." and substitute "3.".

The preceding 2 amendments were read and concurred in.

SB0994/323322/1

BY: Delegate McConkey

AMENDMENTS TO SENATE BILL 994, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 7, after "Administration;" insert "providing that the appropriation provided under this Act shall have priority over any other appropriation from the additional revenues resulting from this Act that are credited to the General Fund for a certain fiscal year;".

AMENDMENT NO. 2

On page 3 of the bill, after line 9, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the appropriation provided under Section 2 of this Act shall have priority over any other appropriation for fiscal year 2012 from the additional revenues resulting from the increase in the sales and use tax rate for the sale of an alcoholic beverage as provided under this Act or any other Act of the General Assembly.".

In the Committee on Ways and Means Amendments (SB0994/595467/1), in line 5 of Amendment No. 2, strike "3." and substitute "4.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 26 Negative – 19 (See Roll Call No. 1218)

ADJOURNMENT

At 9:42 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 9:42 P.M. on Legislative Day April 8, 2011, Calendar Day, Monday, April 11, 2011.

Annapolis, Maryland
Legislative Day: April 8, 2011
Calendar Day: Monday, April 11, 2011
9:42 P.M. Session

The Senate met at 9:42 P.M.

Prayer by Reverend Greg St. Cyr.

The Journal of April 7, 2011 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Jennings and Pinsky be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 1219)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 230 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Haynes, Mitchell, B. Robinson, Stukes, and Washington

AN ACT concerning

Baltimore City – Education – Public School Facilities and Construction Bond Authority

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1220)

The Bill was then sent to the House of Delegates.

House Bill 869 – Delegates Hixson, Arora, Barkley, Barve, Feldman, Frick, Gilchrist, Kaiser, Luedtke, A. Miller, Reznik, and F. Turner

AN ACT concerning

Education – Maintenance of Effort – Penalty

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1221)

The Bill was then sent to the House of Delegates.

House Bill 1213 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – ~~Tax Rates~~ Supplementary Appropriation

FLOOR AMENDMENT

HB1213/263824/1
BY: Senator Getty

AMENDMENTS TO HOUSE BILL 1213
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "fund" in line 7 down through "improvements" in line 8 and substitute "provide additional funds for the State's contribution to the Teachers' Retirement System and the Teachers' Pension System".

AMENDMENT NO. 2

On page 2, strike line 31 in its entirety and substitute:

"R00A02.03 Aid for Local Employee Fringe Benefits".

On page 3, in line 3, strike "fund public school construction projects" and substitute "provide additional funds for the State's contribution to the Teachers' Retirement System and the Teachers' Pension System".

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 9 on page 4, inclusive.

On page 4, in line 10, strike "4." and substitute "3.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 12 Negative – 33 (See Roll Call No. 1222)

FLOOR AMENDMENT

HB1213/753329/1
BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 1213
(Third Reading File Bill)

On page 3, after line 11, insert:

"Allegany County .....$493,000";

in lines 12, 13, and 14, strike "$5,000,000", "$9,000,000", and "$7,000,000", respectively, and substitute "$4,261,000", "$4,548,000", and "$5,804,000", respectively; strike beginning with "Eastern" in line 15 down through "Counties)" in line 16 and substitute "Calvert County"; in line 16, strike "$1,250,000" and substitute "$947,000"; after line 16, insert:

"Caroline County $299,000

Carroll County $1,565,000

Cecil County $888,000

Charles County $1,502,000

Dorchester County $253,000

Frederick County.....$2,266,000

Garrett County $236,000

Harford County ……$2,175,000";

in line 17, strike "$4,000,000" and substitute "$2,889,000"; after line 17, insert:

"Kent County ……$118,000";

in line 18, strike "$9,000,000" and substitute "$8,122,000"; strike line 19 in its entirety; in line 20, strike "$9,000,000" and substitute "$6,931,000"; strike beginning with "Southern" in line 21 down through "$750,000" in line 23; and after line 23, insert:

"Queen Anne's County ……$433,000

St. Mary's County ……$951,000

Somerset County ……$156,000

Talbot County ……$246,000

Washington County ……$1,252,000

Wicomico County ……$800,000

Worcester County ……$365,000".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 28 (See Roll Call No. 1223)

FLOOR AMENDMENT

HB1213/753627/1
BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 1213
(Third Reading File Bill)

On page 4, in line 11, strike "July" and substitute "October".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 28 (See Roll Call No. 1224)

FLOOR AMENDMENT

HB1213/333326/1
BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1213
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the dash in line 2 down through "Appropriation" in line 3; strike beginning with "making" in line 6 down through "improvements" in line 8 and substitute "requiring the Comptroller to distribute certain revenue from the sales and use tax on the sale of an alcoholic beverage to a special fund, to be used only for certain purposes"; and strike beginning with "and" in line 9 down through "appropriation" in line 10.

AMENDMENT NO. 2

On page 2, in line 21, after "**(G)**" insert "**(1)**"; and after line 23, insert:

"**(2) NOTWITHSTANDING § 2–1303 OF THIS ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE THE REVENUE ATTRIBUTABLE TO A SALES AND USE TAX RATE IN EXCESS OF 6% ON THE SALE OF ALCOHOLIC BEVERAGES TO A SPECIAL FUND, TO BE USED ONLY AS FOLLOWS:**

(I) 50% TO SUPPORT SERVICES TO INDIVIDUALS WHO ARE ON THE DEVELOPMENTAL DISABILITIES ADMINISTRATION WAITING LIST AND ARE ELIGIBLE FOR, BUT NOT RECEIVING, SERVICES FROM THE ADMINISTRATION; AND

(II) 50% TO SUPPORT COMMUNITY–BASED PROGRAMS FOR THE TREATMENT AND PREVENTION OF MENTAL ILLNESSES IN CHILDREN AND ADULTS, INCLUDING TREATMENT FOR THOSE WITH CO–OCCURRING SUBSTANCE USE AND MENTAL HEALTH DISORDERS.".

On pages 2 through 4, strike in their entirety the lines beginning with line 24 on page 2 through line 9 on page 4, inclusive.

On page 4, in line 10, strike "4." and substitute "2.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 1225)

Senator Getty moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 1312 – Delegate Griffith

AN ACT concerning

State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1226)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **HB 0897**
SPONSOR: Del Murphy, et al
SUBJECT: Engine Coolant and Antifreeze Bittering Agent Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Frush, Chairman
Delegate O'Donnell, and
Delegate Stein.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0897**
SPONSOR: Del Murphy, et al
SUBJECT: Engine Coolant and Antifreeze Bittering Agent Act

The Senate does not recede in the Senate amendments.

The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **SB 0124**
SPONSOR: Sen Astle, et al
SUBJECT: Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags

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 Reilly, Chair
Senator Young

Senator Montgomery

The House appoints:
Delegate Tarrant, Chairman
Delegate Kipke, and
Delegate Oaks.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0484**
SPONSOR: Sen King, et al
SUBJECT: Counties and Municipal Corporations – Direct Deposit of Wages

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Garagiola, Chair
Senator Kittleman
Senator Kelley

The House appoints:
Delegate Feldman, Chairman
Delegate Braveboy, and
Delegate Hershey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0692**
SPONSOR: Sen Middleton and the Pres (Admin), et al
SUBJECT: Maryland Electricity Service Quality and Reliability Act – Safety Violations

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Middleton, Chair
Senator Garagiola
Senator Kittleman

The House appoints:
Delegate McHale, Chairman
Delegate Haddaway–Riccio, and
Delegate W. Miller.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

THE COMMITTEE ON FINANCE REPORT #34

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 391 – Delegate Feldman and the Speaker (By Request – Administration) and Delegates Arora, Barkley, Barve, Cane, Carr, Conaway, Cullison, DeBoy, Dumais, Frick, Frush, Gilchrist, Gutierrez, Healey, Hixson, Hucker, Ivey, Kaiser, A. Kelly, Kipke, Kramer, Lafferty, Lee, Luedtke, McMillan, A. Miller, Mizeur, Pendergrass, Reznik,

B. Robinson, S. Robinson, Simmons, Summers, F. Turner, V. Turner, Waldstreicher, Washington, and Zucker

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act – Safety Violations

HB0391/397476/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 391
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, after "impose" insert "a"; in the same line, strike "penalties" and substitute "penalty"; in lines 3 and 4, strike "on or after a certain date"; in line 11, after "company;" insert "altering the maximum daily civil penalty that may be imposed on a public service company for certain violations;"; strike beginning with "providing" in line 18 down through "cooperatives;" in line 21; in line 22, after "recommendations;" insert "providing that this Act may not be construed to limit the Commission's authority to impose penalties for certain violations;"; and in line 23, after "electricity" insert "safety and".

AMENDMENT NO. 2

On page 5, in lines 27 and 28, strike "**, ON OR AFTER JULY 1, 2014,**".

On page 6, in line 28, strike "**AND**"; in line 30, after "**TIME**" insert "**; AND**

6. TO THE EXTENT PRACTICABLE, A BREAKDOWN, BY THE NUMBER OF DAYS EACH CUSTOMER WAS WITHOUT ELECTRIC SERVICE, OF THE NUMBER OF CUSTOMERS THAT EXPERIENCED AN OUTAGE".

On page 7, in line 17, strike "$10,000" and substitute "**$25,000**".

On page 8, in line 15, strike "**$10,000**" and substitute "**$25,000**".

On page 9, after line 3, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Public Service Commission shall:

(1) review current regulations, tariffs, or standards relating to electric company responsibility for customer damages caused by electrical surges and assess the feasibility of obtaining information from electric companies regarding the extent of electrical surges and customer damages that result from electrical surges;

(2) study the feasibility of incorporating an electric company's service restoration plan into the electric company's reliability plan;

(3) study and consider whether to prohibit an electric company from calculating the rate charged by the electric company using a formula that decouples the electric company's revenue from the sale of kilowatt–hours unless the formula provides for the suspension of decoupling during any extended service disruption; and

(4) on or before January 1, 2012, report its findings to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.";

after line 6, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed as limiting the authority of the Public Service Commission to impose penalties for violations of law or regulation in existence before the effective date of this Act.";

and in lines 4 and 7, strike "2." and "3.", respectively, and substitute "3." and "5.", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 391** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 391** on Third Reading and Final Passage.

House Bill 391 – Delegate Feldman and the Speaker (By Request – Administration) and Delegates Arora, Barkley, Barve, Cane, Carr, Conaway, Cullison, DeBoy, Dumais, Frick, Frush, Gilchrist, Gutierrez, Healey, Hixson, Hucker, Ivey, Kaiser, A. Kelly, Kipke, Kramer, Lafferty, Lee, Luedtke, McMillan, A. Miller, Mizeur, Pendergrass, Reznik, B. Robinson, S. Robinson, Simmons, Summers, F. Turner, V. Turner, Waldstreicher, Washington, and Zucker

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act – Safety Violations

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1227)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #47

AMENDED IN THE HOUSE

Senate Bill 672 – ~~**Senator Kasemeyer**~~ **Senators Kasemeyer, Brinkley, Colburn, Currie, DeGrange, Edwards, Jones–Rodwell, King, Klausmeier, Madaleno, Manno, McFadden, Peters, and Robey**

AN ACT concerning

~~**Income Tax –**~~ **Maryland Film Production** ~~**Activity Credit**~~ **Employment Act of 2011**

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0672/675860/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 672
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, after "Act;" insert "providing for the termination of certain provisions of this Act;".

AMENDMENT NO. 2

On page 10, in line 13, strike "**$1,000,000**" and substitute "**$500,000**".

AMENDMENT NO. 3

On page 12, in line 21, strike "**$15,000,000**" and substitute "**$7,500,000**"; and in line 24, strike "**$15,000,000**" and substitute "**$7,500,000**".

AMENDMENT NO. 4

On page 13, strike in their entirety lines 1 through 3, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That § 10–729 of the Tax – General Article as enacted by this Act shall take effect July 1, 2011, and shall be applicable to all taxable years beginning after December 31, 2010. Section 10–729 of the Tax – General Article as enacted by this Act shall remain effective for a period of 3 years and, at the end of July 1, 2014, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. The Secretary of Business and Economic Development may not issue credit certificates under § 10–729 of the Tax – General Article for any fiscal year beginning on or after July 1, 2014.".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1228)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 1213 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – ~~Tax Rates~~ Supplementary Appropriation

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB1213/153720/1
BY: Senator Getty

AMENDMENTS TO HOUSE BILL 1213
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 8, strike "the following counties or regions as provided below" and substitute "the counties in accordance with the Interagency Committee on School Construction priority list".

AMENDMENT NO. 2

On page 3, strike beginning with the colon in line 11 down through "$750,000" in line 23 substitute a period.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 31 (See Roll Call No. 1229)

Read the third time and passed by yeas and nays as follows:

Affirmative – 26 Negative – 19 (See Roll Call No. 1230)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **SB 0327**
SPONSOR: Sen Forehand, et al
SUBJECT: Human Trafficking Victim Protection Act

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 Forehand, Chair
Senator Zirkin
Senator Raskin

The House appoints:
Delegate Dumais, Chairman
Delegate Lee, and
Delegate McDermott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #44

AMENDED IN THE HOUSE

Senate Bill 248 – Senators Raskin, Astle, Benson, Brinkley, Brochin, Colburn, Dyson, Forehand, Frosh, Garagiola, Getty, Glassman, Jacobs, Jennings, Jones–Rodwell, Kasemeyer, Kelley, King, Kittleman, Madaleno, Manno, Montgomery, Muse, Pinsky, Pipkin, Pugh, Ramirez, Reilly, Robey, Shank, Young, and Zirkin

AN ACT concerning

Alcoholic Beverages – Direct Wine ~~Shipper's Permit~~ Shipment

Senator Conway moved that the Senate concur in the House amendment.

SB0248/173490/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 248
(Third Reading File Bill)

On page 1, in line 15, strike "any one consumer or" and substitute "a single".

On page 6, in line 10, strike "**(2)**" and substitute "**(3)**".

On page 7, in line 28, after "**ITS**" insert "**DIRECT WINE SHIPPER'S**".

On page 9, in line 14, after "**A**" insert "**VALID**"; and in line 15, strike "**LICENSE**" and substitute "**PERMIT**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1231)

AMENDED IN THE HOUSE

Senate Bill 397 – Senator Klausmeier

AN ACT concerning

Task Force on the ~~Method of Selecting~~ Membership and Operation of the Baltimore County Board of Education

Senator Conway moved that the Senate concur in the House amendments.

SB0397/805268/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 397
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "meetings" insert "in certain locations"; and in line 13, after "on" insert "or".

AMENDMENT NO. 2

On page 3, in line 8, strike "one public meeting that allows" and substitute "three public meetings in geographically diverse areas of Baltimore County that allow".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 1232)

AMENDED IN THE HOUSE

Senate Bill 476 – Senator Benson

AN ACT concerning

~~Counselors Home Study – Online Study~~
Professional Counselors and Therapists – Continuing Education – Home Study

Senator Conway moved that the Senate concur in the House amendment.

SB0476/546982/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 476
(Third Reading File Bill)

On page 1, in line 6, strike "Counselor" and substitute "Counselors".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1233)

AMENDED IN THE HOUSE

Senate Bill 489 – Senators Conway, Ferguson, Forehand, Frosh, Gladden, Kelley, Klausmeier, Madaleno, Montgomery, Pugh, and Young

AN ACT concerning

Nonpublic Schools ~~Accepting State Funds~~ That Participate in State Programs – Bullying, Harassment, and Intimidation – Policies

Senator Conway moved that the Senate concur in the House amendments.

SB0489/295863/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 489
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "That Participate in State" and substitute "Participating in State–funded Education"; in line 5, strike "State" and substitute "State–funded education"; in line 14, after "intimidation" insert ", or to require a certain statewide policy"; and in line 16, strike "State" and substitute "State–funded education".

AMENDMENT NO. 2

On page 3, in line 5, strike "**STATE**" and substitute "**STATE–FUNDED EDUCATION**".

On page 5, in line 3, after "**TO**" insert "**:**

(1)";

in line 4, strike "**LIMIT**" and substitute "**LIMIT**"; and in line 5, after "**INTIMIDATION**" insert "**; OR**

(2) REQUIRE A STATEWIDE POLICY IN NONPUBLIC SCHOOLS RELATING TO BULLYING, HARASSMENT, AND INTIMIDATION".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1234)

AMENDED IN THE HOUSE

Senate Bill 687 – Senator Peters

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Individuals in Business Occupations and Professions

Senator Conway moved that the Senate concur in the House amendment.

SB0687/843529/1

BY: Delegate Valentino–Smith

AMENDMENT TO SENATE BILL 687

(Third Reading File Bill)

On page 4, in lines 8 and 10, in each instance, after "**PERMIT**" insert "**RECIPROCAL**"; and in lines 8 and 10, in each instance, strike "**BY ENDORSEMENT**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1235)

AMENDED IN THE HOUSE

Senate Bill 771 – Senators Conway, Colburn, Currie, Ferguson, Forehand, Frosh, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Pinsky, Pugh, Ramirez, Raskin, Young, ~~and Zirkin~~ Zirkin, Benson, and Dyson

AN ACT concerning

Education – ~~Student–Athletes~~ Public Schools and Youth Sports Programs – Concussions

Senator Conway moved that the Senate concur in the House amendments.

SB0771/415965/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 771

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 9, strike "a"; and in line 10, strike "sheet".

AMENDMENT NO. 2

On page 5, in line 14, strike "**ANY**"; and in line 18, strike "**BY**" and substitute "**FROM**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1236)

AMENDED IN THE HOUSE

Senate Bill 772 – Senator Conway

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

Senator Conway moved that the Senate concur in the House amendment.

SB0772/325867/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 772
(Third Reading File Bill)

On page 2, in line 5, strike "four" and substitute "five"; in line 6, strike "one of whom represents" and substitute "three appointed by"; in line 7, strike "and one of whom represents" and substitute ", one appointed by"; in the same line, after "Teachers," insert "AFL–CIO, and one"; in line 12, strike "and"; and in line 13, after "(9)" insert "the Secretary of the Maryland Department of Disabilities, or the Secretary's designee; and

(10)".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1237)

AMENDED IN THE HOUSE

Senate Bill 845 – Senator Dyson

AN ACT concerning

~~Health Occupations –~~ Pharmacists – Administration of Vaccinations~~,~~ ~~Epinephrine, and Diphenhydramine~~ – Children

Senator Conway moved that the Senate concur in the House amendment.

SB0845/516283/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 845
(Third Reading File Bill)

On page 2, in line 5, strike "**7**" and substitute "**9**"; and in line 33, strike "**AN INDIVIDUAL 7**" and substitute "**INDIVIDUALS WHO ARE FROM 9**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1238)

AMENDED IN THE HOUSE

Senate Bill 925 – Senator Conway

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

Senator Conway moved that the Senate concur in the House amendments.

SB0925/106787/1
BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 925
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "certain" and substitute "large"; strike beginning with "specifying" in line 5 down through "times;" in line 7 and substitute "providing that, in a large family child care home, there may not be more than a certain number of children in certain care at certain times, and there shall be a limit on the number of children under a specified age and an adult to child ratio that comply with certain regulations; making certain requirements of law that apply to family child care homes applicable to large family child care homes;"; in line 9, after "circumstances;" insert "requiring the Department to adopt certain regulations on or before a certain date;"; in lines 9 and 10, strike "defining certain terms" and substitute "altering certain definitions"; in line 11, after "Code;" insert "providing for a delayed effective date for certain provisions of this Act;"; in the same line, after the second "to" insert "family child care and large"; in line 14, strike the third comma and substitute "and"; in the same line, strike the fourth comma and substitute a semicolon; and in line 17, strike "(d), 5–559.5(b)," and substitute "(d), and 5–559.5(b) to be under the amended part "Part V. Family Child Care Homes and Large Family Child Care Homes"; and".

AMENDMENT NO. 2

On page 5, in line 2, after the second comma insert "**LARGE FAMILY CHILD CARE HOMES,**"; after line 3, insert:

"Part V. Family **[**Day**]** **CHILD** Care Homes **AND LARGE FAMILY CHILD CARE HOMES**.";

in line 8, strike "no more than eight"; in the same line, strike "day" and substitute "**CHILD**"; in the same line, after "home" insert "**OR A REGISTERED LARGE FAMILY CHILD CARE HOME**"; and in lines 11, 12, 15, 20, and 21, in each instance, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**".

On page 6, in line 10, after "home" insert "**, LARGE FAMILY CHILD CARE HOME,**"; in lines 25 and 28, in each instance, after "home" insert "**AND LARGE**

FAMILY CHILD CARE HOME"; and in line 32, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**".

On page 7, in lines 2 and 6, in each instance, after "home" insert "**, LARGE FAMILY CHILD CARE HOME,**"; in lines 4, 15, 16, 20, and 22, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**"; and in lines 18, 24, 27, 28, and 30, in each instance, after "home's" insert "**OR LARGE FAMILY CHILD CARE HOME'S**".

On page 8, in lines 3, 18, and 28, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**"; in line 25, strike "**STATE**"; and in line 27, after "home" insert "**, LARGE FAMILY CHILD CARE HOME,**".

AMENDMENT NO. 3

On page 9, in line 23, after "**BE**" insert "**A LIMIT ON THE NUMBER OF CHILDREN UNDER THE AGE OF 2 YEARS AND**"; in line 24, strike "**COMPLIES**" and substitute "**COMPLY**"; in the same line, after "**DEPARTMENT**" insert "**UNDER § 5–551 OF THIS PART V OF THIS SUBTITLE**"; and in lines 26 and 28, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**".

On page 10, in line 25, after "the" insert "**UNREGISTERED**"; and in line 31, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**".

On page 11, in lines 10, 14, 17, and 18, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**".

On page 13, in lines 1, 6, 13, and 17, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**".

AMENDMENT NO. 4

On page 16, after line 29, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2012, the State Department of Education shall adopt regulations that relate to the registration of large family child care homes, as required under § 5–551(a) of the Family Law Article, as enacted by Section 1 of this Act.".

On page 17, in lines 1 and 5, strike "2." and "3.", respectively, and substitute "3." and "5.", respectively; in line 2, after "Code" insert ", in consultation with and subject to the approval of the Department of Legislative Services,"; in the same line, strike "reference" and substitute "references"; in line 3, after "care"" insert ", "family day care home" to be "family child care home", and "day care provider" to be "child care provider",,"; after line 4, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this Act shall take effect January 1, 2012.";

in line 5, after "That" insert ", except as provided in Section 4 of this Act,"; and in line 6, strike "October" and substitute "July".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1239)

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 244** SPONSOR: **Senator Pugh**

SUBJECT: **Public Service Commission – Customer Education on Customer Choice**

THIRD READING CALENDAR HOUSE NO. **15** SENATE NO. **51**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Amendments (SB0244/973520/1) by Delegate Davis be rejected.

Senate Members:	House Members:
Chair, **Thomas M. Middleton**	Chair, **Dereck E. Davis**
Catherine E. Pugh	**Sally Jameson**

Allan H. Kittleman **Warren E. Miller**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 41 Negative – 4 (See Roll Call No. 1240)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 908** SPONSOR: **Delegate Stein**

SUBJECT: **Motor Vehicles – Leased Vehicles – Advertising Practices**

THIRD READING CALENDAR HOUSE NO. **14** SENATE NO. **40**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Finance Committee Amendments (HB0908/707772/1) be rejected.

Senate Members: House Members:

Chair, **John C. Astle** Chair, **Dana Stein**

Barry Glassman **James E. Malone, Jr.**

Delores G. Kelley **H. Wayne Norman, Jr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1241)

The Bill was then sent to the House of Delegates.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #47

House Bill 83 – ~~**Delegate K. Kelly**~~ **Delegates K. Kelly, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner**

AN ACT concerning

Health Insurance – Ambulance Service Providers – Direct Reimbursement

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1242)

The Bill was then sent to the House of Delegates.

House Bill 130 – **Delegates Braveboy, Burns, Cane, Carr, Carter, Gaines, Howard, Pena–Melnyk, B. Robinson, Ross, V. Turner, Valderrama, Washington,** ~~**and Wilson**~~ **Wilson, and Glenn**

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops

Read the third time and passed by yeas and nays as follows:

Affirmative – 35 Negative – 10 (See Roll Call No. 1243)

The Bill was then sent to the House of Delegates.

House Bill 683 – Delegates Jones, Burns, and Nathan–Pulliam

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining ~~and Representation Fees~~ Units

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 1244)

The Bill was then sent to the House of Delegates.

House Bill 1121 – Delegate McHale

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy, Refuse–Derived Fuel, and Small Hydroelectric Power Plants

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 14 (See Roll Call No. 1245)

The Bill was then sent to the House of Delegates.

House Bill 1130 – Delegates Hucker, Barkley, Feldman, and McHale

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

Read the third time and passed by yeas and nays as follows:

Affirmative – 33 Negative – 12 (See Roll Call No. 1246)

The Bill was then sent to the House of Delegates.

House Bill 1228 – The Speaker (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

Read the third time and passed by yeas and nays as follows:

Affirmative – 38 Negative – 7 (See Roll Call No. 1247)

The Bill was then sent to the House of Delegates.

House Bill 1229 – The Speaker (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1248)

The Bill was then sent to the House of Delegates.

House Bill 1338 – ~~Delegate Kipke~~ Delegates Kipke, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, and Tarrant

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – ~~Contracts, Disclosures, and Audits~~ Claims

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1249)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #62

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 27 – Delegate O'Donnell

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

HB0027/354034/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 27
(Third Reading File Bill)

On page 2, in lines 13 and 25, strike "**FOR 1 YEAR**" and "**FOR 1 YEAR**", respectively, and substitute "**UNTIL THE CONCLUSION OF THE NEXT REGULAR SESSION THAT BEGINS**".

The preceding amendment was read only.

Senator Conway moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today's business.

The motion was adopted.

RECESS

At 11:01 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 11:10 P.M. on Legislative Day, April 8, 2011, Calendar Day, Monday, April 11, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 8, 2011
Calendar Day: Monday, April 11, 2011

At 11:18 P.M. the Senate resumed its session.

On motion of Senator Garagiola it was ordered that Senators Jennings and Pinsky be excused from today's session.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #27

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation and Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 1039 – The Speaker (By Request – Administration)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

HB1039/269634/1
BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1039
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "licensees;" insert "altering the conditions under which a certain licensee us required to take certain actions in connection with the Bowie Training Center; providing the State with the right of first refusal when a certain training center is no longer required to operate as a certain training center; providing the City of Bowie with the right of second refusal when a certain training center is no longer required to operate as a certain training center; providing that a certain grantee is not required to operate a certain training center as a training facility; requiring certain persons to reach a certain agreement on or before a certain date as a condition of eligibility for certain funding; providing for eligibility for certain funds under certain circumstances; requiring the Secretary of Labor, Licensing, and Regulation to conduct a certain mediation process; requiring certain parties to consent

to a certain arbitration process under certain circumstances; prohibiting certain mediation or arbitration processes under certain circumstances;"; strike beginning with "authorizing" in line 8 down through "licensee;" in line 11; and strike beginning with "and" in line 16 down through "Corporation" in line 17.

On page 2, in line 2, strike "an Oversight Commission on Racing" and substitute "a Thoroughbred Racing Sustainability Task Force"; strike beginning with "Oversight" in line 3 down through "recommendations" in line 5 and substitute "Task Force; requiring the Task Force to submit a certain plan"; in line 5, strike "General Assembly" and substitute "Legislative Policy Committee"; strike beginning with "requiring" in line 6 down through "date" in line 8 and substitute "authorizing the Legislative Policy Committee to provide comments to the Governor on a certain plan; prohibiting the Comptroller from distributing certain funds until the Governor approves a certain plan; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; defining certain terms"; in line 18, after "9–1A–01(x)" insert "and 9–1A–09A"; and strike in their entirety lines 26 through 31, inclusive.

AMENDMENT NO. 2

On page 6, in line 27, strike "If a video lottery operation license is issued to" and substitute "**(I) A RACING LICENSEE OF**"; in line 28, strike ", the video lottery operation licensee"; in line 29, strike "(i)" and substitute "**1.**"; strike beginning with "(ii)" in line 30 down through the comma in line 31 and substitute "**2.**"; in line 32, strike "to the State"; in the same line, strike "under Program Open Space"; after line 32 insert:

"**(II) 1. WHEN THE BOWIE TRAINING CENTER IS NO LONGER REQUIRED BY THE STATE TO BE OPERATED AS A THOROUGHBRED TRAINING FACILITY, THE STATE SHALL HAVE THE RIGHT OF FIRST REFUSAL AS GRANTEE FOR ANY CONVEYANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

2. THE CITY OF BOWIE SHALL HAVE THE SECOND RIGHT OF REFUSAL AS GRANTEE FOR ANY CONVEYANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3. A GRANTEE UNDER SUBSUBPARAGRAPH 1 OR 2 OF THIS SUBPARAGRAPH MAY NOT BE REQUIRED TO OPERATE THE BOWIE TRAINING CENTER AS A TRAINING FACILITY.

9–1A–09A.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "INTERTRACK BETTING" HAS THE MEANING STATED IN § 11–101 OF THE BUSINESS REGULATION ARTICLE.

(3) "PARI–MUTUEL BETTING" HAS THE MEANING STATED IN § 11–101 OF THE BUSINESS REGULATION ARTICLE.

(4) "PARTY" MEANS A:

(I) TRACK;

(II) GROUP THAT REPRESENTS A MAJORITY OF THE OWNERS AND TRAINERS WHO RACE HORSES AT EACH TRACK; AND

(III) GROUP THAT REPRESENTS A MAJORITY OF THE APPLICABLE BREEDERS IN THIS STATE.

(5) "SECRETARY" MEANS THE SECRETARY OF LABOR, LICENSING, AND REGULATION.

(6) "TRACK" HAS THE MEANING STATED IN § 11–101 OF THE BUSINESS REGULATION ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO THE RACECOURSE AT TIMONIUM.

(C) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, AS A CONDITION OF ELIGIBILITY FOR FUNDING UNDER §§ 9–1A–28

AND 9–1A–29 OF THIS SUBTITLE, AN AGREEMENT SHALL BE REACHED ON OR BEFORE JULY 1, 2011, BETWEEN THE PARTIES THROUGH AT LEAST DECEMBER 31, 2013, AS APPLICABLE, REGARDING THE SHARING OF REVENUES DERIVED FROM WAGERING ON SIMULCAST RACES AS SUCH ISSUES RELATE TO:

(1) THE INTERSTATE HORSERACING ACT OF 1978, 15 U.S.C. §§ 3001 THROUGH 3007;

(2) PARI–MUTUEL BETTING ON OUT–OF–STATE RACES UNDER § 11–804 OF THE BUSINESS REGULATION ARTICLE; AND

(3) INTERTRACK BETTING UNDER §§ 11–808 THROUGH 11–812 OF THE BUSINESS REGULATION ARTICLE.

(D) (1) IF AN AGREEMENT DESCRIBED IN SUBSECTION (C) IS NOT REACHED BY JULY 1, 2011, A POTENTIAL PARTY TO AN AGREEMENT SHALL BE ELIGIBLE FOR FUNDING UNDER §§ 9–1A–28 AND 9–1A–29 OF THIS SUBTITLE IF THE PARTY INDICATES TO THE SECRETARY, IN WRITING, ITS CONSENT TO PARTICIPATE IN THE PROCESS DESCRIBED IN THIS SUBSECTION.

(2) THE SECRETARY SHALL CONDUCT A MEDIATION BETWEEN THE PARTIES TO REACH A FAIR AND EQUITABLE SIMULCASTING AGREEMENT.

(3) IF, BY OCTOBER 1, 2011, THE PARTIES HAVE NOT REACHED AN AGREEMENT AFTER THE MEDIATION PROCESS CONDUCTED BY THE SECRETARY, THE PARTIES MUST CONSENT TO DE NOVO BINDING ARBITRATION BEFORE:

(I) THE AMERICAN ARBITRATION ASSOCIATION; OR

(II) AN INDEPENDENT ARBITRATOR, SELECTED BY THE SECRETARY WITH THE CONSENT OF THE PARTIES, CONDUCTED IN A MANNER CONSISTENT WITH THE AMERICAN ARBITRATION ASSOCIATION'S COMMERCIAL DISPUTE RESOLUTION RULES AND PROCEDURES.

(E) IF AN ENTITY OWNS 100% OF A TRACK THAT WOULD BE A PARTY TO AN AGREEMENT, AND AT LEAST 49% BUT NOT MORE THAN 51% OF ANOTHER TRACK THAT WOULD BE A PARTY TO AN AGREEMENT, A MEDIATION OR AN ARBITRATION DESCRIBED IN SUBSECTION (D) OF THIS SECTION MAY NOT BE REQUIRED UNTIL:

(1) THAT ENTITY FULLY RECUSES ITSELF, TO THE SATISFACTION OF THE SECRETARY OR ARBITRATOR, AS APPROPRIATE, FROM PARTICIPATION IN THE NEGOTIATION OF AN AGREEMENT ON BEHALF OF THE TRACK IN WHICH IT HOLDS AN OWNERSHIP INTEREST OF AT LEAST 49% BUT NOT MORE THAN 51%; OR

(2) THE ENTITY NO LONGER OWNS AT LEAST 49% BUT NOT MORE THAN 51% OF THAT TRACK.".

AMENDMENT NO. 3

On page 8, in lines 7 and 11, in each instance, strike "**ANNUALLY**"; in lines 8 and 14, in each instance, after "**DAYS**" insert "**FOR CALENDAR YEAR 2012 ONLY**"; in lines 8 and 14, in each instance, strike "**ANNUAL**"; in lines 12 and 13, strike "**: (I)**"; and in line 16, strike "**CONTROL; AND**" and substitute "**CONTROL.**".

On pages 8 and 9, strike in their entirety the lines beginning with line 17 on page 8 through line 4 on page 9, inclusive.

On page 9, in line 5, strike "**(I)**" and substitute "**(H)**"; strike beginning with "**OR**" in line 5 down through "**MEDCO**" in line 6; in the same line, strike the comma and substitute "**:**

(I)";

in line 10, after "**SCHEDULE**" insert "**; AND**

(II) A HOLDER OF A RACING LICENSE TO RACE AT ROSECROFT RACEWAY SHALL:

1. AGREE TO REHIRE WORKERS EMPLOYED AT THE FACILITY PRIOR TO THE END OF LIVE RACING ON JUNE 27, 2008; AND

2. RECOGNIZE COLLECTIVE BARGAINING AGREEMENTS THAT WERE IN PLACE AS OF JUNE 1, 2008";

strike in their entirety lines 11 through 21, inclusive; and in line 22, strike "**(3)**" and substitute "**(2)**".

On page 10, in line 8, strike "**(4)**" and substitute "**(3)**"; strike in their entirety lines 10 through 21, inclusive; in lines 22 and 28, strike "**(6)**" and "**(7)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; and strike beginning with "**OR**" in line 28 down through "**MEDCO**" in line 29.

On page 11, in lines 1 and 3, strike "**(J)**" and "**(K)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

AMENDMENT NO. 4

On pages 15 through 17, strike in their entirety the lines beginning with line 22 on page 15 through line 16 on page 17, inclusive.

On page 17, after line 16, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

9–1A–29.

(f) (1) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, **[**$1,000,000 shall be provided annually for 5 years to the racecourse at Timonium**]** **THE RACECOURSE AT TIMONIUM SHALL BE PROVIDED THE FOLLOWING AMOUNTS** for racetrack facility capital construction and improvements**:**

(I) FOR FISCAL YEAR 2012, $1,125,000;

(II) FOR FISCAL YEAR 2013, $1,250,000;

(III) FOR FISCAL YEAR 2014, $1,125,000;

(IV) FOR FISCAL YEAR 2015, $1,000,000; AND

(V) FOR FISCAL YEAR 2016, $1,000,000.

(2) A matching fund is not required for the amount provided for the racecourse at Timonium under paragraph (1) of this subsection.

(3) (I) FROM THE AMOUNTS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF A RACING LICENSE TO RACE AT THE RACECOURSE AT TIMONIUM MAY USE UP TO $350,000 PER YEAR TO SUPPORT A MINIMUM OF 7 LIVE RACING DAYS.

(II) USE OF FUNDS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE APPROVED BY THE SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER TERMS AND A PROCESS CONSISTENT WITH THE PROVISIONS OF SUBSECTION (J) OF THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Thoroughbred Racing Sustainability Task Force.

(b) The Task Force consists of the following three members appointed by the Governor:

(1) one representative of the Maryland Jockey Club;

(2) one member that represents the horsemen who race horses at a thoroughbred track in Maryland; and

(3) one member that represents the applicable breeders in Maryland.

(c) The Governor shall appoint a member of the Administration, who as a nonvoting member, shall chair the Task Force and facilitate the activities of the Task Force.

(d) The Task Force shall develop a plan by December 1, 2011, that includes:

(1) a plan for the long–term viability of thoroughbred racing in Maryland that does not include locating video lottery terminals at a thoroughbred race track;

(2) a minimum of 146 live racing days in a calendar year; and

(3) a strategy for implementing the plan that includes specific benchmarks and timelines.

(e) The Task Force shall submit the plan to the Governor and, in accordance with § 2–1246 of the State Government Article, the Legislative Policy Committee, for its review.

(f) The Legislative Policy Committee may provide comments on the plan to the Governor.

(g) The Comptroller may not pay out the assistance provided under § 9–1A–29(c)(2) of the State Government Article for the 2013 racing season until the Governor approves the plan.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 5 of this Act.";

in line 17, strike "2." and substitute "5."; and in line 18, after "2011." insert "Sections 1 and 3 of this Act shall remain effective for a period of 2 years and 6 months and, at the end of December 31, 2013, with no further action required by the General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1039/973926/1
BY: Senator Brochin

AMENDMENT TO HOUSE BILL 1039

(Third Reading File Bill)

On page 12, strike beginning with "**UP**" in line 1 down through "**FOR**" in line 2.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 6 Negative – 33 (See Roll Call No. 1250)

Read the second time and ordered prepared for Third Reading.

Senator Brinkley moved, duly seconded, to put **House Bill 1039** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1039** on Third Reading and Final Passage.

House Bill 1039 – The Speaker (By Request – Administration)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 40 Negative – 5 (See Roll Call No. 1251)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 692** SPONSOR: **Senator Middleton**

SUBJECT: **Maryland Electricity Service Quality and Reliability Act – Safety Violations**

THIRD READING CALENDAR HOUSE NO. **33** SENATE NO. **59**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Economic Matters Committee Amendments (SB0692/803997/1) be rejected.

(2) That the Amendments (SB0692/833426/1) by Delegate Davis be rejected.

(3) That the attached Conference Committee Amendments (SB0692/533421/1) be adopted.

SB0692/533421/1
BY: Conference Committee

AMENDMENTS TO SENATE BILL 692
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, strike "a"; in line 5, strike "provision" and substitute "provisions"; in the same line, strike "penalties imposed" and substitute "corrective action taken"; in line 14, before "declaring" insert "altering the maximum daily civil penalty that may be imposed on a public service company for certain violations; altering the maximum daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil penalty that may be imposed for a related series of safety violations;"; in line 22, after "recommendations;" insert "providing that this Act may not be construed to limit the Commission's authority to impose penalties for certain violations;"; strike beginning with "requiring" in line 22 down through "date;" in line 24; and after line 36, insert:

"BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 13–201 and 13–202
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 5, in line 26, strike "**MAY IMPOSE A PENALTY**" and substitute "**SHALL TAKE APPROPRIATE CORRECTIVE ACTION**".

On pages 5 and 6, strike beginning with "**IN**" in line 30 on page 5 down through "**YEAR**" in line 1 on page 6 and substitute "**, INCLUDING THE IMPOSITION OF**

APPROPRIATE CIVIL PENALTIES FOR NONCOMPLIANCE AS PROVIDED IN § 13–201 OF THIS ARTICLE".

On page 9, after line 12, insert:

"13–201.

(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) **§ 7–213 AS IT APPLIES TO ELECTRIC COOPERATIVES;**

(4) Title 8, Subtitles 1 and 3;

[(4)**] (5)** Title 9, Subtitle 3; and

[(5)**] (6)** Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding **[**$10,000**] $25,000** against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed $2,500.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

(e) A civil penalty collected under this section shall be paid into the General Fund of the State.

13–202.

(a) In this section, "safety violation" means a condition or activity likely to cause injury or harm to an individual or property.

(b) This section does not apply to a safety violation by a gas company that is subject to § 13–203 of this subtitle.

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this division that relates to safety is subject to a civil penalty not exceeding **[**$500**]** **$25,000** for each violation for each day that the violation persists.

(2) **[**The maximum civil penalty may not exceed:

(i) $50,000 for a related series of violations; or

(ii) for**]** **FOR** a common carrier, **THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED** $500 for each violation or related series of violations stemming from a single safety inspection.

(d) In determining the amount of a civil penalty imposed under this section, the Commission shall consider the:

(1) appropriateness of the penalty to the size of the public service company;

(2) number of previous violations of this article by the public service company;

(3) gravity of the current violation; and

(4) good faith of the public service company in attempting to achieve compliance after notification of the violation.

(e) The public service company involved may request reconsideration of a penalty imposed under this section within 30 days after the date of notification of the determination.".

AMENDMENT NO. 3

On page 9, after line 30, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed as limiting the authority of the Public Service Commission to impose penalties for violations of law or regulation in existence before the effective date of this Act.";

and in line 31, strike "4." and substitute "5.".

Senate Members:		House Members:	
Chair,	**Thomas M. Middleton**	Chair,	**Brian K. McHale**
	Rob Garagiola		**Jeannie Haddaway–Riccio**
	Allan H. Kittleman		**Warren E. Miller**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1252)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 124** SPONSOR: **Senator Astle**

SUBJECT: **Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags**

THIRD READING CALENDAR HOUSE NO. **21** SENATE NO. **10**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Health and Government Operations Committee Amendments (SB0124/226283/1) be rejected.

(2) That the attached Conference Committee Amendment (SB0124/753229/1) be adopted.

SB0124/753229/1
BY: Conference Committee

AMENDMENTS TO SENATE BILL 124
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Honor" in line 2 down through "Flags" in line 3 and substitute "POW/MIA Flag and a Flag to Honor and Remember Individuals Who Died in the Line of Duty"; in line 4, strike "the Honor and Remember flag" and substitute "a certain flag"; strike beginning with the third "the" in line 7 down through "Remember" in line 8 and substitute "a certain"; in line 9, strike "Honor and

Remember and POW/MIA flags" and substitute "POW/MIA flag and a flag to honor and remember individuals who died in the line of duty".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"**(2) "FLAG TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY" MEANS:**

(I) A FLAG CREATED BY HONOR AND REMEMBER, INC.; OR

(II) THE FLAG DESIGNATED BY THE UNITED STATES CONGRESS AS THE OFFICIAL SYMBOL TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY.";

in line 3, strike "**(2)**" and substitute "**(3)**"; strike in their entirety lines 5 through 9, inclusive; in line 10, after "(b)", insert "**(1)**"; in the same line, strike "Each" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH**"; in the same line, strike "**THE HONOR AND REMEMBER FLAG**" and substitute "**A FLAG TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY**"; in lines 12, 13, 14, 16, 20, 21, 23, 24, and 26, strike "(1)", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; and after line 29, insert:

"**(2) IF THE UNITED STATES CONGRESS DESIGNATES A FLAG AS THE OFFICIAL SYMBOL TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY, THE FLAG DESIGNATED BY CONGRESS SHALL BE FLOWN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**".

On pages 2 and 3, strike beginning with the third "the" in line 31 on page 2 down through "flag" in line 1 on page 3 and substitute "a flag to honor and remember members of the armed forces who died in the line of duty".

Senate Members: House Members:

Chair, **Edward R. Reilly** Chair, **Shawn Z. Tarrant**

Ronald N. Young **Nicholaus R. Kipke**

Karen S. Montgomery **Nathaniel T. Oaks**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1253)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #48

AMENDED IN THE HOUSE

Senate Bill 163 – Senators Brinkley ~~and Young~~, Young, and Middleton

AN ACT concerning

Charles County and Frederick County – ~~Board~~ Boards of Elections – Membership

Senator Conway moved that the Senate concur in the House amendments.

SB0163/125169/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 163
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Charles County" and substitute "Allegany County, Baltimore City, Charles County,"; in line 5, after "on" insert "the Allegany County

Board of Elections, the Baltimore City Board of Elections,"; in the same line, before "and" insert a comma; in line 9, after "to" insert "the Allegany County Board of Elections, the Baltimore City Board of Elections,"; in line 10, after "Elections" insert a comma; and in line 13, strike "2–204(a)(9) and (11)" and substitute "2–204(a)(3), (9), and (11)".

AMENDMENT NO. 2

On page 2, in line 20, after "In" insert "**ALLEGANY COUNTY, BALTIMORE CITY,**".

On page 3, after line 3, insert:

"(3) in Baltimore City, $11,000 for the president and $10,000 for other regular members;";

strike beginning with "In" in line 7 down through "2." in line 9; in line 11, strike "3."; in line 13, before "In" insert "**2.**"; and in lines 16 and 18, strike "**4.**" and "**5.**", respectively, and substitute "**3.**" and "**4.**", respectively.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1254)

AMENDED IN THE HOUSE

Senate Bill 558 – Senators Pugh, Jones–Rodwell, McFadden, Peters, Ramirez, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Minority Business Enterprise Program – Amendments to MBE Participation Schedule ~~and Termination Extension~~

Senator Conway moved that the Senate concur in the House amendments.

SB0558/686285/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 558
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Schedule" insert "and Extension of Task Force"; in line 17, after "term;" insert "extending the termination date of the Task Force on the Minority Business Enterprise Program and Equity Investment Capital; altering the year of the legislative session for which the Task Force is required to develop draft legislation; altering a certain reporting date;"; and in line 22, after "contracts" insert "and the Task Force on the Minority Business Enterprise Program and Equity Investment Capital".

On page 2, after line 4, insert:

"BY repealing and reenacting, without amendments,
Chapter 513 of the Acts of the General Assembly of 2010
Section 1(a)

BY repealing and reenacting, with amendments,
Chapter 513 of the Acts of the General Assembly of 2010
Section 1(f) and (g) and 2

BY repealing and reenacting, without amendments,
Chapter 514 of the Acts of the General Assembly of 2010
Section 1(a)

BY repealing and reenacting, with amendments,
Chapter 514 of the Acts of the General Assembly of 2010
Section 1(f) and (g) and 2".

AMENDMENT NO. 2

On page 4, in line 20, after "**THAT**" insert "**IDENTIFIES**"; and in line 21, strike "**IDENTIFIES**".

AMENDMENT NO. 3

On page 5, after line 35, insert:

"Chapter 513 of the Acts of 2010

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force on the Minority Business Enterprise Program and Equity Investment Capital.

(f) The Task Force shall:

(1) study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a manner that:

(i) allows minority business enterprise owners to retain operational control of the business enterprise; and

(ii) provides adequate protection to equity investors;

(2) make recommendations regarding the necessary modifications to the Minority Business Enterprise Program that will authorize and encourage equity investment in minority business enterprises in Maryland; and

(3) develop draft legislation for the **[**2011**]** **2012** legislative session to implement the recommendations identified in paragraph (2) of this subsection.

(g) On or before December 1, **[**2010**]** **2011**, the Task Force shall report its recommendations and draft legislation 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 **[**1 year**]** **2 YEARS** and, at the end of May 31, **[**2011**]** **2012**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 514 of the Acts of 2010

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force on the Minority Business Enterprise Program and Equity Investment Capital.

(f) The Task Force shall:

(1) study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a manner that:

(i) allows minority business enterprise owners to retain operational control of the business enterprise; and

(ii) provides adequate protection to equity investors;

(2) make recommendations regarding the necessary modifications to the Minority Business Enterprise Program that will authorize and encourage equity investment in minority business enterprises in Maryland; and

(3) develop draft legislation for the **[**2011**]** **2012** legislative session to implement the recommendations identified in paragraph (2) of this subsection.

(g) On or before December 1, **[**2010**]** **2011**, the Task Force shall report its recommendations and draft legislation 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 **[**1 year**]** **2 YEARS** and, at the end of May 31, **[**2011**]** **2012**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1255)

AMENDED IN THE HOUSE

Senate Bill 142 – Senators Zirkin and Raskin

AN ACT concerning

Civil Action – Disclosure of Information – Repeal of Certification Requirement

Senator Frosh moved that the Senate concur in the House amendments.

SB0142/282217/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 142
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal of" and substitute "Modification of Requirements for"; in line 3, strike "Requirement"; strike beginning with "file" in line 4 down through "the" in line 6 and substitute "set forth in detail, in a certain certification, certain efforts by the plaintiff to locate a defendant before a certain"; and strike beginning with "a" in line 8 down through "change" in line 9 and substitute "stylistic changes".

AMENDMENT NO. 2

On page 2, in lines 9, 16, and 28, in each instance, strike the bracket; in line 9, strike "**ON**"; in lines 10 and 11, in each instance, strike "party" and substitute "plaintiff"; in line 19, after the semicolon insert "**AND**"; in line 17, after "that" insert "**STATES THAT THE DEFENDANT**"; in line 18, strike "States that the defendant had" and substitute "**HAD**"; and strike beginning with "Sets" in line 20 down through "is" in line 22 and substitute "**IS**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 42 Negative – 1 (See Roll Call No. 1256)

AMENDED IN THE HOUSE

Senate Bill 154 – Senators Colburn ~~and Glassman~~, Glassman, Edwards, Astle, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Health Insurance – Ambulance Service Providers – Assignment of Benefits

Senator Middleton moved that the Senate concur in the House amendments.

SB0154/956689/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 154
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Assignment of Benefits" and substitute "Direct Reimbursement"; strike beginning with "requiring" in line 12 down through the second "a" in line 14 and substitute "prohibiting a health maintenance organization's allowed amount for certain health care services provided by a certain ambulance service provider from being less than a certain amount, notwithstanding certain provisions of law; prohibiting an insurer's or nonprofit health service plan's allowed amount for a certain"; in line 16, strike "requiring" and substitute "authorizing"; in line 17, after "implement" insert "certain provisions of"; and in the same line, after "Act;" insert "requiring the Maryland Health Care Commission to provide certain reports to certain legislative committees on or before certain dates; providing for a delayed effective date; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"**(B) THIS SECTION APPLIES TO INDIVIDUAL OR GROUP POLICIES OR CONTRACTS ISSUED OR DELIVERED IN THE STATE BY A CARRIER.**";

in lines 12 and 17, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C) (1)**" and "**(D)**", respectively; in line 12, strike "**A**" and substitute "**EXCEPT FOR A HEALTH MAINTENANCE ORGANIZATION, A**"; in the same line, after "**REIMBURSE**" insert "**DIRECTLY**"; in line 14, strike "**DIRECTLY**"; after line 16, insert:

"**(2) A HEALTH MAINTENANCE ORGANIZATION SHALL REIMBURSE AN AMBULANCE SERVICE PROVIDER DIRECTLY FOR COVERED SERVICES PROVIDED TO A SUBSCRIBER, ENROLLEE, OR ANY OTHER INDIVIDUAL COVERED**

BY A POLICY OR CONTRACT ISSUED BY THE HEALTH MAINTENANCE ORGANIZATION.";

and in line 18, strike "**(B)**" and substitute "**(C)**".

On page 4, in line 16, strike "**MEDICARE–COVERED**" and substitute "**MEDICARE COVERED**"; in lines 21 and 33, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively; strike beginning with "**A**" in line 21 down through "**ARTICLE**" in line 25 and substitute "**NOTWITHSTANDING § 19–710.1 OF THE HEALTH – GENERAL ARTICLE, A HEALTH MAINTENANCE ORGANIZATION'S ALLOWED AMOUNT FOR A COVERED HEALTH CARE SERVICE PROVIDED BY AN AMBULANCE SERVICE PROVIDER THAT IS NOT UNDER WRITTEN CONTRACT WITH THE HEALTH MAINTENANCE ORGANIZATION MAY NOT BE LESS THAN THE ALLOWED AMOUNT PAID TO AN AMBULANCE SERVICE PROVIDER THAT IS UNDER WRITTEN CONTRACT WITH THE HEALTH MAINTENANCE ORGANIZATION FOR THE SAME COVERED SERVICE IN THE SAME GEOGRAPHIC REGION, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES**"; in line 32, after "**REGION**" insert "**, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES**"; and in line 33, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 3

On page 4, after line 34, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the changes occurring after the effective date of this Act, for services provided by ambulance service providers, in:

(1) the number of claims received;

(2) the number of claims paid; and

(3) the amount of claims paid.

(b) In its report, the Commission shall report separately on:

(1) the changes for services provided by in–network ambulance service providers; and

(2) the changes for services provided by out–of–network ambulance service providers.

(c) The Commission shall provide an interim report on or before January 1, 2014, and a final report on or before January 1, 2015.".

AMENDMENT NO. 4

On page 5, in lines 1 and 4, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively; in line 3, strike "October 1, 2011" and substitute "January 1, 2012"; and in line 5, strike "October 1, 2011." and substitute "January 1, 2012. It shall remain effective for a period of 3 years and 6 months and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1257)

AMENDED IN THE HOUSE

Senate Bill 830 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Extension~~ Repeal

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0830/875063/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 830
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Repeal" and substitute "Extension"; and in line 4, strike "repealing" and substitute "extending".

AMENDMENT NO. 2

On page 2, in line 15, after "1996" insert "but before January 1, **[**2014**] 2015**"; in line 18, after "1997" insert "but before July 1, **[**2011**] 2012**; and provided further that any excess credits under § 21–309 of the Education Article may be carried forward and, subject to the limitations under § 21–309 of the Education Article, may be applied as a credit for taxable years beginning on or after January 1, **[**2014**] 2015**"; in line 24, after "1997." insert "It shall remain in effect for a period of **[**13**] 14** years and 9 months and at the end of June 30, **[**2011**] 2012**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect."; in line 34, after "1996" insert "but before January 1, **[**2014**] 2015**"; in line 37, after "1997" insert "but before July 1, **[**2011**] 2012**; and provided further that any excess credits under § 21–309 of the Education Article may be carried forward and, subject to the limitations under § 21–309 of the Education Article, may be applied as a credit for taxable years beginning on or after January 1, **[**2014**] 2015**";

On page 3, in line 4, after "1997." insert "It shall remain in effect for a period of **[**13**] 14** years and 9 months and at the end of June 30, **[**2011**] 2012**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1258)

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 327** SPONSOR: **Senator Forehand**

SUBJECT: **Human Trafficking Victim Protection Act**

THIRD READING CALENDAR HOUSE NO. **34** SENATE NO. **45**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0327/472216/1) be rejected; and

(2) That the attached Conference Committee Amendments (SB0327/663324/1) be adopted.

SB0327/663324/1
BY: Conference Committee

AMENDMENTS TO SENATE BILL 327
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "circumstances;" in line 21 and substitute "authorizing a person convicted of prostitution to file a motion to vacate the judgment under certain circumstances; establishing the requirements for a motion filed under this Act; requiring the court to hold a hearing on the motion under certain circumstances, with a certain exception; authorizing the court to take certain actions in ruling on the motion; requiring the court to state on the record the reasons for its ruling on the motion; establishing that a defendant in a proceeding under this Act has the burden of proof;".

On page 2, in line 1, strike "with" and substitute "without"; and strike in their entirety lines 11 through 15, inclusive, and substitute:

"BY adding to
Article – Criminal Procedure
Section 8–302
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 21 on page 3 through line 15 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, after line 32, insert:

"**8–302.**

(A) A PERSON CONVICTED OF PROSTITUTION UNDER § 11–306 OF THE CRIMINAL LAW ARTICLE MAY FILE A MOTION TO VACATE THE JUDGMENT IF, WHEN THE PERSON COMMITTED THE ACT OR ACTS OF PROSTITUTION, THE PERSON WAS ACTING UNDER DURESS CAUSED BY AN ACT OF ANOTHER COMMITTED IN VIOLATION OF THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.

(B) A MOTION FILED UNDER THIS SECTION SHALL:

(1) BE IN WRITING;

(2) BE SIGNED AND CONSENTED TO BY THE STATE'S ATTORNEY;

(3) BE MADE WITHIN A REASONABLE PERIOD OF TIME AFTER THE CONVICTION; AND

(4) DESCRIBE THE EVIDENCE AND PROVIDE COPIES OF ANY DOCUMENTS SHOWING THAT THE DEFENDANT IS ENTITLED TO RELIEF UNDER THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON A MOTION FILED UNDER THIS SECTION IF THE MOTION SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE COURT MAY DISMISS A MOTION WITHOUT A HEARING IF THE COURT FINDS THAT THE MOTION FAILS TO ASSERT GROUNDS ON WHICH RELIEF MAY BE GRANTED.

(D) (1) IN RULING ON A MOTION FILED UNDER THIS SECTION, THE COURT MAY VACATE THE CONVICTION, MODIFY THE SENTENCE, OR GRANT A NEW TRIAL.

(2) THE COURT SHALL STATE THE REASONS FOR ITS RULING ON THE RECORD.

(E) A DEFENDANT IN A PROCEEDING UNDER THIS SECTION HAS THE BURDEN OF PROOF.".

AMENDMENT NO. 4

On pages 5 through 9, strike in their entirety the lines beginning with line 33 on page 5 through line 17 on page 9, inclusive.

Senate Members:		House Members:	
Chair,	**Jennie M. Forehand**	Chair,	**Kathleen M. Dumais**
	Bobby A. Zirkin		**Susan C. Lee**
	Jamie Raskin		**Michael A. McDermott**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1259)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #30

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 1104 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Permit Program for Roadside Solicitation of Money or Donations – Sunset Extension
PG 402–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Muse moved, duly seconded, to put **House Bill 1104** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1104** on Third Reading and Final Passage.

House Bill 1104 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Permit Program for Roadside Solicitation of Money or Donations – Sunset Extension
PG 402–11

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1260)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #50

AMENDED IN THE HOUSE

Senate Bill 679 – Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young

AN ACT concerning

Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

Senator Frosh moved that the Senate concur in the House amendments.

SB0679/590316/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 679
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "county board of education" and substitute "law enforcement agency"; in line 5, strike "certain local law enforcement agency" and substitute "county board of education"; strike beginning with "requiring" in line 8 down through "agency;" in line 10; in line 10, strike "recording" and substitute "recorded image"; and in line 15, after "penalty;" insert "providing for the payment of fines imposed and the distribution of revenues collected as a result of violations enforced by school bus monitoring cameras;".

On page 2, in line 19, after "4–401(13)" insert ", 7–302(e),".

AMENDMENT NO. 2

On page 3, after line 3, insert:

"7–302.

(e) (1) A citation issued pursuant to § 21–202.1, **§ 21–706.1,** § 21–809, or § 21–810 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system, including a work zone speed control system, controlled by a political subdivision **OR A SCHOOL BUS MONITORING CAMERA** shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a traffic control signal monitoring system **[**or**],** a speed monitoring system**, OR A**

SCHOOL BUS MONITORING CAMERA in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using **A** traffic control signal monitoring **[**systems or**]** **SYSTEM,** speed monitoring **[**systems**]** **SYSTEM**, **[**or a**]** work zone speed control system, **OR SCHOOL BUS MONITORING CAMERA** that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

(4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems **OR SCHOOL BUS MONITORING CAMERAS**, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems **OR SCHOOL BUS MONITORING CAMERAS**; and

2. Subject to subparagraph (ii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.".

AMENDMENT NO. 3

On page 5, strike beginning with "to" in line 4 down through "**AN**" in line 5 and substitute "to a law enforcement"; in lines 16 and 19, in each instance, strike the brackets; in line 26, strike "**(I)**"; in line 30, strike "**(II)**" and substitute "**(2)**"; and in

line 31, strike "**COUNTY BOARD OF EDUCATION**" and substitute "**LAW ENFORCEMENT AGENCY**".

On page 6, in line 1, strike "**AN AGENCY**" and substitute "**THE COUNTY BOARD OF EDUCATION**"; strike in their entirety lines 3 through 6, inclusive; and in line 7, strike "**RECORDING**" and substitute "**RECORDED IMAGE**".

On page 8, in lines 7 and 8, strike "**OR THE DISTRICT COURT**"; and in line 11, strike "**THE**" and substitute "**A LAW ENFORCEMENT**".

On page 9, in line 34, strike "**AN**" and substitute "**THE LAW ENFORCEMENT**".

On page 10, in line 17, after "**(J)**" insert "**A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:**

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16–402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26–305 OF THIS ARTICLE; AND

(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(K)";

in line 19, strike "**THE TRIAL OF**" and substitute "**TRIALS FOR**"; and in line 20, after "**PENALTIES**" insert "**IMPOSED**".

The preceding 3 amendments were read and concurred in.

Senator Garagiola moved, duly seconded, to limit the debate on **Senate Bill 679**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 679** SHALL BE LIMITED TO 4 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THE MOTION RELATING TO CONCUR AND THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO THE MOTION TO CONCUR. THE PRESIDENT SHALL ALLOCATE THE MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 2 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 2 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 34 Negative – 9 (See Roll Call No. 1261)

Read the third time and passed by yeas and nays as follows:

Affirmative – 37 Negative – 7 (See Roll Call No. 1262)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **HB 1182**
SPONSOR: Del Pendergrass, et al
SUBJECT: Certificates of Need – Percutaneous Coronary Intervention Services

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Pendergrass, Chairman
Delegate Bromwell, and
Delegate Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Middleton moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

FLOOR AMENDMENT

HB1182/417477/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1182
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "to" insert "conduct a study and".

AMENDMENT NO. 2

On page 2, in line 3, after "(1)" insert "study the appropriate oversight of PCI services, including:

(i) the role of accreditation and external peer review; and

(ii) the use of clinical and administrative databases;

(2) based on its study, ";

and in line 5, strike "(2)" and substitute "(3)".

The Senate receded on the preceding 2 amendments and the amendments were withdrawn.

House Bill 1182 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Bromwell, Cullison, Donoghue, Kach, Pena–Melnyk, and Reznik

AN ACT concerning

Certificates of Need – Percutaneous Coronary Intervention Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1263)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 1182**
SPONSOR: Del Pendergrass, et al
SUBJECT: Certificates of Need – Percutaneous Coronary Intervention Services

The Senate recedes from its position on HB 1182.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0357**
SPONSOR: Chr ECM
SUBJECT: State Real Estate Commission – Sunset Extension and Program Evaluation

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Vaughn, Chairman
Delegate Haddaway–Riccio, and
Delegate Feldman.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0357**
SPONSOR: Chr ECM
SUBJECT: State Real Estate Commission – Sunset Extension and Program Evaluation

The Senate does not recede in the Senate amendments.

The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0037**
SPONSOR: Del Carr, et al
SUBJECT: State Government – Access to Public Records – Electronic Documents

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Reznik, Chairman
Delegate Pena–Melnyk, and
Delegate Ready.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0037**
SPONSOR: Del Carr, et al
SUBJECT: State Government – Access to Public Records – Electronic Documents

The Senate does not recede in the Senate amendments.

The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0048**
SPONSOR: Del Morhaim, et al
SUBJECT: State Government – Open Meetings Act – Notice and Complaints

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Morhaim, Chairman
Delegate Oaks, and
Delegate McDonough.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0048**
SPONSOR: Del Morhaim, et al
SUBJECT: State Government – Open Meetings Act – Notice and Complaints

The Senate does not recede in the Senate amendments.

The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 178 – Delegates Alston, Anderson, Arora, Barnes, Braveboy, Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott, Mitchell, Oaks, Pena–Melnyk, Ross, Simmons, Smigiel, Stukes, Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Kittleman moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

CONCURRENCE CALENDAR

AMENDED IN THE HOUSE

Senate Bill 369 – Senator Conway

AN ACT concerning

Education – School Buses – Fire Safety Standards

Senator Conway moved that the Senate concur in the House amendments.

SB0369/440010/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 369
(Third Reading File Bill)

On page 1, in line 9, after "defining" insert "a"; and in line 10, strike "terms" and substitute "term".

On page 2, in line 28, strike "**(1)**".

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 7 on page 3, inclusive.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1264)

THE COMMITTEE ON RULES REPORT #17

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

House Bill 1188 – Delegates James and Hubbard

AN ACT concerning

Maryland Communities for a Lifetime Act

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 1324 – Delegates Conway, Cane, Eckardt, McDermott, ~~and Otto~~ Otto, and Haddaway–Riccio

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 27 – Delegate O'Donnell

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT AND THE FAVORABLE REPORT.

Senator Conway moved, duly seconded, to recommit the Bill.

The motion was adopted.

Executive Nominations Report #8; Nominee No. L–41, Dennis C. Smith for Prince George's County Board of Elections.

QUESTION IS: "WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?"

Senator Muse moved, duly seconded, to make Nominee No. L–41 a Special Order for the end of today's business.

The motion was adopted.

Executive Nominations Report #5; Nominee No. L–14, Donald A. Hastings for Worcester County Liquor Control Board.

QUESTION IS: "WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?"

Senator Mathis moved, duly seconded, to make Nominee No. L–14 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 178 – Delegates Alston, Anderson, Arora, Barnes, Braveboy, Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott, Mitchell, Oaks, Pena–Melnyk, Ross, Simmons, Smigiel, Stukes, Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Muse moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 154 – Delegate Krebs

AN ACT concerning

Unemployment Insurance – Religious Organizations – Disclosure of Exemption from Covered Employment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Muse moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

April 11, 2011

ANNOUNCEMENT

The President makes the following appointments to the legislative standing committees pursuant to Senate Rule 18(a)(1); the appointments are effective as of April 11, 2011.

BUDGET AND TAXATION

Senator Edward J. Kasemeyer, Chairman
Senator Nathaniel J. McFadden, Vice–Chairman

Senator David R. Brinkley
Senator Richard F. Colburn
Senator Ulysses Currie
Senator James E. DeGrange, Sr.
Senator George C. Edwards
Senator Verna L. Jones–Rodwell
Senator Nancy J. King
Senator Richard S. Madaleno, Jr.
Senator Roger Manno
Senator Douglas J.J. Peters
Senator James N. Robey

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

Senator Joan Carter Conway, Chairman
Senator Roy P. Dyson, Vice–Chairman

Senator Joanne C. Benson
Senator Edward R. Reilly

Senator Bill Ferguson
Senator J.B. Jennings
Senator Karen S. Montgomery
Senator Paul G. Pinsky
Senator James C. Rosapepe
Senator Bryan W. Simonaire
Senator Ronald N. Young

FINANCE COMMITTEE

Senator Thomas M. Middleton, Chairman
Senator John C. Astle, Vice–Chairman

Senator Robert J. Garagiola
Senator Barry Glassman
Senator Delores G. Kelley
Senator Allan H. Kittleman
Senator Katherine Klausmeier
Senator James N. Mathias, Jr.
Senator C. Anthony Muse
Senator E.J. Pipkin
Senator Catherine E. Pugh

JUDICIAL PROCEEDINGS COMMITTEE

Senator Brian E. Frosh, Chairman
Senator Lisa A. Gladden, Vice–Chairman

Senator James Brochin
Senator Joseph M. Getty
Senator Jennie M. Forehand
Senator Nancy Jacobs
Senator Victor R. Ramirez
Senator Jamie B. Raskin
Senator Christopher B. Shank
Senator Norman R. Stone, Jr.
Senator Robert A. Zirkin

RULES COMMITTEE

Senator Katherine Klausmeier, Chairman
Senator Brian E. Frosh, Vice–Chairman

Senator David R. Brinkley
Senator Richard F. Colburn
Senator Ulysses Currie
Senator Roy P. Dyson
Senator George C. Edwards
Senator Edward J. Kasemeyer
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton
Senator Thomas V. Mike Miller, Jr.

ANNOUNCEMENT

The President makes the following appointments to continuing committee pursuant to Senate Rule 18(a)(2). The appointments are effective as of April 11, 2011.

EXECUTIVE NOMINATIONS

Senator Delores G. Kelley, Chairman
Senator James E. DeGrange, Sr., Vice–Chairman

Senator David R. Brinkley
Senator Joan Carter Conway
Senator Richard F. Colburn
Senator Ulysses Currie
Senator George C. Edwards
Senator Jennie M. Forehand
Senator Brian E. Frosh
Senator Robert J. Garagiola
Senator Edward J. Kasemeyer
Senator Allan H. Kittleman
Senator Katherine Klausmeier
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton
Senator Thomas V. Mike Miller, Jr.
Senator E.J. Pipkin
Senator Norman R. Stone, Jr.

ANNOUNCEMENT

The President makes the following appointments to the statutory committees and joint committees; the appointments are effective as of April 11, 2011.

LEGISLATIVE POLICY COMMITTEE

Senator Thomas V. Mike Miller, Jr., Co–Chairman

Senator John C. Astle
Senator David R. Brinkley
Senator Joan Carter Conway
Senator Richard Colburn
Senator Ulysses Currie
Senator James E. DeGrange, Sr.
Senator Brian E. Frosh
Senator Robert J. Garagiola
Senator Nancy Jacobs
Senator Edward J. Kasemeyer
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton
Senator Norman R. Stone, Jr.

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW (AELR)

Senator Paul G. Pinsky, Senate Chairman

Senator John C. Astle
Senator David R. Brinkley
Senator James Brochin
Senator Richard F. Colburn
Senator Jennie M. Forehand
Senator Lisa A. Gladden
Senator Nancy Jacobs
Senator Norman R. Stone, Jr.
Senator Robert A. Zirkin

JOINT AUDIT COMMITTEE

Senator James Rosapepe, Senate Chairman

Senator John C. Astle
Senator David R. Brinkley
Senator Ulysses Currie
Senator George C. Edwards
Senator Jennie M. Forehand
Senator Richard S. Madaleno, Jr.
Senator Nathaniel J. McFadden
Senator E.J. Pipkin
Senator Catherine E. Pugh

JOINT COMMITTEE ON BASE REALIGNMENT AND CLOSURE

Senator Roy P. Dyson, Senate Chairman

Senator James E. DeGrange, Sr.
Senator Nancy Jacobs
Senator Allan H. Kittleman
Senator Katherine Klausmeier
Senator Richard S. Madaleno, Jr.
Senator Douglas J.J. Peters
Senator James C. Rosapepe

JOINT COMMITTEE ON THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREAS

Senator Roy P. Dyson, Senate Chairman

Senator Richard F. Colburn
Senator E.J. Pipkin
Senator Jamie Raskin
Senator Bryan W. Simonaire

JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Senator Nancy J. King, Senate Chairman

Senator Joanne C. Benson
Senator Joan Carter Conway
Senator Bill Ferguson
Senator Jennie M. Forehand
Senator Nancy Jacobs
Senator Verna L. Jones–Rodwell
Senator Allan H. Kittleman
Senator Karen S. Montgomery
Senator Edward R. Reilly

JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT

Senator C. Anthony Muse, Senate Chairman

Senator Roy P. Dyson
Senator Barry Glassman

JOINT COMMITTEE ON FEDERAL RELATIONS

Senator Jennie M. Forehand, Senate Chairman

Senator Robert J. Garagiola
Senator Verna L. Jones–Rodwell
Senator Roger Manno
Senator Douglas J.J. Peters
Senator Jamie Raskin
Senator James C. Rosapepe
Senator Christopher Shank

JOINT COMMITTEE ON HEALTH CARE DELIVERY AND FINANCING

Senator Robert J. Garagiola, Senate Chairman
Senator Delores G. Kelley, Senate Vice–Chairman

Senator Edward J. Kasemeyer
Senator Roger Manno
Senator C. Anthony Muse
Senator E.J. Pipkin
Senator Catherine E. Pugh

JOINT INFORMATION TECHNOLOGY AND BIOTECHNOLOGY COMMITTEE

Senator James C. Rosapepe, Senate Chairman

Senator John C. Astle
Senator Ulysses Currie
Senator Jennie M. Forehand
Senator Robert J. Garagiola
Senator E.J. Pipkin

JOINT ADVISORY COMMITTEE ON LEGISLATIVE DATA SYSTEMS

Senator James N. Robey, Senate Chairman

Senator J.B. Jennings
Senator Richard S. Madaleno, Jr.
Senator James C. Rosapepe

JOINT COMMITTEE ON LEGISLATIVE ETHICS

Senator Norman R. Stone, Jr., Senate Chairman

Senator Roy P. Dyson
Senator Joseph M. Getty
Senator Nathaniel J. McFadden
Senator Jamie Raskin

Senator Nancy Jacobs

JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS

Senator Verna L. Jones–Rodwell, Senate Chairman

Senator Ulysses Currie
Senator Jennie M. Forehand
Senator Edward R. Reilly

JOINT COMMITTEE ON ACCESS TO MENTAL HEALTH SERVICES

Senator Douglas J.J. Peters, Senate Chairman

Senator Richard Colburn
Senator Joan Carter Conway
Senator Robert J. Garagiola
Senator Karen S. Montgomery

JOINT COMMITTEE ON PENSIONS

Senator Verna L. Jones–Rodwell, Chairman

Senator David R. Brinkley
Senator Ulysses Currie
Senator George C. Edwards
Senator Edward J. Kasemeyer
Senator Richard S. Madaleno, Jr.
Senator Nathaniel J. McFadden
Senator James N. Robey

JOINT SUBCOMMITTEE ON PROGRAM OPEN SPACE/AGRICULTURAL LAND PRESERVATION

Senator Thomas M. Middleton, Senate Chairman

Senator George C. Edwards
Senator Barry Glassman
Senator James N. Mathias, Jr.
Senator Ron Young

JOINT COMMITTEE ON PROTOCOL

Senator Jennie M. Forehand, Senate Co–Chairman
Senator Barry Glassman, Senate Co–Chairman

Senator James E. DeGrange, Sr.
Senator Katherine Klausmeier

JOINT COMMITTEE ON SPENDING AFFORDABILITY

Senator James E. DeGrange, Sr., Senate Chairman

Senator David R. Brinkley
Senator Ulysses Currie
Senator George C. Edwards
Senator Robert J. Garagiola
Senator Nancy Jacobs
Senator Edward J. Kasemeyer
Senator Richard S. Madaleno, Jr.
Senator Nathaniel J. McFadden
Senator Thomas M. Middleton
Senator Thomas V. Mike Miller, Jr.

JOINT COMMITTEE ON UNEMPLOYMENT INSURANCE OVERSIGHT

Senator Thomas M. Middleton, Senate Chairman

Senator Barry Glassman
Senator Delores G. Kelley

JOINT COMMITTEE ON WELFARE REFORM

Senator Lisa A. Gladden, Senate Chairman

Senator Joanne C. Benson
Senator Bill Ferguson
Senator E.J. Pipkin
Senator Victor Ramirez

WORKERS' COMPENSATION BENEFIT AND INSURANCE OVERSIGHT COMMITTEE

Senator Katherine Klausmeier, Senate Chairman
Senator Allan H. Kittleman

SUMMARY REPORT OF THE SENATE EXECUTIVE NOMINATIONS COMMITTEE – 2011 SESSION OF THE MARYLAND GENERAL ASSEMBLY

(See Exhibit N of Appendix III)

REPORT ON THE STATE OPERATING BUDGET (HOUSE BILL 70) AND THE STATE CAPITAL BUDGET (HOUSE BILL 71) AND RELATED RECOMMENDATIONS BY THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION COMMITTEE AND HOUSE APPROPRIATIONS COMMITTEE – JOINT CHAIRMEN'S REPORT

(See Exhibit O of Appendix III)

MESSAGE TO THE SENATE

APRIL 11, 2011

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS APRIL 11, 2011 AT TWELVE O'CLOCK MIDNIGHT, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THAT THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR OF MARYLAND, TO INFORM HIM THAT THE GENERAL ASSEMBLY WILL ADJOURN APRIL 11, 2011, AT TWELVE O'CLOCK SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES BARVE AND O'DONNELL.

BY ORDER,
MARY MONAHAN
CHIEF CLERK

Read and Ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

April 11, 2011

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

We have received your message proposing that when the General Assembly adjourns, April 11, 2011, at Twelve O'clock Midnight, it stands adjourned, Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon his Excellency, the Honorable Martin O'Malley, Governor of Maryland. The Senate appoints Senators Garagiola and Jacobs.

By Order,

William B.C. Addison, Jr.
Secretary

Read and adopted.

At 12:02 A.M. on motion of Senator Garagiola the Senate adjourned Sine die.

Senate Rules are not available electronically.

Please see the printed Senate Journal.

Appendix I

Roll Calls

SEQ NO. 3 Jan 12, 2011 12:25 PM
PRESIDING: McFadden Legislative Date: Jan 12, 2011

Senate of Maryland
2011 Regular Session

ELECTION OF TEMPORARY PRESIDING OFFICER
THE HONORABLE NATHANIEL McFADDEN

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

Senate of Maryland
2011 Regular Session

ELECTION OF THE PERMANENT PRESIDING OFFICER

46 Yeas **0 Nays** **0 Excused** **1 Not Voting** **0 Excused (Absent)**

Voting Yea - 46

Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	
Forehand	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 1

Mr. President

Excused from Voting - 0

Excused (Absent) - 0

Senate of Maryland
2011 Regular Session

ORDERS

DESK OFFICERS

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

SEQ NO. 6 Jan 12, 2011 12:53 PM
PRESIDING: Mr. President Legislative Date: Jan 12, 2011

Senate of Maryland
2011 Regular Session

RULES

ADOPTION OF RULES
(EXCEPT RULE 116)

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

SEQ NO. 7 Jan 12, 2011 1:00 PM
PRESIDING: Mr. President Legislative Date: Jan 12, 2011

Senate of Maryland
2011 Regular Session

QUORUM

47 Yeas 0 Nays 0 Excused 0 Not Voting 0 Excused (Absent)

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Forehand	Kittleman	Raskin
Astle	Frosh	Klausmeier	Reilly
Benson	Garagiola	Madaleno	Robey
Brinkley	Getty	Manno	Rosapepe
Brochin	Gladden	Mathias	Shank
Colburn	Glassman	Montgomery	Simonaire
Conway	Jacobs	Muse	Stone
Currie	Jennings	Peters	Young
DeGrange	Jones-Rodwell	Pinsky	Zirkin
Dyson	Kasemeyer	Pipkin	
Edwards	Kelley	Pugh	
Ferguson	King	Ramirez	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

McFadden Middleton

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its congratulations to
Maryland's Korean Americans
in recognition of the significant contributions that
Korean Americans have made in our nation, in the
State of Maryland, and in our local communities.

44 Yeas **0 Nays** **0 Excused** **1 Not Voting** **2 Excused (Absent)**

Voting Yea - 44

Mr. President	Ferguson	King	Pugh
Astle	Frosh	Kittleman	Ramirez
Benson	Garagiola	Klausmeier	Raskin
Brinkley	Getty	Madaleno	Reilly
Brochin	Gladden	Manno	Robey
Colburn	Glassman	Mathias	Rosapepe
Conway	Jacobs	Montgomery	Shank
Currie	Jennings	Muse	Simonaire
DeGrange	Jones-Rodwell	Peters	Stone
Dyson	Kasemeyer	Pinsky	Young
Edwards	Kelley	Pipkin	Zirkin

Voting Nay - 0

Not Voting - 1

Forehand

Excused from Voting - 0

Excused (Absent) - 2

McFadden Middleton

SEQ NO. 12 Jan 13, 2011 10:39 AM
PRESIDING: Mr. President Legislative Date: Jan 13, 2011

Senate of Maryland
2011 Regular Session

QUORUM

45 Yeas 0 Nays 0 Excused 0 Not Voting 2 Excused (Absent)

Voting Yea - 45

Mr. President	Forehand	Kittleman	Raskin
Astle	Frosh	Klausmeier	Reilly
Benson	Garagiola	Madaleno	Robey
Brinkley	Getty	Manno	Rosapepe
Brochin	Gladden	Mathias	Shank
Colburn	Glassman	Montgomery	Simonaire
Conway	Jacobs	Muse	Stone
Currie	Jennings	Peters	Young
DeGrange	Jones-Rodwell	Pinsky	Zirkin
Dyson	Kasemeyer	Pipkin	
Edwards	Kelley	Pugh	
Ferguson	King	Ramirez	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

McFadden	Middleton

SEQ NO. 15 Jan 14, 2011 11:11 AM
PRESIDING: Mr. President Legislative Date: Jan 14, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

43 Yeas **0 Nays** **0 Excused** **0 Not Voting** **4 Excused (Absent)**

Voting Yea - 43

Astle	Frosh	Kittleman	Pugh
Benson	Garagiola	Klausmeier	Ramirez
Brinkley	Getty	Madaleno	Reilly
Brochin	Gladden	Manno	Robey
Colburn	Glassman	Mathias	Rosapepe
Conway	Jacobs	McFadden	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Jones-Rodwell	Muse	Stone
Edwards	Kasemeyer	Peters	Young
Ferguson	Kelley	Pinsky	Zirkin
Forehand	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Mr. President	Currie	Middleton	Raskin

SEQ NO. 16 Jan 14, 2011 11:18 AM
PRESIDING: McFadden Legislative Date: Jan 14, 2011

Senate of Maryland
2011 Regular Session

QUORUM

43 Yeas **0 Nays** **0 Excused** **0 Not Voting** **4 Excused (Absent)**

Voting Yea - 43

Astle	Frosh	Kittleman	Pugh
Benson	Garagiola	Klausmeier	Ramirez
Brinkley	Getty	Madaleno	Reilly
Brochin	Gladden	Manno	Robey
Colburn	Glassman	Mathias	Rosapepe
Conway	Jacobs	McFadden	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Jones-Rodwell	Muse	Stone
Edwards	Kasemeyer	Peters	Young
Ferguson	Kelley	Pinsky	Zirkin
Forehand	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Mr. President	Currie	Middleton	Raskin

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Kittleman	Ramirez
Astle	Frosh	Klausmeier	Raskin
Benson	Garagiola	Madaleno	Reilly
Brinkley	Getty	Manno	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jennings	Muse	Stone
DeGrange	Jones-Rodwell	Peters	Young
Dyson	Kasemeyer	Pinsky	Zirkin
Edwards	Kelley	Pipkin	
Ferguson	King	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Mathias

COPY

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Kittleman	Ramirez
Astle	Frosh	Klausmeier	Raskin
Benson	Garagiola	Madaleno	Reilly
Brinkley	Getty	Manno	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jennings	Muse	Stone
DeGrange	Jones-Rodwell	Peters	Young
Dyson	Kasemeyer	Pinsky	Zirkin
Edwards	Kelley	Pipkin	
Ferguson	King	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Mathias

SEQ NO. 21 Jan 18, 2011 10:18 AM
PRESIDING: Mr. President Legislative Date: Jan 18, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Kittleman	Ramirez
Astle	Frosh	Klausmeier	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jennings	Muse	Stone
DeGrange	Jones-Rodwell	Peters	Young
Dyson	Kasemeyer	Pinsky	Zirkin
Edwards	Kelley	Pipkin	
Ferguson	King	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Madaleno

COPY

SEQ NO. 22 Jan 18, 2011 10:23 AM
PRESIDING: Mr. President Legislative Date: Jan 18, 2011

Senate of Maryland
2011 Regular Session

SUSPEND RULES TO BYPASS RULES COMMITTEE
AND REFER THE BILL DIRECTLY TO A
STANDING COMMITTEE

45 Yeas **1 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 45

Mr. President	Frosh	Klausmeier	Raskin
Astle	Garagiola	Manno	Reilly
Benson	Getty	Mathias	Robey
Brinkley	Gladden	McFadden	Rosapepe
Brochin	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jennings	Muse	Stone
DeGrange	Jones-Rodwell	Peters	Young
Dyson	Kasemeyer	Pinsky	Zirkin
Edwards	Kelley	Pipkin	
Ferguson	King	Pugh	
Forehand	Kittleman	Ramirez	

Voting Nay - 1

Colburn

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Madaleno

COPY

SEQ NO. 23 Jan 18, 2011 10:30 AM
PRESIDING: Mr. President Legislative Date: Jan 18, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Kittleman	Ramirez
Astle	Frosh	Klausmeier	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jennings	Muse	Stone
DeGrange	Jones-Rodwell	Peters	Young
Dyson	Kasemeyer	Pinsky	Zirkin
Edwards	Kelley	Pipkin	
Ferguson	King	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Madaleno

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

SEQ NO. 26 Jan 19, 2011 10:11 AM
PRESIDING: Mr. President Legislative Date: Jan 19, 2011

Senate of Maryland
2011 Regular Session

QUORUM

44 Yeas **0 Nays** **0 Excused** **3 Not Voting** **0 Excused (Absent)**

Voting Yea - 44

Mr. President	Garagiola	Klausmeier	Pugh
Brinkley	Getty	Madaleno	Ramirez
Brochin	Gladden	Manno	Raskin
Conway	Glassman	Mathias	Reilly
Currie	Jacobs	McFadden	Robey
DeGrange	Jennings	Middleton	Rosapepe
Dyson	Jones-Rodwell	Montgomery	Shank
Edwards	Kasemeyer	Muse	Simonaire
Ferguson	Kelley	Peters	Stone
Forehand	King	Pinsky	Young
Frosh	Kittleman	Pipkin	Zirkin

Voting Nay - 0

Not Voting - 3

Astle	Benson	Colburn

Excused from Voting - 0

Excused (Absent) - 0

Ja Governor and Lt. Governor

SENATE ROLL CALL

2011 26A

January 19, 2011

	YEAS	NAYS
MR. PRESIDENT		
ASTLE		
BENSON		
BRINKLEY		
BROCHIN		
COLBURN		
CONWAY		
CURRIE		
DEGRANGE		
DYSON		
EDWARDS		
FERGUSON		
FOREHAND		
FROSH		
GARAGIOLA		
GETTY		
GLADDEN		
GLASSMAN		
JACOBS		
JENNINGS		
JONES-RODWELL		
KASEMEYER		
KELLEY		
KING		
KITTLEMAN		
KLAUSMEIER		
MADALENO		
MANNO		
MATHIAS		
MCFADDEN		
MIDDLETON		
MONTGOMERY		
MUSE		
PETERS		
PINSKY		
PIPKIN		
PUGH		
RAMIREZ		
RASKIN		
REILLY		
ROBEY		
ROSAPEPE		
SHANK		
SIMONAIRE		
STONE		
YOUNG		
ZIRKIN		

TOTAL 47

SEQ NO. 28 Jan 20, 2011 10:14 AM
PRESIDING: Mr. President Legislative Date: Jan 20, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	
Ferguson	King	Pipkin	
Forehand	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Astle Zirkin

COPY

SEQ NO. 29 Jan 20, 2011 10:24 AM
PRESIDING: Mr. President Legislative Date: Jan 20, 2011

Senate of Maryland
2011 Regular Session

SPECIAL ORDER
RULE 116

ADOPTION OF RULE 116
CHANGE IN RULES

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	
Ferguson	King	Pipkin	
Forehand	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Astle Zirkin

SEQ NO. 30 Jan 20, 2011 10:36 AM
PRESIDING: Mr. President Legislative Date: Jan 20, 2011

Senate of Maryland
2011 Regular Session

QUORUM

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	
Ferguson	King	Pipkin	
Forehand	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Astle Zirkin

SEQ NO. 33 Jan 21, 2011 11:15 AM
PRESIDING: Mr. President Legislative Date: Jan 21, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Mr. President	Frosh	Kittleman	Pugh
Benson	Garagiola	Klausmeier	Ramirez
Brinkley	Getty	Madaleno	Raskin
Brochin	Gladden	Manno	Reilly
Colburn	Glassman	Mathias	Robey
Conway	Jacobs	McFadden	Rosapepe
Currie	Jennings	Middleton	Shank
DeGrange	Jones-Rodwell	Montgomery	Simonaire
Dyson	Kasemeyer	Peters	Stone
Edwards	Kelley	Pinsky	Young
Ferguson	King	Pipkin	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Astle	Forehand	Muse

SEQ NO. 34 Jan 21, 2011 11:26 AM
PRESIDING: Mr. President Legislative Date: Jan 21, 2011

Senate of Maryland
2011 Regular Session

QUORUM

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Mr. President	Frosh	Kittleman	Pugh
Benson	Garagiola	Klausmeier	Ramirez
Brinkley	Getty	Madaleno	Raskin
Brochin	Gladden	Manno	Reilly
Colburn	Glassman	Mathias	Robey
Conway	Jacobs	McFadden	Rosapepe
Currie	Jennings	Middleton	Shank
DeGrange	Jones-Rodwell	Montgomery	Simonaire
Dyson	Kasemeyer	Peters	Stone
Edwards	Kelley	Pinsky	Young
Ferguson	King	Pipkin	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Astle	Forehand	Muse

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Getty

SEQ NO. 39 Jan 24, 2011 8:18 PM
PRESIDING: Mr. President Legislative Date: Jan 24, 2011

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its sincerest congratulations to
JENA HATFIELD, ZEB ROHRBACK, and LINWOOD ALSTON
in recognition of your selfless and extraordinary
action, without personal regard, assisting in saving
the life of a fellow citizen of Maryland.

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Getty

SEQ NO. 40 Jan 24, 2011 8:29 PM
PRESIDING: Mr. President Legislative Date: Jan 24, 2011

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its sincerest congratulations to
ANNE SLOAN, WILMA "BILLIE" BERRY, TOM and ANN BERGER
in recognition of your important contribution to the
PAGE PROGRAM by providing a home for the students
serving the Maryland General Assembly.

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Getty

SEQ NO. 41 Jan 24, 2011 8:31 PM
PRESIDING: Mr. President Legislative Date: Jan 24, 2011

Senate of Maryland
2011 Regular Session

SUSPEND RULES TO BYPASS RULES COMMITTEE
AND REFER THE BILL DIRECTLY TO A
STANDING COMMITTEE FOR SB 143-147(Departmental Bills)
AND SB 173-183 (Administration Bills)

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Getty

COPY

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Getty

SEQ NO. 44 Jan 25, 2011 10:10 AM
PRESIDING: Mr. President Legislative Date: Jan 25, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

SEQ NO. 45 Jan 25, 2011 10:17 AM
PRESIDING: Mr. President Legislative Date: Jan 25, 2011

Senate of Maryland
2011 Regular Session

QUORUM

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

SEQ NO. 48 Jan 26, 2011 10:27 AM
PRESIDING: Mr. President Legislative Date: Jan 26, 2011

Senate of Maryland
2011 Regular Session

QUORUM

47 Yeas **0 Nays** **0 Excused** **0 Not Voting** **0 Excused (Absent)**

Voting Yea - 47

Mr. President	Forehand	Kittleman	Pugh
Astle	Frosh	Klausmeier	Ramirez
Benson	Garagiola	Madaleno	Raskin
Brinkley	Getty	Manno	Reilly
Brochin	Gladden	Mathias	Robey
Colburn	Glassman	McFadden	Rosapepe
Conway	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Muse	Stone
Dyson	Kasemeyer	Peters	Young
Edwards	Kelley	Pinsky	Zirkin
Ferguson	King	Pipkin	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 0

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

43 Yeas **0 Nays** **0 Excused** **0 Not Voting** **4 Excused (Absent)**

Voting Yea - 43

Mr. President	Frosh	Kittleman	Ramirez
Astle	Garagiola	Klausmeier	Raskin
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Peters	Stone
Edwards	Kasemeyer	Pinsky	Young
Ferguson	Kelley	Pipkin	Zirkin
Forehand	King	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Conway	Dyson	Madaleno	Muse

SEQ NO. 52 Jan 27, 2011 10:25 AM
PRESIDING: Mr. President Legislative Date: Jan 27, 2011

Senate of Maryland
2011 Regular Session

MARYLAND FALLEN HEROES DAY

SENATORIAL DISTRICTS IN WHICH FALLEN HEROES LIVED

9 Yeas **0 Nays** **0 Excused** **38 Not Voting** **0 Excused (Absent)**

Voting Yea - 9

Edwards	Glassman	Raskin
Ferguson	Kelley	Shank
Frosh	Middleton	Young

Voting Nay - 0

Not Voting - 38

Mr. President	Forehand	Klausmeier	Pugh
Astle	Garagiola	Madaleno	Ramirez
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Jacobs	McFadden	Rosapepe
Colburn	Jennings	Montgomery	Simonaire
Conway	Jones-Rodwell	Muse	Stone
Currie	Kasemeyer	Peters	Zirkin
DeGrange	King	Pinsky	
Dyson	Kittleman	Pipkin	

Excused from Voting - 0

Excused (Absent) - 0

SEQ NO. 53 Jan 27, 2011 10:32 AM
PRESIDING: Mr. President Legislative Date: Jan 27, 2011

Senate of Maryland
2011 Regular Session

QUORUM

43 Yeas **0 Nays** **0 Excused** **0 Not Voting** **4 Excused (Absent)**

Voting Yea - 43

Mr. President	Frosh	Kittleman	Ramirez
Astle	Garagiola	Klausmeier	Raskin
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Currie	Jennings	Montgomery	Simonaire
DeGrange	Jones-Rodwell	Peters	Stone
Edwards	Kasemeyer	Pinsky	Young
Ferguson	Kelley	Pipkin	Zirkin
Forehand	King	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Conway	Dyson	Madaleno	Muse

SEQ NO. 55 Jan 28, 2011 11:12 AM
PRESIDING: Mr. President Legislative Date: Jan 28, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Mr. President	Forehand	King	Pinsky
Astle	Frosh	Kittleman	Pipkin
Benson	Garagiola	Klausmeier	Pugh
Brinkley	Getty	Madaleno	Ramirez
Brochin	Gladden	Manno	Reilly
Colburn	Glassman	Mathias	Rosapepe
Currie	Jacobs	McFadden	Shank
DeGrange	Jennings	Middleton	Simonaire
Dyson	Jones-Rodwell	Montgomery	Stone
Edwards	Kasemeyer	Muse	Young
Ferguson	Kelley	Peters	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Conway	Raskin	Robey

COPY

SEQ NO. 56 Jan 28, 2011 11:31 AM
PRESIDING: Mr. President Legislative Date: Jan 28, 2011

Senate of Maryland
2011 Regular Session

QUORUM

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Mr. President	Forehand	King	Pinsky
Astle	Frosh	Kittleman	Pipkin
Benson	Garagiola	Klausmeier	Pugh
Brinkley	Getty	Madaleno	Ramirez
Brochin	Gladden	Manno	Reilly
Colburn	Glassman	Mathias	Rosapepe
Currie	Jacobs	McFadden	Shank
DeGrange	Jennings	Middleton	Simonaire
Dyson	Jones-Rodwell	Montgomery	Stone
Edwards	Kasemeyer	Muse	Young
Ferguson	Kelley	Peters	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Conway	Raskin	Robey

SEQ NO. 58 Jan 31, 2011 8:09 PM
PRESIDING: Mr. President Legislative Date: Jan 31, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 59 Jan 31, 2011 8:25 PM
PRESIDING: Mr. President Legislative Date: Jan 31, 2011

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its sincerest congratulations to
Ginger Scally and Susan Hottle-Shultz
in recognition of your receiving the 2010 Patricia
Behring Middle School HISTORY DAY TEACHER OF THE YEAR
AWARD.

45 Yeas **0 Nays** **0 Excused** **1 Not Voting** **1 Excused (Absent)**

Voting Yea - 45

Mr. President	Forehand	Klausmeier	Raskin
Astle	Frosh	Madaleno	Reilly
Benson	Garagiola	Manno	Robey
Brinkley	Getty	Mathias	Rosapepe
Brochin	Gladden	McFadden	Shank
Colburn	Glassman	Middleton	Simonaire
Conway	Jacobs	Montgomery	Stone
Currie	Jones-Rodwell	Muse	Young
DeGrange	Kasemeyer	Peters	Zirkin
Dyson	Kelley	Pinsky	
Edwards	King	Pipkin	
Ferguson	Kittleman	Ramirez	

Voting Nay - 0

Not Voting - 1

Pugh

Excused from Voting - 0

Excused (Absent) - 1

Jennings

Senate of Maryland
2011 Regular Session

NATIONAL HISTORY DAY AWARDS

Catherine Troup History Channel Outstanding Project-tied to a Senior Web Site
Christopher Crunkleton, History Channel Outstanding Project tied to a Junior Web Site

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 63 Feb 1, 2011 10:25 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

COPY

SEQ NO. 64 Feb 1, 2011 10:27 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 65 Feb 1, 2011 10:28 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

SB 44 Third Reading (SB) Calendar No. 1
Sen. Middleton (FIN)
Qualified State Long-Term Care Insurance
Partnership Program - Reporting
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 66 Feb 1, 2011 10:28 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

SB 57 Third Reading (SB) Calendar No. 1
Ch., Finance Com. (FIN)
Maryland Health Care Commission - Certificate of Need Requirements
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 67 Feb 1, 2011 10:29 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

SB 58 Third Reading (SB) Calendar No. 1
Ch., Finance Com. (FIN)
Unemployment Insurance - Judicial Review of Board of Appeals Decision - Passage of Order On Third Reading (Emerg)

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

COPY

SEQ NO. 68 Feb 1, 2011 10:29 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

SB 59 Third Reading (SB) Calendar No. 1
Ch., Finance Com. (FIN)
Insurance - Company Action Level Events - Health Insurers
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 69 Feb 1, 2011 10:29 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

SB 60 Third Reading (SB) Calendar No. 1
Ch., Finance Com. (FIN)
Unemployment Insurance - Administration of Claims - Changes to Withholding Status
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

COPY

SEQ NO. 70 Feb 1, 2011 10:30 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

SB 66 Third Reading (SB) Calendar No. 1
Ch., Jud. Proceed. (JPR)
Criminal Procedure - Criminal Justice Information System Central Repository - Reportable Events
On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 71 Feb 1, 2011 10:31 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its sincerest congratulations to
Mount Washington Pediatric Hospital
in recognition of the celebration of 90 years of
providing care to children throughout the
State of Maryland.

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 72 Feb 1, 2011 10:37 AM
PRESIDING: Mr. President Legislative Date: Feb 1, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 74 Feb 2, 2011 10:10 AM
PRESIDING: Mr. President Legislative Date: Feb 2, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

COPY

SEQ NO. 75 Feb 2, 2011 10:28 AM
PRESIDING: Mr. President Legislative Date: Feb 2, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 77 Feb 3, 2011 11:43 AM
PRESIDING: Mr. President Legislative Date: Feb 3, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 78 Feb 3, 2011 11:56 AM
PRESIDING: Mr. President Legislative Date: Feb 3, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SENATE ROLL CALL NO. 78A DATE: FEB 03 2011

Senate of Maryland

Joint Session

State of the State, February 3, 2011

	YEAS	NAYS
MR. PRESIDENT		
ASTLE		
BENSON		
BRINKLEY		
BROCHIN		
COLBURN		
CONWAY		
CURRIE		
DEGRANGE		
DYSON		
EDWARDS		
FERGUSON		
FOREHAND		
FROSH		
GARAGIOLA		
GETTY		
GLADDEN		
GLASSMAN		
JACOBS		
JENNINGS excused absence		
JONES-RODWELL		
KASEMEYER		
KELLEY		
KING		

	YEAS	NAYS
KITTLEMAN		
KLAUSMEIER		
MADALENO		
MANNO		
MATHIAS		
MCFADDEN		
MIDDLETON		
MONTGOMERY		
MUSE		
PETERS		
PINSKY		
PIPKIN		
PUGH		
RAMIREZ		
RASKIN		
REILLY		
ROBEY		
ROSAPEPE		
SHANK		
SIMONAIRE		
STONE		
YOUNG		
ZIRKIN		

AFFIRMATIVE: 46 NEGATIVE: _____

SEQ NO. 80 Feb 4, 2011 11:17 AM
PRESIDING: Mr. President Legislative Date: Feb 4, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

43 Yeas 0 Nays 0 Excused 0 Not Voting 4 Excused (Absent)

Voting Yea - 43

Mr. President	Ferguson	Klausmeier	Ramirez
Astle	Forehand	Madaleno	Raskin
Benson	Frosh	Manno	Reilly
Brinkley	Garagiola	Mathias	Robey
Brochin	Getty	McFadden	Rosapepe
Colburn	Gladden	Middleton	Shank
Conway	Glassman	Montgomery	Simonaire
Currie	Jacobs	Peters	Stone
DeGrange	Kelley	Pinsky	Young
Dyson	King	Pipkin	Zirkin
Edwards	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Jennings	Jones-Rodwell	Kasemeyer	Muse

COPY

SEQ NO. 81 Feb 4, 2011 11:28 AM
PRESIDING: Mr. President Legislative Date: Feb 4, 2011

Senate of Maryland
2011 Regular Session

SPECIAL ORDER
EXECUTIVE NOMINATIONS COMMITTEE

REPORT NO. 1
Question is shall the Senate advise and consent to the nominations of the Chief Executive?

43 Yeas **0 Nays** **0 Excused** **0 Not Voting** **4 Excused (Absent)**

Voting Yea - 43

Mr. President	Ferguson	Klausmeier	Ramirez
Astle	Forehand	Madaleno	Raskin
Benson	Frosh	Manno	Reilly
Brinkley	Garagiola	Mathias	Robey
Brochin	Getty	McFadden	Rosapepe
Colburn	Gladden	Middleton	Shank
Conway	Glassman	Montgomery	Simonaire
Currie	Jacobs	Peters	Stone
DeGrange	Kelley	Pinsky	Young
Dyson	King	Pipkin	Zirkin
Edwards	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Jennings	Jones-Rodwell	Kasemeyer	Muse

COPY

SEQ NO. 82 Feb 4, 2011 11:32 AM
PRESIDING: Mr. President Legislative Date: Feb 4, 2011

Senate of Maryland
2011 Regular Session

QUORUM

43 Yeas 0 Nays 0 Excused 0 Not Voting 4 Excused (Absent)

Voting Yea - 43

Mr. President	Ferguson	Klausmeier	Ramirez
Astle	Forehand	Madaleno	Raskin
Benson	Frosh	Manno	Reilly
Brinkley	Garagiola	Mathias	Robey
Brochin	Getty	McFadden	Rosapepe
Colburn	Gladden	Middleton	Shank
Conway	Glassman	Montgomery	Simonaire
Currie	Jacobs	Peters	Stone
DeGrange	Kelley	Pinsky	Young
Dyson	King	Pipkin	Zirkin
Edwards	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 4

Jennings	Jones-Rodwell	Kasemeyer	Muse

COPY

SEQ NO. 84 Feb 7, 2011 8:14 PM
PRESIDING: Mr. President Legislative Date: Feb 4, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Forehand	Madaleno	Raskin
Astle	Frosh	Manno	Reilly
Benson	Garagiola	Mathias	Robey
Brinkley	Getty	McFadden	Rosapepe
Brochin	Gladden	Middleton	Shank
Colburn	Glassman	Montgomery	Simonaire
Conway	Jacobs	Muse	Stone
Currie	Jones-Rodwell	Peters	Young
DeGrange	Kasemeyer	Pinsky	Zirkin
Dyson	Kelley	Pipkin	
Edwards	King	Pugh	
Ferguson	Klausmeier	Ramirez	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Jennings Kittleman

SEQ NO. 85 Feb 7, 2011 8:18 PM
PRESIDING: Mr. President Legislative Date: Feb 4, 2011

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its sincerest congratulations to
Middletown High School Girls Soccer Team
in recognition of winning the Class 2A Championship
and their first undefeated season in school history.
Congratulations on an excellent season!

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Forehand	Madaleno	Raskin
Astle	Frosh	Manno	Reilly
Benson	Garagiola	Mathias	Robey
Brinkley	Getty	McFadden	Rosapepe
Brochin	Gladden	Middleton	Shank
Colburn	Glassman	Montgomery	Simonaire
Conway	Jacobs	Muse	Stone
Currie	Jones-Rodwell	Peters	Young
DeGrange	Kasemeyer	Pinsky	Zirkin
Dyson	Kelley	Pipkin	
Edwards	King	Pugh	
Ferguson	Klausmeier	Ramirez	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Jennings Kittleman

SEQ NO. 86 Feb 7, 2011 8:25 PM
PRESIDING: Mr. President Legislative Date: Feb 4, 2011

Senate of Maryland
2011 Regular Session

QUORUM

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Mr. President	Forehand	Madaleno	Raskin
Astle	Frosh	Manno	Reilly
Benson	Garagiola	Mathias	Robey
Brinkley	Getty	McFadden	Rosapepe
Brochin	Gladden	Middleton	Shank
Colburn	Glassman	Montgomery	Simonaire
Conway	Jacobs	Muse	Stone
Currie	Jones-Rodwell	Peters	Young
DeGrange	Kasemeyer	Pinsky	Zirkin
Dyson	Kelley	Pipkin	
Edwards	King	Pugh	
Ferguson	Klausmeier	Ramirez	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Jennings Kittleman

SEQ NO. 88 Feb 8, 2011 10:13 AM
PRESIDING: Mr. President Legislative Date: Feb 8, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 89 Feb 8, 2011 10:26 AM
PRESIDING: Mr. President Legislative Date: Feb 8, 2011

Senate of Maryland
2011 Regular Session

The Senate of Maryland
offers its sincerest congratulations to
MARYLAND SENIOR OLYMPICS
in recognition of Maryland Senior Olympics Day
elevating visibility of our Senior Athletes and their
participation in the 2011 National Games.

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 90 Feb 8, 2011 10:34 AM
PRESIDING: Mr. President Legislative Date: Feb 8, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 91 Feb 8, 2011 10:35 AM
PRESIDING: Mr. President Legislative Date: Feb 8, 2011

Senate of Maryland
2011 Regular Session

SB 55 Third Reading (SB) Calendar No. 2
Ch., Budget & Tax (B&T)
Property Tax Assessment Appeal Boards - Membership

On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 92 Feb 8, 2011 10:35 AM
PRESIDING: Mr. President Legislative Date: Feb 8, 2011

Senate of Maryland
2011 Regular Session

SB 69 Third Reading (SB) Calendar No. 2
Sen. Glassman (B&T)
Property Tax - Assessment Appeal Hearings - Right to Record
On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 93 Feb 8, 2011 10:37 AM
PRESIDING: Mr. President Legislative Date: Feb 8, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 95 Feb 9, 2011 10:13 AM
PRESIDING: Mr. President Legislative Date: Feb 9, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Mr. President	Ferguson	Kittleman	Pipkin
Astle	Forehand	Klausmeier	Pugh
Benson	Frosh	Madaleno	Ramirez
Brinkley	Garagiola	Manno	Raskin
Brochin	Gladden	Mathias	Reilly
Colburn	Glassman	McFadden	Robey
Conway	Jacobs	Middleton	Rosapepe
Currie	Jones-Rodwell	Montgomery	Simonaire
DeGrange	Kasemeyer	Muse	Stone
Dyson	Kelley	Peters	Young
Edwards	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Getty	Jennings	Shank

COPY

SEQ NO. 96 Feb 9, 2011 10:32 AM
PRESIDING: Mr. President Legislative Date: Feb 9, 2011

Senate of Maryland
2011 Regular Session

QUORUM

44 Yeas 0 Nays 0 Excused 0 Not Voting 3 Excused (Absent)

Voting Yea - 44

Mr. President	Ferguson	Kittleman	Pipkin
Astle	Forehand	Klausmeier	Pugh
Benson	Frosh	Madaleno	Ramirez
Brinkley	Garagiola	Manno	Raskin
Brochin	Gladden	Mathias	Reilly
Colburn	Glassman	McFadden	Robey
Conway	Jacobs	Middleton	Rosapepe
Currie	Jones-Rodwell	Montgomery	Simonaire
DeGrange	Kasemeyer	Muse	Stone
Dyson	Kelley	Peters	Young
Edwards	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Getty	Jennings	Shank

SEQ NO. 98 Feb 10, 2011 10:20 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

COPY

SEQ NO. 99 Feb 10, 2011 10:25 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

INTRODUCTION OF GUESTS

0 Yeas **0 Nays** **0 Excused** **46 Not Voting** **1 Excused (Absent)**

Voting Yea - 0

Voting Nay - 0

Not Voting - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 100 Feb 10, 2011 10:27 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 101 Feb 10, 2011 10:28 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 32 Third Reading (SB) Calendar No. 3
Sen. Reilly (EHE)
Agriculture - Practice of Veterinary Medicine - Exclusions
On Third Reading

45 Yeas 0 Nays 0 Excused 1 Not Voting 1 Excused (Absent)

Voting Yea - 45

Mr. President	Forehand	Klausmeier	Raskin
Astle	Frosh	Madaleno	Reilly
Benson	Garagiola	Manno	Robey
Brinkley	Getty	Mathias	Rosapepe
Brochin	Gladden	McFadden	Shank
Colburn	Glassman	Montgomery	Simonaire
Conway	Jacobs	Muse	Stone
Currie	Jones-Rodwell	Peters	Young
DeGrange	Kasemeyer	Pinsky	Zirkin
Dyson	Kelley	Pipkin	
Edwards	King	Pugh	
Ferguson	Kittleman	Ramirez	

Voting Nay - 0

Not Voting - 1

Middleton

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 102 Feb 10, 2011 10:28 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 50 Third Reading (SB) Calendar No. 3
Sen. Brochin et al (JPR)
Criminal Procedure - Victim's Compensation - Temporary Lodging for Domestic Violence Victims
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 103 Feb 10, 2011 10:29 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 80 Third Reading (SB) Calendar No. 3
Chair, EHE Com. (EHE)
Tree Expert License - Application and Renewal

On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 104 Feb 10, 2011 10:29 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 83 Third Reading (SB) Calendar No. 3
Chair, EHE Com. (EHE)
Affordable Housing Programs - Authority of Local Governments to Support Programs - Sunset Repeal
On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 105 Feb 10, 2011 10:30 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 91 Third Reading (SB) Calendar No. 3
The President (EHE)
State Board of Architects - Sunset Extension and Program Evaluation
On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 106 Feb 10, 2011 10:30 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 94 Third Reading (SB) Calendar No. 3
The President (EHE)
State Board for Professional Engineers - Sunset Extension and Program Evaluation
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 107 Feb 10, 2011 10:30 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 17 Third Reading (SB) Calendar No. 4
Ch., Jud. Proceed. (JPR)
Courts - Sentence Review - Review Panel

On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 108 Feb 10, 2011 10:31 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 82 Third Reading (SB) Calendar No. 4
Ch., Finance Com. (FIN)
Commercial Law - Sales of Unpackaged Cigarettes - Prohibitions and Penalties
On Third Reading

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 109 Feb 10, 2011 10:31 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 88 Third Reading (SB) Calendar No. 4
The President (FIN)
Maryland Insurance Administration - Program Evaluation
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 110 Feb 10, 2011 10:32 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 93 Third Reading (SB) Calendar No. 4
The President (FIN)
St Bd of Exmrs of Nursing Home Administrators - Sunset Ext and Program Evaluation
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 111 Feb 10, 2011 10:32 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

SB 103 Third Reading (SB) Calendar No. 4
Ch., Finance Com. (FIN)
Ofc of the Commr of Fincl Reg, the Banking Bd, and the St Coll Agnc Lic Bd - Sunset Ext and Pgm Eval
On Third Reading

46 Yeas 0 Nays 0 Excused 0 Not Voting 1 Excused (Absent)

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 112 Feb 10, 2011 10:35 AM
PRESIDING: Mr. President Legislative Date: Feb 10, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Jennings

SEQ NO. 115 Feb 11, 2011 11:10 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

45 Yeas **0 Nays** **0 Excused** **0 Not Voting** **2 Excused (Absent)**

Voting Yea - 45

Astle	Frosh	Madaleno	Raskin
Benson	Garagiola	Manno	Reilly
Brinkley	Getty	Mathias	Robey
Brochin	Gladden	McFadden	Rosapepe
Colburn	Glassman	Middleton	Shank
Conway	Jacobs	Montgomery	Simonaire
Currie	Jennings	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	
Forehand	Klausmeier	Ramirez	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 2

Mr. President Jones-Rodwell

COPY

SEQ NO. 116 Feb 11, 2011 11:23 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SPECIAL ORDER
EXECUTIVE NOMINATIONS COMMITTEE

REPORT NO. 2
Question is shall the Senate advise and consent to the nominations of the Chief Executive?

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 117 Feb 11, 2011 11:24 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

QUORUM

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 118 Feb 11, 2011 11:30 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 46 Third Reading (SB) Calendar No. 5
Sen. Conway (EHE)
State Board of Podiatric Medical Examiners - Podiatric Medical Assistants - Registration
On Third Reading

33 Yeas **11 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 33

Astle	Forehand	Madaleno	Ramirez
Benson	Frosh	Manno	Raskin
Brochin	Garagiola	Mathias	Robey
Conway	Gladden	McFadden	Rosapepe
Currie	Glassman	Middleton	Stone
DeGrange	Kasemeyer	Montgomery	Young
Dyson	Kelley	Muse	
Edwards	King	Peters	
Ferguson	Klausmeier	Pinsky	

Voting Nay - 11

Brinkley	Jacobs	Pipkin	Simonaire
Colburn	Jennings	Reilly	Zirkin
Getty	Kittleman	Shank	

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 119 Feb 11, 2011 11:30 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 76 Third Reading (SB) Calendar No. 5
Sen. Montgomery (EHE)
State Board of Podiatric Medical Examiners - Volunteer Podiatrist License
On Third Reading

44 Yeas 0 Nays 0 Excused 0 Not Voting 3 Excused (Absent)

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 120 Feb 11, 2011 11:31 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 84 Third Reading (SB) Calendar No. 5
The President (EHE)
Electrology Practice Committee - Sunset Extension and Program Evaluation
On Third Reading

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 121 Feb 11, 2011 11:31 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 89 Third Reading (SB) Calendar No. 5
The President (EHE)
State Board of Examiners of Psychologists - Sunset Extension and Program Evaluation
On Third Reading

44 Yeas 0 Nays 0 Excused 0 Not Voting 3 Excused (Absent)

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 122 Feb 11, 2011 11:32 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 90 Third Reading (SB) Calendar No. 5
The President (EHE)
State Board of Podiatric Medical Examiners - Sunset Extension and Program Evaluation
On Third Reading

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 123 Feb 11, 2011 11:32 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 108 Third Reading (SB) Calendar No. 5
Sen. Garagiola (FIN)
Business Regulation - State Amusement Ride Safety Advisory Board - Membership
On Third Reading

44 Yeas **0 Nays** **0 Excused** **0 Not Voting** **3 Excused (Absent)**

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 124 Feb 11, 2011 11:32 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

SB 117 Third Reading (SB) Calendar No. 5
Sen. Glassman et al (EHE)
State Board of Podiatric Medical Examiners - Unannounced Inspections
On Third Reading

44 Yeas 0 Nays 0 Excused 0 Not Voting 3 Excused (Absent)

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

COPY

SEQ NO. 125 Feb 11, 2011 11:38 AM
PRESIDING: McFadden Legislative Date: Feb 11, 2011

Senate of Maryland
2011 Regular Session

QUORUM

44 Yeas 0 Nays 0 Excused 0 Not Voting 3 Excused (Absent)

Voting Yea - 44

Astle	Forehand	Kittleman	Pipkin
Benson	Frosh	Klausmeier	Ramirez
Brinkley	Garagiola	Madaleno	Raskin
Brochin	Getty	Manno	Reilly
Colburn	Gladden	Mathias	Robey
Conway	Glassman	McFadden	Rosapepe
Currie	Jacobs	Middleton	Shank
DeGrange	Jennings	Montgomery	Simonaire
Dyson	Kasemeyer	Muse	Stone
Edwards	Kelley	Peters	Young
Ferguson	King	Pinsky	Zirkin

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 3

Mr. President	Jones-Rodwell	Pugh

SEQ NO. 128 Feb 14, 2011 8:12 PM
PRESIDING: Mr. President Legislative Date: Feb 14, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Garagiola	Madaleno	Raskin
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Frosh

Senate of Maryland
2011 Regular Session

The Senate of Maryland
welcomes the Leningrad Region Legislative Assembly
Konstantin Ostrikov - Deputy
Tatyana Smolina - Deputy
Yuriy Terentyev - Deputy
Tatyana Tolstova - Deputy

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Garagiola	Madaleno	Raskin
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Frosh

SEQ NO. 130 Feb 14, 2011 8:39 PM
PRESIDING: Mr. President Legislative Date: Feb 14, 2011

Senate of Maryland
2011 Regular Session

QUORUM

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Garagiola	Madaleno	Raskin
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Frosh

SEQ NO. 132 Feb 15, 2011 10:19 AM
PRESIDING: Mr. President Legislative Date: Feb 15, 2011

Senate of Maryland
2011 Regular Session

QUORUM - ATTENDANCE

46 Yeas **0 Nays** **0 Excused** **0 Not Voting** **1 Excused (Absent)**

Voting Yea - 46

Mr. President	Forehand	Klausmeier	Ramirez
Astle	Garagiola	Madaleno	Raskin
Benson	Getty	Manno	Reilly
Brinkley	Gladden	Mathias	Robey
Brochin	Glassman	McFadden	Rosapepe
Colburn	Jacobs	Middleton	Shank
Conway	Jennings	Montgomery	Simonaire
Currie	Jones-Rodwell	Muse	Stone
DeGrange	Kasemeyer	Peters	Young
Dyson	Kelley	Pinsky	Zirkin
Edwards	King	Pipkin	
Ferguson	Kittleman	Pugh	

Voting Nay - 0

Not Voting - 0

Excused from Voting - 0

Excused (Absent) - 1

Frosh