JOURNAL

of

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of the

SENATE

of

MARYLAND

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VOLUME II

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Annapolis, Maryland
Monday, February 18, 2008
8:00 P.M. Session

The Senate met at 8:06 P.M.

Prayer by The Reverend Marc Norman, Grace Community Church, guest of Senator Robey.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 15, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 196)

INTRODUCTION OF BILLS

Senate Bill 888 – Senators Lenett, Harrington, King, Madaleno, Pugh, Raskin, and Rosapepe

AN ACT concerning

Higher Education – Maryland Biotechnology Scholarship Program

FOR the purpose of establishing the Maryland Biotechnology Scholarship Program; authorizing the Maryland Higher Education Commission to make scholarship awards, not to exceed a certain amount per recipient, that may be used at certain institutions of higher education for certain purposes; requiring a scholarship recipient to meet certain eligibility criteria to obtain and retain an award; requiring a recipient to sign an agreement that on graduation the recipient will commence employment in a certain field within a certain period or else repay the State the amount of the scholarship award; establishing a certain scholarship fund to receive money and other property; providing that it is the intent of the General Assembly that certain higher education institutions form relationships with employers in a certain sector; and generally relating to the establishment of the Maryland Biotechnology Scholarship Program for students studying to pursue a career in a biotechnology–related field.

BY adding to
Article – Education
Section 18–2801 through 18–2807 to be under the new subtitle "Subtitle 28. Maryland Biotechnology Scholarship Program"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 889 – Senator Dyson

AN ACT concerning

Nurse Practitioners – Authority to Certify

FOR the purpose of authorizing certain nurse practitioners to make a certain determination of incapacity or debilitation under certain circumstances; requiring a certain nurse practitioner to provide a copy of a certain determination to a certain standby guardian; authorizing certain nurse practitioners to certify that a certain minor is pregnant or has given birth under certain circumstances; authorizing certain nurse practitioners or certain nurse midwives to provide certain information about the birth of a child for purposes of filing a birth certificate; authorizing certain nurse practitioners to complete and sign a certain death certificate under certain circumstances; requiring certain nurse practitioners who complete a certain death certificate to give or transmit the certificate to a certain mortician within a certain period of time; authorizing certain nurse practitioners to serve as a witness to a certain advance directive under certain circumstances; authorizing certain nurse practitioners to issue a certain oral emergency medical services "do not resuscitate order" under certain circumstances; authorizing certain nurse practitioners to conduct a certain examination for purposes of a certain involuntary admission; requiring the Department of Health and Mental Hygiene to pay for a certain examination conducted by a certain nurse practitioner; authorizing certain nurse practitioners to conduct certain educational training programs for applicants for certification for the Insect Sting Emergency Treatment Program; authorizing certain nurse practitioners to certify that certain applicants for assignment of a certain special disability registration number or plates to a certain vehicle have certain conditions; defining certain terms; and generally relating to the certifying authority of nurse practitioners.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–906
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–301
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–208(a), 4–212, 5–601(h) and (o) through (q), 5–602(c) through (e), 5–608(c), 10–616(a), 10–628, and 13–704
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 5–601(a), 5–602(a), and 13–701
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 5–601(o)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–616(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 890 – Senator Jones

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Baltimore City – Gay Street One/Madison Square

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to extend the deadline by which the Board of Directors of the East Baltimore Community Corporation may present evidence to the Board of Public Works that a matching fund will be provided; and making a technical change.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006

Section 1(3) Item ZA01(V)

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

Senate Bill 891 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Prince George's County – Reid Community Business Development Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2007 to change the location of the Reid Community Business Development Center.

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BD) and ZA02(BT)

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

Senate Bill 892 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Somerset County – Bending Water Park

FOR the purpose of authorizing the creation of a State Debt not to exceed $200,000, the proceeds to be used as a grant to the Board of Directors of the Accohannock Indian Tribe, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 893 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Wicomico County – Epilepsy Association Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed $170,000, the proceeds to be used as a grant to the Board of Directors of the Epilepsy Association of the Eastern Shore, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing

a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 894 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Worcester County – Rackliffe House

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Rackliffe House Trust, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a preservation easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 895 – Senator Stoltzfus

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Worcester County – Delmarva Discovery Center on the Pocomoke River

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2007 to expand the authorized uses of a certain grant to the Board of Directors of the Pocomoke Marketing Partnership, Inc.

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BV) and ZA02(CE)

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

Senate Bill 896 – Senators Exum, Currie, Harrington, and Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – United Communities Against Poverty Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed $500,000, the proceeds to be used as a grant to the Board of Directors of the United Communities Against Poverty, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 897 – Senators Exum and Kittleman

AN ACT concerning

Workers' Compensation Commission – Medical Fee Guide Committee – Membership

FOR the purpose of requiring the Workers' Compensation Commission to establish a committee within the Commission to review its guide of medical and surgical fees; requiring that the membership of the committee, at all times, consist of one or more dentists who practice dentistry in the State; and generally relating to the Workers' Compensation Commission.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–663(b)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Senate Bill 898 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – Weinberg Village V Senior Apartment Building

FOR the purpose of authorizing the creation of a State Debt not to exceed $1,000,000, the proceeds to be used as a grant to the Board of Directors of Comprehensive Housing Assistance, Inc., and the Board of Directors of the Harry and Jeanette Weinberg Village V Limited Partnership for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 899 – Senator Rosapepe

AN ACT concerning

Public Health – Task Force on Childhood Obesity

FOR the purpose of establishing a Task Force on Childhood Obesity to provide certain advice and recommendations to the Governor and the General Assembly on certain issues; specifying the membership, terms, chairman, and staff of the Task Force; requiring the Task Force to issue a certain report on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Childhood Obesity.

BY adding to
Article – Health – General
Section 19–710.4
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 900 – Senator Klausmeier

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

FOR the purpose of specifying that the exemption from the trader's license requirement imposed on exhibitors applies to exhibitors that provide the promoter with an affidavit stating that the exhibitor has not participated in more than three shows, not including participation in a certain national show, in addition to the current annual income requirements; and generally relating to the licensure of exhibitors.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–1801 and 17–1804(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–1804(d)(2)
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 901 – Senators Exum and Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Delta Alumnae Community Development Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Board of Directors of the Prince George's County Delta Alumnae Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 902 – Senator Kelley

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Insurers – Waiver of Defenses

FOR the purpose of providing that the failure of an uninsured motorist insurer to respond to a certain notice of a certain settlement offer or the consent of an uninsured motorist insurer to acceptance of a certain settlement offer shall not operate as a waiver of any defense of the uninsured motorist insurer available in an action between the uninsured motorist insurer and a person injured in a motor vehicle accident; and generally relating to waivers of defenses available to uninsured motorist insurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–511
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 903 – Senator Kelley

AN ACT concerning

Traumatic Brain Injury Advisory Board – Sunset – Repeal

FOR the purpose of repealing the termination date of the Traumatic Brain Injury Advisory Board; and generally relating to the Traumatic Brain Injury Advisory Board.

BY repealing and reenacting, with amendments,
Chapter 306 of the Acts of the General Assembly of 2005
Section 2

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

Senate Bill 904 – Senator Della

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Baltimore City – The Powerhouse

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to extend the deadline by which the Board of Directors of The East Harbor Community Development Corporation may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA01(AD) and ZA02(AD)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 17 – Delegate Sossi

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

FOR the purpose of altering the date by which the Task Force to Study the Boating Industry in Maryland is required to submit its findings and recommendations to the Governor and the General Assembly; altering the date for the termination of the Task Force; and generally relating to the Task Force to Study the Boating Industry in Maryland.

BY repealing and reenacting, with amendments,
Chapter 523 of the Acts of the General Assembly of 2007
Section 1 and 2

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

House Bill 36 – Delegate Bohanan

AN ACT concerning

Judges' Retirement System – Employment on Faculty of Public Institution of Higher Education

FOR the purpose of establishing that a certain limitation on earnings and reduction of retirement allowance for retired judges does not apply to a retiree who is employed as a member of the faculty of a public institution of higher education in the State; and generally relating to the employment of retired judges.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–406
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 74 – Delegates Healey, Gaines, and Ross

AN ACT concerning

Maryland Housing Rehabilitation Program – Loans to Members of Cooperative Housing Corporations

FOR the purpose of authorizing the Department of Housing and Community Development to take certain actions in connection with certain housing assistance program loans made to members of cooperative housing corporations; providing that certain housing assistance program loans made to members of cooperative housing corporations may be secured by perfected security interests in the members' cooperative interests under certain circumstances; requiring the Department of Housing and Community Development, in connection with certain housing assistance program loans made to members of housing cooperatives, to enter into an agreement with the cooperative housing corporation regarding the parties' rights and obligations with respect to the secured cooperative interest under certain circumstances; defining certain

terms; and generally relating to Maryland Housing Rehabilitation Program loans.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–901 and 4–917
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–909.1
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

House Bill 75 – Delegates Shewell, Dumais, Rosenberg, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Beitzel, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Haddaway, Healey, Heller, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Kipke, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Murphy, Myers, O'Donnell, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, Weir, and Weldon

AN ACT concerning

Juveniles – Arrests for Reportable Offenses – Expansion of Notification

FOR the purpose of expanding certain provisions relating to the required notification to a local public school superintendent of the arrest of a public school student for a certain reportable offense to apply to the notification to a certain nonpublic school official of the arrest of a certain nonpublic school student for a certain reportable offense; providing for the confidentiality of information obtained by the nonpublic school official; making certain conforming changes; defining a certain term; making a certain stylistic change; and generally relating to arrests of juveniles for reportable offenses.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–303
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 87 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

District Court – Commissioners – Jurisdiction

FOR the purpose of authorizing a District Court commissioner to exercise the powers of that office in any county to which the commissioner is assigned by the Chief Judge of the District Court or a designee of the Chief Judge of the District Court; authorizing the Chief Judge of the District Court or a designee of the Chief Judge of the District Court to assign a commissioner to serve temporarily in any county; repealing certain limitations on an assignment of a county commissioner; repealing certain provisions relating to the powers of certain administrative or supervisory commissioners in multicounty districts; making a stylistic change; and generally relating to the powers and duties of District Court commissioners.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–607
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 88 – Delegate Vallario

AN ACT concerning

Maryland Uniform Interstate Depositions and Discovery Act

FOR the purpose of enacting the Maryland Uniform Interstate Depositions and Discovery Act; establishing procedures for requesting and issuing certain subpoenas; providing for the service of certain subpoenas; establishing that certain Maryland Rules apply to certain subpoenas; requiring that an application for a protective order or to enforce, quash, or modify certain subpoenas comply with certain rules and statutes and be filed in a certain court; requiring certain consideration to be given in applying and construing this Act; defining certain terms; repealing existing provisions of law relating to foreign depositions; providing for the application of this Act; and generally relating to interstate depositions and discovery.

BY repealing

Article – Courts and Judicial Proceedings
Section 9–401 through 9–403 and the subtitle "Subtitle 4. Foreign Depositions"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 9–401 through 9–407 to be under the new subtitle "Subtitle 4. Maryland Uniform Interstate Depositions and Discovery Act"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 118 – Delegates Frush and Hubbard

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership

FOR the purpose of altering the membership of the State Advisory Council on Quality Care at the End of Life; and generally relating to the membership of the State Advisory Council on Quality Care at the End of Life.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–1601
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1602(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 130 – Delegates Conaway and Vallario

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

FOR the purpose of authorizing a judge of the United States Tax Court to perform a marriage ceremony in this State; altering a certain definition; and generally relating to marriage ceremonies.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–406(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 133 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

Commission to Develop the Maryland Model for Funding Higher Education – Membership and Extension of Sunset

FOR the purpose of modifying the membership of the Commission to Develop the Maryland Model for Funding Higher Education; altering the date by which the Commission must submit a final report to the Governor and General Assembly; extending the termination date of the Commission; making this Act an emergency measure; and generally relating to the Commission to Develop the Maryland Model for Funding Higher Education.

BY repealing and reenacting, with amendments,
Chapter 57 of the Acts of the General Assembly of 2006
Section 3 and 4

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

House Bill 149 – Delegate Dumais

AN ACT concerning

Family Law – Counsel for Minor – Payment of Fees

FOR the purpose of authorizing a court to impose against one or more parties certain counsel fees for the representation of a minor child in certain proceedings; and generally relating to the payment of certain counsel fees for the representation of a minor child in certain proceedings.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 1–202
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 152 – Delegate Rudolph

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

FOR the purpose of increasing the membership of the Joint Committee on Base Realignment and Closure; and generally relating to the Joint Committee on Base Realignment and Closure.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–12
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 154 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

FOR the purpose of altering the definition of "real estate investment trust" to clarify that the term means an unincorporated "business" trust or association formed under certain provisions of law; establishing that a real estate investment trust, on request of the shareholder, shall send a written statement containing certain information for shares issued without certificates without charge; and generally relating to real estate investment trust law.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 8–101 and 8–203(f)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 165 – Howard County Delegation

AN ACT concerning

Howard County – Criminal History Records Checks – Fingerprinting Requirement
Ho. Co. 05–08

FOR the purpose of ~~requiring a person who is the subject of a request from the County Administrator of Howard County for a criminal history records check that requires that information be obtained from the Federal Bureau of Investigation to submit to the Department of Public Safety and Correctional Services a complete and legible set of the person's fingerprints on standard fingerprint cards~~ altering certain provisions relating to requests for a criminal history records check for prospective employees of Howard County; requiring the Administrator of Howard County to apply to the Criminal Justice Information System Central Repository for a criminal history records check for a prospective employee of the county; requiring the Administrator to submit certain information and fees with the application; requiring the Central Repository to forward certain criminal history record information to the prospective employee and to the Administrator; specifying that certain information obtained from the Central Repository is confidential and may not be disseminated and shall be used only for a certain purpose; authorizing the subject of a criminal history records check to contest, in a certain manner, the contents of the printed statement issued by the Central Repository; and generally relating to certain criminal history records checks in Howard County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–233
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 214 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Bottled Water – Standard of Identity and Labeling Requirements – Out–of–State Registration of Bottled Water and Soft Drinks

FOR the purpose of requiring bottled water to meet certain federal standards of identity; requiring certain labeling requirements to conform with certain federal regulations; requiring a certain representative of the bottler to renew a waiver of filtration and disinfection treatment by submitting a certain letter to the Department of Health and Mental Hygiene; requiring a certain representative of the bottler to give certain notice to the Department under certain circumstances; repealing the out–of–state registration requirements for bottled

water; altering a certain definition; and generally relating to the sale of bottled water and soft drinks in the State.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a) and (k) and 21–336(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–301(b) and (m), 21–336(a), (c), (e)(1), (g), (h), (i), and (k), and 21–336.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health – General
Section 21–301(l), 21–331, and 21–336(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 21–336(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 219 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Bedding Law – Repeal

FOR the purpose of repealing the bedding law in the State.

BY repealing
Article – Health – General
Section 24–401 through 24–435 and the subtitle "Subtitle 4. Bedding"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 233 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Physicians and Pharmacists – Therapy Management Contracts – Extension of Law

FOR the purpose of extending until a certain date the termination of the provisions of law relating to certain licensed physician–pharmacist agreements and certain licensed physician–pharmacist therapy contracts; and generally relating to therapy management contracts between licensed physicians and licensed pharmacists.

BY repealing and reenacting, with amendments,
Chapter 249 of the Acts of the General Assembly of 2002
Section 5

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

House Bill 237 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland AIDS Drug Assistance Program – Special Fund

FOR the purpose of clarifying that the special fund to which certain rebates received by the Department of Health and Mental Hygiene from the AIDS Drug Assistance Program are distributed to a nonlapsing fund, the unspent balances of which do not revert to the General Fund of the State; and generally relating to money to fund the Maryland AIDS Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–104(j)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 256 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Cecil County, from time to time, to borrow not more than $5,000,000 in order to finance the cost of the construction and improvement of certain public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds in like amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; and relating generally to the issuance and sale of the bonds by Cecil County.

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

House Bill 263 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Police Training Commission – Membership and Chairman

FOR the purpose of replacing the Deputy Secretary of the Department of Public Safety and Correctional Services with the Secretary of the Department as a member of the Police Training Commission; designating the Secretary of State Police as chair of the Police Training Commission; and generally related to the Police Training Commission.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–203(a) and 3–204
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 265 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – Emergency Placement of Children – Criminal History Records Checks

FOR the purpose of authorizing a local department of social services to request that a certain agency perform a federal name–based criminal history records check on certain individuals if a child is placed in an emergency in–home placement; authorizing a certain agency to provide certain results to a local department; requiring a local department to submit fingerprints to the Department of Public Safety and Correctional Services under certain circumstances; requiring the Department to conduct a certain criminal history records check under certain circumstances; requiring that a child be removed from an emergency in–home placement under certain circumstances; requiring a certain individual to submit certain information to a local department under certain circumstances; requiring a certain individual to pay a certain fee under certain circumstances; defining a certain term; and generally relating to emergency in–home placements and criminal history records checks.

BY adding to
Article – Family Law
Section 5–569
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 266 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Injuries Compensation Board – Criminal Offense Outside of the United States

FOR the purpose of altering a certain definition to include criminal offenses committed outside of the United States for the purpose of claims to the Criminal Injuries Compensation Board; and generally relating to the Criminal Injuries Compensation Board and criminal offenses outside of the United States.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–801(d)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 279 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Board of Physical Therapy Examiners – Issuance of Temporary Licenses – Repeal

FOR the purpose of repealing the authority of the Board of Physical Therapy Examiners to issue temporary licenses; repealing a certain definition; making certain conforming changes to certain provisions of the law relating to the Board of Physical Therapy Examiners; and generally relating to the Board of Physical Therapy Examiners.

BY repealing
Article – Health Occupations
Section 13–101(k) and 13–313
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–315(a) and 13–316
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 289 – Delegate Pendergrass

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Extension

FOR the purpose of extending the date on which the Task Force on Health Care Access and Reimbursement is required to submit its final report and recommendations; extending the termination date of the Task Force; and generally relating to the Task Force on Health Care Access and Reimbursement.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–710.3
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 505 of the Acts of the General Assembly of 2007
Section 2

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

House Bill 409 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Maryland Home Improvement Commission – Home Improvement Guaranty Fund – Claims

FOR the purpose of altering the maximum amount of money that the Maryland Home Improvement Commission may award from the Home Improvement Guaranty Fund to certain claimants for certain acts or omissions; altering the maximum amount of a certain claim for which the Commission may issue certain orders under certain circumstances; providing for the construction of this Act; and generally relating to the Home Improvement Guaranty Fund.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–405 and 8–407
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 417 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Cooperative Agreements and Information Sharing with Government Agencies

FOR the purpose of authorizing the Commissioner of Financial Regulation to enter into cooperative and information sharing agreements with certain federal, state, or local government agencies; authorizing the Commissioner to exchange certain information with certain federal, state, or local government agencies; and generally relating to cooperative agreements and information sharing by the Commissioner of Financial Regulation.

BY adding to

Article – Financial Institutions
Section 2–117
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 438 – Delegate Hubbard

AN ACT concerning

Department of Health and Mental Hygiene – Birth Defects Research – Medical Information

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to appoint epidemiologists and parents or guardians of children with birth defects to a certain committee that makes certain reports to the Department of Health and Mental Hygiene concerning certain children born with birth defects; requiring hospitals to submit certain reports to the Department within a certain number of days from a certain date; requiring certain health care providers to allow the Department to inspect and obtain certain medical information regarding certain children with birth defects; requiring a hospital to obtain the consent of certain parents or guardians if the Department shows a need for certain information in the course of an investigation that aids in the protection of the public's health; requiring the Secretary to assure that the identity of certain children is not released outside the Department; requiring the Department to keep certain medical information confidential; requiring certain medical information requested by the Department to be used for certain purposes; providing that the release of certain medical information to the Department is not a violation of a certain confidential relationship; providing that certain health care providers are immune from civil and criminal liability and certain disciplinary action; providing that certain medical information is not subject to certain discovery or use as evidence in certain proceedings; requiring the Department to comply with certain State and federal laws regarding human subject research; including guardians of children with birth defects among the individuals who may be appointed to a certain committee that determines certain information to be prepared on birth defects and certain services; defining certain terms; making certain technical changes; and generally relating to the Department of Health and Mental Hygiene and medical information regarding birth defects.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–206
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 467 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than $8,895,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

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

House Bill 471 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Public Facility Bonds

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary's County, from time to time, to borrow not more than $35,000,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary's County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or

redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #5

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

Senate Bill 4 – Senator Simonaire

AN ACT concerning

Notary Public – 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:

Senate Bill 101 – Senator Gladden

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

SB0101/368673/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 101
(First Reading File Bill)

On page 1, in line 4, strike "a" and substitute "certain"; and in the same line, strike "association" and substitute "associations".

On page 2, in line 8, after "**ASSOCIATION**" insert "**CREATED BEFORE JANUARY 1, 1960,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #3

CONSENT CALENDAR #3

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 798 – Senator Dyson

AN ACT concerning

St. Mary's County – Mobile Home Parks – Plans for Dislocated Residents

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 811 – Senator Pipkin

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 814 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary's County – St. Mary's Agricultural Service Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 816 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credit – Historically Operated Amusement Park

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

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

Senate Bill 837 – Senators Muse and Peters

EMERGENCY BILL

AN ACT concerning

Prince George's County – Alcoholic Beverages – Waterfront Entertainment Retail Complex and Wine Festival

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 838 – Senator Dyson

AN ACT concerning

St. Mary's County – Video Gaming Devices – Attorney General to Seek Declaratory Judgment

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 839 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Annapolis Summer Garden Theatre

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

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

Senate Bill 840 – Senator Colburn

AN ACT concerning

Boiler and Pressure Vessel Safety – Inspections – Antique Boilers or Pressure Vessels

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 841 – Senator Middleton

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 842 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Hard Bargain Farm Environmental Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 843 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Henson Valley Montessori School

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

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

Senate Bill 844 – The President (By Request – Administration) and Senators Conway, Garagiola, Jones, Lenett, Madaleno, Pinsky, and Raskin

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Administrative and Enforcement Provisions

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 845 – Senator Lenett

AN ACT concerning

Maryland False Claims Act

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 846 – Senator Kelley

AN ACT concerning

Identity Fraud – Seizure and Forfeiture of Property

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

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

Senate Bill 847 – Senators Conway and Gladden

AN ACT concerning

Task Force on the Minority Business Enterprise Program and Equity Investment Capital

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

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

Senate Bill 848 – Senator Conway

AN ACT concerning

State Board of Social Work Examiners – Membership – Qualifications

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

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

Senate Bill 849 – Senator Rosapepe

AN ACT concerning

Fitness and Athletics Equity for Students with Disabilities Act

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 851 – Senator Lenett

AN ACT concerning

Regulated Firearms – Applications for Dealer's License – Record Keeping and Reporting Requirements

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 852 – Senators Kasemeyer, Kittleman, and Robey

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 854 – Senators Jones, McFadden, and Pugh

EMERGENCY BILL

AN ACT concerning

Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 855 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Rosaryville Conservancy

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 856 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Gwendolyn T. Britt Memorial Safe Passage Emergency Shelter Expansion

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

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

Senate Bill 857 – Senator Lenett

AN ACT concerning

Uniform Emergency Volunteer Health Practitioners Act

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 858 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 859 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

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

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

Senate Bill 860 – Senator Glassman

AN ACT concerning

Forest and Park Wardens – Responsibilities

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

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

Senate Bill 861 – Senators Conway and Exum

AN ACT concerning

Task Force to Study Abuse of Performance–Enhancing Substances

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 862 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Historic Redevelopment

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 863 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Maryland State Boychoir Facility

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 864 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Mount Pleasant Family Life Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 865 – Senator Dyson

AN ACT concerning

Vehicle Laws – Drivers' Licenses and Learners' Instructional Permits – Minors

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 866 – Senator Della

AN ACT concerning

Motor Vehicle Insurance – Use of Credit History in Rating Policies

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 867 – Senators Jones, Conway, Currie, Exum, Gladden, Harrington, McFadden, Muse, and Pugh

AN ACT concerning

Historically Black Institutions – State Funding – Blount–Rawlings–Britt HBI Comparability Program

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 868 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Everyman Theatre

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

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

Senate Bill 869 – Senator Pugh

AN ACT concerning

Baltimore City Public Schools – High School Students – Voter Education

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 870 – Senator Pugh

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2003 – Baltimore Zoo

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 871 – Senator Peters

AN ACT concerning

Real Property Assessments – Market Declines – Revaluation

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 872 – Senator Peters

AN ACT concerning

Veterans of Afghanistan and Iraq Mental Health Pilot Program

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

QUORUM CALL

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

(See Roll Call No. 197)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 96 – Senators Pugh, Conway, Currie, Della, Forehand, Gladden, Klausmeier, Madaleno, McFadden, Peters, and Stone

AN ACT concerning

Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modification Programs

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

Affirmative – 46 Negative – 1 (See Roll Call No. 198)

The Bill was then sent to the House of Delegates.

Senate Bill 141 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Maryland Graduate and Professional Scholarship Program – Qualifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 199)

The Bill was then sent to the House of Delegates.

Senate Bill 146 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Tuition Reduction for Nonresident Nursing Students – Service Obligation

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

Affirmative – 46 Negative – 1 (See Roll Call No. 200)

The Bill was then sent to the House of Delegates.

Senate Bill 183 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Prince George's County Board of Education – Repeal of Requirement for a Comprehensive Review

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

Affirmative – 47 Negative – 0 (See Roll Call No. 201)

The Bill was then sent to the House of Delegates.

Senate Bill 187 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Institutions of Postsecondary Education – Certificate of Approval

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

Affirmative – 47 Negative – 0 (See Roll Call No. 202)

The Bill was then sent to the House of Delegates.

Senate Bill 601 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

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

Affirmative – 47 Negative – 0 (See Roll Call No. 203)

The Bill was then sent to the House of Delegates.

Senate Bill 620 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

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

Affirmative – 47 Negative – 0 (See Roll Call No. 204)

The Bill was then sent to the House of Delegates.

A Tribute to our Maryland Fallen Heroes lead by Senator Peters

QUORUM CALL

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

(See Roll Call No. 206)

RECESS

At 8:32 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 8:34 P.M. on Monday, February 18, 2008, to the Old Senate Chamber in honor of George Washington's Birthday Celebration.

AFTER RECESS
Annapolis, Maryland
Legislative Day: February 18, 2008
Calendar Day: Monday, February 18, 2008
8:34 P.M. Session

At 8:35 P.M. the Senate resumed its session.

Ceremony in Honor of George Washington's Birthday in the Old Senate Chamber

GEORGE WASHINGTON'S BIRTHDAY CELEBRATION PROGRAM

(See Exhibit D of Appendix III)

GEORGE WASHINGTON'S BIRTHDAY ADDRESS

Lt. Governor Anthony G. Brown
George Washington Birthday Address to the Maryland Senate
February 18, 2008

Mr. President, Mr. President Pro Tem, thank you for inviting me to the Old Senate Chamber as we reflect on the life and contributions of one of the greatest Americans who has served our nation. Today, we take a moment to honor a man who was the quintessential American revolutionary, a man who men and women of his day call "His Excellency."

Governor, Mr. Majority Leader, Mr. Minority Leader, this evening, we remember the legacy of selfless service by a man considered by some to have been the perfect example of the patriotic fervor upon which our great nation was founded.

Members of the Maryland Senate, distinguished guests, my fellow Marylanders, the legacy I speak of belongs to General George Washington – the consummate citizen–statesman and citizen–soldier, whose service to country was eternalized in this very chamber 225 years ago when he came before Congress to resign his military commission in 1783.

Before I begin my brief remarks, I want to acknowledge the presence of my wife, Pat and the two joyful gifts that God has given us, our children, Rebecca and Jonathan. For every citizen–soldier there are family members who provide invaluable support. Their service at home is often much more difficult than the service of our men and women in uniform. General Washington believed that to be true, and that our military families are deserving of our appreciation and affection.

George Washington's wife, Martha, once wrote to a friend:

"I cannot blame [my husband] for having acted according to his ideas of duty in obeying the voice of his country. I am still determined to be cheerful and happy, in whatever situation I may be, for I have also learned from experience that the greater part of our happiness...depends upon our dispositions, and not upon our circumstances."

Pat, thank you for your love, your friendship, and your positive disposition, even during the trying circumstances of our lives.

It is fitting that we speak of a president this evening who served not only as a citizen–statesman, as each of you in this august body do, but also as the most–acclaimed citizen–soldier this country has ever known. It's fitting that in our reflection on the man who helped build this nation, that we also speak of the men and women who, at every point in our nation's history, have answered the call to serve their countrymen. Speak of the citizen–soldier, who today serves in the Reserves and National Guard, and who plays an increasingly essential role in the defense of our country.

Whether we realize it or not, the citizen–soldier is present in our daily lives: She is your colleague, your neighbor, your cousin. He is your brother, your grocer, your child's 8th grade teacher. They are the 1,300 Marylanders who last year deployed in harm's way to Iraq and Afghanistan, and should be returning home to their friends and family and this country they love, this land of opportunity, within the weeks and months to come.

And at various points in our history, the citizen-soldier has been our president – Major General Andrew Jackson; Captain Abraham Lincoln; Colonel Theodore Roosevelt; Supreme Allied Commander General Dwight Eisenhower.

Twenty–seven of our 43 presidents served in the military before taking the highest civilian oath in the land, yet during their presidency, none of these outstanding leaders relied so heavily on their experiences in the military as did General Washington. And no other American president, with or without prior military service, "entered the office with more personal prestige" as did General Washington – prestige that was squarely built on his years of military service in the Virginia militia and later the Continental Army.

George Washington, my friends, is the symbol of the American Spirit, of the courage and optimism that have shaped our nation's history. He is the symbol of our bold effort to meet the challenges of evolving times. He was a political and military leader who dedicated himself to promoting conditions for the fulfillment of the American promise: "life, liberty, and the pursuit of happiness."

But before he became our nation's eternal symbol for that which is good about democracy and freedom, he was a man.

George Washington was born on February 22, 1732, in Westmoreland County. He was fourth–generation Virginian, born into a respectable family, but certainly not a family of much prominence in Virginia society. George Washington was not an educated man, certainly not a man of letters. He "received the modern equivalent of a grade–school education, but was never exposed to the classical curriculum or encouraged to attend college at William and Mary [as had other] American statesmen with more robust educational credentials." [1]

George Washington's education, skills and magnificent leadership abilities were not derived from books; they did not have their origins in the classroom. No, George Washington's greatness sprung from his experiences while serving in the military. As the historian Joseph Ellis wrote: "Instead of going to college, Washington went to war." And it was in war where Washington learned the lessons to lead our nation in peace.

But Washington's reputation for greatness, perhaps not popularly known, was not built on a string of uninterrupted successes and triumphs. As a military leader, and even as president of the new republic, George Washington – like all of us at some point in our lives – experienced defeat. General Washington "seemed unable to win battles" even during the American Revolutionary War. "He was not, by any standard, a military genius. He lost more battles than he won; indeed, he lost more battles than any victorious general in modern history."[2]

Some of General Washington's losses were the result of troops always ready to desert the field of battle; some were from the First Continental Congress' unwillingness, and inability, to provide adequate resources to the war effort. However, others "were frequently a function of his own overconfident and aggressive personality"[3] – traits we rarely, if ever, associate with his seemingly virtuous presidency.

How is it that a leader who repeatedly suffered defeat could ultimately prevail as a soldier and later as a president? The answer is revealed in the character that emerged in Washington with each defeat.

General Washington "was composed, indefatigable, and able to learn from his mistakes."[4] He developed self–control in battle. He sidelined his ambitions for the good of the cause and learned to pick his military and, later, political battles. He led by listening and by identifying talented people committed to the common good. George Washington lived a life of self–denial and will always be remembered as a man of

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[1] Ellis, Joseph. His Excellency: George Washington (Knopf, 2004), p. 9.
[2] Vidal, Gore. Inventing a Nation (Yale University Press, 2003), p. 19.
[3] Ellis, p. 74.
[4] Ellis, p. 74.

integrity. As another president would later proclaim, in a different context in a different Age, "Defeat doesn't finish a man, quit does. A man is not finished when he's defeated. He's finished when he quits."

George Washington never quit his life's pursuit of inventing a nation and serving his country. Washington believed deeply that this nation was founded on the laurels of that which is good; believed deeply in the still-unwritten words of de Tocqueville: "America is great because she is good. If America ceases to be good, America will cease to be great." And it was a belief that carried our nation out of infancy and in becoming the greatest nation today.

We are standing at a crossroads in our nation's history, when our greatness is in doubt. We are a nation at war, our economy is receding, and our world is getting smaller and smaller each day. As individual Americans, as a people, we must come together to not only secure our country and to protect our quality of life, but to lift up our neighbors at home and abroad, and to leave our children a better Maryland, a better nation, and a better world.

If Washington taught us one thing, it is that our freedom is not a partisan issue and neither is the progress we make as a people.

Early during the American Revolutionary War, upon his arrival in New York in June 1775, when there was a considerable uncertainty as to how long the struggle with England would last, Washington stated what every soldier throughout the centuries has thought – and I quote:

"As to the fatal, but necessary operations of war, when we assumed the soldier, we did not lay aside the citizen; and we shall most sincerely rejoice with you in that happy hour, when the establishment of American liberty on the most firm and solid foundations, shall enable us to return to our private stations, in the bosom of a free, peaceful, and happy country."

That quote triggers in my mind a moment that I shared with Governor O'Malley last summer – a moment that the Governor has since shared in remarks with others. We were at one of the several farewell ceremonies of our National Guard. And after the ceremony, I watched the Governor as he handed over the Maryland flag to a young captain who was to lead his aviation unit into Afghanistan, and he whispered to him.

Governor, you said, "promise me that you'll bring this flag home." And the young man, who that day was saying farewell to his own young family, responded without even hesitating. "I'll bring it home, sir. It might be a little dusty, but I'll bring it home."

When the war is over, surviving soldiers return home. They return to a place that is far better than where they fought – but they fought to make better not only those places far from home, but home itself. George Washington urges us, as lawmakers, to rise above the factions that might divide us, to accept the responsibility to drive

toward consensus and find the common good to make better the quality of life that we enjoy in Maryland and America.

On December 12, 1799, just two years into retirement, Washington took ill. Two days later, with his wife at his bedside, Washington passed away. A fellow Virginian, Henry Lee, offered a eulogy that "echoed through the ages" – short and simple words that describe who exactly George Washington was, even to the most casual observer of American history: "First in war. First in peace. And first in the hearts of his countrymen."

Washington passed quietly and courageously, well aware that his life's work – the founding of a nation – would indeed outlive his time. "I die hard," he said to Martha, "but I am not afraid to go." Nor should we be afraid.

Thank you.

ADJOURNMENT

At 9:05 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 19, 2008.

Annapolis, Maryland
Tuesday, February 19, 2008
10:00 A.M. Session

The Senate met at 10:25 A.M.

Prayer by The Reverend Ken Valentine, Wesley Grove United Methodist Church, guest of Senator DeGrange.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 18, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 208)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
University of Maryland College Park	Senator Rosapepe	306

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 209)

INTRODUCTION OF BILLS

Senate Bill 905 – Senator Miller

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Maryland Fire–Rescue Services Memorial

FOR the purpose of authorizing the creation of a State Debt not to exceed $75,000, the proceeds to be used as a grant to the Board of Directors of the Maryland Fire–Rescue Services Memorial Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 906 – The President (By Request – Administration) and Senators Astle, Frosh, Garagiola, Klausmeier, Madaleno, Middleton, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap

FOR the purpose of requiring a certain corporation, beginning on a certain date and under certain circumstances, to transfer a certain amount of money to the separate account for the Senior Prescription Drug Assistance Program within the Maryland Health Insurance Plan; authorizing the corporation not to make the transfer, under certain circumstances; providing for a certain exception; requiring the Program to provide a certain subsidy for the Medicare Part D coverage gap, subject to the availability of certain funds; requiring the Board of Directors of the Maryland Health Insurance Plan to determine annually the amount of the subsidy; requiring the segregated account for the Senior Prescription Drug Assistance Program to include certain money deposited by a nonprofit health service plan; repealing a certain source of funds for the Maryland Health Insurance Plan Fund; altering requirements for a certain segregated account; altering requirements for the amount a nonprofit health service plan is required to deposit to the Fund; requiring a nonprofit health service plan to deposit to the Maryland Health Insurance Plan Fund the amount required for the Medicare Part D coverage gap subsidy; defining a certain term; making technical corrections; and generally relating to a subsidy for the Medicare Part D coverage gap for enrollees of the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–102(h), 14–501(i) and (j), 14–504(b), 14–512(c) and (e), and 14–513
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance
Section 14–106.2 and 14–501(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–501(a), 14–504 (a)(1) and (e), and 14–512(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 907 – Senator Pugh

AN ACT concerning

Public Safety – Demolition Work – Safety Provisions and Permitting

FOR the purpose of requiring a contractor to obtain a permit for demolition work in a certain manner; requiring certain contractors to obtain a demolition permit from the Department of Labor, Licensing, and Regulation; requiring the demolition permit applicant to submit a certain application to the Department and pay a certain fee to the Department; requiring the Department to adopt certain regulations; establishing a certain presumption; providing for the application of this Act; defining certain terms; and generally relating to demolition permits.

BY adding to
Article – Public Safety
Section 12–705
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 908 – Senator Klausmeier

AN ACT concerning

Sales and Use Tax – Exemptions – Tax–Free Weeks

FOR the purpose of designating a certain period in a certain year during which the purchase of certain items not exceeding a certain price are exempt from the sales and use tax; designating a certain period in a certain year to be a tax–free period during which an exemption from the sales and use tax is provided for the sale of certain appliances and products that meet or exceed certain applicable

energy efficiency guidelines and for the sale of certain solar water heaters; defining certain terms; and generally relating to a sales and use tax tax–free period for certain purchases.

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #5

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

Senate Bill 132 – Senators Simonaire, Haines, Jacobs, Mooney, Raskin, and Stone

AN ACT concerning

Real Estate Salespersons – Qualifications for Licensure – Education 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:

Senate Bill 144 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Cosmetologists – Makeup Artist Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 181 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Real Estate Commission – Summary Suspension of License – Grounds

SB0181/194633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 4, after the first "licensee" insert "has been convicted of certain crimes or"; and in line 5, after "crimes;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in line 12, strike "**OR**"; in line 13, after "**(3)**" insert "**HAS BEEN CONVICTED OF A CRIME AS DEFINED IN § 17-322(B)(24) OF THIS SUBTITLE; OR**

(4) WITHIN 10 DAYS AFTER THE CONVICTION OR WITHIN 10 DAYS FOLLOWING RELEASE FROM INCARCERATION AS A RESULT OF THE CONVICTION, WHICHEVER IS LATER,".

AMENDMENT NO. 3

On page 3, strike beginning with "shall" in line 8 down through "2008" in line 9 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 186 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – General Services)

AN ACT concerning

Department of General Services – Small Procurement Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 301 – Senators Conway and Gladden

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

SB0301/714639/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 301
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Gladden" and substitute ", Gladden, Lenett, Harrington, Rosapepe, Dyson, and Pinsky"; in line 3, after "Authority" insert "and the Department of Information Technology"; in the same line, strike "a"; in line 4, strike "unit" and substitute "units"; and in line 6, after "services;" insert "requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; making certain provisions of this Act contingent on the taking effect of another Act;"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14-501(b)(22) and (23)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 14-501(b)(24)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2
On page 3, after line 24, insert:

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

Article – State Finance and Procurement

14-501.

(b) "Designated procurement unit" means:

(22) the Morgan State University; **[**and**]**

(23) the Maryland Transportation Authority**; AND**

(24) THE DEPARTMENT OF INFORMATION TECHNOLOGY.".

AMENDMENT NO. 3
On page 3, before line 25, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the Department of General Services 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, on whether this Act has negatively impacted small businesses with:

(1) wholesale operations that did not employ more than 50 persons, and gross sales that did not exceed an average of $2,000,000 in their most recently completed 3 fiscal years;

(2) retail operations that did not employ more than 25 persons, and gross sales that did not exceed an average of $2,000,000 in their most recently completed 3 fiscal years; and

(3) service operations that did not employ more than 100 persons, and gross sales that did not exceed an average of $2,000,000 in their most recently completed 3 fiscal years.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2008, contingent on the taking effect of Chapter ____ (S.B. 212/H.B. 362) of the Acts of the General Assembly of 2008, and if Chapter ____ does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 25, strike "2." and substitute "5."; and in the same line, after "That" insert ", subject to Section 4 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #6

CONSENT CALENDAR #2

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

Senate Bill 62 – Harford County Senators

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses – Additional Class B Licenses

SB0062/184833/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 62
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "license;" insert "specifying when an indirect ownership interest is presumed to exist for certain purposes;"; and in line 22, after "9-213" insert "(e) and".

AMENDMENT NO. 2

On page 5, after line 8, insert:

"(e) **(1)** Except as provided in subsection (j) of this section, in Harford County, a person, franchiser, franchisee, chain store operation, partnership, firm or corporation may not have interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this section to prohibit any person, franchiser, franchisee, chain store operation, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license. This section does not apply to licenses issued under the provisions of § 7–101 of this article or to club licenses.

(2) AN INDIRECT OWNERSHIP INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR OTHER PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:

(I) A COMMON PARENT COMPANY;

(II) A FRANCHISE AGREEMENT;

(III) A LICENSING AGREEMENT;

(IV) A CONCESSION AGREEMENT;

(V) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;

(VI) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;

(VII) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

(VIII) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.";

and in line 17, strike "**10**" and substitute "**9**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 154 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2008

SB0154/764633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 154
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "events;" insert "authorizing the Board of License Commissioners to grant a special license entitling the holder to exercise certain privileges at an event conducted by a not for profit club, society, association, or organization; requiring an applicant for a special license to submit to the Board of License Commissioners a certain application on a certain form;"; in line 16, after

"circumstances;" insert "clarifying and"; in line 20, strike the first "and" and substitute a comma; in the same line, after "(d)(7)," insert "and (n)(2) and (3),"; and in line 26, after "Section" insert "7-101(n)(1) and".

AMENDMENT NO. 2

On page 4, after line 8, insert:

"(n) (1) This subsection applies only in Dorchester County.

(2) The Board of License Commissioners may grant a special license of any class, except for any license issued by the Comptroller, that entitles the holder to exercise any of the privileges conferred by that class at an event conducted by a **NOT FOR PROFIT** club, society, association, or organization.

(3) **[**A license shall be in the form provided by the Board, and the licensee shall sign the license.**] AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE BOARD A COMPLETED, SIGNED, AND NOTARIZED APPLICATION ON THE FORM THAT THE BOARD PROVIDES.**".

On page 5, in line 13, strike "12"; and in line 14, strike "the following day".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 221 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Class B Beer and Light Wine 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:

Senate Bill 292 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in County Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #6

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

Senate Bill 44 – Senator Stone

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

SB0044/738570/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 44
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "making" in line 3 down through "circumstances;" in line 4; and in line 4, strike "the penalty" and substitute "certain penalties".

AMENDMENT NO. 2

On page 1, in line 22, strike the brackets; in line 23, strike "**FELONY**"; strike beginning with "**3**" in line 23 down through "**YEARS**" in line 24 and substitute "**1 YEAR**"; and in line 24, strike "**$5,000**" and substitute "**$2,500**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 111 – Senators Mooney, Haines, Jacobs, Kittleman, McFadden, Munson, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 243 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Gladden, Jacobs, Jones, Lenett, Middleton, and Stone

AN ACT concerning

Child Abuse and Neglect – Additional Professions and Failure to Report – Penalty

SB0243/438470/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 243
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "coroners,"; in line 10, strike "computer technicians,"; and in the same line, after the first "to" insert "knowingly".

AMENDMENT NO. 2

On page 2, in line 1, strike "**CORONER,**"; and in lines 1 and 2, strike "**COMPUTER TECHNICIAN,**".

AMENDMENT NO. 3

On page 2, in line 11, strike "An" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN**"; after line 25, insert:

"**(2) IF THE OFFICE OF THE CHIEF MEDICAL EXAMINER FINDS THAT A DEATH INVESTIGATED BY THE OFFICE WAS CAUSED BY OR RELATED TO CHILD ABUSE OR NEGLECT, THE OFFICE SHALL SEND A COPY OF THE AUTOPSY REPORT:**

(I) TO THE LOCAL DEPARTMENT OR APPROPRIATE LAW ENFORCEMENT AGENCY IF THE FINDING WAS THAT THE DEATH WAS CAUSED BY OR RELATED TO ABUSE; OR

(II) TO THE LOCAL DEPARTMENT IF THE FINDING WAS THAT THE DEATH WAS CAUSED BY OR RELATED TO NEGLECT.";

and in line 26, strike "(2)" and substitute "**(3)**".

The preceding 3 amendments were read only.

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 210)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 176 – Chair, Finance Committee (By Request – Departmental – Comptroller)

SECOND PRINTING

AN ACT concerning

Motor Fuel – Use of Dyed Diesel Fuel – Violations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 211)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 212)

ADJOURNMENT

At 11:03 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 20, 2008.

Annapolis, Maryland
Wednesday, February 20, 2008
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer by Pastor Steve Merki, Life Stream Church of the Nazarene, guest of Senator Middleton.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 19, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 214)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Students of Towson University	Senator James Brochin and Senator Katherine Klausmeier	259

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 215)

INTRODUCTION OF BILLS

Senate Bill 909 – Senator Middleton

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Board of Trustees – Young Farmer

FOR the purpose of expanding the membership of the board of trustees of the Maryland Agricultural Land Preservation Foundation to include a certain member appointed by the Governor from a certain list of nominees submitted by the Young Farmers Advisory Board; requiring nominees submitted by the Young Farmers Advisory Board to meet certain requirements; and generally relating to expanding the membership of the board of trustees of the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–503
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–1002(d)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 910 – Senator McFadden

AN ACT concerning

Law Enforcement Officers' Pension System – Transfer of Membership – Maryland Transit Administration

FOR the purpose of providing that certain members of the Maryland Transit Administration Pension System may transfer from the Maryland Transit Administration Pension System to the Law Enforcement Officers' Pension System in a certain manner; requiring the Maryland Transit Administration to pay to the Board of Trustees for the State Retirement and Pension System certain employer contributions, plus interest; requiring certain members of the Maryland Transit Administration Pension System who transfer certain service credit from the Maryland Transit Administration Pension System to the Law Enforcement Officers' Pension System to pay certain member contributions, plus interest, for a certain period of time; requiring that certain members of the Maryland Transit Administration Pension System who transfer service credit to the Law Enforcement Officers' Pension System receive a certain amount of service credit; requiring that certain members of the Maryland Transit Administration Pension System who transfer certain service credit from the Maryland Transit Administration Pension System complete and file certain forms with the Board of Trustees by a certain date; providing for the termination of this Act; and generally relating to transferring membership into the Law Enforcement Officers' Pension System.

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

Senate Bill 911 – Senator McFadden

AN ACT concerning

Land Bank Authorities – Establishment by Counties

FOR the purpose of authorizing a county to establish a land bank authority by ordinance; requiring an ordinance establishing an authority to include certain articles of incorporation; requiring certain articles of incorporation to be filed, accepted, and amended in a certain manner; authorizing a county creating an authority to take certain actions by ordinance; providing for the disposition of property and obligations of an authority on termination; requiring an ordinance creating an authority to establish and provide for a board of directors; providing that the procedures of a county incorporating an authority control in certain circumstances; establishing the powers of an authority; authorizing an authority to delegate certain powers; authorizing an authority to purchase, own, or sell property located outside of a certain county; authorizing an authority to employ certain staff and retain certain consultants; authorizing a court to appoint an authority to serve as a certain receiver; requiring an authority to adopt a certain code of ethics; establishing certain policies and procedures, and complying with certain provisions of law; authorizing an authority to exercise certain powers of a county; providing an authority with certain immunities; authorizing an authority to take certain actions relating to property held or owned by an authority; requiring property held by an authority to be inventoried and classified in a certain manner; prohibiting a certain register of deeds from charging a certain fee; providing certain tax exemptions for certain properties, activities, and principal, interest, and income from bonds; authorizing an authority to bring a certain civil action; requiring an authority to be made a party to certain actions; prohibiting a certain proceeding from being held until certain service of process is made; establishing that property and income of an authority is for a certain purpose; requiring an authority to make a certain report in a certain time period; authorizing an authority to issue certain bonds for certain purposes under certain circumstances; authorizing an authority to issue certain bond anticipation notes; authorizing an authority to take certain actions in connection with bonds issued by an authority; requiring an authority to pass a certain resolution in connection with each issue of its bonds; authorizing an authority to enter into certain trust agreements in connection with bonds issued by an authority; requiring an authority to convey title and release certain collateral under certain circumstances; authorizing certain persons to bring certain actions; defining certain terms; providing for the construction of this Act; establishing that the powers granted in this Act are supplemental to certain other powers; establishing that this Act does not authorize an authority to exercise certain powers or levy certain taxes or assessments; and generally relating to land bank authorities.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 22–101 through 22–212 to be under the new title "Title 22. Land Bank Authorities"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 912 – Senators Dyson and DeGrange

AN ACT concerning

Early Childhood Education – Children in Military Families

FOR the purpose of altering certain definitions to provide that certain children whose families meet certain eligibility requirements are eligible for certain publicly funded prekindergarten programs; and generally relating to eligibility requirements for publicly funded prekindergarten programs.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 913 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Beans and Bread

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Board of Directors of St. Vincent de Paul of Baltimore, Inc., for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

FOR the purpose of clarifying the appointed membership of the Handgun Roster Board with respect to the representation of a certain organization; and generally relating to the membership of the Handgun Roster Board.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–404
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 915 – Senator Middleton

AN ACT concerning

Task Force on the Future Conservation of Maryland's Open Space and Farmland

FOR the purpose of establishing a Task Force on the Future Conservation of Maryland's Open Space and Farmland; providing for the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to make certain evaluations and determinations; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to conserving open space and farmland in Maryland.

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

Senate Bill 916 – Senator Middleton

AN ACT concerning

Maryland Trauma Physician Services Fund – Reimbursement and Grants

FOR the purpose of requiring certain costs incurred by certain trauma centers to maintain certain surgeons on–call to be reimbursed from the Maryland Trauma Physicians Services Fund at a certain rate under certain circumstances; specifying the maximum number of hours per year that certain trauma centers

are eligible for reimbursement; authorizing the Maryland Health Care Commission to establish a certain payment rate for uncompensated care incurred by certain trauma physicians that is above a certain rate under certain circumstances; repealing a certain cap on reimbursements from the Fund to certain physicians; providing that expenditures from the Fund may not exceed revenues except under certain circumstances; requiring the Commission, in consultation with certain entities, to develop a certain process for the award of certain grants to Level II and III trauma centers in the State; requiring certain grants to be issued from a certain fund balance; requiring the Commission to report to certain committees of the General Assembly about a certain process for the award of certain grants; defining a certain term; altering a certain definition; and generally relating to the Maryland Trauma Physician Services Fund.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–130
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 917 – Senator Forehand

AN ACT concerning

Catastrophic Health Emergencies – Quarantine Orders – Arrest Without Warrant and Citations

FOR the purpose of authorizing an arrest without a warrant for failing to comply with a certain health emergency quarantine order; authorizing a police officer to issue a citation for failing to comply with a certain health emergency quarantine order; and generally relating to catastrophic health emergency quarantine orders and arrests without warrants and citations.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–203 and 4–101
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–3A–08
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 918 – Senator Forehand

AN ACT concerning

Long–Term Care Insurance – Discrimination Based on Genetic Information or Tests – Prohibited

FOR the purpose of repealing an exemption for long–term care insurance policies from the scope of certain provisions of law regulating the use and disclosure of certain genetic information, certain genetic tests, and the results of certain genetic tests by certain health insurance carriers in connection with health insurance policies and contracts; and generally relating to genetic tests, genetic information, and long–term care insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–909
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 919 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Wayland Senior Village

FOR the purpose of authorizing the creation of a State Debt not to exceed $1,000,000, the proceeds to be used as a grant to the Board of Directors of the Wayland Baptist Church Community Development Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 920 – Senators Brinkley, Colburn, Currie, Dyson, Edwards, Frosh, Garagiola, Glassman, Haines, Kittleman, Klausmeier, Middleton, Mooney, Munson, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Task Force to Study Statewide Gypsy Moth Infestation

FOR the purpose of establishing a Task Force to Study Statewide Gypsy Moth Infestation; providing for the membership of the Task Force; providing that the Governor shall designate the chair of the Task Force; providing for the staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; providing for the duties of the Task Force; requiring the Task Force to report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Statewide Gypsy Moth Infestation.

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

Senate Bill 921 – Senator Jacobs

AN ACT concerning

Jury Duty – Excusal from Service – Breast–Feeding Mother

FOR the purpose of requiring a jury judge or jury commissioner to excuse from jury service a mother who is breast–feeding a child under a certain age; requiring the jury commissioner to again summon the mother for jury service when the child attains a certain age; and generally relating to excusal from jury service.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 8–402
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 922 – Senator Jacobs

AN ACT concerning

Thomas J. Hatem Memorial Bridge Deck Replacement – Susquehanna River Region E–Z Pass – Pilot Program

FOR the purpose of requiring the Maryland Transportation Authority to provide for a Susquehanna River Region E–Z Pass that is valid only at the Thomas J. Hatem Memorial Bridge and a certain portion of the John F. Kennedy Memorial Highway for a certain time period; providing for the purchase of a Susquehanna River Region E–Z Pass; limiting use of the Susquehanna River Region E–Z Pass

to certain types of motor vehicles; requiring registration for the Susquehanna River Region E–Z Pass and establishing certain registration procedures; establishing a maximum fee for the Susquehanna River Region E–Z Pass; authorizing the Authority to adopt certain regulations; requiring the Authority to review the fiscal impact of providing a Susquehanna River Region E–Z Pass and to report to the General Assembly on the feasibility of providing the E–Z Pass on a permanent basis; and generally relating to the use of a Susquehanna River Region E–Z Pass on the Thomas J. Hatem Memorial Bridge and the John F. Kennedy Memorial Highway.

BY adding to
Article – Transportation
Section 4–406
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

Senate Bill 923 – Senator Jacobs

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

FOR the purpose of authorizing Cecil County to exercise certain powers concerning the creation of special taxing districts, the levying of certain taxes, and the issuing of certain bonds for developing and financing certain infrastructure improvements under certain circumstances; authorizing Cecil County to create a special taxing district only in certain areas; authorizing the governing body of Cecil County to consider certain aspects of a development that would benefit from the creation of a special taxing district at a certain public hearing; requiring certain disclosure to buyers of real property within a special taxing district of certain charges for which the buyer would be liable; providing that failure to provide certain disclosure makes a contract for the purchase of real property within a special taxing district voidable under certain circumstances; requiring that adequate debt service reserve funds be maintained by Cecil County; providing that Cecil County may establish a special taxing district only if all the owners of the real property located within the proposed special taxing district petition the county for the creation of the special taxing district; and generally relating to the authority of Cecil County to create special taxing districts for developing and financing infrastructure improvements.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(b) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 924 – Senator Peters

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – Residual Value

FOR the purpose of prohibiting a lessor from passing on to the lessee the portion of the motor vehicle excise tax paid by the lessor on the residual value of a leased vehicle; providing that a lessor is entitled to a refund of the portion of the motor vehicle excise tax paid by the lessor on the residual value of a leased vehicle; requiring a lessor to apply to the Motor Vehicle Administration on a certain form in order to obtain a refund; defining certain terms; and generally relating to the motor vehicle excise tax and the residual value of leased vehicles.

BY adding to
Article – Transportation
Section 13–809.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 925 – Senators Garagiola, Forehand, Frosh, King, Kramer, Lenett, Madaleno, and Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – The Arc of Montgomery County Group Homes

FOR the purpose of authorizing the creation of a State Debt in the amount of $275,000, the proceeds to be used as a grant to the Board of Directors of The Arc of Montgomery County, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 926 – Senator Astle

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

FOR the purpose of providing that the State procurement law does not apply to a contract or grant from a unit of State government to the Chesapeake Bay Trust for certain projects; providing that the State procurement law applies to certain expenditures by the Trust; excepting units of State government from a requirement under certain circumstances that the units adopt certain procurement policies and procedures; and generally relating to the application of the State procurement law to State contracts and grants awarded to the Chesapeake Bay Trust.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–1901
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1909
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–202
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–401(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 927 – Senator Jacobs

AN ACT concerning

Environment – Sewage Sludge Utilization – Zoning and Land Use Requirements

FOR the purpose of prohibiting the Department of the Environment from issuing a sewage sludge utilization permit for a site unless the site meets all county zoning and land use requirements or ordinances; and generally relating to the use of sewage sludge.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–233
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #7

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

Senate Bill 118 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Beer Manufacturer and Distributor Agreements – Obligation of Successor Manufacturer

SB0118/544135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 118
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "violates" and substitute "terminates"; in line 6, strike "violation" and substitute "termination"; strike beginning with "specifying" in line 7 down through "remedies;" in line 9 and substitute "requiring a successor beer manufacturer to give certain notice to a surviving beer distributor before termination of certain agreements; requiring certain negotiations, certain payments, and certain mediation under certain circumstances; requiring a surviving beer distributor to bring a certain action within a certain period of time against a successor beer manufacturer to determine and recover certain value; requiring certain surviving beer distributors and successor beer manufacturers to support and distribute certain brands under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 22, strike "violates" and substitute "**TERMINATES**"; in line 26, strike "violation" and substitute "**TERMINATION**"; after line 26, insert:

"**(D) (1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE ANY OF THE AGREEMENT PROVISIONS REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION AND DESIGNATE ANOTHER BEER DISTRIBUTOR, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE NOTICE OF TERMINATION TO THE SURVIVING BEER DISTRIBUTOR.**

(2) ON RECEIPT OF THE NOTICE, THE SURVIVING BEER DISTRIBUTOR AND THE DESIGNATED BEER DISTRIBUTOR SHALL NEGOTIATE IN GOOD FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION RIGHTS.

(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER DISTRIBUTOR SHALL PROMPTLY PAY THE FAIR MARKET VALUE AS COMPENSATION TO THE SURVIVING BEER DISTRIBUTOR.

(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE SURVIVING BEER DISTRIBUTOR RECEIVES NOTICE, THE DESIGNATED BEER DISTRIBUTOR AND THE SURVIVING BEER DISTRIBUTOR SHALL ENTER INTO NONBINDING MEDIATION WITH A MARYLAND MEDIATOR WHO PRACTICES IN ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.";

in line 27, strike "**(D) A**" and substitute "**(5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER MEDIATION BEGINS, THE SURVIVING**"; in the same line, strike "**OR FRANCHISEE MAY**" and substitute "**SHALL**"; in the same line, after "**ACTION**" insert "**WITHIN 90 DAYS**"; in line 28, after "**SUCCESSOR**" insert "**BEER**"; strike beginning with "**FOR**" in line 29 down through "**FEES**" in line 33 and substitute "**TO DETERMINE AND AWARD FAIR MARKET VALUE OF THE TERMINATED BRAND OR BRANDS**"; and after line 33, insert:

"**(E) UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER SUBSECTION (D) OF THIS SECTION AND THE SURVIVING BEER DISTRIBUTOR HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR MARKET VALUE:**

(1) THE SURVIVING BEER DISTRUBUTOR AND THE SUCCESSOR BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME EXTENT THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY BEFORE THE SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND

(2) THE SURVIVING BEER DISTRIBUTOR SHALL CONTINUE TO DISTRIBUTE THE BRAND.".

AMENDMENT NO. 3

On page 2, in line 35, strike "July" and substitute "October".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 133 – Senator Edwards

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Allegany County and Garrett County – Coal Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

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

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Goods and Services

Senator Kittleman moved, duly seconded, to make the Bill and Report a Special Order for February 21, 2008.

The motion was adopted.

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

Senate Bill 174 – Senators Astle and Pipkin

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

SB0174/718479/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 174
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 26, strike "**(I)**".

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 12 on page 3, inclusive.

On page 3, in line 13, strike "**(I)**"; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 2

On page 4, in line 26, strike "**VEHICLE EQUIPPED**" and substitute "**CONNECTION MADE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 216)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 4 – Senator Simonaire

AN ACT concerning

Notary Public – Fees

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

Affirmative – 39 Negative – 8 (See Roll Call No. 217)

The Bill was then sent to the House of Delegates.

Senate Bill 101 – Senator Gladden

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

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

Affirmative – 47 Negative – 0 (See Roll Call No. 218)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 243 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Gladden, Jacobs, Jones, Lenett, Middleton, and Stone

AN ACT concerning

Child Abuse and Neglect – Additional Professions and Failure to Report – Penalty

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

SB0243/438470/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 243
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "coroners,"; in line 10, strike "computer technicians,"; and in the same line, after the first "to" insert "knowingly".

AMENDMENT NO. 2

On page 2, in line 1, strike "**CORONER,**"; and in lines 1 and 2, strike "**COMPUTER TECHNICIAN,**".

AMENDMENT NO. 3

On page 2, in line 11, strike "An" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN**"; after line 25, insert:

"**(2) IF THE OFFICE OF THE CHIEF MEDICAL EXAMINER FINDS THAT A DEATH INVESTIGATED BY THE OFFICE WAS CAUSED BY OR RELATED TO CHILD ABUSE OR NEGLECT, THE OFFICE SHALL SEND A COPY OF THE AUTOPSY REPORT:**

(I) TO THE LOCAL DEPARTMENT OR APPROPRIATE LAW ENFORCEMENT AGENCY IF THE FINDING WAS THAT THE DEATH WAS CAUSED BY OR RELATED TO ABUSE; OR

(II) TO THE LOCAL DEPARTMENT IF THE FINDING WAS THAT THE DEATH WAS CAUSED BY OR RELATED TO NEGLECT.";

and in line 26, strike "(2)" and substitute "**(3)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 219)

FLOOR AMENDMENT

SB0243/973425/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 243, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (SB0243/438470/1), strike Amendment No. 1 in its entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, strike "and failure"; in line 3, strike "– Penalty"; and strike beginning with "making" in line 7 down through "circumstances;" in line 12.

On page 3 of the bill, strike in their entirety lines 11 through 15, inclusive.

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

Affirmative – 11 Negative – 36 (See Roll Call No. 220)

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. 221)

ADJOURNMENT

At 11:11 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, February 21, 2008.

Annapolis, Maryland
Thursday, February 21, 2008
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by The Reverend Bruce Jarboe, Holy Trinity Catholic Church, guest of Senator DeGrange.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 20, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 224)

INTRODUCTION OF BILLS

Senate Bill 928 – Senator DeGrange

AN ACT concerning

Law Enforcement Officers' Pension System – Benefit Enhancement

FOR the purpose of increasing the employee contribution rate for certain members of the Law Enforcement Officers' Pension System; altering the formula used to calculate the normal service retirement allowances of certain members of the Law Enforcement Officers' Pension System as of a certain date; authorizing certain governmental units that participate in the Law Enforcement Officers' Pension System to elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; providing that the election by a participating governmental unit to participate is irrevocable; providing for a certain purchase of service credit by certain employees of participating governmental units that elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; and

generally relating to enhancements and modifications to pension and retirement benefits for members of the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–204, 26–209, and 26–401
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 26–215 and 26–216 to be under the new part "Part III. Alternate Contributory Law Enforcement Officers' Pension Selection"; and 26–307.2 and 31–2A–06
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 929 – Senator DeGrange

AN ACT concerning

Law Enforcement Officers' Pension System – Benefit Enhancement

FOR the purpose of increasing the employee contribution rate for certain members of the Law Enforcement Officers' Pension System; altering the formula used to calculate the normal service retirement allowances of certain members of the Law Enforcement Officers' Pension System as of a certain date; authorizing certain governmental units that participate in the Law Enforcement Officers' Pension System to elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; providing that the election by a participating governmental unit to participate is irrevocable; providing for a certain purchase of service credit by certain employees of participating governmental units that elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; and generally relating to enhancements and modifications to pension and retirement benefits for members of the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–204, 26–209, and 26–401
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions

Section 26–215 and 26–216 to be under the new part "Part III. Alternate Contributory Law Enforcement Officers' Pension Selection"; and 26–307.2 and 31–2A–06
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 930 – Senator Colburn

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

FOR the purpose of requiring the Department of Natural Resources to apply to the United States Army Corps of Engineers for a certain permit to dredge fossil oyster shells; and generally relating to the dredging of fossil oyster shells.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 931 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Dorchester County; providing for the termination of this Act; and generally relating to the length of time a school bus may be operated in Dorchester County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 932 – Senator Colburn

AN ACT concerning

Real Property – Talbot County – Recordation of County Right–of–Way Plats

FOR the purpose of including Talbot County in the provisions of law in which the clerks of the circuit courts for certain counties are required to receive, index, and file county right–of–way plats; and generally relating to the recordation of county right–of–way plats in Talbot County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–109.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 933 – Senators Harrington, Exum, and Muse

AN ACT concerning

Public High Schools – Graduation Requirements – Weighted Numerical Assessment System

FOR the purpose of requiring the State Board of Education to establish a certain weighted numerical assessment system to calculate a certain score that certain students are required to achieve to graduate from certain schools; requiring a certain assessment system to include certain categories that may not be outside certain ranges of certain percentage values of a certain total score; and generally relating to an assessment system for calculating achievement of high school graduation requirements.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–205
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 934 – Senator Harrington

AN ACT concerning

Prince George's County – Tax Increment Financing – Application of Bond Proceeds

FOR the purpose of authorizing Prince George's County to apply the proceeds from the issuance of certain bonds to the installation of infrastructure improvements for the purpose of encouraging redevelopment in certain areas; and generally relating to the application of proceeds from certain bonds in Prince George's County.

BY repealing and reenacting, without amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 14–203
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 14–205
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Blind Industries and Services of Maryland	Baltimore County Senate Delegation	319

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 225)

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #4
February 21, 2008

Appalachian States Low-Level Radioactive Waste Commission

1. Clifford Seth Mitchell, M.D.
5705 Wood Crest Avenue
Baltimore, MD 21215

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a two year term to expire May 6, 2009

Community Health Resources Commission, Maryland

2. Margaret A. Murray
739 Governor Bridge Road
Davidsonville, MD 21035

Member of the Maryland Community Health Resources Commission; appointed to serve remainder of two years from the first Monday in May, 2007

Health Care Commission, Maryland

3. Marilyn L. Moon, Ph.D.
4817 Drummond Avenue
Chevy Chase, MD 20815

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2006

Patuxent Institution Board of Review

4. Margaret R. Kalinowski
2042 Horseshoe Circle
Jessup, MD 20794

Member of the Patuxent Institution Board of Review; reappointed to serve remainder of a term of four years from March 21, 2007

Plumbing, State Board of

5. Joseph A. Radtka
3 Severndale Road
Severna Park, MD 21146

Member of the State Board of Plumbing; reappointed to serve remainder of a term of three years from May 1, 2007

6. Russell A. Wiebking
2575 Sandhill Road
Ellicott City, MD 21042

Member of the State Board of Plumbing; appointed to serve remainder of a term of three years from May 1, 2007

Police Training Commission

7. Bernadette M. DiPino
712 North Surf Road
Ocean City, MD 21842

Member of the Police Training Commission; appointed to serve remainder of a term of three years from June 1, 2007

Potomac River Fisheries Commission

8. Dennis C. Fleming
40344 Morgan Brothers Road
Mechanicsville, MD 20659

Member of the Potomac River Fisheries Commission; appointed to serve remainder of a term of four years from January 1, 2007

Retirement and Pension Systems, Board of Trustees for the Maryland State

9. Robert W. Schaefer
5903 Meadowood Road
Baltimore, MD 21212

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve remainder of a term to expire July 31, 2007 and for a term of four years from August 1, 2007

10. Thurman W. Zollicoffer, Jr., Esquire
407 Croydon Road
Baltimore, MD 21212

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve remainder of a term of four years from August 1, 2007

Rural Legacy Board, Advisory Committee to the

11. Frederick L. Tutman
18600 Queen Ann Road
Upper Marlboro, MD 20774

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2007

12. Randall P. Worthington, Sr.
217 Prescott Court
Havre de Grace, MD 21078

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2007

St. Mary's College Board of Trustees

13. Sherrie R. Bailey, Esquire
17 Millstone Road
Randallstown, MD 21133

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

14. Cynthia L. Broyles
P.O. Box 131
Tall Timbers, MD 20690

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

15. Molly Mahoney
6911 Radnor Road
Bethesda, MD 20817

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2005

16. James P. Muldoon
304 9th Street, SE
Washington, DC 20003

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2003

Stadium Authority, Maryland

17. Thomas B. Corey, Esquire
9500 Sidebrook Road
Owings Mills, MD 21117

Member of the Maryland Stadium Authority; appointed to serve remainder of a four year term to expire June 30, 2008

18. Richard T. Stewart
12703 Longwater Dr.
Mitchellville, MD 20721

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2007

Technology Development Corporation Board of Directors, Maryland

19. John H. Lewin, III
4607 Wilmslow Road
Baltimore, MD 21210

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2006

20. Lewis C. Powell
5750 Cabinwood Court
Indian Head, MD 20640

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2007

Tourism Development Board, Maryland

21. Khaled M. Abdallah
5553 Broadwater Lane
Clarksville, MD 21029

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

22. Michael E. Haynie
6316 Gorsuch Avenue
Baltimore, MD 21218

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

23. Helene M. Maher
6187 Kara's Walk
Elkridge, MD 21075

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2005

24. Terry W. Prather
2715 Cabernet Lane
Annapolis, MD 21401

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

25. Kathleen A. Sher
1306 Wine Spring Lane
Baltimore, MD 21204

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2006

26. Sheldon K. Suga
1 National Harbor
National Harbor, MD 20745

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

27. Andrew L. Vick
12 South Mechanic Street
Cumberland, MD 21502

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2006

Transportation Authority, Maryland

28. Peter J. Basso
514 Mannakee Street
Rockville, MD 20850

Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2007

29. William C. Calhoun, Sr.
932 North Central Avenue
Baltimore, MD 21202

Member of the Maryland Transportation Authority; appointed to serve a term to expire June 30, 2008

30. Issac H. Marks, Sr., Esquire
9255 Three Oaks Drive
Silver Spring, MD 20901

Member of the Maryland Transportation Authority; appointed to serve a term to expire June 30, 2008

31. Michael Whitson
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Maryland Transportation Authority; appointed to serve a term to expire June 30, 2008

32. Walter E. Woodford, Jr.
P.O. Box 337
Centreville, MD 21617

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2006

Venture Capital Trust Board of Trustees, Maryland

33. Robert W. Schaefer
5903 Meadowood Road
Baltimore, MD 21212

Member of the Maryland Venture Capital Trust Board of Trustees; appointed to serve remainder of a four year term to expire June 30, 2008

Veterans Home Commission, Maryland

34. Thomas L. Davis
P.O. Box 551
Chesapeake Beach, MD 20732

Member of the Maryland Veterans Home Commission; reappointed to serve remainder of a term of five years from July 1, 2007

35. Calvin Johnson
10375 Chamberlin Court, West
Waldorf, MD 20601

Member of the Maryland Veterans Home Commission; appointed to serve remainder of a term of five years from July 1, 2007

Veterinary Medical Examiners, State Board of

36. Kimberly J. Cutchins
38020 New Market Turner Road
Mechanicsville, MD 20659

Member of the State Board of Veterinary Medical Examiners; appointed to serve remainder of a term of five years from June 1, 2007

37. David L. Handel, D.V.M.
14400 Frances Green Way
North Potomac, MD 20878

Member of the State Board of Veterinary Medical Examiners; appointed to serve remainder of a term of five years from June 1, 2004

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Rural Legacy Board, Advisory Committee to the

S-1. John H. Colton
39244 Burch Road
Avenue, MD 20609

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve remainder of a term of three years from July 1, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for February 22, 2008.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Goods and Services

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

Favorable report adopted.

FLOOR AMENDMENT

SB0145/423821/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 145
(First Reading File Bill)

On page 2, strike beginning with "**OR**" in line 20 down through "**ENTITY**" in line 21.

The preceding amendment was read only.

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 226)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #17
CONSENT CALENDAR #1

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 62	Harford Co. Senators	Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses – Additional Class B Licenses	EHE
SB 154	Sen. Colburn	Dorchester County – Alcoholic Beverages Act of 2008	EHE
SB 221	Sen. Edwards	Garrett County – Alcoholic Beverages – Class B Beer and Light Wine License	EHE
SB 292	Sen. Edwards	Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in County Districts	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 1 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 227)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 44 – Senator Stone

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

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

Affirmative – 45 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the House of Delegates.

Senate Bill 111 – Senators Mooney, Haines, Jacobs, Kittleman, McFadden, Munson, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

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

Affirmative – 40 Negative – 4 (See Roll Call No. 229)

The Bill was then sent to the House of Delegates.

Senate Bill 132 – Senators Simonaire, Haines, Jacobs, Mooney, Raskin, and Stone

AN ACT concerning

Real Estate Salespersons – Qualifications for Licensure – Education Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 230)

The Bill was then sent to the House of Delegates.

Senate Bill 144 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Cosmetologists – Makeup Artist Services

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

Affirmative – 44 Negative – 2 (See Roll Call No. 231)

The Bill was then sent to the House of Delegates.

Senate Bill 181 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

EMERGENCY BILL

AN ACT concerning

State Real Estate Commission – Summary Suspension of License – Grounds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the House of Delegates.

Senate Bill 186 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – General Services)

AN ACT concerning

Department of General Services – Small Procurement Process

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

Affirmative – 46 Negative – 0 (See Roll Call No. 233)

The Bill was then sent to the House of Delegates.

Senate Bill 301 – Senators Conway ~~and Gladden~~, Gladden, Lenett, Harrington, Rosapepe, Dyson, and Pinsky

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

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

Affirmative – 46 Negative – 0 (See Roll Call No. 234)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 235)

ADJOURNMENT

At 10:34 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, February 22, 2008.

Annapolis, Maryland
Friday, February 22, 2008
11:00 A.M. Session

The Senate met at 11:18 A.M.

Prayer by The Reverend Roger Fritts, Cedar Lane Unitarian Universalist, guest of Senator Madaleno.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 21, 2008 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Exum and King be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 237)

INTRODUCTION OF BILLS

Senate Bill 935 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Men's Health Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $150,000, the proceeds to be used as a grant to the Board of Directors of The Men's Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 936 – Senators Brinkley and Mooney

AN ACT concerning

Creation of a State Debt – Frederick County – Weinberg Center for the Arts

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Mayor and Board of Aldermen of the City of Frederick for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; providing that the grantee must grant and convey a preservation easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 937 – Senator Jacobs

AN ACT concerning

Cecil County – Volunteer Length of Service Award Program – Age of Eligibility

FOR the purpose of authorizing certain members of volunteer fire departments, rescue squads, and ambulance corps to receive certain benefits at a certain age under the Volunteer Length of Service Award Program in Cecil County.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–209
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 938 – Senator Kramer

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Our House Youth Home

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to extend the deadline by which the Board of Directors of Our House Youth Home, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA01(CP) and ZA02(AZ)

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

Senate Bill 939 – Senator Stone

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

FOR the purpose of authorizing the State Highway Administration to request the use of certain farm trucks to assist in snow removal; authorizing the owner of a farm truck to refuse to allow the Administration to use the farm truck; requiring the Administration to compensate the owner of a farm truck that is used by the Administration for snow removal; authorizing the Administration to adopt certain regulations; defining a certain term; and generally relating to the use of farm trucks by the State Highway Administration for snow removal.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–602
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–921
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 940 – Senator Astle

AN ACT concerning

City of Annapolis – Drug–Free Area or City

FOR the purpose of making it a felony to manufacture, distribute, dispense, or possess with intent to distribute certain controlled dangerous substances or conspire to commit these offenses within the City of Annapolis; providing certain penalties; providing for a mandatory minimum sentence for a certain repeat offender; providing that a certain person is not eligible for parole during a certain sentence; requiring a sentence imposed under this Act to be consecutive to any other sentence imposed; prohibiting a conviction imposed under this Act from merging with certain other convictions; making certain maps admissible as

prima facie evidence of the location and boundaries of certain property; authorizing the City of Annapolis to adopt regulations requiring the posting of signs designating all the area of the City as a drug–free area or drug–free city; providing for the effective date of this Act; and generally relating to a drug–free area in the City of Annapolis.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 22–101 to be under the new title "Title 22. Community Drug–Free Zones"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Criminal Law
Section 5–627.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Senate Bill 941 – Senator Stoltzfus

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

FOR the purpose of establishing the Somers Cove Marina Commission; providing that the Commission is a body politic and corporate and an instrumentality of the State; providing that the commission is not subject to State procurement law but is required to comply with the minority business enterprise requirements for certain purposes; authorizing the Commission to take certain actions under certain circumstances; providing for the membership and terms of members of the Commission; prohibiting a member of the Commission from receiving certain compensation; authorizing a member to receive certain reimbursement; providing for the election of a chair, vice chair, and secretary–treasurer of the Commission; prohibiting a secretary–treasurer who is not a member of the Commission from voting on matters before the Commission; requiring the Commission to meet at certain intervals; requiring written notice to be given to each member of the Commission a certain period of time before each meeting; establishing certain quorum and voting requirements; authorizing the Secretary of Natural Resources to remove a member of the Commission upon a certain vote of members; providing for the selection and evaluation of an Executive Director; requiring the Executive Director to perform certain duties under certain circumstances; providing that the Marina Manager is an employee of the State who has certain responsibilities; authorizing the Executive Director to execute certain leases, contracts, events, or concessions under certain

circumstances; providing that a lease entered into before the creation of the Commission shall stay in effect; prohibiting the Executive Director from executing certain leases or contracts under certain circumstances; authorizing the Secretary of Natural Resources to approve certain matters; requiring the Secretary to respond to a certain request within a certain period of time; providing that certain staff are employees of the Commission; providing that the Executive Director is an employee of the State and serves at the pleasure of the Secretary; requiring the Commission to perform certain duties under certain circumstances; authorizing the Commission to accept gifts, contributions, or loans of money, supplies, goods, and services; authorizing the Commission to accept appropriations, allotments, and loans of money from certain sources; altering provisions relating to the administration of the Somers Cove Improvement Fund; providing that any money obtained by the Commission from Somers Cove Marina shall be credited to the Fund; providing that moneys in the Fund are not moneys of the State; providing that moneys of the Fund are subject to certain audits; providing that moneys pledged for use by the State for Somers Cove Marina before the creation of the Commission shall be used for a certain purpose; defining certain terms; requiring the Department and the Commission to begin conducting a certain evaluation on a certain date; requiring the Department and the Commission to report certain findings and recommendations on a certain date; providing that certain State employees may remain employed at Somers Cove as State employees under certain circumstances; requiring the Commission to reimburse the Department for certain salaries under certain circumstances; providing for a delayed effective date; and generally relating to Somers Cove Marina.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–908.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 54 – Delegate Guzzone

AN ACT concerning

Property Tax – Credit – Accessibility Features

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant, by law, a tax

credit against the county or municipal corporation property tax imposed on real property equipped with a certain accessibility ~~features~~ feature; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and certain other provisions to carry out the credit; defining a certain term; providing for the application of this Act; and generally relating to a local property tax credit for real property equipped with ~~credit~~ a certain accessibility ~~features~~ feature.

BY adding to
Article – Tax – Property
Section 9–248
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 76 – Delegates Shewell, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Dumais, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Myers, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, and Weldon

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

FOR the purpose of making it a misdemeanor for a person knowingly and willfully to furnish an alcoholic beverage for consumption to an individual under the age of 21 years under certain circumstances; imposing a certain criminal penalty; repealing certain provisions requiring the issuance of a civil citation to a person who violates the prohibition against furnishing an alcoholic beverage for consumption to an underage individual; clarifying the elements of a certain alcoholic beverage violation; and generally relating to penalties for furnishing an alcoholic beverage to an underage individual.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–117 and 10–119(a), (b), (f)(1), and (h)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 90 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Child Welfare – Permanency Planning and Interstate Placement of Foster Children

FOR the purpose of altering the factors a juvenile court is required to consider in making certain findings in certain hearings; altering the number of days' notice a local department of social services is required to give to certain persons before certain hearings; specifying the contents of the notice; requiring the notice to be in writing, unless waived for good cause; clarifying that certain persons have the right to be heard at certain hearings; requiring the court to consult with a child in a certain manner at certain hearings; requiring a local department to consider certain placements for certain children; correcting an obsolete reference; and generally relating to children in out–of–home placement.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1(c)(3) and 3–823(i) and (j)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–823(k)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(d) and (e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 169 – Delegates Jones, Branch, Burns, Dumais, Gaines, Haynes, Hecht, Morhaim, Nathan–Pulliam, and F. Turner

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

FOR the purpose of requiring a superintendent of schools of a county to allow a child to attend a public school in a school attendance area other than the school in the school attendance area where the child is domiciled with the child's parent or legal guardian if the child lives with a relative in the school attendance area in

an informal kinship care relationship due to a serious family hardship; and generally relating to children who live with relatives who provide informal kinship care due to a serious family hardship.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 282 – Delegates Simmons and Kramer

AN ACT concerning

Criminal Law – Possessing Stolen Property

FOR the purpose of providing that in a prosecution for theft by possessing stolen property, it is not a defense that the property was obtained by certain means under certain circumstances; and generally relating to theft by possessing stolen property.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–104(c)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 402 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Transfer Tax – Termination Provision

FOR the purpose of extending to a certain date the termination provision relating to the authority of the County Commissioners of St. Mary's County to impose a real property transfer tax; and generally relating to the authority for the County Commissioners of St. Mary's County to impose a transfer tax.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 138–1
Article 19 – Public Local Laws of Maryland

(2007 Edition, as amended)

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

House Bill 445 – St. Mary's County Delegation

AN ACT concerning

Property Tax Credits – St. Mary's County – Land Preservation Easements

FOR the purpose of altering certain authority for the governing body of St. Mary's County to grant a property tax credit against the county property tax imposed on certain property that is subject to certain preservation programs; providing for the application of this Act; and generally relating to property tax credits for property subject to a land preservation program in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–320(a)
Annotated Code of Maryland
(2007 Replacement Volume)

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

LAID OVER BILLS

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

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Goods and Services

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR KITTLEMAN.

FLOOR AMENDMENT

SB0145/423821/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 145
(First Reading File Bill)

On page 2, strike beginning with "**OR**" in line 20 down through "**ENTITY**" in line 21.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0145/733326/5

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 145
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "individuals" insert "under certain circumstances; prohibiting the sale of goods of Maryland Correctional Enterprises for use in any political campaign activity".

AMENDMENT NO. 2

On page 1, in line 19, after "(b)" insert "**(1)**"; in the same line, strike "Goods" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, GOODS**"; and in line 21, strike "(1)" and substitute "**(I)**".

On page 2, in lines 1, 4, 6, 9, 11, 14, 17, 18, and 20, strike "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(i)", "(ii)", and "**(8)**", respectively, and substitute "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**1.**", "**2.**", and "**(VIII)**", respectively; and after line 21, insert:

"**(2) GOODS OF MARYLAND CORRECTIONAL ENTERPRISES MAY NOT BE SOLD FOR USE IN ANY POLITICAL CAMPAIGN ACTIVITY.**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #4

CONSENT CALENDAR #4

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 819 – Senators Mooney, Brinkley, Colburn, Greenip, Harris, Jacobs, Muse, Raskin, and Stone

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 874 – Senator Muse

AN ACT concerning

Condominiums and Homeowners Associations – Foreclosures – Imposition of and Liability for Liens

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 875 – Senator Edwards

AN ACT concerning

Real Property – Payment of Interest After Foreclosure Sale – Garrett County

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 876 – Senator Jones

AN ACT concerning

Baltimore City – The Saratoga Center Loan of 2001

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 877 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Youth Sports Program Facility

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

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

Senate Bill 878 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 879 – Senators Brinkley and Mooney

AN ACT concerning

Creation of a State Debt – Frederick County – Montevue Home

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 880 – Senators Brinkley and Mooney

AN ACT concerning

Creation of a State Debt – Frederick County – Agriculture and Education Complex

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 881 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Allegany County – Allegany County Museum

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

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

Senate Bill 882 – Senator Middleton

AN ACT concerning

Certified Associate Counselor–Alcohol and Drug – Qualifications

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

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

Senate Bill 883 – Senator Stone

AN ACT concerning

Voluntary Cleanup Program – Enforcement and Oversight – Requirements

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

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

Senate Bill 884 – Senators Garagiola and McFadden

AN ACT concerning

Health Occupations – Complementary Alternative Medicine Health Care Providers – Scope of Practice

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 885 – Senators Madaleno, Forehand, Garagiola, Jones, King, and Lenett

AN ACT concerning

The Jane E. Lawton Loan Program

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 887 – Senators Currie, Exum, and Peters

AN ACT concerning

Creation of a State Debt – Capital Area Food Bank

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

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

Senate Bill 888 – Senators Lenett, Harrington, King, Madaleno, Pugh, Raskin, and Rosapepe

AN ACT concerning

Higher Education – Maryland Biotechnology Scholarship Program

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

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

Senate Bill 889 – Senator Dyson

AN ACT concerning

Nurse Practitioners – Authority to Certify

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 890 – Senator Jones

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Baltimore City – Gay Street One/Madison Square

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 891 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Prince George's County – Reid Community Business Development Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 892 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Somerset County – Bending Water Park

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 893 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Wicomico County – Epilepsy Association Facility

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 894 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Worcester County – Rackliffe House

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 895 – Senator Stoltzfus

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Worcester County – Delmarva Discovery Center on the Pocomoke River

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 896 – Senators Exum, Currie, Harrington, and Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – United Communities Against Poverty Facility

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 897 – Senators Exum and Kittleman

AN ACT concerning

Workers' Compensation Commission – Medical Fee Guide Committee – Membership

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 898 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – Weinberg Village V Senior Apartment Building

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 899 – Senator Rosapepe

AN ACT concerning

Public Health – Task Force on Childhood Obesity

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 900 – Senator Klausmeier

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 901 – Senators Exum and Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Delta Alumnae Community Development Center

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

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

Senate Bill 903 – Senator Kelley

AN ACT concerning

Traumatic Brain Injury Advisory Board – Sunset – Repeal

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 904 – Senator Della

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Baltimore City – The Powerhouse

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 905 – Senator Miller

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Maryland Fire–Rescue Services Memorial

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 906 – The President (By Request – Administration) and Senators Astle, Frosh, Garagiola, Klausmeier, Madaleno, Middleton, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 908 – Senator Klausmeier

AN ACT concerning

Sales and Use Tax – Exemptions – Tax–Free Weeks

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

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #4
February 21, 2008

Appalachian States Low-Level Radioactive Waste Commission

1. Clifford Seth Mitchell, M.D.
5705 Wood Crest Avenue
Baltimore, MD 21215

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a two year term to expire May 6, 2009

Community Health Resources Commission, Maryland

2. Margaret A. Murray
739 Governor Bridge Road
Davidsonville, MD 21035

Member of the Maryland Community Health Resources Commission; appointed to serve remainder of two years from the first Monday in May, 2007

Health Care Commission, Maryland

3. Marilyn L. Moon, Ph.D.
4817 Drummond Avenue
Chevy Chase, MD 20815

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2006

Patuxent Institution Board of Review

4. Margaret R. Kalinowski
2042 Horseshoe Circle
Jessup, MD 20794

Member of the Patuxent Institution Board of Review; reappointed to serve remainder of a term of four years from March 21, 2007

Plumbing, State Board of

5. Joseph A. Radtka
3 Severndale Road
Severna Park, MD 21146

Member of the State Board of Plumbing; reappointed to serve remainder of a term of three years from May 1, 2007

6. Russell A. Wiebking
2575 Sandhill Road
Ellicott City, MD 21042

Member of the State Board of Plumbing; appointed to serve remainder of a term of three years from May 1, 2007

Police Training Commission

7. Bernadette M. DiPino
712 North Surf Road
Ocean City, MD 21842

Member of the Police Training Commission; appointed to serve remainder of a term of three years from June 1, 2007

Potomac River Fisheries Commission

8. Dennis C. Fleming
40344 Morgan Brothers Road
Mechanicsville, MD 20659

Member of the Potomac River Fisheries Commission; appointed to serve remainder of a term of four years from January 1, 2007

Retirement and Pension Systems, Board of Trustees for the Maryland State

9. Robert W. Schaefer
5903 Meadowood Road
Baltimore, MD 21212

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve remainder of a term to expire July 31, 2007 and for a term of four years from August 1, 2007

10. Thurman W. Zollicoffer, Jr., Esquire
407 Croydon Road
Baltimore, MD 21212

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve remainder of a term of four years from August 1, 2007

Rural Legacy Board, Advisory Committee to the

11. Frederick L. Tutman
18600 Queen Ann Road
Upper Marlboro, MD 20774

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2007

12. Randall P. Worthington, Sr.
217 Prescott Court
Havre de Grace, MD 21078

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2007

St. Mary's College Board of Trustees

13. Sherrie R. Bailey, Esquire
17 Millstone Road
Randallstown, MD 21133

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

14. Cynthia L. Broyles
P.O. Box 131
Tall Timbers, MD 20690

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

15. Molly Mahoney
6911 Radnor Road
Bethesda, MD 20817

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2005

16. James P. Muldoon
304 9th Street, SE
Washington, DC 20003

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2003

Stadium Authority, Maryland

17. Thomas B. Corey, Esquire
9500 Sidebrook Road
Owings Mills, MD 21117

Member of the Maryland Stadium Authority; appointed to serve remainder of a four year term to expire June 30, 2008

18. Richard T. Stewart
12703 Longwater Dr.
Mitchellville, MD 20721

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2007

Technology Development Corporation Board of Directors, Maryland

19. John H. Lewin, III
4607 Wilmslow Road
Baltimore, MD 21210

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2006

20. Lewis C. Powell
5750 Cabinwood Court
Indian Head, MD 20640

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2007

Tourism Development Board, Maryland

21. Khaled M. Abdallah
5553 Broadwater Lane
Clarksville, MD 21029

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

22. Michael E. Haynie
6316 Gorsuch Avenue
Baltimore, MD 21218

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

23. Helene M. Maher
6187 Kara's Walk
Elkridge, MD 21075

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2005

24. Terry W. Prather
2715 Cabernet Lane
Annapolis, MD 21401

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

25. Kathleen A. Sher
1306 Wine Spring Lane
Baltimore, MD 21204

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2006

26. Sheldon K. Suga
1 National Harbor
National Harbor, MD 20745

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2007

27. Andrew L. Vick
12 South Mechanic Street
Cumberland, MD 21502

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2006

Transportation Authority, Maryland

28. Peter J. Basso
514 Mannakee Street
Rockville, MD 20850

Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2007

29. William C. Calhoun, Sr.
932 North Central Avenue
Baltimore, MD 21202

Member of the Maryland Transportation Authority; appointed to serve a term to expire June 30, 2008

30. Issac H. Marks, Sr., Esquire
9255 Three Oaks Drive
Silver Spring, MD 20901

Member of the Maryland Transportation Authority; appointed to serve a term to expire June 30, 2008

31. Michael Whitson
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Maryland Transportation Authority; appointed to serve a term to expire June 30, 2008

32. Walter E. Woodford, Jr.
P.O. Box 337
Centreville, MD 21617

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2006

Venture Capital Trust Board of Trustees, Maryland

33. Robert W. Schaefer
5903 Meadowood Road
Baltimore, MD 21212

Member of the Maryland Venture Capital Trust Board of Trustees; appointed to serve remainder of a four year term to expire June 30, 2008

Veterans Home Commission, Maryland

34. Thomas L. Davis
P.O. Box 551
Chesapeake Beach, MD 20732

Member of the Maryland Veterans Home Commission; reappointed to serve remainder of a term of five years from July 1, 2007

35. Calvin Johnson
10375 Chamberlin Court, West
Waldorf, MD 20601

Member of the Maryland Veterans Home Commission; appointed to serve remainder of a term of five years from July 1, 2007

Veterinary Medical Examiners, State Board of

36. Kimberly J. Cutchins
38020 New Market Turner Road
Mechanicsville, MD 20659

Member of the State Board of Veterinary Medical Examiners; appointed to serve remainder of a term of five years from June 1, 2007

37. David L. Handel, D.V.M.
14400 Frances Green Way
North Potomac, MD 20878

Member of the State Board of Veterinary Medical Examiners; appointed to serve remainder of a term of five years from June 1, 2004

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Rural Legacy Board, Advisory Committee to the

S-1. John H. Colton
39244 Burch Road
Avenue, MD 20609

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve remainder of a term of three years from July 1, 2007

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 238)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 239)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 118 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Beer Manufacturer and Distributor Agreements – Obligation of Successor Manufacturer

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

Affirmative – 44 Negative – 0 (See Roll Call No. 240)

The Bill was then sent to the House of Delegates.

Senate Bill 133 – Senator Edwards

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Allegany County and Garrett County – Coal Rights

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

Affirmative – 44 Negative – 0 (See Roll Call No. 241)

The Bill was then sent to the House of Delegates.

Senate Bill 174 – Senators Astle and Pipkin

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

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

Affirmative – 45 Negative – 0 (See Roll Call No. 242)

The Bill was then sent to the House of Delegates.

Senate Bill 243 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Gladden, Jacobs, Jones, Lenett, Middleton, and Stone

AN ACT concerning

Child Abuse and Neglect – Additional Professions and Failure to Report – Penalty

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

Affirmative – 35 Negative – 10 (See Roll Call No. 243)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Dr. Jacqueline C. Haas	Senator Nancy Jacobs	266

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 244)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 245)

ADJOURNMENT

At 12:01 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 25, 2008.

Annapolis, Maryland
Monday, February 25, 2008
8:00 P.M. Session

The Senate met at 8:05 P.M.

Prayer by Pastor Reid Sterrett, Soul Discovery Church, guest of Senator Colburn.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 22, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 248)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Sarah E. Breen	The President and All Members	260

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 249)

ANNOUNCEMENT

Tribute to Col. Tim Hutchins

INTRODUCTION OF BILLS

Senate Bill 942 – Senator Forehand

AN ACT concerning

Tobacco Product Manufacturers – Settlement of State Claims – Nonparticipating Manufacturers – Deposit of Funds in Escrow – Codification of Model Statute

FOR the purpose of codifying the provisions of the Model Statute enacted by Chapter 169 of the Acts of the General Assembly of 1999 as amended; providing for the termination of certain provisions of this Act under certain circumstances; providing for the construction of this Act; making certain technical, stylistic, and conforming changes; and generally relating to the codification of a certain prior enactment of the General Assembly relating to tobacco product manufacturers and certain required deposits of funds into escrow accounts.

BY repealing
Chapter 169 of the Acts of the General Assembly of 1999, as amended by Chapter 141 of the Acts of the General Assembly of 2001, Chapter 348 of the Acts of the General Assembly of 2004, and Chapter 538 of the Acts of the General Assembly of 2006
Section 1

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–401 to be under the amended subtitle "Subtitle 3B. Miscellaneous Prohibited Act; Penalty"; and 16–501(c), (e), (g), (j), (k), and (l), 16–503(d)(2), and 16–504(b)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 16–401 through 16–403 to be under the new subtitle "Subtitle 4. Tobacco Product Manufacturers Escrow Act"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 455 of the Acts of the General Assembly of 2003
Section 2

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

Senate Bill 943 – Senator Forehand

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

FOR the purpose of requiring a sales objective or other program for measuring the performance of vehicle dealers to be fair and based on certain factors under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from denying certain benefits to a dealer under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from offering or advertising, or allowing its captive finance companies or dealers to offer or advertise, certain programs or terms unless all dealers are allowed to offer or advertise the programs or terms; establishing the burden of proof when a manufacturer, distributor, factory branch, or captive finance company denies certain benefits to a dealer under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from requiring a dealer to alter or replace an existing dealership facility or from denying or threatening to deny certain benefits to a dealer under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from reducing the price of a motor vehicle charged to a dealer or providing different financing terms to a dealer in exchange for a certain agreement by the dealer; specifying the conditions under which a manufacturer, distributor, or factory branch may offer certain promotional items for the sale of a vehicle by its dealers; prohibiting a manufacturer, distributor, or factory branch from discriminating among its dealers under certain circumstances; requiring a manufacturer, distributor, or factory branch that has a certain franchise or other contract with a dealer to allow the dealer to make certain purchases in a certain manner and to receive certain rights to incentive payments; prohibiting a manufacturer, distributor, or factory branch from exercising a right of first refusal under certain circumstances related to a transfer of a dealer's business or a proposed change in the executive management of a dealer's business; altering the period of time during which a certain claim may be charged back under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from refusing to pay or claiming reimbursement from a dealer for sales, incentives, or payments related to a motor vehicle sold by a dealer and exported or resold by the purchaser under certain circumstances; altering a certain definition; defining a certain term; and generally relating to manufacturers, distributors, and factory branches.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–207, 15–208, 15–211, and 15–212.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 944 – Senators Mooney, Astle, DeGrange, Haines, Harris, Jacobs, Middleton, and Stone

AN ACT concerning

Governor's Emergency Powers – Seizure of Firearms and Ammunition

FOR the purpose of prohibiting the Governor, after proclaiming a state of emergency, from authorizing the seizure of a firearm or ammunition from an individual who is lawfully carrying or possessing the firearm or ammunition; authorizing a police officer who acts in an official capacity to disarm an individual under certain circumstances; requiring a police officer to return a firearm or ammunition to an individual under certain circumstances; and generally relating to the powers of the Governor during a public emergency.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–303(a)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–303(b)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 14–303(e)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 945 – Senator Kasemeyer

AN ACT concerning

Local Governments – Postemployment Benefits – Investment of Funds

FOR the purpose of authorizing a political subdivision of the State or a unit of a political subdivision of the State to enter into certain agreements with third party contractors or vendors for the management or investment of certain money intended for certain postemployment benefits; providing that an agreement entered into under this Act includes the authority to create certain investments and accounts; and generally relating to the investment of funds by local governments.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22(b)

Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 946 – Senator Middleton

AN ACT concerning

Hospital Regulation and Financing – Maryland Hospital Bond Program and User Fees of the Health Services Cost Review Commission

FOR the purpose of specifying that certain hospital plans must be acceptable to the Secretary of Health and Mental Hygiene, in consultation with the Maryland Health Care Commission; providing that the Maryland Hospital Bond Program shall provide for the payment and refinancing of certain public obligations issued on behalf of a hospital on or after a certain date under certain circumstances; requiring a hospital with public obligations issued on or after a certain date to provide to the Secretary a certain closure plan under certain circumstances; requiring a certain closure plan to include a certain plan for provision of care to certain patients and populations; repealing a prohibition on certain user fees for the Health Services Cost Review Commission increasing from one fiscal year to the next by more than a certain percentage amount; clarifying the circumstances under which the Commission can assess a certain fee; and generally relating to hospital regulation and financing.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–340
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–343 and 10–346
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–213(c) and 19–223
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 947 – Senator Miller

AN ACT concerning

Creation of a State Debt – Calvert County – Chesapeake Cares Food Pantry

FOR the purpose of authorizing the creation of a State Debt not to exceed $75,000, the proceeds to be used as a grant to the Board of Directors of the Chesapeake Church, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 948 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Indian Head Center for the Arts

FOR the purpose of authorizing the creation of a State Debt not to exceed $50,000, the proceeds to be used as a grant to the Board of Directors of Chesapeake Bay Floating Theatre, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 64 – Delegate Kipke

AN ACT concerning

Fallen Soldier Privacy Act of 2008

FOR the purpose of prohibiting a person from knowingly using the name, portrait, picture, or image of a certain deceased soldier for certain purposes without prior consent from certain individuals; providing for the application of this Act; defining a certain term; establishing a certain penalty; and generally relating to the use of a deceased soldier's identity.

BY adding to
Article – Business Regulation
Section 19–401 through ~~19–403~~ 19–404 to be under the new subtitle "Subtitle 4. Use of a Deceased Soldier's Identity"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 115 – Delegates Tarrant, Barve, Braveboy, Cane, Conaway, Glenn, Hammen, Harrison, Ivey, Kipke, Kullen, Montgomery, Oaks, Pendergrass, Reznik, Riley, Robinson, Stukes, V. Turner, Valderrama, Walker, and Weldon

AN ACT concerning

Medical Assistance Programs and Maryland Children's Health Program – Statements on State–Issued ~~Checks~~ Check Stubs

FOR the purpose of requiring the Department of Health and Mental Hygiene to collaborate with the Office of the Comptroller or the Office of the State Treasurer to form a statement advising certain individuals that they may be eligible to enroll in certain medical assistance programs or the Maryland Children's Health Program and to print the statement on certain State–issued ~~checks~~ check stubs; requiring that a certain statement require certain contact information; authorizing that a certain statement may be altered under certain circumstances; and generally relating to medical assistance programs and Maryland Children's Health Program statements on State–issued ~~checks~~ check stubs.

BY adding to
Article – Health – General
Section 15–102.1(c) and 15–304(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 142 – Delegate Morhaim

AN ACT concerning

Department of Health and Mental Hygiene – ~~Renaming and~~ Review of Reports and Commissions

FOR the purpose of ~~renaming the Department of Health and Mental Hygiene to be the Department of Health; renaming the Secretary of Health and Mental Hygiene to be the Secretary of Health;~~ requiring the Department of ~~Health to~~ Health and Mental Hygiene to conduct a certain review and make a certain report to the Governor and General Assembly on or before a certain date; providing that a certain review does not include a review of certain health occupations boards; ~~requiring the publisher of the Annotated Code of Maryland to make certain technical changes; prohibiting the use of certain documents reflecting the renaming of the Department until certain documents already in print have been used;~~ and generally relating to ~~renaming~~ the Department of Health and Mental Hygiene and a review of reports and commissions.

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 1–101(a)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 1–101(c) and (j), 2–101, and 2–102(a)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

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

House Bill 208 – Delegates Riley, Beitzel, Norman, James, Jennings, McComas, Smigiel, and Sossi

AN ACT concerning

Agriculture – ~~Seed and Nursery Stock for Native Plants – Funding~~ Wild Pollinators Program

FOR the purpose of establishing, subject to funding in the State budget, the Maryland ~~Native Plants~~ Wild Pollinators Program for certain purposes; requiring the Department of Agriculture to increase awareness and availability of ~~native plants~~ noninvasive plants that are pollinator friendly and provide certain grants under the Program; ~~requiring the Governor to include a certain appropriation for the Program in the State budget for certain fiscal years;~~ and generally relating to increasing ~~the availability of seed and nursery stock for certain native plants~~ awareness of wild pollinators and availability of noninvasive plants that are pollinator friendly.

BY adding to
Article – Agriculture
Section 2–1301 to be under the new subtitle "Subtitle 13. Maryland ~~Native Plants~~ Wild Pollinators Program"
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 213 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Personal Records – Collection of Personal Information

FOR the purpose of altering a certain requirement that the Secretary of Budget and Management report annually to the General Assembly on certain personal records; and generally relating to a certain reporting requirement regarding the collection of certain personal information by units of State government.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–624(a) and (b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–624(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 217 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Vital Records – Copies to County Registrars of Vital Records

FOR the purpose of authorizing the Secretary of Health and Mental Hygiene to provide a copy of an original birth certificate to the registrar for vital records of

a county or Baltimore City where the birth took place; requiring the Secretary of the Department, under certain circumstances, to provide a copy of the original birth, health, or fetal death certificate to the registrar in the county in which the subject of the certificate resides or resided; authorizing county health departments to use birth, death, and fetal death certificates to carry out public health functions; and generally relating to vital records.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–204
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 227 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Animal Health – Administrative Penalties

FOR the purpose of altering and extending the authority of the Secretary of Agriculture to impose certain penalties on any person who violates animal health requirements; and generally relating to administrative penalties imposed by the Secretary of the Maryland Department of Agriculture.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 3–116
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 228 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – Hospital Inspections

FOR the purpose of altering the required frequency for inspections of veterinary hospitals by the State Board of Veterinary Medical Examiners; and generally relating to veterinary hospital inspections.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–304(d)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 235 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Medical Assistance Program – Emergency Service Transporters – Payments

FOR the purpose of repealing the statutory cap on reimbursement by the Department of Health and Mental Hygiene for emergency service transporters under the Maryland Medical Assistance Program and replacing it with a cap as specified by regulation adopted by the Department; and generally relating to emergency service transporters.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–114.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 238 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Status, Operation, and Regulation

FOR the purpose of transferring the Maryland Health Insurance Plan from the Maryland Insurance Administration and establishing the Maryland Health Insurance Plan as an independent unit of the State government; altering the composition of the Board of Directors of the Plan; authorizing the Executive Director of the Plan to employ certain staff; repealing a certain exemption of the Board from certain State personnel laws; requiring the Board to develop a certain master plan document; requiring the Board to file the master plan documents with the Maryland Insurance Commissioner and provide the document to a member, at no charge, on request of the member; requiring the

Board to develop a certain certificate of coverage; requiring the Board to update the certificate of coverage under certain circumstances; requiring the Board to provide the most recent version of the certificate of coverage to certain persons under certain circumstances; requiring the Board to make the most recent version of the certificate of coverage available on the Plan's website; requiring the Board to provide notice of a change to the certificate of coverage to certain persons; specifying the circumstances under which the Board may make changes to a certain benefit package; providing for the effective date of a change to a certain benefit package; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date each year; providing that if there is a conflict between a provision of the master plan document and a provision of the certificate of coverage a certain provision will control; requiring the Plan to comply with the terms of certain written representations or authorizations under certain circumstances; requiring the contract between the Board and the Plan Administrator to require the Administrator to comply with certain provisions of law; providing that the Plan is not subject to certain laws; requiring the Commissioner to regulate the Plan; requiring the Plan and the Board of Directors of the Plan to comply with certain provisions of law; providing that certain provisions of this Act do not limit the authority of the Commissioner to impose certain penalties or take certain action under certain circumstances; authorizing the Commissioner to require the Plan to make certain restitution to certain individuals under certain circumstances; prohibiting the Commissioner from imposing a fine or administrative penalty on the Plan; requiring the Commissioner to provide a copy of an adopted examination report or the results of certain reviews to the Board and to make recommendations for any corrective action to be taken by the Board; requiring the Board to determine the steps necessary to implement corrective action; requiring certain moneys to be deposited into the Maryland Health Insurance Plan Fund; requiring the Maryland Insurance Administration to provide fiscal and personnel services to the Plan at no charge during ~~certain fiscal years~~ a certain fiscal year; making a certain stylistic change; providing for the application of this Act; and generally relating to the Maryland Health Insurance Plan.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–502, 14–503, 14–505, and 14–506
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 14–509
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 271 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medical Review Committees

FOR the purpose of ~~altering the definition of medical review committee to include~~ providing that, for purposes of certain provisions of law, the Maryland Health Care Commission or its staff is a medical review committee when performing certain functions ~~and~~ under certain circumstances; defining a certain term; and generally relating to medical review committees.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–401~~(a) and (b)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Health Occupations~~
~~Section 1–401(c)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

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

House Bill 273 – Chair, Health and Government Operations Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Assistive Technology Guaranteed Loan Program and Fund – Changes

FOR the purpose of changing the name of the Assistive Technology Guaranteed Loan Program to the Assistive Technology Loan Program; changing the name of the Assistive Technology Guaranteed Loan Fund to the Assistive Technology Loan Fund; authorizing the Board of Directors of the Program to elect to provide a borrower with a certain interest rate by either guaranteeing a loan or subsidizing an interest rate under certain circumstances; repealing a certain limitation on the total amount of guarantees provided from the Fund; authorizing the Board to annually set the total aggregate amount of loan

guarantees to be provided from the Fund; and generally relating to the Program and the Fund.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–601, 7–602, 7–610, 7–611, and 7–613(a)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 7–603, 7–608, and 7–609
Annotated Code of Maryland
(2007 Volume)

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

House Bill 312 – Delegates Morhaim, Oaks, Pendergrass, and Weldon

AN ACT concerning

Procurement – Security Requirements – ~~Repeal~~ Extension of Sunset Provision

FOR the purpose of ~~repealing~~ altering the format of certain affidavits required to be attached to certain bid security; altering a certain reporting requirement ~~on the implementation of~~ included in a certain Act ~~on~~ relating to security requirements for procurement; ~~repealing~~ altering the termination provision of a certain Act relating to security requirements for procurement; and generally relating to security requirements for procurement.

~~BY repealing and reenacting, without amendments,~~
~~Article 83A – Department of Business and Economic Development~~
~~Section 5–1035 and 5–1037~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 5–568 and 5–569
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–207 and 17–104

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
~~Section 13–207, 13–208, 13–216, and 17–104~~
Section 13–208 and 13–216
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY repealing~~
~~Chapter 299 of the Acts of the General Assembly of 2006~~
~~Section 2~~

BY repealing and reenacting, with amendments,
Chapter 299 of the Acts of the General Assembly of 2006
Section ~~3 and 4~~ 2, 3, and 4

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

House Bill 395 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance Carriers – Financial Reporting

FOR the purpose of repealing a requirement that certain managed care organizations file a certain consolidated financial statement with the Maryland Insurance Commissioner; requiring each managed care organization to file with the Commissioner a certain report on the managed care organization's financial condition on or before a certain date each year; requiring each managed care organization to file with the Commissioner an audited financial report on or before a certain date each year; specifying the content and format for certain reports; providing that certain financial reports are a public record; and generally relating to reports by health insurance carriers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–605
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 404 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Fraud – Required Disclosure Statements

FOR the purpose of requiring insurers to disclose certain information regarding insurance fraud in a certain manner on certain applications for insurance~~, claim forms, and payments;~~ and certain claim forms; providing that the lack of a certain statement does not constitute a defense in certain proceedings; providing ~~a certain exception~~ certain exceptions to a certain disclosure requirement; ~~providing for the application of this Act~~ requiring certain insurers to comply with this Act on or before a certain date; and generally relating to insurance fraud.

BY renumbering
Article – Insurance
Section 27–805
to be Section 27–806
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 27–805
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 405 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Homeowner's Insurance – Loss from Water and Sewer Backup – Offer of Coverage

FOR the purpose of clarifying the time at which an offer of coverage for loss that is caused by or results from certain water backup must be made by certain insurers; requiring an insurer that sells a homeowner's insurance policy to offer the coverage; requiring the offer to be made in ~~writing~~ a certain manner; and generally relating to homeowner's insurance.

BY repealing and reenacting, with amendments,
Article – Insurance

Section 19–202
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 407 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety – Authorized Inspection Agencies

FOR the purpose of authorizing insurers, owners who employ special inspectors, and the Commissioner of Labor and Industry to contract with authorized inspection agencies for certain boiler and pressure vessel inspections; authorizing inspection agencies to request special inspector commissions; requiring ~~authorized inspection agencies to submit a certain surety bond~~ the Commissioner to establish certain insurance requirements by regulation; exempting certain inspections by certain persons from certain fees; requiring that authorized inspection agencies file certain reports with the Chief Boiler Inspector and notify the Commissioner of certain hazardous conditions; requiring certain persons to maintain inspection records in a certain manner; defining a certain term; making a technical correction; and generally relating to the inspection of boilers and pressure vessels.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–901, 12–907, 12–909(c) and (h), and 12–910
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 750 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Cancellation of Binders or Policies – Certificate of Mail

FOR the purpose of requiring that a certain notice of cancellation of certain binders or policies of insurance be sent by certificate of mail; and generally relating to cancellations of binders or policies of insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 12–106
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON FINANCE REPORT #8

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

Senate Bill 31 – Senator Rosapepe

AN ACT concerning

Public Utility Companies – Bus Service Provided by Institutions of Higher Education – Exemption from Motor Carrier Permit Requirement

SB0031/137878/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 31
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Institutions of Higher Education" and substitute "University of Maryland, College Park"; in line 5, strike "an institution of higher education" and substitute "the University of Maryland, College Park"; in line 7, strike "institution" and substitute "University of Maryland, College Park"; in line 8, after "corporation;" insert "requiring the Department of Transportation Services in the University of Maryland, College Park to report to certain committees by a certain time on certain findings; providing for the termination of this Act;"; and in lines 8 and 9, strike "an institution of higher education" and substitute "the University of Maryland, College Park".

AMENDMENT NO. 2

On page 2, in lines 19 and 20, strike "**AN INSTITUTION OF HIGHER EDUCATION**" and substitute "**THE UNIVERSITY OF MARYLAND, COLLEGE PARK**"; in line 20, strike "**INSTITUTION**" and substitute "**UNIVERSITY OF MARYLAND, COLLEGE PARK**"; in line 22, strike "**INSTITUTION**" and substitute "**UNIVERSITY OF MARYLAND, COLLEGE PARK**"; after line 26, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, the Department of Transportation Services in the University of Maryland, College Park shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the implementation of a transportation services program with the City of College Park for the residents of the City of College Park.";

in line 27, strike "2." and substitute "3."; in line 28, strike "October 1, 2008." and substitute "July 1, 2008. It shall remain effective for a period of 3 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 196 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Home Inspectors – Licensing, Disclosure, and Insurance Requirements

SB0196/617077/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 10 down through "disclosure" in line 11 and substitute "altering a certain disclosure requirement".

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with "**PROMPTLY**" in line 20 on page 3 down through "**(B)**" in line 17 on page 4; and in line 25, strike the bracket.

AMENDMENT NO. 3

On page 5, in line 7, strike the bracket; in the same line, strike "**A STATEMENT THAT**"; in line 8, strike "by the buyer"; in lines 10 and 16, in each instance, strike the brackets; in line 10, strike "**(C)**"; and in line 16, strike "**(D)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 348 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

SB0348/587977/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 348
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike "7–704(a)(4)" and substitute "7–704(a)(2)(i)1. and (4)"; in line 6, after "litter;" insert "providing that poultry litter-to-energy is eligible for

inclusion in meeting the Tier 1 renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland;".

AMENDMENT NO. 2

On page 2, after line 25, insert:

"(a) (2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, energy from a Tier 1 renewable source under § 7–701(l)(1) **OR (9)** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.";

and in line 26, strike "(a)".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for February 26, 2008.

The motion was adopted.

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

Senate Bill 412 – Senators Forehand and Miller

AN ACT concerning

Task Force to Study Changes to the Automotive Warranty Enforcement 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:

Senate Bill 650 – Senator DeGrange

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

SB0650/787871/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 650
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "to" insert "initiate certain investigations and".

AMENDMENT NO. 2

On page 4, in lines 12, 17, and 22, in each instance, strike "**SUBTITLE**" and substitute "**SECTION**"; in line 12, after "**MAY**" insert "**INITIATE AN INVESTIGATION OR**"; in lines 18, 21, 23, 26 and 27, 29, and 31, in each instance, strike "**ALLEGED VIOLATOR**" and substitute "**EMPLOYMENT AGENCY**".

AMENDMENT NO. 3

On page 5, in line 4, strike "**ALLEGED VIOLATOR**" and substitute "**EMPLOYMENT AGENCY**"; and in lines 4 and 6, in each instance, strike "**SUBTITLE**" and substitute "**SECTION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 701 – Senators Jones, Astle, and McFadden

AN ACT concerning

Insurance Producers – Life and Health Insurance Examinations – Annual Reports

SB0701/197071/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 701
(First Reading File Bill)

On page 1, in line 13, after "manner;" insert "providing for the termination of this Act;".

On page 3, in line 15, after "2008." insert "It shall remain effective for a period of 3 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 250)

ADJOURNMENT

At 8:32 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 26, 2008.

Annapolis, Maryland
Tuesday, February 26, 2008
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by The Reverend Clare Petersberger, Towson Unitarian Universalist Church, guest of Senator Brochin.

The Journal of February 25, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 252)

INTRODUCTION OF BILLS

Senate Bill 949 – Senator Exum

AN ACT concerning

Task Force to Study Gasoline Zone–Pricing in Maryland

FOR the purpose of establishing a Task Force to Study Gasoline Zone–Pricing in Maryland; specifying the membership and duties of the Task Force; providing for the appointment of a Senate co–chair and House co–chair of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation for serving on the Task Force; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring a certain report on or before a certain date; providing for the termination of the Task Force; and generally relating to the Task Force to Study Gasoline Zone–Pricing in Maryland.

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

Senate Bill 950 – Senator Exum

AN ACT concerning

Injured Workers' Insurance Fund – Minority Business Enterprise Procurement Activities

FOR the purpose of requiring the Board for the Injured Workers' Insurance Fund to conduct procurement activities identical to and consistent with certain minority business enterprise purchasing standards applicable to State government agencies; specifying that the Fund is subject to certain provisions of State law; requiring the Board to submit in its annual report to the Governor certain data regarding minority business enterprise procurement activities; and generally relating to minority business enterprise procurement activities of the Injured Workers' Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–105 and 10–126(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 10–115
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Senate Bill 951 – Senators Miller and Dyson

AN ACT concerning

Public Safety – Industrialized Building – Definition

FOR the purpose of excluding a building that has less than a certain width and length from certain standards and regulations adopted by the Department of Housing and Community Development for certain industrialized buildings; and generally relating to industrialized buildings.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–301(d)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #8

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

Senate Bill 18 – Senator Conway

AN ACT concerning

Baltimore City – 43rd Legislative District – Alcoholic Beverages – 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 with amendments:

Senate Bill 158 – Senators Raskin, Madaleno, Colburn, Forehand, Frosh, Garagiola, Harris, Jones, King, Lenett, Peters, Pinsky, and Rosapepe

AN ACT concerning

Farm–to–School Program – Activities and Promotional Events

SB0158/874830/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 158
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Harrington".

On page 2, in line 10, strike the second "**STATE**" and substitute "**MARYLAND**"; in lines 13, 15, and 24, in each instance, strike "**STATE**" and substitute "**MARYLAND**"; and in line 20, strike the first "**STATE**" and substitute "**MARYLAND**".

AMENDMENT NO. 2

On page 2, in lines 10, 13, 16, 20, and 24, in each instance, strike "**AND FACILITIES**".

AMENDMENT NO. 3

On page 2, in lines 11 and 21, in each instance, strike "**AND THE BOARD OF PUBLIC WORKS**"; in line 21, after "**EDUCATION**" insert "**AND IN COMPLIANCE WITH APPLICABLE PROCUREMENT REQUIREMENTS**"; in line 25, strike "**CONSULTATION**" and substitute "**PARTNERSHIP**"; in line 26, strike "**, THE BOARD OF PUBLIC WORKS,**" and substitute "**AND IN CONSULTATION WITH**"; and in line 27, strike the first comma.

AMENDMENT NO. 4

On page 3, in line 6, strike "**, INCLUDING**" and substitute "**THROUGH PROMOTIONAL ACTIVITIES THAT MAY INCLUDE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 201 – Senator Dyson

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Elective Franchise – Voting by 17–Year–Old Citizens

SB0201/434431/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 201
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Dyson" and substitute "Senators Dyson, Conway, Colburn, Harrington, Lenett, Pinsky, Raskin, and Rosapepe".

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 recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 903 – Senator Kelley

AN ACT concerning

Traumatic Brain Injury Advisory Board – Sunset – Repeal

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

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

Senate Bill 87 – Senators Kelley, Colburn, Conway, Currie, Della, Forehand, Jacobs, Lenett, Muse, Raskin, and Stone

AN ACT concerning

Maryland Uniform Power of Attorney Act

SB0087/318077/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 87
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Simonaire"; and in line 2, after "Act" insert "- Loretta's Law".

AMENDMENT NO. 2

On page 10, in line 28, after the first "**THE**" insert "**DISSOLUTION OR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 198 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Collection Fee – Repeal of Sunset

SB0198/198470/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 198
(First Reading File Bill)

AMENDMENT NO. 1

In line 3, strike "repealing" and substitute "altering"; and in line 5, after the semicolon insert "requiring the Secretary of Human Resources to notify the Department of Legislative Services if a certain federal requirement is repealed;".

AMENDMENT NO. 2

In lines 14 and 16, in each instance, strike the bracket; strike beginning with "It" in line 14 down through "2008" in line 15 and substitute "**IF THE REQUIREMENT ENACTED BY THE DEFICIT REDUCTION ACT OF 2005 (P.L. 109-171, § 7310) THAT THE STATE IMPOSE AN ANNUAL FEE OF $25 FOR EACH CASE IN WHICH CHILD SUPPORT COLLECTION SERVICES ARE FURNISHED TO AN INDIVIDUAL WHO HAS NEVER RECEIVED TEMPORARY CASH ASSISTANCE AND FOR WHOM THE STATE HAS COLLECTED AT LEAST $500 IS REPEALED**"; in line 16, after "effect" insert "**AS OF THE EFFECTIVE DATE OF THE REPEAL OF THE FEDERAL REQUIREMENT. IF THE FEDERAL REQUIREMENT IS REPEALED, THE SECRETARY OF HUMAN RESOURCES SHALL NOTIFY THE DEPARTMENT OF**

LEGISLATIVE SERVICES WITHIN 10 DAYS AFTER THE ENACTMENT OF THE REPEAL".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #9

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

Senate Bill 225 – Senator Middleton

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

SB0225/607977/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 225
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through the first "for" in line 5 and substitute "liability for payment to a health care provider for"; in line 5, after "of" insert "certain"; strike beginning with "is" in line 5 down through "at" in line 6 and substitute "may not exceed"; strike beginning with "enter" in line 6 down through "rate" in line 8 and substitute "elect to declare certain provisions of this Act inapplicable to the county by filing a certain declaration with the county health officer; providing that a certain election may be withdrawn in a certain manner at any time"; and in line 10, strike "confined in" and substitute "committed to".

AMENDMENT NO. 2

On page 3, in line 16, after "**(2)**" insert "**(I)**"; after line 17, insert:

"**(II) "HEALTH CARE PROVIDER" DOES NOT INCLUDE A HOSPITAL REGULATED BY THE HEALTH SERVICES COST REVIEW COMMISSION.**

(3) "HEALTH CARE SERVICE" HAS THE MEANING STATED IN § 19-132 OF THE HEALTH – GENERAL ARTICLE.";

in line 18, strike "**(3)**" and substitute "**(4)**"; in the same line, after "**MEANS**" insert "**:**

(I)";

and in line 21, after "**PROGRAM**" insert "**; OR**

(II) IF THE HEALTH CARE PROVIDER IS A FEDERALLY QUALIFIED HEALTH CENTER, THE AMOUNT THAT A FEDERALLY QUALIFIED HEALTH CENTER WOULD BE PAID BY THE MARYLAND MEDICAL ASSISTANCE PROGRAM USING THE PAYMENT METHODOLOGY DESCRIBED IN 42 U.S.C. § 1396A(BB)".

AMENDMENT NO. 3

On page 3, in line 22, strike "**A LOCAL CORRECTIONAL FACILITY THAT IS RESPONSIBLE**" and substitute "**LIABILITY**"; in line 23, after "**FOR**" insert "**ANY**"; in lines 23, 27, and 28, in each instance, strike "**SERVICES**" and substitute "**SERVICE**"; in line 24, strike "**IS ONLY RESPONSIBLE FOR PAYMENT OF**" and substitute "**COMMITTED TO A LOCAL CORRECTIONAL FACILITY THAT IS NOT PROVIDED ON THE PREMISES OF THE FACILITY MAY NOT EXCEED**".

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 2 on page 4, inclusive, and substitute:

"**(C) (1) A COUNTY MAY ELECT TO DECLARE THE PROVISIONS OF THIS SECTION INAPPLICABLE TO THE COUNTY BY FILING WITH THE COUNTY HEALTH OFFICER A WRITTEN DECLARATION BY THE HIGHEST OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY, APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY.**

(2) THE HIGHEST OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY, WITH THE APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE

COUNTY, MAY WITHDRAW AT ANY TIME AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 349 – Senator Middleton

AN ACT concerning

State Personnel – Executive Pay Plan – Reporting Requirements – Repeal

SB0349/197172/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 349
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "- Repeal"; in line 3, strike "repealing" and substitute "altering a"; in the same line, strike "requirements" and substitute "requirement"; in line 4, strike "certain reports" and substitute "a report"; and in line 5, after "circumstances;" insert "repealing a certain reporting requirement;".

AMENDMENT NO. 2

On page 1, in line 22, strike the brackets.

On page 2, in lines 1 and 4, in each instance, strike the bracket; in line 1, after "(b)" insert "**(1)**"; in line 2, strike "September 1" and substitute "**JULY 15, OCTOBER 15, JANUARY 15, AND APRIL 15**"; in line 3, strike the first comma and substitute "**:**

(I)";

in the same line, after "step," insert "**TITLE, NAME,**"; in line 4, after "Plan" insert "**AND THE MARYLAND DEPARTMENT OF TRANSPORTATION EXECUTIVE PAY PLAN**"; in the same line, after the second "the" insert "**LAST DAY OF THE**"; in the same line, strike "June 30" and substitute "**FISCAL QUARTER; AND**

(II) THE DETAILS OF ANY LUMP-SUM INCREASES GIVEN TO EMPLOYEES IN THE EXECUTIVE PAY PLAN AND THE MARYLAND DEPARTMENT OF TRANSPORTATION EXECUTIVE PAY PLAN DURING THE PRECEDING FISCAL QUARTER";

and after line 4, insert:

"**(2) (I) THE QUARTERLY REPORTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE EACH FLAT-RATE EMPLOYEE POSITION IN THE EXECUTIVE PAY PLAN AND THE MARYLAND DEPARTMENT OF TRANSPORTATION EXECUTIVE PAY PLAN.**

(II) EACH FLAT-RATE EMPLOYEE POSITION INCLUDED IN THE QUARTERLY REPORTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE ASSIGNED A UNIQUE IDENTIFIER THAT:

1. DESCRIBES THE PROGRAM TO WHICH THE POSITION IS ASSIGNED FOR BUDGETARY PURPOSES; AND

2. CORRESPONDS TO THE POSITION IDENTIFICATION NUMBER USED IN THE BUDGET DATA PROVIDED ANNUALLY BY THE SECRETARY TO THE DEPARTMENT OF LEGISLATIVE SERVICES.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 476 – Senator Madaleno

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

SB0476/847570/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 476
(First Reading File Bill)

On page 2, in line 19, after "**DEPARTMENT**" insert "**, IN ACCORDANCE WITH THE STANDARD DATA ELEMENTS FOR STANDARD TRANSACTIONS REQUIRED UNDER 42 U.S.C. § 1320D-4 AS ADOPTED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES**".

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:

Senate Bill 348 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0348/587977/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 348
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike "7–704(a)(4)" and substitute "7–704(a)(2)(i)1. and (4)"; in line 6, after "litter;" insert "providing that poultry litter-to-energy is eligible for inclusion in meeting the Tier 1 renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland;".

AMENDMENT NO. 2

On page 2, after line 25, insert:

"(a) (2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, energy from a Tier 1 renewable source under § 7–701(l)(1) **OR (9)** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.";

and in line 26, strike "(a)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 253)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Goods and Services

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

Affirmative – 42 Negative – 5 (See Roll Call No. 254)

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. 255)

ADJOURNMENT

At 10:43 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 27, 2008.

Annapolis, Maryland
Wednesday, February 27, 2008
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by The Reverend Chris Owens, First United Methodist Church of Laurel, guest of Senator Rosapepe.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 26, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 258)

ANNOUNCEMENT

Congratulations to Mount Saint Mary's University on the occasion of its 200th anniversary.

Affirmative – 46 Negative – 0 (See Roll Call No. 259)

INTRODUCTION OF BILLS

Senate Bill 952 – Senator Muse

AN ACT concerning

Higher Education – Admission Standards at Public Institutions

FOR the purpose of prohibiting a public institution of higher education from conditioning admission to the institution on a student's score on a scholastic aptitude test or an equivalent nationally accepted college entrance examination; altering a certain provision relating to the admission of certain students who achieve a certain score on a scholastic aptitude test or a similar score on an equivalent national college entrance examination; and generally relating to a

prohibition on the use of certain college entrance examinations for admission to public institutions of higher education in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 953 – Senator Edwards

AN ACT concerning

Garrett County – Local Tax – Date of Payment

FOR the purpose of altering the date the County Commissioners of Garrett County are required to make certain payments of the revenue from certain local taxes to certain volunteer fire departments; and generally relating to the payment of certain local tax revenues to volunteer fire departments in Garrett County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 41–2
Article 12 – Public Local Laws of Maryland
(1985 Edition and October 2001 Supplement, as amended)
(As enacted by Chapter 41 of the Acts of the General Assembly of 1929)

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

Senate Bill 954 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Sharp Street United Methodist Church Modular Building

FOR the purpose of authorizing the creation of a State Debt not to exceed $100,000, the proceeds to be used as a grant to the Board of Trustees of the Sharp Street United Methodist Church, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 955 – Senator Harrington

AN ACT concerning

Brian Moore Student Health and Fitness Act of Maryland

FOR the purpose of requiring that public school students in kindergarten through a certain grade be provided certain minimum levels of a program of physical activity each week; requiring that the program of physical activity for a certain category of student be consistent with a certain plan for the student; requiring public elementary schools to designate a certain group to plan and coordinate certain activities; requiring students in public high schools to complete a certain amount of physical education in order to graduate; requiring the State Board of Education to adopt certain regulations; providing for certain extensions; and generally relating to student health and fitness.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–205(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–409
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 956 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Bladensburg Market Square

FOR the purpose of authorizing the creation of a State Debt not to exceed $60,000, the proceeds to be used as a grant to the Board of Trustees of the Aman Memorial Trust, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for

the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 957 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Issuance and Renewal of Policies in Certain Geographic Areas

FOR the purpose of prohibiting certain insurers from refusing to issue or renew a policy of homeowner's insurance solely because the subject of the risk or the applicant's or insured's address is located in a certain geographic area; providing for the application of this Act; and generally relating to homeowner's insurance and the issuance and renewal of contracts in certain geographic areas in the State.

BY adding to
Article – Insurance
Section 19–208
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 958 – Senators Pugh and Harrington

AN ACT concerning

Procurement – Prevailing Wage

FOR the purpose of requiring the application of the prevailing wage law to any State–funded contract for construction of a public work; altering a certain definition; and generally relating to the application of the prevailing wage law to construction projects.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 17–201(a) and (j), 17–210(a) and (c), and 17–214
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–201(i)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 959 – Senators Middleton, Miller, Astle, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Haines, Harrington, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Statewide Phase–Out of Electronic Gaming Devices

FOR the purpose of prohibiting, on or after a certain date, the purchase, lease, sale, transfer, replacement, licensure, or operation of an electronic gaming device in the State; providing certain exceptions to the prohibition; defining a certain term; providing certain penalties; altering certain definitions; making this Act an emergency measure; and generally relating to electronic gaming devices.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–101(a), 12–102, 12–104, 12–111, 12–302, and 13–203
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–101(d), 12–301, 12–304(c), and 13–101
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to
Article – Criminal Law
Section 12–108.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 4 – Senator Mooney

A Senate Joint Resolution concerning

Freedom for Cuba (Viva Cuba Libre)

FOR the purpose of expressing certain support for the Cuban people and democratic and economic transition in Cuba; calling on the United States and other democratic nations to assist the Cuban people; resolving that the Cuban Regime should abide by the Cuban Democracy Act passed by the United States Congress; resolving that the President of the United States and the United States Congress should maintain current U.S. economic and foreign policy toward Cuba under certain circumstances; expressing certain support for the "Compact with the People of Cuba"; and generally relating to Cuba.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 415 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Occupational and Professional Licensing Design Boards – Fee–Setting Authority

FOR the purpose of ~~repealing~~ altering certain termination provisions relating to the State Occupational and Professional Licensing Design Boards' Fund; repealing certain provisions ~~rendered inapplicable by this Act~~ related to certain fees that are no longer applicable; and generally relating to the authority of the Department of Labor, Licensing, and Regulation, the State Board of Architects, the State Board of Certified Interior Designers, the State Board of Examiners of Landscape Architects, the State Board for Professional Engineers, and the State Board for Professional Land Surveyors to set fees.

BY repealing
Chapter 227 of the Acts of the General Assembly of 2003
Section 7 ~~and 8~~

BY repealing and reenacting, with amendments,
Chapter 227 of the Acts of the General Assembly of 2003
Section 8

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

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

Senate Bill 60 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Britt, Colburn, Conway, Currie, Della, Edwards, Exum, Forehand, Garagiola, Glassman, Greenip, Jacobs, Kasemeyer, King, Kramer, Lenett, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Identity Fraud – Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 140 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims

SB0140/348873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 140
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "knowledge;" in line 10.

AMENDMENT NO. 2

On page 3, in line 1, strike the bracket; in the same line, before "(i)" insert an opening bracket; in line 7, strike "**(1)**" and substitute "**(I)**"; in line 9, after "**OFFENDER;**" insert "**OR**"; in line 10, strike "**(2)**" and substitute "**(II)**"; in line 12, strike beginning with "**; OR**" in line 12 down through "**VEHICLE**" in line 16; in line 23, after "adult." insert a closing bracket; and in line 29, before "(3)" insert an opening bracket.

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 220 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Colburn, Dyson, Gladden, Klausmeier, Middleton, and Stone

AN ACT concerning

Identity Fraud – Prohibition of Unauthorized Skimming and Re–Encoding Devices

SB0220/508478/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 220
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Forehand".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 250 – Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition

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. 260)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 31 – Senator Rosapepe

AN ACT concerning

Public Utility Companies – Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park – Exemption from Motor Carrier Permit Requirement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 261)

The Bill was then sent to the House of Delegates.

Senate Bill 196 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Home Inspectors – Licensing, Disclosure, and Insurance Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 262)

The Bill was then sent to the House of Delegates.

Senate Bill 412 – Senators Forehand and Miller

AN ACT concerning

Task Force to Study Changes to the Automotive Warranty Enforcement Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 263)

The Bill was then sent to the House of Delegates.

Senate Bill 650 – Senator DeGrange

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 264)

The Bill was then sent to the House of Delegates.

Senate Bill 701 – Senators Jones, Astle, and McFadden

AN ACT concerning

Insurance Producers – Life and Health Insurance Examinations – Annual Reports

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

Affirmative – 47 Negative – 0 (See Roll Call No. 265)

The Bill was then sent to the House of Delegates.

MOTION

Senator Middleton moved to suspend the rules to allow **Senate Bill 959** to be re–referred to the Committee on Budget and Taxation.

The motion was adopted.

Senate Bill 959 – Senators Middleton, Miller, Astle, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Haines, Harrington, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Statewide Phase–Out of Electronic Gaming Devices

Re-referred to the Committee on Budget and Taxation.

QUORUM CALL

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

(See Roll Call No. 266)

ADJOURNMENT

At 10:33 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, February 28, 2008.

Annapolis, Maryland
Thursday, February 28, 2008
10:00 A.M. Session

The Senate met at 10:18 A.M.

Prayer by Pastor Mike Kaylani, Mariners' Church, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 27, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 268)

INTRODUCTION OF BILLS

Senate Bill 960 – Senator Klausmeier

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Licensure of Massage Therapists

FOR the purpose of renaming the State Board of Chiropractic Examiners to be the State Board of Chiropractic and Massage Therapy Examiners; providing for the licensure of massage therapists by the Board; increasing the number of the members of the Board; adding a certain number of licensed chiropractor members and licensed massage therapist members to the Board; requiring the Governor to appoint certain massage therapist members with the advice and consent of the Senate from a certain list submitted by a certain association; providing for the qualifications of the massage therapist Board members; amending qualifications for certain consumer members of the Board; requiring the terms of Board members to be staggered; renaming the State Board of Chiropractic Examiners Fund to be the State Board of Chiropractic and Massage Therapy Examiners Fund; establishing certain violations and

penalties; substituting licensure for certification as the professional credential for massage therapists; requiring the Board to adopt certain regulations regarding the licensure of massage therapists; repealing certain provisions regarding the Massage Therapy Advisory Committee; repealing certain provisions authorizing certain individuals to practice massage therapy without a license or without meeting certain qualifications for a license; authorizing the Board to waive certain qualifications for licensure as a massage therapist under certain circumstances; requiring the Board to adopt certain rules and regulations to establish certain standards for advertising or soliciting by licensed massage therapists or registered massage practitioners; providing that certain mailed notices are not advertisements or solicitations; authorizing licensed massage therapists and registered massage practitioners to use a certain trade name under certain circumstances; requiring the Board to issue licenses to certified massage therapists at the time the certificate holder's certificate expires in accordance with certain renewal requirements; authorizing certain certified massage therapists to continue to practice massage therapy until a certificate holder's license is issued; making certain technical changes; and generally relating to the State Board of Chiropractic and Massage Therapy Examiners and the licensure of massage therapists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 3–201, 3–202, 3–206(a), 3–315, 3–316, 3–316.1, 3–501 through 3–503, 3–506, 3–5A–01 through 3–5A–03, 3–5A–05 through 3–5A–10, and 3–5A–12 through 3–5A–14
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health Occupations
Section 3–5A–04 and 3–5A–11
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 3–5A–13
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 961 – Senators Brinkley, Colburn, Jacobs, and Munson

AN ACT concerning

Maryland Estate Tax – Returns

FOR the purpose of requiring that a Maryland estate tax return be filed with the Comptroller instead of with the register of wills; altering a requirement that a register of wills certify to the Comptroller the amount of inheritance tax paid for certain decedents under certain circumstances; providing for the application of this Act; and generally relating to the Maryland estate tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–232, 7–305, and 7–306
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 962 – Senators Brinkley and Kittleman

AN ACT concerning

Public Education – Bridge to Excellence – Video Lottery Terminals

FOR the purpose of requiring the State Lottery Commission to regulate the operation of certain video lottery terminals; requiring the Governor to appoint a member of the State Racing Commission to serve as a liaison to the State Lottery Commission; requiring the State Racing Commission to award at least a certain number of racing days to a certain racecourse in each calendar year; expanding the membership of the Pimlico Community Development Authority in a certain manner; requiring the Secretary of Health and Mental Hygiene to establish a network of clinically appropriate services for problem gamblers; altering the membership of the State Lottery Commission; specifying certain requirements for members of the State Lottery Commission; requiring the Governor to appoint a member of the State Lottery Commission to serve as a liaison to the State Racing Commission; providing that members of the State Lottery Commission may be compensated as provided in the State budget; authorizing the operation of video lottery terminals connected to a certain central monitor and control system that allows the State Lottery Commission to monitor a video lottery terminal and that has certain capabilities; prohibiting access to the central monitor and control system to certain licensees with a certain exception; providing that only a person with a certain video lottery operation license may offer a video lottery terminal for public use in the State; providing that this Act is statewide and exclusive in its effect and that certain laws do not apply to video lottery terminals authorized under this Act; requiring the State Lottery Agency to provide certain assistance to the State Lottery Commission; authorizing the State Lottery Commission to conduct certain investigations and hearings; requiring the State Lottery Commission to adopt certain regulations; requiring the State Lottery Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Lottery

Commission to inspect and seize certain equipment, financial information, and records without notice or warrant; authorizing the State Lottery Commission to issue a certain number of video lottery operation licenses under certain circumstances; specifying limits on the number of video lottery terminals allowed in the State; requiring certain video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals required by the State Lottery Commission to be licensed; providing for the application and licensing process; establishing certain eligibility criteria and disqualifying criteria for a video lottery operation license; requiring certain licensees to maintain certain numbers of live racing days; providing that certain licensees are ineligible for certain funding and are subject to certain requirements and sanctions if a certain horse racing event or trade names and other items related to the event are transferred out of the State; requiring certain licensees to conduct certain annual races with certain exceptions; requiring a certain licensee to maintain a certain center or convey certain property to a certain program under certain circumstances; requiring certain licensees to submit to the State Racing Commission a certain plan to improve the quality and marketing of horse racing; requiring certain applicants and licensees to comply with certain provisions of law relating to minority business participation; specifying that certain collective bargaining agreements do not negate certain provisions of this Act; requiring certain licensees to provide certain benefits and give certain preferences to certain employees; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; providing that the State Lottery Commission may reissue a video lottery operation license under certain circumstances; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain waivers of certain licensing and bonding requirements under certain circumstances; providing for certain license terms; stating the intent of the General Assembly relating to video lottery operation licenses; prohibiting a video lottery operation license from being transferred or pledged as collateral; prohibiting certain licensees from selling or otherwise transferring more than a certain percentage of the legal or beneficial interest unless certain conditions are met; requiring that the transfer of a certain interest in a person that holds a video lottery operation license be approved by the State Lottery Commission; requiring the Department of State Police or certain approved vendors to conduct certain background investigations; providing that certain information obtained as a result of a certain background check is confidential and may be used only for a certain purpose; requiring the State Lottery Commission to buy or lease the video lottery terminals, central monitor, and certain other equipment; requiring the State Lottery Commission to develop a certain process; allowing a certain number of video lottery destination locations to be eligible for a video lottery operation license under certain circumstances; establishing a Video Lottery Facility Location Commission providing for membership, reimbursements, and staffing; allowing the Video Lottery Facility Location Commission to approve not more than a certain number of video lottery cooperation licenses; authorizing the Department of Transportation to pay for and undertake certain improvements and enhancements to certain highways in

Worcester County; requiring the Video Lottery Facility Location Commission to consider certain factors; providing for the termination of the Video Lottery Facility Location Commission; providing for the reinstatement of the Video Lottery Facility Location Commission under certain circumstances; providing for the minimum payout and hours of operation of video lottery terminals; prohibiting the State Lottery Commission from issuing certain licenses under certain circumstances; prohibiting a video lottery operation licensee from offering food or alcoholic beverages at no cost, with a certain exception, or below certain prices; requiring the State Lottery Commission to adopt certain regulations; authorizing the State Lottery Commission to take certain action against licensees or applicants for licenses and impose certain penalties under certain circumstances; requiring the Comptroller to collect and distribute certain money in specified ways; requiring certain distributions from video lottery proceeds for certain purposes; establishing the Education Trust Fund and a Purse Dedication Account; requiring certain distributions from video lottery proceeds to the Education Trust Fund to be used for a certain purposes; providing for certain distributions from video lottery proceeds to the Purse Dedication Account; providing for distributions from the Purse Dedication Account for horse racing in a certain manner; requiring the State Racing Commission to conduct a certain study and make certain recommendations; establishing a Racetrack Facility Renewal Account; providing for certain distributions from video lottery proceeds to the Racetrack Facility Renewal Account; providing for certain distributions from the Racetrack Facility Renewal Account for certain purposes; establishing a Small, Minority, and Women–Owned Businesses Account; providing for a certain distribution from video lottery proceeds to the Small, Minority, and Women–Owned Businesses Account; requiring the Board of Public Works to make certain grants to certain fund managers; requiring certain fund managers to provide certain reports, keep certain records, and be subject to certain audits; authorizing the State to pay certain transportation costs; requiring the Department of Transportation to facilitate certain negotiations; requiring a certain transportation plan to be developed; requiring certain distributions from video lottery proceeds to be provided as local impact grants; requiring certain counties to report to the Legislative Policy Committee by a certain date each year on the distribution of certain funds; providing for the creation of certain local development councils; requiring certain counties and municipalities to develop certain plans to be reviewed by certain local development councils; requiring the State Lottery Commission to establish certain fees and providing for a certain distribution of certain fees to the Problem Gambling Fund; creating a Problem Gambling Fund; providing for certain disbursements from the Problem Gambling Fund; requiring the State Lottery Commission to make a certain report; prohibiting a licensee for a certain time from employing or entering into a financial relationship with certain individuals; prohibiting a member of the Senate of Maryland or the House of Delegates from having a certain ownership interest in or being an employee of a certain business entity; requiring the governing body of Allegany County to enter into a certain agreement with a certain person for a certain payment in lieu of the collection of certain taxes; requiring a certain

agency designated by the Board of Public Works to initiate certain studies and issue certain reports on or before certain dates; requiring the State Lottery Agency to conduct certain market analyses and submit certain reports; requiring the Governor to include certain funds in the State budget for a certain fiscal year for a certain analysis; requiring the State Racing Commission to conduct a certain study, make certain recommendations, and submit a certain report to the General Assembly; requiring the Legislative Auditor to conduct an audit and evaluation of certain information each fiscal year; making the provisions of this Act severable; providing for the staggering of the terms of certain new members of the State Lottery Commission; defining certain terms; making this Act subject to a certain contingency; and generally relating to the operation of video lottery terminals at certain locations in the State.

BY repealing
Article – Business Regulation
Section 11–202(g), 11–511, and 11–1203(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing
Article – Health – General
Section 19–801 through 19–804 and the subtitle "Subtitle 8. Problem Gamblers"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing
Article – State Government
Section 9–1A–01 through 9–1A–36 and the subtitle "Subtitle 1A. Video Lottery Terminals"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing
Article – Tax – Property
Section 7–515
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to

Article – Business Regulation
Section 11–202(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–511 and 11–1203(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–801 through 19–804 to be under the amended subtitle "Subtitle 8. Problem Gamblers"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–105 and 9–108(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–1A–01 through 9–1A–36 to be under the new subtitle "Subtitle 1A. Video Lottery Terminals"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – Property
Section 7–515
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 963 – Prince George's County Senators

AN ACT concerning

Prince George's County – Safer Roads Act of 2008

FOR the purpose of adding Prince George's County and municipal corporations in Prince George's County as entities authorized to use certain speed monitoring

systems to enforce highway speed laws under certain standards and procedures; limiting the use of speed monitoring systems in Prince George's County to certain highways; establishing a certain maximum fine for a violation of law enforced by means of a speed monitoring system in Prince George's County; requiring the Chief Judge of the District Court to consult with a certain Prince George's County agency in adopting certain procedures; restricting the use of certain revenues generated by this Act; providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; requiring Prince George's County to report on the effectiveness of speed monitoring systems to the General Assembly on or before a certain date; altering a certain definition; requiring certain police departments, during a certain period, to issue only warning citations to certain motorists and to conduct a public education and awareness campaign regarding the use of speed monitoring systems in Prince George's County; requiring the Prince George's County Police Department to submit a certain annual report to the Prince George's County Delegation to the General Assembly and to the County Executive and County Council of Prince George's County; and generally relating to imposition of liability on certain persons recorded by speed monitoring systems violating certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–301(a), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–809
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation

Section 26–305(a) and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 964 – Senators Conway and Frosh

AN ACT concerning

Agriculture – Nutrient Management Plans – Filing and Release

FOR the purpose of altering the requirements for filing nutrient management plans with the Department of Agriculture; requiring the Department to release copies of a nutrient management plan on request; and generally relating to nutrient management plans.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–801.1(b)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 965 – Senators Conway, Dyson, and Gladden

AN ACT concerning

Comptroller – Eligibility for the Maryland Medical Assistance Program or the Maryland Children's Health Program

FOR the purpose of requiring the Comptroller to send a certain notice regarding eligibility for the Maryland Medical Assistance Program or the Maryland Children's Health Program to a certain taxpayer, if certain income reported on the income tax return does not exceed a certain amount; providing for the application of this Act; and generally relating to a notice about eligibility for certain health programs by the Comptroller.

BY adding to
Article – Tax – General
Section 10–202
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 966 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Deale Elementary School Baseball Fields

FOR the purpose of authorizing the creation of a State Debt not to exceed $125,000, the proceeds to be used as a grant to the County Executive and County Council of Anne Arundel County for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 967 – Senator Rosapepe

AN ACT concerning

Education – College Access for Qualified Students

FOR the purpose of altering the requirements of certain plans submitted by county boards of education to the State Board of Education; providing that certain students who achieve a certain score on a certain community college placement examination and successfully complete a certain assessment and a certain other examination, be considered high school graduates and, under certain circumstances, be eligible for certain student financial assistance; establishing a Study Group on Expanding Enrollment Options for High School Students; establishing the membership and staffing of the Study Group; providing for the designation of co–chairs of the Study Group; requiring the Study Group to review, evaluate, and make findings and recommendations regarding certain issues; requiring the Study Group to submit a report to the Governor and the General Assembly by a certain date; prohibiting a member of the Study Group from receiving certain compensation; authorizing a member of the Study Group to receive certain reimbursements; providing for the termination of certain provisions of this Act; and generally relating to early college access for high school students.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–401, 7–205, 18–14A–01, 18–14A–02, and 18–14A–03
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Education
Section 7–206 and 18–14A–04
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 968 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Kent County – Camp Fairlee Manor

FOR the purpose of authorizing the creation of a State Debt not to exceed $350,000, the proceeds to be used as a grant to the Board of Directors of the Easter Seal Society for Disabled Children & Adults, Inc., for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

LAID OVER BILLS

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

Senate Bill 140 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0140/348873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 140

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "knowledge;" in line 10.

AMENDMENT NO. 2

On page 3, in line 1, strike the bracket; in the same line, before "(i)" insert an opening bracket; in line 7, strike "**(1)**" and substitute "**(I)**"; in line 9, after "**OFFENDER;**" insert "**OR**"; in line 10, strike "**(2)**" and substitute "**(II)**"; in line 12, strike beginning with "**; OR**" in line 12 down through "**VEHICLE**" in line 16; in line 23, after "adult." insert a closing bracket; and in line 29, before "(3)" insert an opening bracket.

The preceding 2 amendments were read only.

Senator Lenett moved, duly seconded, to make the Bill and Amendments a Special Order for February 29, 2008.

The motion was adopted.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
February 28, 2008

State Police, Secretary of

1. Terrence B. Sheridan
8507 Marblehead Road
Lutherville, MD 21093

Secretary of Maryland State Police; appointed to serve at the pleasure of the Governor

Veterans Affairs, Secretary, Department of

2. James A. Adkins
27 Algonquin Road
Cambridge, MD 21613

Secretary of Department of Veterans Affairs; appointed to serve at the pleasure of the Governor

Appalachian States Low-Level Radioactive Waste Commission

3. John M. Colmers
201 West Preston Street
Baltimore, MD 21201

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a two year term to expire May 6, 2009

4. Robert M. Summers, Ph.D.
7315 Yorktown Drive
Baltimore, MD 21204

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a term of two years from May 7, 2007

5. Shari T. Wilson, Secretary
2760 Woodley Place
Washington, DC 20008

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a term of two years from May 7, 2007

Arts Council, Maryland State

6. Deborah W. Cameron

149 West Montgomery Street
Baltimore, MD 21230

Member of the Maryland State Arts Council; appointed to serve remainder of a term of three years from July 1, 2007

7. David T. Terry, Ph.D.
8212 River Park Road
Bowie, MD 20715

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2007

Health Care Commission, Maryland

8. Takedra McGee Jefferson, Esquire
4205 Plummers Promise Dr.
Glenn Dale, MD 20720

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2007

9. Barbara Gill McLean
3930 St. Pauls Road
Manchester, MD 21102

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2006

10. Kurt B. Olsen, Esquire
13317 Drews Lane
Potomac, MD 20854

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2007

11. Sylvia Ontaneda-Bernales, Esquire
3140 Woodring Avenue
Baltimore, MD 21234

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2007

12. Darren W. Petty, Sr.
3704 Old Federal Hill Road
Jarrettsville, MD 21084

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2006

Morticians, State Board of

13. Donald V. Borgwardt
11511 Montgomery Court
Beltsville, MD 20705

Member of the State Board of Morticians; reappointed to serve remainder of a term of four years from July 1, 2006

Physical Therapy Examiners, State Board of

14. Ved K. Gupta
8625 Valley Field Road
Lutherville, MD 21093

Member of the State Board of Physical Therapy Examiners; appointed to serve remainder of a term of four years from June 1, 2007

Physicians, State Board of

15. Rosaire Verna, M.D.
9062 Bozman Road
St. Michaels, MD 21663

Member of the State Board of Physicians; appointed to serve remainder of a four year term to expire June 30, 2008

Port Commission, Maryland

16. Donald C. Fry, Esquire
1716 Edwin Drive
Bel Air, MD 21015

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2007

17. Alvin J. Nichols
8105 Felbrigg Hall Road
Glenn Dale, MD 20769

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2007

18. Charles H. White, Esquire

1200 Britania Lane
Annapolis, MD 21403

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2006

Real Estate Appraisers and Home Inspectors, State Commission of

19. Trevor Lee
2111 Edgewater Parkway
Silver Spring, MD 20903

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2006

20. Steven J. McAdams
3303 Mulberry Street
Edgewater, MD 21037

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve remainder of a term of three years from January 1, 2006

21. Patrick J. Murphy
3807 Juniper Road
Baltimore, MD 21218

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2007

22. Thomas Pirritano
4906 Bramhope Lane
Ellicott City, MD 21043

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve remainder of a term of three years from January 1, 2005

23. Maryann L. Rush
717 Rockaway Beach Avenue
Baltimore, MD 21221

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2007

Rural Legacy Board, Advisory Committee to the

24. Gary W. Mackes
6444 Freedom Way
Salisbury, MD 21801

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2007

St. Mary's College Board of Trustees

25. George Thomas Daugherty, Esquire
46619 Millstone Landing Road
Lexington Park, MD 20653

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

26. Gail M. Harmon
Tippity Wichity Island
Great Mills, MD 20634

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

27. Thomas Penfield Jackson
P.O. Box 265
Compton, MD 20627

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

28. Carmen M. Shepard, Esquire
1342 North Carolina Avenue, NE
Washington, DC 20002

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2007

29. Robert S. Waldschmitt
P.O. Box 562
Solomons, MD 20688

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

30. John C. Wobensmith
200 East 72nd Street #30E
New York, NY 10021

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

Technology Development Corporation Board of Directors, Maryland

31. Margaret C. Himelfarb
116 Taplow Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2007

Transportation Authority, Maryland

32. Louise P. Hoblitzell
27 Old Boxwood Lane
Lutherville, MD 21093

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2007

33. Richard C. Mike Lewin
4401 Greenway
Baltimore, MD 21218

Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2007

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Certified Interior Designers, State Board of

S-1. Teri Lura Bennett
2837 Chesterfield Avenue
Baltimore, MD 21213

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2007

S-2. Diane D. Gordy
5600 Wisconsin Avenue, #1509
Chevy Chase, MD 20815

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2007

Environmental Sanitarian Registration, State Board of

S-3. Charles E. Smyser
2051 Colora Road
Colora, MD 21917

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2007

Hart-Miller-Pleasure Island Citizens Oversight Committee

S-4. Paul D. Brylske
822 Frog Mortar Road
Baltimore, MD 21220

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-5. Robert W. Cullison
7312 Knollwood Road
Towson, MD 21286

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-6. Craig E. Doyle
7827 North Cove Road
Baltimore, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-7. Frederick H. Habicht, Jr.
2517 Barrison Point Road
Essex, MD 21221

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-8. George Hetterick
8905 Carlisle Avenue
Baltimore, MD 21236

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; appointed to serve remainder of a term of two years from July 1, 2007

S-9. Thomas G. Kroen
435 Hopkins Landing Drive
Baltimore, MD 21221

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-10. Samuel L. Lee
11313 Beach Road
White Marsh, MD 21162

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-11. Francis H. Taylor
7603 Iroquois Avenue
Baltimore, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-12. Robert P. Ward, Sr.
8916 Chesapeake
Sparrows Point, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-13. Harry Wujek, Jr.
9005 Chesapeake Avenue
Baltimore, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

Health and Mental Hygiene, Board of Review of the Department of

S-14. Yolanda M. Welch
10370 Pot Spring Road
Lutherville, MD 21093

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve remainder of term of three years from July 1, 2006

Historic St. Mary's City Commission

S-15. Richard Moe, Esquire
3321 Fish Hook Drive
Broomes Island, MD 20615

Member of the Historic St. Mary's City Commission; reappointed to serve remainder of a term of four years from July 1, 2007

S-16. Patience O'Connor
1600 Avon Place, NW
Washington, DC 20007

Member of the Historic St. Mary's City Commission; reappointed to serve remainder of a term of four years from July 1, 2007

S-17. Edward C. Papenfuse, Ph.D.
Maryland State Archives 350 Rowe Boulevard
Annapolis, MD 21401

Member of the Historic St. Mary's City Commission; reappointed to serve remainder of a term of four years from July 1, 2007

S-18. Mary K. Tilghman
3 Trotting Horse Ct.
Baltimore, MD 21228

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2007

Historical Trust Board of Trustees

S-19. Charles L. Edson, Esquire
5802 Surrey Street
Chevy Chase, MD 20815

Member of the Maryland Historical Trust Board of Trustees; reappointed to serve remainder of a term of four years from July 1, 2007

Industrial Development Financing Authority, Maryland

S-20. Deborah A. Morgan

3455 Constellation Drive
Davidsonville, MD 21035

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2007

S-21. Roger A. Waesche, Jr.
11742 Mayfair Field Drive
Timonium, MD 21093

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2007

Patuxent Institution Board of Review

S-22. John R. Simpson, Esquire
245 Devon Drive
Chestertown, MD 21620

Member of the Patuxent Institution Board of Review; reappointed to serve remainder of a term of four years from March 21, 2007

Waterworks and Waste Systems Operators, State Board of

S-23. Joseph L. Haxton
32031 Tuckahoe Avenue
Cordova, MD 21625

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2007

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Allegany County Board of License Commissioners

L-1. Michael W. Griffith
12213 Carlos Road, SW
Frostburg, MD 21532

Member of the Allegany County Board of License Commissioners; appointed to serve remainder of a term of six years from the first Monday in May, 2007

Anne Arundel Community College Board of Trustees

L-2. Victoria K. Fretwell
1407 Stonecreek Road
Annapolis, MD 21403

Member of the Anne Arundel Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

Board of Trustees of Baltimore City Community College

L-3. Tabitha Chambers
5447 Park Heights Avenue
Baltimore, MD 21215

Member of the Board of Trustees of Baltimore City Community College; appointed to serve remainder of a term of one year from June 1, 2007

Cecil Community College Board of Trustees

L-4. William W. Davis, Jr., Esquire
136 East Main Street, Suite D
Elkton, MD 21921

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006

L-5. Donna L. Horgan
135 Riverside Drive
Elkton, MD 21921

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

Community College Trustees for Baltimore County

L-6. H. Scott Gehring, Ed.D.
14 Thurkill Court
Cockeysville, MD 21030

Member of the Community College Trustees for Baltimore County; appointed to serve remainder of a term of five years from July 1, 2004

L-7. Warren C. Hayman, Ed.D.
3603 1/2 Patterson Avenue
Baltimore, MD 21207

Member of the Community College Trustees for Baltimore County; appointed to serve remainder of a term of five years from July 1, 2005

Frederick Community College Board of Trustees

L-8. Peter H. Michael
2455 Ballenger Creek Pike
Adamstown, MD 21710

Member of the Frederick Community College Board of Trustees; appointed to serve a term of five years from July 1, 2007

L-9. Doris J. White
6004 Lundgren Drive
Frederick, MD 21701

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2005

Frederick County Alcoholic Beverages Inspector

L-10. Harold C. Delauter
1418 Teal Lane
Frederick, MD 21703

Member of the Frederick County Alcoholic Beverages Inspector; reappointed to serve a term of five years from July 1, 2007

Garrett College Board of Trustees

L-11. Dale W. Schroyer, Ret.
3955 Friendsville-Addison Road
Friendsville, MD 21531

Member of the Garrett College Board of Trustees; reappointed to serve remainder of a term of six years from July 1, 2007

L-12. Ruth M. Seib
305 Whistlepig Way
Oakland, MD 21550

Member of the Garrett College Board of Trustees; reappointed to serve remainder of a term of six years from July 1, 2006

L-13. Linda S. Sherbin, Esquire
360 Milt DeWitt Road
Friendsville, MD 21531

Member of the Garrett College Board of Trustees; reappointed to serve remainder of a term of six years from July 1, 2006

Howard Community College Board of Trustees

L-14. Kevin J. Doyle
6217 Graftons View Court
Elkridge, MD 21075

Member of the Howard Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

L-15. Katherine K. Rensin
3405 Shady Lane
Glenwood, MD 21738

Member of the Howard Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Talbot County Board of License Commissioners

L-16. Harvey E. Smith, Jr.
201 Federal Street, Unit 89 P.O. Box 216
Easton, MD 21601

Member of the Talbot County Board of License Commissioners; reappointed to serve a term of six years from the first Monday in May 2007

Worcester County Bingo Board

L-17. Jeffrey E. Phillips
12316 West Torquay Road
Ocean City, MD 21842

Member of the Worcester County Bingo Board; appointed to serve remainder of a term of six years from June 1, 2003

Worcester County Board of License Commissioners

L-18. R. Charles Nichols, Jr.
Mapleton Farm 10527 Calvin Lane
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; appointed to serve remainder of a term of four years from July 1, 2007

Worcester County Liquor Control Board

L-19. Joseph A. Jackson, III
603 Market Street
Pocomoke City, MD 21851

Member of the Worcester County Liquor Control Board; appointed to serve remainder of a term of four years from June 1, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for February 29, 2008

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 269)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #22

Senate Bill 18 – Senator Conway

AN ACT concerning

Baltimore City – 43rd Legislative District – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

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

Affirmative – 45 Negative – 0 (See Roll Call No. 270)

The Bill was then sent to the House of Delegates.

Senate Bill 87 – Senators Kelley, Colburn, Conway, Currie, Della, Forehand, Jacobs, Lenett, Muse, Raskin, ~~and Stone~~ Stone, and Simonaire

AN ACT concerning

Maryland Uniform Power of Attorney Act – Loretta's Law

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

Affirmative – 45 Negative – 0 (See Roll Call No. 271)

The Bill was then sent to the House of Delegates.

Senate Bill 158 – Senators Raskin, Madaleno, Colburn, Forehand, Frosh, Garagiola, Harris, Jones, King, Lenett, Peters, Pinsky, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Farm–to–School Program – Activities and Promotional Events

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

Affirmative – 45 Negative – 0 (See Roll Call No. 272)

The Bill was then sent to the House of Delegates.

Senate Bill 198 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Collection Fee – Repeal of Sunset

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

Affirmative – 34 Negative – 11 (See Roll Call No. 273)

The Bill was then sent to the House of Delegates.

Senate Bill 201 – ~~Senator Dyson~~ Senators Dyson, Conway, Colburn, Harrington, Lenett, Pinsky, Raskin, and Rosapepe

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Elective Franchise – Voting by 17–Year–Old Citizens

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

Affirmative – 46 Negative – 0 (See Roll Call No. 274)

The Bill was then sent to the House of Delegates.

Senate Bill 225 – Senator Middleton

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 275)

The Bill was then sent to the House of Delegates.

Senate Bill 348 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

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

Affirmative – 46 Negative – 0 (See Roll Call No. 276)

The Bill was then sent to the House of Delegates.

Senate Bill 349 – Senator Middleton

AN ACT concerning

State Personnel – Executive Pay Plan – Reporting Requirements ~~– Repeal~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 277)

The Bill was then sent to the House of Delegates.

Senate Bill 476 – Senator Madaleno

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 278)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 279)

ADJOURNMENT

At 10:42 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, February 29, 2008.

Annapolis, Maryland
Friday, February 29, 2008
11:00 A.M. Session

The Senate met at 11:13 A.M.

Prayer by The Honorable Janet Greenip.

The Journal of February 28, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 281)

INTRODUCTION OF BILLS

Senate Bill 969 – Senator Della

AN ACT concerning

State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators

FOR the purpose of exempting from the requirement to be licensed by the State Board of Stationary Engineers certain resource recovery facility operators who provide stationary engineer services under certain circumstances; defining a certain term; and generally relating to licensing of stationary engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 970 – Senator Haines

AN ACT concerning

Agricultural Land Preservation Easements – Construction of Houses

FOR the purpose of repealing certain provisions relating to the construction of tenant housing on land subject to a certain agricultural land preservation easement; authorizing a landowner to construct certain housing for the landowner's use on certain land subject to a certain agricultural land preservation easement under certain circumstances; prohibiting certain construction from exceeding a certain number of houses per a certain number of acres unless the Maryland Agricultural Land Preservation Foundation grants a certain exception; prohibiting certain land on which a house is constructed from being subdivided or conveyed to certain persons; prohibiting a certain house from being conveyed separately from a certain original parcel of land; requiring the Foundation to adopt certain regulations; and generally relating to the construction of housing on land subject to an agricultural land preservation easement.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–513(b)(4)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 971 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Assignment of Policy on Sale of Property

FOR the purpose of authorizing the policyholder under a homeowner's insurance policy to assign the policy to the purchaser of the property that is covered by the policy; requiring that an assignment made under this Act be in writing; requiring the purchaser of the property to send a copy of the contract of assignment to the insurer within a certain time after assignment; providing for the application of this Act; and generally relating to homeowner's insurance.

BY adding to
Article – Insurance
Section 19–208
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 972 – Senator Forehand

AN ACT concerning

Identity Fraud – Seizure and Forfeiture

FOR the purpose of establishing that certain property that is used or intended for use in connection with a violation of the Identity Fraud law is subject to seizure and forfeiture; establishing conditions that would exclude certain property from forfeiture; establishing how certain property subject to forfeiture may be seized, with certain exceptions; establishing circumstances that must be considered when determining whether to seize certain property; establishing a certain deadline for filing a complaint seeking forfeiture; providing for the contents and distribution of a certain complaint; providing for the forfeiture of interest in certain real property; providing for a stay of forfeiture of a certain family residence under certain circumstances; establishing a certain rebuttable presumption; providing for certain post–hearing orders; providing for the application of proceeds from a certain sale of forfeited property; providing for the application of this Act; and generally relating to seizure and forfeiture of property used in connection with a violation of the Identity Fraud law.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 12–101, 12–102, 12–103, 12–202, 12–204, 12–205, 12–304, 12–305, 12–309, 12–311, 12–312, and 12–402 to be under the amended title "Title 12. Forfeiture – Controlled Dangerous Substances and Identity Fraud Violations"
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 601 (Emergency Bill)	The President	Annual Corrective Bill
SB 620 (Emergency Bill)	The President	Annual Curative Bill

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 18 – ~~Delegate Smigiel~~ Delegates Smigiel, Kach, Bromwell, Impallaria, and Olszewski

AN ACT concerning

Sex Offender Registry – ~~Former Names, Nicknames, and Electronic Communication Identifiers~~ Additional Information

FOR the purpose of requiring ~~that the registration statement of an individual required to register as a sex offender include the registrant's former names, nicknames, electronic mail addresses, computer log–in or screen names or identities, instant–messaging identities, and electronic chat room identities that the registrant has used~~ the inclusion of certain additional information in a registration statement for the sex offender registry; and generally relating to registration statements of ~~sex~~ certain offenders.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–706
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 114 – Delegates Kullen, Levy, Proctor, Stull, and Weldon

AN ACT concerning

All–Terrain ~~Vehicles – Protective Headgear~~ Vehicle Safety Task Force

FOR the purpose of ~~prohibiting an individual under a certain age from operating or riding on an all–terrain vehicle unless the individual is wearing protective headgear that meets certain standards; defining a certain term; and generally relating to required equipment for individuals operating or riding on all–terrain vehicles~~ establishing an All–Terrain Vehicle Safety Task Force; providing for the membership and duties of the Task Force; requiring the Task Force to select a chair from among its members; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; requiring the Task Force to report to the Governor and the General Assembly

by certain dates; providing for the termination of this Act; and generally relating to the establishment of an All–Terrain Vehicle Safety Task Force.

~~BY adding to~~
~~Article – Health – General~~
~~Section 24–1601 to be under the new subtitle "Subtitle 16. All–Terrain Vehicles"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

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

House Bill 138 – Delegates Kaiser, Ali, Barkley, Bobo, Feldman, Frush, Gutierrez, Hecht, Howard, Hubbard, Hucker, Ivey, Jennings, Jones, Kach, Lafferty, Lee, Manno, Montgomery, Morhaim, Olszewski, Rice, Ross, Stukes, and Weldon

AN ACT concerning

Election Law – Ballot Issue Committee – ~~Additional Campaign Finance Report of Contributions Required~~ Campaign Finance Reporting Requirements

FOR the purpose of exempting a ballot issue committee from certain requirements to file a campaign finance report if the responsible officers of the ballot issue committee file a certain affidavit stating that the ballot issue committee will not or has not raised contributions or made expenditures of more than a certain amount; requiring a ballot issue committee to file a campaign finance report of its contributions on or before a certain date preceding a general election; and generally relating to ~~the filing of an additional campaign finance report of its contributions by a ballot issue committee~~ campaign finance reporting requirements for a ballot issue committee.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–305 and 13–309
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 224 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Electronic Titling and Registration – Temporary Registration

FOR the purpose of providing under certain circumstances for the electronic issuance by a licensed dealer of permanent plates for a vehicle issued temporary registration; establishing procedures concerning the issuance by certain dealers of temporary vehicle registration through the electronic titling and registration system; extending the period of time for which the Motor Vehicle Administration may extend the temporary registration of a vehicle under certain circumstances; authorizing the Administration to adopt certain regulations; defining a certain term; making certain stylistic and clarifying changes; and generally relating to the electronic titling and registration of motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–601, 13–602, 13–603, 13–604, 13–605, 13–606, 13–607, and 13–608
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–609
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 225 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Motor Vehicles – Salvage Vehicle Inspection Fee – Collection and Payment

FOR the purpose of authorizing the Automotive Safety Enforcement Division of the Department of State Police to collect certain fees charged for certain salvage inspections; requiring certain fees collected by the Department or the Motor Vehicle Administration to be paid to the Automotive Safety Enforcement Division for the purpose of recovering certain costs; and generally relating to salvage vehicles and the collection and payment of certain inspection fees.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–507(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 230 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – School Crossing Guards – Authority to Direct Traffic

FOR the purpose of authorizing a school crossing guard who meets certain qualifications to stop or otherwise direct vehicles and pedestrians on a highway or on school grounds under certain circumstances; requiring drivers to obey the directions of a school crossing guard exercising authority under this Act; providing for the construction of this Act; and generally relating to the authority of school crossing guards.

BY adding to
Article – Transportation
Section 21–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 231 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Community Development Administration – Rental Assistance Programs

FOR the purpose of repealing a certain Rental Allowance Program; establishing a certain Rental Allowance Program and certain rental assistance programs in the Department of Housing and Community Development; requiring the Department to administer the Rental Allowance Program to assist certain households under certain circumstances; requiring the Secretary of Housing and Community Development to establish certain eligibility requirements, certain standards for eligible dwelling units, and certain payment amounts under the Rental Allowance Program; prohibiting certain funds appropriated

through the Rental Allowance Program from being used for certain other programs; authorizing the Secretary to adopt regulations to carry out the Rental Allowance Program; authorizing the Department ~~of Housing and Community Development~~ to ~~provide financial assistance to~~ establish and administer certain rental assistance programs for certain households; requiring the Secretary ~~of Housing and Community Development~~ to adopt certain ~~regulations and guidelines; authorizing the administration of this Act~~ criteria for certain rental assistance programs; requiring the Department to consult with certain other agencies ~~in establishing rental housing programs~~ under certain circumstances; declaring the intent of the General Assembly; defining a certain term; and generally relating to rental assistance programs ~~within~~ in the Department of Housing and Community Development.

BY repealing
Article – Housing and Community Development
Section 4–1401 through 4–1408 and the subtitle "Subtitle 14. Rental Allowance Program"
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–103
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–1401 through ~~4–1405~~ 4–1406 to be under the new subtitle "Subtitle 14. Rental Assistance Programs"
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality

FOR the purpose of prohibiting the ~~disclosure of the identity or contact information of a victim or claimant by the~~ Criminal Injuries Compensation Board from allowing the inspection, use, or disclosure of a victim's or claimant's Social

Security number provided to the Board; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–806
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 309 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Disaster Relief Housing Program

FOR the purpose of establishing a Disaster Relief Housing Program within the Department of Housing and Community Development for the purpose of providing financial assistance to certain families and nonprofit entities in certain disaster areas for certain purposes; authorizing the Department to fund the Program; specifying the sources and types of funding and financial assistance the Department may provide under the Program; requiring the Secretary of Housing and Community Development to adopt certain regulations, guidelines, eligibility requirements, and income limits for the Program; requiring that repayments under the Program be paid to the source of funds used to provide the financial assistance; requiring the Department to issue certain reports to the General Assembly on or before certain dates; and generally relating to the Disaster Relief Housing Program in the Department of Housing and Community Development.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–103
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–1901 through ~~4–1904~~ 4–1905 to be under the new subtitle "Subtitle 19. Disaster Relief Housing Program"
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

House Bill 350 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Employees' Health Insurance Advisory Council – Repeal

FOR the purpose of repealing the State Employees' Health Insurance Advisory Council; repealing the functions and duties of the Council; and generally relating to the State Employees' Health Insurance Advisory Council.

BY repealing
Article – State Personnel and Pensions
Section 2–505 and 2–506
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 353 – Delegates Rosenberg, Branch, Glenn, Harrison, and Oaks

AN ACT concerning

Criminal Law – ~~Restitution –~~ Destruction of Funerary Objects ~~and Limit on Judgment for Acts of Child~~ – Restitution

FOR the purpose of requiring a person who violates a certain prohibition against destroying funerary objects to ~~restore or pay the full value~~ pay for the restoration of certain property to a certain owner; ~~increasing the absolute limit of a judgment of restitution for a child's acts arising out of a single incident;~~ and generally relating to ~~restitution~~ destruction of funerary objects.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–404
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Procedure~~
~~Section 11–604~~
~~Annotated Code of Maryland~~
~~(2001 Volume and 2007 Supplement)~~

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

House Bill 381 – Delegates Stifler, Conaway, DeBoy, Elliott, Howard, Impallaria, James, Jennings, Kelly, King, Krebs, McComas, Myers, Norman, Robinson, Shewell, Stull, and Tarrant

AN ACT concerning

Public Safety – Offender Registry – Frequency of Photograph

FOR the purpose of altering the time requirement for an updated photograph to be included in the registration of offenders, child sexual offenders, sexually violent offenders, and sexually violent predators in the Offender Registry; clarifying that certain photographs are to be updated; and generally relating to the registration of offenders.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–707(a), 11–708(b)(1) and (c), and 11–709(a)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 429 – Harford County Delegation

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

FOR the purpose of allowing a county to pay a claim for a refund of personal property tax without interest within a certain period after the claim is approved under certain circumstances; providing for the application of this Act; and generally relating to refunds and reports for personal property tax.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–919
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 436 – Delegates ~~McComas and Waldstreicher~~ McComas, Waldstreicher, DeBoy, Eckardt, Elliott, Frank, George, Haddaway,

James, Kipke, Krebs, Levy, McConkey, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

FOR the purpose of ~~changing the offense of possession of child pornography from a misdemeanor to a felony~~ altering the definition of "sexual conduct" for purposes of certain child pornography provisions to include displaying the genitals of an individual for purposes of sexual arousal or gratification; increasing the penalties for possessing a film, videotape, photograph, or other visual representation depicting a minor engaged in certain activity or in a certain state; making the possession of child pornography a felony under certain circumstances; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11–201(f) and 11–208
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 705 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – School Bus Safety Enforcement Fund – Transfer to Governor's Office of Crime Control and Prevention

FOR the purpose of transferring the administration of the School Bus Safety Enforcement Fund from the Department of State Police to the Governor's Office of Crime Control and Prevention; transferring the functions of the Secretary of the State Police relating to the School Bus Safety Enforcement Fund to the Executive Director of the Governor's Office of Crime Control and Prevention; defining a certain term; and generally relating to the Governor's Office of Crime Control and Prevention and the administration of the School Bus Safety Enforcement Fund.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 4–201 through 4–204
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 707 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – State Aid for Police Protection Fund – Transfer to Governor's Office of Crime Control and Prevention

FOR the purpose of transferring the administration of the State Aid for Police Protection Fund from the Department of State Police to the Governor's Office of Crime Control and Prevention; transferring the functions of the Secretary of State Police relating to the State Aid for Police Protection Fund to the Executive Director of the Governor's Office of Crime Control and Prevention; defining certain terms; altering certain definitions; and generally relating to the transfer of the State Aid for Police Protection Fund to the Governor's Office of Crime Control and Prevention.

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 4–403(a) and (b)(8), 4–405, and 4–406
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 719 – Delegates Malone, Ali, Barkley, Barve, Bobo, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Hucker, King, Kipke, Manno, McComas, ~~and Riley~~ Riley, V. Clagett, Holmes, and Hubbard

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

FOR the purpose of ~~making it a felony to attend a dogfight or a cockfight under certain circumstances;~~ altering ~~the penalty~~ certain penalties for knowingly attending a deliberately conducted dogfight or a deliberately conducted event that uses a fowl, cock, or other bird to fight another fowl, cock, or other bird; and generally relating to penalties for attendance at a dogfight or a cockfight.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–605
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 736 – Delegates Anderson, Conaway, Glenn, and Stein

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

FOR the purpose of designating the Motor Vehicle Administration as the agent for a certain nonresident driver with regard to a subpoena, summons, or other process issued in a certain action related to a certain motor vehicle accident under certain circumstances; requiring the Administration to take certain action, provide copies of certain documents on request, and keep certain records; authorizing the Administration to establish and collect a certain fee; authorizing the Administration to serve as an agent for service of certain papers in certain circumstances; requiring a certain party seeking service of process on a nonresident driver to provide a copy of a certain affidavit to the nonresident's insurer; defining certain terms; providing for the application of this Act; and generally relating to service of process on nonresident drivers under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings
Section 6–313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–135, 11–139, 11–140, and 12–104(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 12–104(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 761 – Delegates Shank, Kelly, Kramer, McComas, and Valderrama

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

FOR the purpose of providing that certain provisions requiring the registration on a certain offender registry of certain persons convicted of committing certain offenses are to be applied retroactively to include a person convicted on or after a certain date of an offense committed before a certain date; and generally relating to the offender registry.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–702.1
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–704
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 986 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of Berwyn Heights Employees – Participation in the Employees' Pension System

FOR the purpose of requiring certain employees of the Town of Berwyn Heights to participate in the Employees' Pension System of the State of Maryland as of a certain date; providing that membership in the Employees' Pension System is optional for certain employees of the Town of Berwyn Heights; requiring certain employees of the Town of Berwyn Heights to make certain elections by a certain date; requiring certain employees of the Town of Berwyn Heights to complete and file certain documents with the Board of Trustees of the State Retirement and Pension System by a certain date; providing for certain employees of the Town of Berwyn Heights to receive service credit for certain prior service; providing that certain employees of the Town of Berwyn Heights who become members of the Employees' Pension System after a certain date may not receive certain service credit; and generally relating to employees of the Town of Berwyn Heights participating in the Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–201(a), 23–204(b), and 31–111
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 23–204(e) and 31–111.4
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

SPECIAL ORDERS

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

Senate Bill 140 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0140/348873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 140
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "knowledge;" in line 10.

AMENDMENT NO. 2

On page 3, in line 1, strike the bracket; in the same line, before "(i)" insert an opening bracket; in line 7, strike "**(1)**" and substitute "**(I)**"; in line 9, after "**OFFENDER;**" insert "**OR**"; in line 10, strike "**(2)**" and substitute "**(II)**"; in line 12, strike beginning with "**; OR**" in line 12 down through "**VEHICLE**" in line 16; in line 23,

after "adult." insert a closing bracket; and in line 29, before "(3)" insert an opening bracket.

The preceding 2 amendments were read only.

Senator Lenett moved, duly seconded, to make the Bill and Amendments a Special Order for March 4, 2008.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
February 28, 2008

State Police, Secretary of

1. Terrence B. Sheridan
8507 Marblehead Road
Lutherville, MD 21093

Secretary of Maryland State Police; appointed to serve at the pleasure of the Governor

Veterans Affairs, Secretary, Department of

2. James A. Adkins
27 Algonquin Road
Cambridge, MD 21613

Secretary of Department of Veterans Affairs; appointed to serve at the pleasure of the Governor

Appalachian States Low-Level Radioactive Waste Commission

3. John M. Colmers
201 West Preston Street
Baltimore, MD 21201

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a two year term to expire May 6, 2009

4. Robert M. Summers, Ph.D.
7315 Yorktown Drive
Baltimore, MD 21204

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a term of two years from May 7, 2007

5. Shari T. Wilson, Secretary
2760 Woodley Place
Washington, DC 20008

Member of the Appalachian States Low-Level Radioactive Waste Commission; appointed to serve remainder of a term of two years from May 7, 2007

Arts Council, Maryland State

6. Deborah W. Cameron
149 West Montgomery Street
Baltimore, MD 21230

Member of the Maryland State Arts Council; appointed to serve remainder of a term of three years from July 1, 2007

7. David T. Terry, Ph.D.
8212 River Park Road
Bowie, MD 20715

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2007

Health Care Commission, Maryland

8. Takedra McGee Jefferson, Esquire
4205 Plummers Promise Dr.
Glenn Dale, MD 20720

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2007

9. Barbara Gill McLean
3930 St. Pauls Road
Manchester, MD 21102

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2006

10. Kurt B. Olsen, Esquire
13317 Drews Lane
Potomac, MD 20854

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2007

11. Sylvia Ontaneda-Bernales, Esquire
3140 Woodring Avenue
Baltimore, MD 21234

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2007

12. Darren W. Petty, Sr.
3704 Old Federal Hill Road
Jarrettsville, MD 21084

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2006

Morticians, State Board of

13. Donald V. Borgwardt
11511 Montgomery Court
Beltsville, MD 20705

Member of the State Board of Morticians; reappointed to serve remainder of a term of four years from July 1, 2006

Physical Therapy Examiners, State Board of

14. Ved K. Gupta
8625 Valley Field Road
Lutherville, MD 21093

Member of the State Board of Physical Therapy Examiners; appointed to serve remainder of a term of four years from June 1, 2007

Physicians, State Board of

15. Rosaire Verna, M.D.
9062 Bozman Road
St. Michaels, MD 21663

Member of the State Board of Physicians; appointed to serve remainder of a four year term to expire June 30, 2008

Port Commission, Maryland

16. Donald C. Fry, Esquire
1716 Edwin Drive
Bel Air, MD 21015

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2007

17. Alvin J. Nichols
8105 Felbrigg Hall Road
Glenn Dale, MD 20769

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2007

18. Charles H. White, Esquire
1200 Britania Lane
Annapolis, MD 21403

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2006

Real Estate Appraisers and Home Inspectors, State Commission of

19. Trevor Lee
2111 Edgewater Parkway
Silver Spring, MD 20903

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2006

20. Steven J. McAdams
3303 Mulberry Street
Edgewater, MD 21037

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve remainder of a term of three years from January 1, 2006

21. Patrick J. Murphy
3807 Juniper Road
Baltimore, MD 21218

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2007

22. Thomas Pirritano
4906 Bramhope Lane
Ellicott City, MD 21043

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve remainder of a term of three years from January 1, 2005

23. Maryann L. Rush
717 Rockaway Beach Avenue
Baltimore, MD 21221

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2007

Rural Legacy Board, Advisory Committee to the

24. Gary W. Mackes
6444 Freedom Way
Salisbury, MD 21801

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2007

St. Mary's College Board of Trustees

25. George Thomas Daugherty, Esquire
46619 Millstone Landing Road
Lexington Park, MD 20653

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

26. Gail M. Harmon
Tippity Wichity Island
Great Mills, MD 20634

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

27. Thomas Penfield Jackson
P.O. Box 265
Compton, MD 20627

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

28. Carmen M. Shepard, Esquire
1342 North Carolina Avenue, NE
Washington, DC 20002

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2007

29. Robert S. Waldschmitt
P.O. Box 562
Solomons, MD 20688

Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

30. John C. Wobensmith
200 East 72nd Street #30E
New York, NY 10021

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

Technology Development Corporation Board of Directors, Maryland

31. Margaret C. Himelfarb
116 Taplow Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2007

Transportation Authority, Maryland

32. Louise P. Hoblitzell
27 Old Boxwood Lane
Lutherville, MD 21093

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2007

33. Richard C. Mike Lewin
4401 Greenway
Baltimore, MD 21218

Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2007

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Certified Interior Designers, State Board of

S-1. Teri Lura Bennett
2837 Chesterfield Avenue
Baltimore, MD 21213

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2007

S-2. Diane D. Gordy
5600 Wisconsin Avenue, #1509
Chevy Chase, MD 20815

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2007

Environmental Sanitarian Registration, State Board of

S-3. Charles E. Smyser
2051 Colora Road
Colora, MD 21917

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2007

Hart-Miller-Pleasure Island Citizens Oversight Committee

S-4. Paul D. Brylske
822 Frog Mortar Road
Baltimore, MD 21220

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-5. Robert W. Cullison
7312 Knollwood Road
Towson, MD 21286

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-6. Craig E. Doyle
7827 North Cove Road
Baltimore, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-7. Frederick H. Habicht, Jr.
2517 Barrison Point Road
Essex, MD 21221

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-8. George Hetterick
8905 Carlisle Avenue
Baltimore, MD 21236

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; appointed to serve remainder of a term of two years from July 1, 2007

S-9. Thomas G. Kroen
435 Hopkins Landing Drive
Baltimore, MD 21221

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-10. Samuel L. Lee
11313 Beach Road
White Marsh, MD 21162

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-11. Francis H. Taylor
7603 Iroquois Avenue
Baltimore, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-12. Robert P. Ward, Sr.
8916 Chesapeake
Sparrows Point, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

S-13. Harry Wujek, Jr.
9005 Chesapeake Avenue
Baltimore, MD 21219

Member of the Hart-Miller-Pleasure Island Citizens Oversight Committee; reappointed to serve remainder of a term of two years from July 1, 2007

Health and Mental Hygiene, Board of Review of the Department of

S-14. Yolanda M. Welch
10370 Pot Spring Road
Lutherville, MD 21093

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve remainder of a term of three years from July 1, 2006

Historic St. Mary's City Commission

S-15. Richard Moe, Esquire
3321 Fish Hook Drive
Broomes Island, MD 20615

Member of the Historic St. Mary's City Commission; reappointed to serve remainder of a term of four years from July 1, 2007

S-16. Patience O'Connor
1600 Avon Place, NW
Washington, DC 20007

Member of the Historic St. Mary's City Commission; reappointed to serve remainder of a term of four years from July 1, 2007

S-17. Edward C. Papenfuse, Ph.D.
Maryland State Archives 350 Rowe Boulevard
Annapolis, MD 21401

Member of the Historic St. Mary's City Commission; reappointed to serve remainder of a term of four years from July 1, 2007

S-18. Mary K. Tilghman
3 Trotting Horse Ct.
Baltimore, MD 21228

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2007

Historical Trust Board of Trustees

S-19. Charles L. Edson, Esquire
5802 Surrey Street
Chevy Chase, MD 20815

Member of the Maryland Historical Trust Board of Trustees; reappointed to serve remainder of a term of four years from July 1, 2007

Industrial Development Financing Authority, Maryland

S-20. Deborah A. Morgan
3455 Constellation Drive
Davidsonville, MD 21035

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2007

S-21. Roger A. Waesche, Jr.
11742 Mayfair Field Drive
Timonium, MD 21093

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2007

Patuxent Institution Board of Review

S-22. John R. Simpson, Esquire
245 Devon Drive
Chestertown, MD 21620

Member of the Patuxent Institution Board of Review; reappointed to serve remainder of a term of four years from March 21, 2007

Waterworks and Waste Systems Operators, State Board of

S-23. Joseph L. Haxton
32031 Tuckahoe Avenue
Cordova, MD 21625

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2007

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Allegany County Board of License Commissioners

L-1. Michael W. Griffith
12213 Carlos Road, SW
Frostburg, MD 21532

Member of the Allegany County Board of License Commissioners; appointed to serve remainder of a term of six years from the first Monday in May, 2007

Anne Arundel Community College Board of Trustees

L-2. Victoria K. Fretwell
1407 Stonecreek Road
Annapolis, MD 21403

Member of the Anne Arundel Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

Board of Trustees of Baltimore City Community College

L-3. Tabitha Chambers
5447 Park Heights Avenue
Baltimore, MD 21215

Member of the Board of Trustees of Baltimore City Community College; appointed to serve remainder of a term of one year from June 1, 2007

Cecil Community College Board of Trustees

L-4. William W. Davis, Jr., Esquire
136 East Main Street, Suite D
Elkton, MD 21921

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006

L-5. Donna L. Horgan
135 Riverside Drive
Elkton, MD 21921

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

Community College Trustees for Baltimore County

L-6. H. Scott Gehring, Ed.D.
14 Thurkill Court
Cockeysville, MD 21030

Member of the Community College Trustees for Baltimore County; appointed to serve remainder of a term of five years from July 1, 2004

L-7. Warren C. Hayman, Ed.D.
3603 1/2 Patterson Avenue
Baltimore, MD 21207

Member of the Community College Trustees for Baltimore County; appointed to serve remainder of a term of five years from July 1, 2005

Frederick Community College Board of Trustees

L-8. Peter H. Michael
2455 Ballenger Creek Pike
Adamstown, MD 21710

Member of the Frederick Community College Board of Trustees; appointed to serve a term of five years from July 1, 2007

L-9. Doris J. White
6004 Lundgren Drive
Frederick, MD 21701

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2005

Frederick County Alcoholic Beverages Inspector

L-10. Harold C. Delauter
1418 Teal Lane
Frederick, MD 21703

Member of the Frederick County Alcoholic Beverages Inspector; reappointed to serve a term of five years from July 1, 2007

Garrett College Board of Trustees

L-11. Dale W. Schroyer, Ret.
3955 Friendsville-Addison Road
Friendsville, MD 21531

Member of the Garrett College Board of Trustees; reappointed to serve remainder of a term of six years from July 1, 2007

L-12. Ruth M. Seib
305 Whistlepig Way
Oakland, MD 21550

Member of the Garrett College Board of Trustees; reappointed to serve remainder of a term of six years from July 1, 2006

L-13. Linda S. Sherbin, Esquire
360 Milt DeWitt Road
Friendsville, MD 21531

Member of the Garrett College Board of Trustees; reappointed to serve remainder of a term of six years from July 1, 2006

Howard Community College Board of Trustees

L-14. Kevin J. Doyle
6217 Grafton's View Court
Elkridge, MD 21075

Member of the Howard Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

L-15. Katherine K. Rensin
3405 Shady Lane
Glenwood, MD 21738

Member of the Howard Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Talbot County Board of License Commissioners

L-16. Harvey E. Smith, Jr.
201 Federal Street, Unit 89 P.O. Box 216
Easton, MD 21601

Member of the Talbot County Board of License Commissioners; reappointed to serve a term of six years from the first Monday in May 2007

Worcester County Bingo Board

L-17. Jeffrey E. Phillips
12316 West Torquay Road
Ocean City, MD 21842

Member of the Worcester County Bingo Board; appointed to serve remainder of a term of six years from June 1, 2003

Worcester County Board of License Commissioners

L-18. R. Charles Nichols, Jr.
Mapleton Farm 10527 Calvin Lane
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; appointed to serve remainder of a term of four years from July 1, 2007

Worcester County Liquor Control Board

L-19. Joseph A. Jackson, III
603 Market Street
Pocomoke City, MD 21851

Member of the Worcester County Liquor Control Board; appointed to serve remainder of a term of four years from June 1, 2007

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive (with the exception of nominee No. 1, Terrence B. Sheridan, to be Secretary of The Department of Maryland State Police) were all confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 282)

A motion by Senator Exum, duly seconded, that Nominee No. 1, Terrence B. Sheridan, to be Secretary of The Department of Maryland State Police, be Special Ordered until March 7, 2008.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 283)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 60 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Britt, Colburn, Conway, Currie, Della, Edwards, Exum, Forehand, Garagiola, Glassman, Greenip, Jacobs, Kasemeyer, King, Kramer, Lenett, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Identity Fraud – Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult – Penalties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 284)

The Bill was then sent to the House of Delegates.

Senate Bill 220 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Colburn, Dyson, Gladden, Klausmeier, Middleton, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

Identity Fraud – Prohibition of Unauthorized Skimming and Re–Encoding Devices

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

Affirmative – 46 Negative – 0 (See Roll Call No. 285)

The Bill was then sent to the House of Delegates.

Senate Bill 250 – Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 286)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Maryland State Teachers Association and National Education Association	The President and All Members	281

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 287)

QUORUM CALL

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

(See Roll Call No. 288)

ADJOURNMENT

At 11:44 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 3, 2008.

Annapolis, Maryland
Monday, March 3, 2008
8:00 P.M. Session

The Senate met at 8:12 P.M.

Prayer by Senator Catherine E. Pugh.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 29, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 292)

INTRODUCTION OF BILLS

Senate Bill 973 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Archbishop Curley High School Elevator Project

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Archbishop Curley High School, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 974 – Senator Middleton

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

FOR the purpose of authorizing the Health Services Cost Review Commission to assess a certain amount in hospital rates to reflect a certain reduction in hospital uncompensated care and to operate and administer the Maryland Health Insurance Plan; for the portion of the assessment related to a certain expansion of health care coverage, requiring the Commission to ensure that the assessment amount not exceed certain savings and requiring each hospital to remit its assessment amount to the Health Care Coverage Fund; requiring any savings not subject to the assessment to be shared among certain purchasers; for the portion of the assessment related to the Maryland Health Insurance Plan, requiring the Commission to ensure the assessment is revenue neutral to each hospital and not considered in making certain determinations; requiring each hospital to remit certain amounts to the Maryland Health Insurance Plan Fund at certain intervals; prohibiting a certain assessment from exceeding a certain percentage of certain hospital revenue; repealing requirements for the Commission to determine certain savings and assess a certain amount in hospital rates; repealing certain requirements related to an assessment on hospitals for the operation and administration of the Maryland Health Insurance Plan; establishing the intent of the General Assembly with regard to Medicaid day limits on hospital services; requiring that funds generated from the assessment under this Act be used only for certain purposes; requiring this Act to be abrogated under certain circumstances; altering a certain statutory reference; and generally relating to a Health Services Cost Review Commission assessment on hospitals.

BY repealing
Article – Health – General
Section 19–214(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to
Article – Health – General
Section 19–214(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing
Article – Health – General
Section 19–219(d) and (e)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–504(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–504(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 975 – Senator Pinsky

AN ACT concerning

Income Tax – Corporations – Denial of Deduction for Excessive Compensation of Officers and Directors

FOR the purpose of providing an addition modification under the State corporate income tax for certain compensation by a corporation of its officers and directors; and providing for the application of this Act.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–305(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–305(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 976 – Senators Madaleno, Gladden, and Raskin

AN ACT concerning

Human Relations – Sexual Orientation and Gender Identity – Antidiscrimination

FOR the purpose of prohibiting discrimination based on gender identity with regard to public accommodations, housing, and employment; prohibiting discrimination based on sexual orientation or gender identity with regard to the leasing of property for commercial usage or in the provision of certain services or facilities; altering a certain exception for employers that relates to standards concerning dress and grooming; making certain remedies and procedures regarding discrimination applicable to discrimination based on sexual orientation and gender identity; requiring certain State personnel actions to be made without regard to gender identity or sexual orientation; defining the term "gender identity"; and generally relating to discrimination based on sexual orientation and gender identity.

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 5(a), (b), and (c), 8(a), 8A, 14, 16, 19(a), 20(t), 21(a), 22(a), 23, and 37(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 15(k) and 20(k–1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 977 – Senator Mooney

AN ACT concerning

Maryland Clean Energy Center

FOR the purpose of establishing a Maryland Clean Energy Center in the State; providing for the powers, purposes, and duties of the Center; establishing a Board of Directors of the Center, with certain membership, powers, duties, and officers; providing for the staffing of the Center, including appointment of an Executive Director with certain duties; providing that the Attorney General is the legal advisor of the Center; providing for the application of certain laws to the Center; providing for the effect of a certain determination of the Board; requiring the establishment of certain financial controls for the Center;

authorizing the Center to exercise certain powers, including those relating to grants, projects, and borrowing; requiring the Center to act as a clearinghouse of information regarding clean energy for certain purposes; exempting the Center from certain taxes; providing that the books and records of the Center are subject to audit in a certain manner; requiring the Center to report each year to certain persons; establishing a Maryland Clean Energy Technology Incubator Program in the Center for certain purposes; requiring the Center to adopt certain standards for the Program in a certain manner; authorizing the Center to award certain financial assistance to certain entities; requiring matching contributions for certain assistance; authorizing the Center to issue bonds and other evidences of indebtedness in certain manners; authorizing the Center to authorize certain persons to take certain actions regarding bond issuance for certain purposes, subject to certain limitations; providing for the contents of a certain trust agreement for certain purposes; authorizing the pledging of certain revenues for certain purposes in a certain manner; authorizing certain persons to invest in certain bonds; providing that certain bonds are not a debt or liability or a pledge of the faith and credit of the State or of a political subdivision; authorizing the Center to fix and collect certain rates, rents, fees, and charges for certain purposes; providing for the application of certain proceeds; authorizing the issuance of certain refunding bonds in a certain manner; authorizing the issuance of certain negotiable bond anticipation notes for certain purposes in a certain manner; providing for the enforcement of certain rights by certain persons; providing that certain projects, property, and bonds are exempt from certain taxes under certain circumstances; stating findings and intent of the General Assembly; defining certain terms; providing for the construction of this Act; and generally relating to the Maryland Clean Energy Center.

BY adding to
Article – Economic Development
Section 10–801 through 10–854 to be under the new subtitle "Subtitle 8. Maryland Clean Energy Center"
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 1050) of the Acts of the General Assembly of 2008)

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

Senate Bill 978 – Senator Astle

AN ACT concerning

Commercial Law – Maryland Cigarette Sales Below Cost Act – Repeal

FOR the purpose of repealing provisions of law, known as the Maryland Cigarette Sales Below Cost Act, that regulate the wholesale and retail sale of certain cigarettes, define certain terms, and establish a certain short title.

BY repealing
Article – Commercial Law
Section 11–501 through 11–510 and the subtitle "Subtitle 5. Cigarette Sales Below Cost Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 979 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services

FOR the purpose of prohibiting a person from providing passenger–for–hire services unless the person obtains a certain liability insurance policy that is approved by the Public Service Commission and insures the person against certain liability resulting from an accident in which the limousine or sedan is involved or deposits a certain bond with the Commission that is approved by the Commission and is made out to the State as obligee for the use and benefit of certain persons and undertakes to indemnify certain persons against certain property damage, personal injury, or death resulting from an accident in which the limousine or sedan is involved; establishing the minimum amount of a certain liability insurance policy or a certain bond under certain circumstances; requiring that certain materials advertising passenger–for–hire services by a certain person licensed by the Commission include a certain permit number; requiring the Motor Vehicle Administration to issue certain special vehicle registration plates for certain limousines and sedans used to provide passenger–for–hire services under a certain permit; prohibiting a person from using a motor vehicle to provide certain passenger–for–hire services under a certain permit unless the motor vehicle is equipped with certain special vehicle registration plates; repealing a provision requiring the Administration to issue certain special limousine vehicle registration plates under certain circumstances; prohibiting an individual from operating a certain limousine or sedan to provide certain passenger–for–hire services unless the individual holds a certain valid for–hire driver's license; prohibiting a person from permitting an individual to operate a certain limousine or sedan to provide certain passenger–for–hire services unless the individual holds a certain valid for–hire driver's license; prohibiting a certain individual from operating a certain limousine or sedan used to provide passenger–for–hire services that is not equipped with certain special vehicle registration plates under certain circumstances; prohibiting a person from permitting a certain individual to operate a certain limousine or sedan used to provide passenger–for–hire services that is not equipped with certain special vehicle registration plates

under certain circumstances; providing for certain penalties; defining a certain term; and generally relating to passenger–for–hire services.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 10–101 and 10–102
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 10–113 and 10–114
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 13–614, 21–1127, and 21–1128
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–939 and 27–101(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 980 – Senator Robey

AN ACT concerning

Uniform Commercial Code – Financing Statements – Termination by Government Employees

FOR the purpose of authorizing certain government employees to file certain termination statements with respect to certain financing statements; providing for the contents of the termination statement; requiring a certain government employee to send a copy of the termination statement to a certain secured party within a certain time after filing the termination statement; providing that a fee may not be charged for the filing of the termination statement; defining a certain term; and generally relating to the termination of financing statements by government employees.

BY repealing and reenacting, with amendments,
Article – Commercial Law

Section 9–513
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)

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

Senate Bill 981 – Senator Robey

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

FOR the purpose of providing that property tax on exempt manufacturing personal property shall be abated for a taxable year under certain circumstances; providing that for a certain taxable year, property tax on exempt manufacturing personal property shall be abated under certain circumstances; and generally relating to the abatement of property tax on exempt property under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–104
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 982 – Senator Astle

AN ACT concerning

Unemployment Insurance – Payment of Benefits – Total Benefit Amount

FOR the purpose of altering the total benefit amount payable to an individual eligible for unemployment insurance benefits under State law; requiring the Secretary of Labor, Licensing, and Regulation to adopt certain regulations; providing for a delayed effective date; and generally relating to the payment of unemployment insurance benefits under State law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–808
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

FOR the purpose of requiring the Secretary of Housing and Community Development to transfer certain amounts in the Maryland Housing Fund at the end of any fiscal year to the Homeownership Programs Fund, the Rental Housing Programs Fund, and the Special Loan Programs Fund; and generally relating to the transfer of certain unallocated reserves of the Maryland Housing Fund.

BY adding to
Article – Housing and Community Development
Section 3–203(i)
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–502(d), 4–504(e)(1), and 4–505(g)(1)
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

Senate Bill 984 – Senator DeGrange

AN ACT concerning

Board of Public Works – Notification – Capital Leases

FOR the purpose of prohibiting the Board of Public Works from approving certain leases without a certain determination by the Comptroller's General Accounting Office; requiring certain notice to the Legislative Policy Committee prior to approval of certain leases; requiring certain leases to be approved as capital leases; and generally relating to the approval of leases by the Board of Public Works.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–204
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 985 – Senators Peters, Currie, and Garagiola

AN ACT concerning

Property Tax Assessments – Local Ordinance Imposing Rent Restrictions or Affordability Requirements – Study and Report

FOR the purpose of requiring the governing body of a certain county or municipal corporation that proposes to enact an ordinance or adopt a regulation imposing certain rent restrictions or affordability requirements on commercial real property to send the proposed ordinance or regulation to the State Department of Assessments and Taxation and the Comptroller; requiring the Department and the Comptroller jointly to study the proposed ordinance or regulation and report on its effects on certain valuations and assessments of classes of property; requiring the report to be completed within a certain time period; requiring the report to be sent to certain legislative committees and the governing body of the county or municipal corporation; altering certain provisions governing the valuation of certain commercial real property for property tax purposes under certain circumstances; and generally relating to a study and report on a local ordinance imposing rent restrictions or affordability requirements and property tax assessments.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 2–104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – Property
Section 2–203.1
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 8–101(a) and (b)(9)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 8–105(a)(3)
Annotated Code of Maryland

(2007 Replacement Volume)

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

Senate Bill 986 – Senator McFadden

AN ACT concerning

Baltimore City – Car Dealers – Sunday Operation

FOR the purpose of authorizing, in Baltimore City, a new or used car dealer to sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday; and generally relating to car dealers in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 987 – Senator Haines

AN ACT concerning

Carroll County – Special Beer Festival – License Fee

FOR the purpose of altering the fee for a special beer festival license in Carroll County; and generally relating to special beer festivals in Carroll County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–805(a), (b), and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–805(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 988 – Senator Pipkin

AN ACT concerning

Caroline County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in Caroline County at the November general election of 2008 to determine the sense of the voters of the county on the issue of changing the method of selecting members of the Caroline County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Caroline County.

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

Senate Bill 989 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Chesterwye Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Board of Directors of the Chesterwye Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 990 – Senators Jones, Lenett, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

FOR the purpose of authorizing an African American woman–owned business to participate in certain procurement contracts as either a woman–owned business or an African American–owned business for certain purposes within the Minority Business Enterprise Program; altering a provision relating to the Department of Transportation and the application of certain requirements to certain of its procurement contracts; altering a certain definition; and generally relating to participation in the Minority Business Enterprise Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(e) and (m)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–301(i) and 14–302(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 991 – Senators Garagiola, Astle, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Public Service Commission – Alternatives to Long–Term Electricity Generation Contracts and New Electricity Generation

FOR the purpose of prohibiting the Public Service Commission from requiring or approving certain electric companies to buy or build certain generation assets or enter into certain long–term contracts until certain reasonable alternatives have been considered and pursued and the Commission reports the results of a certain study and evaluation except under certain circumstances; requiring the Commission to study and evaluate certain alternatives to certain long–term contracts and electricity generating facilities and certain electricity transmission alternatives; requiring the Commission, in coordination with the Department of the Environment, to study and evaluate the impact of certain long–term contracts and electricity generating facilities on the environment, expenses to certain electricity customers, and the potential of certain rate increases as compared with certain existing alternatives; requiring the Commission to report the results of a certain study and evaluations to the Governor and the General Assembly on or before a certain date; prohibiting the Commission from requiring or approving certain electric companies to buy or build certain generation assets or enter into certain long–term contracts until a certain date if certain circumstances exist; providing for the termination of this Act; and generally relating to alternatives to long–term electricity generation contracts and new electricity generation.

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

Senate Bill 992 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Children's Guild Multipurpose Room and Play Field

FOR the purpose of authorizing the creation of a State Debt not to exceed $425,000, the proceeds to be used as a grant to the Board of Trustees of The Children's Guild, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 993 – Senator Harrington

AN ACT concerning

Liquefied Natural Gas Facilities – Approval for Construction or Operation – Prince George's County

FOR the purpose of prohibiting the construction or operation of a liquefied natural gas facility without the approval of the Public Service Commission; prohibiting the Public Service Commission from granting regulatory approval for the construction or operation of a liquefied natural gas facility in Prince George's County that is located within a certain distance of a residence; and generally relating to liquefied natural gas facilities.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 11–101
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

Senate Bill 994 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – St. James ADA Ramp

FOR the purpose of authorizing the creation of a State Debt not to exceed $25,000, the proceeds to be used as a grant to the Board of Directors of the St. James Catholic Church, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 995 – Senators Lenett, Jones, Middleton, and Pugh

AN ACT concerning

Competitive Sealed Proposals – Disclosure of Information – Minority Business Enterprise Participation

FOR the purpose of authorizing a procurement officer to disclose certain information for a certain purpose under certain circumstances; and generally relating to the disclosure of information during the competitive sealed proposal process.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–202(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Charles H. Rush	Senator Norman R. Stone Jr.	360

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 293)

Recipient	Sponsor	Resolution No.
H. Patrick Swygert	Senator C. Anthony Muse	350

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 294)

INTRODUCTION OF BILLS

Senate Bill 996 – Senator Muse

AN ACT concerning

Department of Housing and Community Development – Rent Stabilization Program for Seniors

FOR the purpose of establishing the Rent Stabilization Program for Seniors in the Department of Housing and Community Development; extending the Rental Housing Programs Fund to operate, make loans, and pay expenses of the Program; providing for the purposes and scope of the Program; requiring the Department to administer the Program; authorizing the Department to ask the State to increase or replace amounts deposited in the Fund; providing for exemption from the provisions of this Act for certain establishments; restricting the amount of rent landlords may charge certain senior tenants and their households; providing for adjustment of the rent ceiling of individual rental units; making certain landlords eligible for a certain tax credit; requiring a certain registration statement to be filed with the Department; establishing certain procedures for landlords and tenants to petition for a rent ceiling adjustment hearing; requiring the Department to make an official record of a certain hearing; specifying certain factors that the Department must consider in deciding whether to grant an individual adjustment of rent; prohibiting the approval of a certain adjustment of the rent ceiling under certain circumstances; specifying certain times when certain adjustments become effective; requiring the Secretary of the Department to give a certain notice of violations of certain provisions; providing for judicial review of certain decisions, notices, and orders; providing for a certain exemption due to financial hardship; specifying that certain agreements to modify certain provisions of this subtitle are void; authorizing the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on rental dwellings of owners who are covered under this Act; imposing a certain penalty; defining certain terms; and generally relating to rent stabilization for senior tenants in the State.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–103 and 4–504
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–4A–01 through 4–4A–20 to be under the new subtitle "Subtitle 4A. Rent Stabilization Program for Seniors"
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY adding to
Article – Tax – Property
Section 9–219.1

Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 997 – Senator Middleton

AN ACT concerning

Public Service Commission – Regulation of Nuclear Decommissioning Funds

FOR the purpose of requiring the Commission to ensure that certain nuclear decommissioning funds are held, administered, and maintained in a certain manner and ensure that certain returns on the funds inure to the benefit of certain electric customers under certain circumstances; requiring the Commission to monitor the financial performance and management of certain funds; prohibiting certain contributions toward the cost of decommissioning certain nuclear power plants from exceeding a certain amount; providing that the cost of decommissioning a nuclear power plant does not include certain dismantling costs or certain costs related to managing and storing spent fuel; providing for a refund of certain contributions by certain electric customers under certain circumstances; authorizing the Commission to take certain actions or issue certain orders under certain circumstances; requiring a certain person to comply with certain orders under certain circumstances; defining a certain term; providing for the construction of certain provisions of this Act; and generally relating to the authority of the Public Service Commission to regulate and oversee certain nuclear decommissioning funds.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–501(b)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–518
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

Senate Bill 998 – Senators Pugh and Harrington

AN ACT concerning

Education – Maryland Education Fund – Establishment and Funding

FOR the purpose of establishing the Maryland Education Fund as a special, nonlapsing fund; establishing the purpose and contents of the Fund; requiring the State Superintendent of Schools to administer the Fund and to adopt certain regulations; requiring the State Treasurer to hold the Fund separately and to invest the money of the Fund in a certain manner; requiring the Comptroller to account for the Fund; providing that expenditures from the Fund may be made only in a certain manner; providing that on a certain date the balance remaining on a gift certificate shall be presumed to be abandoned; requiring a person that issues gift certificates sold in the State to remit to the Comptroller a certain percentage of the remaining balances on certain gift certificates on or before a certain date each year; requiring the Comptroller to distribute certain revenues to the Maryland Education Fund on or before a certain date each year; altering the information that must be printed on a gift certificate, a sticker permanently affixed to a gift certificate, or an envelope containing a gift certificate; requiring a person that sells or issues a gift certificate in the State that is subject to expiration to maintain accounts, books, and records relating to the sale and issuance of the gift certificate for a certain period of time; requiring the person to make the accounts, books, and records available for inspection by the Comptroller on request; defining a certain term; altering a certain definition; and generally relating to the Maryland Education Fund and abandoned gift certificates.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–1319
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 5–201.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 62 – ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

~~EMERGENCY BILL~~

AN ACT concerning

Lead–Containing Children's Products – Prohibition

FOR the purpose of prohibiting the manufacture, sale, offer for sale, importation, or distribution of certain lead–containing children's products ~~or lead–adulterated consumable products~~ in a certain manner; providing that certain provisions of this Act do not apply to certain electronic devices, certain distribution operations or activities, or certain vehicles, products, parts, or equipment; ~~authorizing an agent of the Department of Health and Mental Hygiene to enter certain factories, warehouses, and establishments to inspect certain products at any reasonable time; requiring an agent of the Department to present certain credentials to certain persons under certain circumstances; authorizing an agent of the Department to obtain a sample of any product, package, or labeling during an inspection; requiring an agent of the Department to take certain actions when obtaining a certain sample; requiring the Department to test a certain sample of a product under certain circumstances; requiring the Secretary of Health and Mental Hygiene to make certain declarations if a product is a lead–containing product or a lead–adulterated consumable product;~~ requiring the Department of the Environment to ~~issue and~~ give certain notices under certain circumstances; requiring a manufacturer of a children's product to conduct a certain testing of the product and issue a certain certificate under certain circumstances; requiring a person to ensure that the certificate is transmitted to certain distributors and retailers in a certain manner; requiring certain manufacturers and retailers to maintain certain documents and to provide certain documents to the Department or any person on request; prohibiting a person from selling or offering for sale a children's product that is not accompanied by a certain certificate; requiring a certain person to send certain information to the Department under certain circumstances; requiring a certain person to submit a certain report to the Department under certain circumstances; providing that certain provisions of this Act do not affect the enforcement of certain local laws; establishing certain penalties; authorizing the Comptroller to assess a certain fine against a certain person; requiring the Comptroller to distribute certain fines to a certain fund; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; authorizing the Secretary of ~~Health and Mental Hygiene~~ the Environment to adopt certain regulations; ~~making this Act an emergency measure;~~ and generally relating to prohibiting lead–containing children's products.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – ~~Health – General~~ Environment
Section ~~22–601~~ 6–1301 through ~~22–609~~ 6–1311 to be under the new subtitle "Subtitle ~~6.~~ 13. Lead–Containing Children's Products"
Annotated Code of Maryland
(~~2005~~ 2007 Replacement Volume and 2007 Supplement)

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

House Bill 63 – Delegate Branch

AN ACT concerning

Elevator Safety Review Board Fund

FOR the purpose of establishing the Elevator Safety Review Board Fund; providing for the purpose, administration, composition, use, investments, and expenditures of the Fund; providing that the Fund is a special, nonlapsing fund; requiring certain fees collected for certain inspections, certain registrations, and certain licenses to be paid into the Fund; providing that certain balances in the Fund at the end of each fiscal year revert to the General Fund; providing for an audit of the Fund; requiring the Elevator Safety Review Board to report to certain committees of the General Assembly on or before a certain date each year; and generally relating to the Elevator Safety Review Board Fund.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–809 and 12–824
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 12–824.1
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 218 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Living at Home Waiver Program

FOR the purpose of renaming the Community Attendant Services and Support Program to be the Living at Home Waiver Program; transferring the authority for administering the Program from the Department of Human Resources to the Department of Health and Mental Hygiene; altering the eligibility age for eligible individuals under the Program; repealing a certain reporting requirement; and generally relating to the Living at Home Waiver Program.

BY repealing
Article – Human Services
Section 7–501 through 7–510 and the subtitle "Subtitle 5. Community Attendant Services and Supports Program"
Annotated Code of Maryland
(2007 Volume)

BY adding to
Article – Health – General
Section 15–801 through 15–809 to be under the new subtitle "Subtitle 8. Living at Home Waiver Program"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 269 – Delegate Nathan–Pulliam

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Powers and Duties – Licensing, Certification, and Regulation

FOR the purpose of authorizing the State Board of Nursing to accept a certain alternate method of criminal history records check under certain circumstances; providing that certain applicants may only be issued inactive licenses until the completion of a certain course or program; authorizing the Board to grant certain extensions of certain licenses and certificates under certain circumstances; altering the date on which a certain license expires; altering the date on which the Board shall begin a process for requiring criminal history records checks; altering the information to be considered by the Board on receipt of criminal history record information; altering the procedures for the expiration of a temporary license or temporary practice letter; provided that a temporary license may be extended for a certain time period under certain circumstances; authorizing the deputy director to authorize the Board to issue

certain subpoenas and administer certain oaths under certain circumstances; requiring the Board to adopt regulations establishing categories of skilled nursing assistants in licensed developmental disabilities administration group homes; repealing the requirement that the Board adopt regulations establishing categories of skilled nursing assistants in licensed developmental disabilities administration alternate living units; limiting the time period in which a medication technician graduate may practice, without certification by the Board; making certain technical changes; making this Act an emergency measure; and generally relating to the regulation and licensing of nurses, nursing assistants, and medication technicians by the State Board of Nursing.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–303, 8–305, 8–308, 8–312, 8–315, 8–317, 8–6A–05(a)(2), 8–6A–07, 8–6A–08, and 8–6A–11
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 272 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Medical Stop–Loss Insurance

FOR the purpose of providing that certain provisions of law relating to surplus lines insurance do not apply to medical stop–loss insurance; authorizing medical stop–loss insurance to be sold, issued, or delivered in the State only by certain carriers that hold certain certificates of authority; prohibiting medical stop–loss insurers from issuing, delivering, or offering policies of medical stop–loss insurance if the policies have certain attachment points below certain amounts; making medical stop–loss insurers subject to certain sanctions under certain circumstances; providing for the interpretation of certain provisions of this Act; defining certain terms; making certain conforming changes; and generally relating to medical stop–loss insurance and the regulation of medical stop–loss insurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 3–302(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–129
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 278 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Powers of the Secretary

FOR the purpose of clarifying that the Secretary of Health and Mental Hygiene may conduct a survey to identify any ~~areas~~ area in this State that ~~have~~ has a substantial deficiency in ~~specific~~ certain medical or health care facilities ~~or~~, staff, or services; clarifying that the Secretary may provide counsel and other help to establish medical or health care services in a certain underserved area; ~~clarifying that if the proposals considered or adopted by the Secretary are not feasible or successful to assure the public health of an identified underserved area of the State, the Secretary may provide the~~ authorizing the Secretary to provide needed health care facilities, staff, or services by ~~entering into~~ certain contracts or ~~approving~~, to facilitate the provision of State health care services to the underserved area, approve contracts with certain public or private health care entities ~~that facilitate the provision of State health care services to the underserved area~~; requiring the Secretary to consider market factors that may be contributing to a deficiency in general or specific medical or health care facilities, staff, or services in certain areas of the State; requiring the Secretary to maximize, to the extent feasible, the State's recovery of health care costs and expenses when seeking to ameliorate an identified deficiency in health care facilities, staff, or services; requiring the Secretary to consult with certain commissions and groups under certain circumstances; and generally relating to the powers of the Secretary of Health and Mental Hygiene with respect to health care facilities, staff, and services in underserved areas of the State.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–108
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 394 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

State Postmortem Examiners Commission – Office of the Chief Medical Examiner – Postmortem Examiners Law

FOR the purpose of altering and expanding the requirements for the staff of the State Postmortem Examiners Commission; requiring the Chief Medical Examiner, deputy chief medical examiners, and certain assistant medical examiners to be certified in a certain medical specialty by a certain board; authorizing the Commission to appoint forensic investigators; requiring the Office of the Chief Medical Examiner to orally report certain findings and deliver a copy of a certain autopsy report to certain agencies if a case involves the death of a child in certain circumstances; providing that medical examiners who perform autopsies may retain any medical evidence, tissue, or organ needed to carry out the duties of the postmortem examiners law; requiring the Office of the Chief Medical Examiner to charge a reasonable fee for certain reports; and generally relating to the State Postmortem Examiners Commission, the Office of the Chief Medical Examiner, and the postmortem examiners law.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 5–301
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–305, 5–306(b)(1), 5–309(f), 5–310(b) and (d)(2)(vi), and 5–311(a), (d), and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Financing Transactions

FOR the purpose of authorizing the Department of Business and Economic Development to expend funds and take certain actions to protect the interests of the Department in certain financing transactions; authorizing the Department to receive certain repayments and returns on investment for certain financings made to local governments from the Maryland Economic Development Assistance Fund without triggering certain new financing requirements;

providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to financing transactions of the Department of Business and Economic Development.

BY adding to
Article 83A – Department of Business and Economic Development
Section 5–107
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1405
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Economic Development
Section 5–107
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–319(c)
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

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

House Bill 408 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Qualified Distressed Counties

FOR the purpose of altering the definition of "qualified distressed county" for ~~purposes of~~ certain purposes, including the Maryland Economic Development Assistance Authority and Fund and the One Maryland Economic Development Tax Credit; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Economic Development Assistance Authority and Fund and the One Maryland Economic Development Tax Credit and economic development in qualified distressed counties in the State.

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1401(u) and 5–1501(a)(8)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 1–101(e)
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

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

House Bill 462 – Delegate Pendergrass

AN ACT concerning

Health Insurance – Small Group Market – Self–Employed Individuals – Sunset Extension

FOR the purpose of extending the termination date of a certain provision until a certain date; and generally relating to health insurance policies for self–employed individuals in the small group market.

BY repealing and reenacting, without amendments,
Chapter 347 of the Acts of the General Assembly of 2005, as amended by Chapter 59 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, without amendments,
Chapter 347 of the Acts of the General Assembly of 2005
Section 3

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2005
Section 4

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

House Bill 484 – Delegates Morhaim and Wood

AN ACT concerning

Procurement – Unsolicited Proposals – Repeal of Termination Date

FOR the purpose of repealing the termination date for the use of unsolicited proposals as a method of State procurement; adding lottery services to the services that may be procured using certain unsolicited proposals; repealing a certain interagency panel; repealing a requirement that certain procurement officers forward certain unsolicited proposals to a certain interagency panel for a certain determination; requiring certain procurement officers to get the approval of the Department of Budget and Management before awarding certain contracts; altering the maximum term of certain contracts based on unsolicited proposals; altering the maximum annual and total State expenditures under certain contracts based on unsolicited proposals; requiring certain agencies to report to the Board of Public Works on the status of certain educational outreach activities; authorizing the Board to adopt certain regulations; repealing a certain reporting requirement; repealing certain obsolete provisions; defining a certain term; and generally relating to unsolicited proposals.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–107.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Chapter 482 of the Acts of the General Assembly of 2002
Section 2

BY repealing and reenacting, with amendments,
Chapter 482 of the Acts of the General Assembly of 2002
Section 4

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

House Bill 494 – ~~Delegate Hubbard~~ Delegates Hubbard, V. Turner, Donoghue, Montgomery, and Pena–Melnyk

AN ACT concerning

Licensed Counselors and Therapists – Appraisal Activities – Training Requirements

FOR the purpose of ~~altering the definition of "appraisal" relating to the use of certain instruments by certain licensed counselors and therapists~~ repealing a certain requirement that the Board of Examiners of Psychologists and the State Board of Professional Counselors and Therapists jointly approve certain training for licensed counselors and therapists; authorizing certain licensed counselors and

therapists to engage in certain appraisal activities that include the use of certain instruments if certain training has been completed; and generally relating to appraisal activities and licensed counselors and therapists.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 17–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–101(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 17–3A–03.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 510 – Delegates Pendergrass, DeBoy, Hammen, Love, and Morhaim

AN ACT concerning

Health Care Decisions Act – Advance Directives – Electronic Documents and Electronic Signatures

FOR the purpose of establishing, for purposes of the Health Care Decisions Act, that an electronic signature shall have the same effect as a manual signature, if the electronic signature meets certain requirements; authorizing a competent individual to make an electronic advance directive for certain purposes; authorizing an advance directive to be revoked electronically; defining certain terms; altering a certain definition; making certain conforming and stylistic changes; and generally relating to electronic documents and electronic signatures under the Health Care Decisions Act.

BY renumbering
Article – Health – General
Section 5–601(h) through (p) and (q), respectively
to be Section 5–601(i) through (q) and (s), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 21–101(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–601(b), 5–602(a), (b)(2), (c), (d), and (f)(2), and 5–604
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 5–601(h) and (r) and 5–601.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 751 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulatory Reforms

FOR the purpose of substituting a notice requirement for an application by a banking institution or credit union to install certain automated teller machines; clarifying that a notice by a banking institution or credit union to install an automated teller machine is not required under certain circumstances; altering the circumstances under which the Commissioner of Financial Regulation is required to give a banking institution or credit union notice of a certain deficiency; requiring certain individuals to provide fingerprints under certain circumstances; increasing the minimum amount of capital required to charter certain commercial banks that do not accept deposits or retain deposits in a deposit account; authorizing, instead of requiring, the board of directors of a commercial bank to fill a certain vacancy under certain circumstances; authorizing, instead of requiring, the board of directors of a savings bank to fill a certain vacancy under certain circumstances; ~~increasing the amount of~~ altering a certain civil penalty; authorizing banking institutions to have certain affiliates under certain circumstances; requiring application to and prior approval of the Commissioner to acquire or establish an affiliate or conduct a certain activity under certain circumstances; authorizing certain banking institutions to acquire or establish an affiliate or conduct a certain activity by providing a certain notice to the Commissioner under certain circumstances;

establishing a certain exception to the application and notice requirements; requiring a banking institution to obtain certain information before making a certain loan; establishing an exception to the requirement that certain foreign banking corporations obtain a permit from the Commissioner under certain circumstances; repealing a certain requirement that the Commissioner receive the advice of the Banking Board under certain circumstances; defining a certain term; and generally relating to the regulation of financial institutions.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 1–403, 3–209, 3–409, 4–508, 5–101, 5–208, 5–403, 5–506, 12–207, and 12–209
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Financial Institutions
Section 3–203.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 5–401
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 933 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission Park Police – Workers' Compensation – Lyme Disease Presumption

PG/MC 101–08

FOR the purpose of applying the occupational disease presumption under the workers' compensation law to park police officers employed by the Maryland–National Capital Park and Planning Commission (MNCPPC) who contract Lyme disease under certain circumstances; providing that a certain presumption only applies for a certain period of time under certain circumstances; providing that park police officers who are eligible for benefits under this Act shall receive the benefits in addition to certain retirement benefits, subject to a certain adjustment; providing for the termination of this Act; and generally relating to

the occupational disease presumption for Lyme disease under the workers' compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(d) and (e)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1156 – Delegates Kaiser and Dumais

AN ACT concerning

Labor and Employment – Pay Disparity Data – Reporting

FOR the purpose of authorizing the Commissioner of Labor and Industry to collect certain employee data; authorizing the Commissioner to analyze certain records to study pay disparity issues; requiring the Commissioner to provide a certain report to the General Assembly; providing for the termination of this Act; and generally relating to the reporting of pay disparity data.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–305
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #9

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

Senate Bill 157 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

SB0157/604738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 157
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "a" in line 18 down through "licenses" in line 20 and substitute "the Board of License Commissioners to issue a Class 6 pub-brewery license or a Class 7 micro-brewery license to a holder of not more than a certain number of Class B beer, wine and liquor licenses under certain circumstances"; and in line 24, after "2-208(b)," insert "9-102(k),".

AMENDMENT NO. 2

On page 6, after line 27, insert:

"9–102.

(k) The provisions of subsections (a) and (a–1) of this section do not apply to licenses issued under**:**

(1) § 6–201 of this article if: **[**(1) the**]**

(I) **THE** resident applicant has been a resident of Wicomico County for at least two years prior to the application**[**, and (2) the**]; AND**

(II) **THE** minimum capital investment in the premises is at least $200,000 or the premises have a fair market value of at least $200,000**; OR**

(2) **§ 12-104(E)(5) OF THIS ARTICLE**.".

On page 7, strike in their entirety lines 20 through 26, inclusive, and substitute:

"**(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, TO A PERSON THAT HOLDS NOT MORE THAN THREE CLASS B BEER, WINE AND LIQUOR LICENSES.**

(III) A CLASS 6 PUB-BREWERY LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY BE ISSUED ONLY FOR A LOCATION IN AN ENTERPRISE ZONE IN THE CITY OF SALISBURY.

(IV) A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY SELL BEER FOR OFF-PREMISES CONSUMPTION ONLY TO A WHOLESALER LICENSED UNDER THIS ARTICLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 213 – The President (By Request – Administration) and Senators Frosh, Garagiola, Gladden, King, Madaleno, Peters, Pinsky, Raskin, and Robey

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

SB0213/954530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike the second "and"; in the same line, after "Robey" insert ", Conway, Dyson, Lenett, Rosapepe, Harrington, Colburn, and Harris"; in line 3, after "purposes;" insert "stating the intent of the General Assembly;"; in line 8, strike "an"; in the same line, strike "plan" and substitute "plans"; in line 9, strike the first "the"; in the same line, strike "plan" and substitute "plans"; and in line 10,

after "submission;" insert "requiring the BayStat Subcabinet to prepare a final work and expenditure plan;".

On page 2, after line 34, insert:

"BY renumbering
Article – Natural Resources
Section 8–2A–01 and 8–2A–02, respectively,
to be Section 8–2A–02 and 8–2A–01, respectively
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 3, in line 22, after "(f)" insert "**(1)**"; in line 23, strike "**MEASURES**" and substitute "**PROJECTS**"; and after line 24, insert:

"**(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN POSSIBLE, MONEYS IN THE FUND SHALL BE GRANTED TO LOCAL GOVERNMENTS AND OTHER POLITICAL SUBDIVISIONS FOR AGRICULTURAL, FORESTRY, STREAM AND WETLAND RESTORATION, AND URBAN AND SUBURBAN STORMWATER NONPOINT SOURCE POLLUTION CONTROL PROJECTS.**".

AMENDMENT NO. 3

On page 4, in line 2, strike "**(1)**"; in the same line, strike "**SECTION**" and substitute "**SUBTITLE**"; in line 4, strike "**(2)**" and substitute "**(B)**"; in the same line, strike beginning with "**OR**" through the third "**PROGRAM**" and substitute "**MEANS THE PROGRAM**"; in line 6, strike "**(3) (I)**" and substitute "**(C) (1)**"; in line 9, strike "**(II)**" and substitute "**(2)**"; in line 11, strike "**1.**" and substitute "**(I)**"; in line 15, strike "**2.**" and substitute "**(II)**"; in line 17, strike "**3.**" and substitute "**(III)**"; in the same line, after "**A**" insert "**SUSTAINABLE**"; in the same line, after "**PRACTICE**" insert "**, INCLUDING A FOREST STEWARDSHIP PLAN**"; in the same line, after "**OR**" insert "**A**"; in line 19, strike "**4.**" and substitute "**(IV)**"; in line 20, strike "**5.**" and substitute "**(V)**"; in line 21, strike "**6.**" and substitute "**(VI)**"; in line 25, strike "**7.**" and substitute "**(VII)**"; in line 27, strike "**8.**" and substitute "**(VIII)**"; and strike beginning with "**9.**" in line 29 down through "**DEVELOPMENT,**" in line 30.

On page 5, strike beginning with "**REDEVELOPMENT**" in line 1 down through "**MEASURES**" in line 2 and substitute:

"**(IX) STRATEGIC MONITORING OF WATER QUALITY IMPROVEMENTS FROM NONPOINT SOURCE POLLUTION CONTROL PROJECTS**".

AMENDMENT NO. 4

On page 5, in lines 3 and 7, strike "**(4)**" and "**(5)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 20, strike "**AND**"; and in line 22, after "**SCIENCE**" insert "**; AND**

(VI) THE DEAN OF THE COLLEGE OF AGRICULTURE AND NATURAL RESOURCES AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK".

AMENDMENT NO. 5

On page 6, in line 20, after "**(2)**" insert "**(I)**"; in the same line, strike "**AND EXPENDITURE**"; strike beginning with the colon in line 20 down through "**IDENTIFIES**" in line 21 and substitute "**IDENTIFIES**"; in line 21, strike "**AND EXPENDITURES**" and substitute "**TO BE FUNDED WITH MONEY**"; in line 22, after "**FUND**" insert "**FOR THE NEXT FISCAL YEAR, INCLUDING ANNUAL NUTRIENT AND SEDIMENT REDUCTION TARGETS, PERFORMANCE MEASURES, AND ACCOUNTABILITY CRITERIA**"; in line 23, strike "**PROVIDES**" and substitute "**DEVELOP AN ANNUAL EXPENDITURE PLAN THAT IDENTIFIES PLANNED EXPENDITURES FOR THE WORK PLAN AND INCLUDES**"; in line 26, strike "**PLAN**" and substitute "**PLANS**"; and after line 27, insert:

"**(E) ON AN ANNUAL BASIS THE BAYSTAT SUBCABINET SHALL PREPARE A FINAL WORK AND EXPENDITURE PLAN BASED ON THE BUDGET APPROVED BY THE GENERAL ASSEMBLY.**".

AMENDMENT NO. 6

On page 7, in line 3, after "**(B)**" insert "**(1)**"; in the same line, after "**THE**" insert "**BAYSTAT**"; line 5, after "**FUNDS**" insert "**, GEOGRAPHICALLY AND BY PRACTICE, TO PROVEN, SCIENTIFICALLY-BASED PROJECTS**"; in the same line, after "**COST-EFFECTIVE**" insert "**AND MEASURABLE**"; after line 6, insert:

"**(2) TO THE MAXIMUM EXTENT PRACTICABLE, THE BAYSTAT PROGRAM SHALL DISTRIBUTE THE TRUST FUND MONEYS ON A COMPETITIVE BASIS.**";

in line 7, after "**THE**" insert "**BAYSTAT**"; in line 8, after "**AGENCIES**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS**"; in line 9, strike "**REDISTRIBUTE**" and substitute "**ADMINISTER**"; in line 10, after "**FUNDS**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS, INCLUDING THE DISTRIBUTION OF FUNDS**"; in lines 11 and 12, strike "**, TO THE MAXIMUM EXTENT PRACTICABLE ON A COMPETITIVE BASIS,**"; in line 21, strike "**AND**"; and in line 23, after "**ARTICLE**" insert "**; AND**

(III) TO THE MARYLAND AGRICULTURAL COST-SHARE PROGRAM ESTABLISHED UNDER TITLE 8, SUBTITLE 7 OF THE AGRICULTURE ARTICLE FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS".

AMENDMENT NO. 7

On page 7, in line 25, after "**GRANTS**" insert "**THAT SHALL INCLUDE CONSIDERATION OF THE EXTENT TO WHICH A PROPOSED PROJECT, BOTH GEOGRAPHICALLY AND BY PRACTICE, WILL DELIVER THE GREATEST, MOST COST-EFFECTIVE, AND MEASURABLE NONPOINT SOURCE POLLUTION REDUCTION PER TRUST FUND DOLLAR**"; in line 26, after "**THE**" insert "**BAYSTAT**"; in the same line, strike "**MAY**" and substitute "**SHALL**"; in the same line, strike "**A**" and substitute "**MULTI-YEAR, MULTI-PARTNER PROPOSALS, LOCAL**"; in line 27, strike the first comma and substitute "**OR**"; in the same line, after "**COST-SHARE**" insert "**AGREEMENTS**"; and in the same line, strike "**OTHER ACTION**" and substitute "**SIMILAR ACTIONS**".

On page 8, in line 5, strike "**AND**"; in line 6, strike "**MULTIYEAR**" and substitute "**MULTI-YEAR**"; in line 7, after "**ADMINISTRATION**" insert "**; AND**

(3) INCLUDE PROVISIONS FOR VERIFICATION THAT PRACTICES ARE BEING IMPLEMENTED";

in line 14, strike the comma; in line 15, strike "**AND**"; in line 16, after "**OF**" insert "**EXPECTED**"; in line 17, after "**PROJECTS**" insert "**; AND**

(III) THE METHODOLOGIES USED TO CALCULATE ITEMS (I) AND (II) OF THIS PARAGRAPH".

AMENDMENT NO. 8

On page 8, strike beginning with "**PAY**" in line 18 down through "**PURPOSES**" in line 20 and substitute "**ENABLE AN INDIVIDUAL CITED FOR NONCOMPLIANCE WITH A NONPOINT SOURCE POLLUTION CONTROL LAW OR REGULATION TO ACHIEVE COMPLIANCE**"; and in line 24, after "**THE**" insert "**BAYSTAT PROGRAM SCIENTIFIC ADVISORY**".

AMENDMENT NO. 9

On page 9, in line 1, strike "**SEPTEMBER**" and substitute "**AUGUST**"; in line 10, after "**THE**" insert "**PROPOSED**"; and in the same line, strike "**AND EXPENDITURE**".

On page 18, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8–2A–01 and 8–2A–02, respectively, of Article – Natural Resources of the Annotated Code of Maryland, as enacted by Section 2 of this Act, shall be renumbered to be Section(s) 8–2A–02 and 8–2A–01, respectively.";

and in line 6, strike "3." and substitute "4.".

The preceding 9 amendments were read only.

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

The motion was adopted.

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

Senate Bill 442 – Senators Frosh, Conway, and Pinsky

AN ACT concerning

Environment – Clean Air Permit Fees

SB0442/504839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "eliminating" and substitute "increasing"; in the same line, after the second "fee" insert "in certain years; eliminating the cap on a certain fee after a certain year; clarifying the calculation of certain fees; altering a certain definition"; and in line 10, strike "2-107" and substitute "2-101(h), 2-107,".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"2–101.

(h) "Regulated emissions" means the actual rate of emissions, in tons per year, of any registered pollutant emitted by a source, to be calculated using criteria consistent with 40 CFR 70 (operating permit program)**[**, and subject to a limit of 4,000 tons per year of any single pollutant**]**.".

AMENDMENT NO. 3

On page 3, in line 6, in each instance, strike the bracket; strike beginning with "(i)" in line 7 down through the bracket in line 14 and substitute:

"**(I)**";

and in line 14, after "**EMISSIONS**" insert "**; AND**

(II) $500,000 FOR ANY SINGLE SOURCE IN CALENDAR YEARS 2008 AND 2009.

(2) FOR PURPOSES OF CALCULATING FEES UNDER THIS SECTION, CARBON DIOXIDE EMISSIONS SHALL BE EXCLUDED".

The preceding 3 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON RULES REPORT #5

CONSENT CALENDAR #5

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 873 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Hammond–Harwood House

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 886 – Senators Klausmeier, Conway, Exum, Gladden, Madaleno, McFadden, Pinsky, Raskin, and Stone

AN ACT concerning

State Personnel – Collective Bargaining – Procedures

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 902 – Senator Kelley

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Insurers – Waiver of Defenses

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

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

Senate Bill 909 – Senator Middleton

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Board of Trustees – Young Farmer

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 910 – Senator McFadden

AN ACT concerning

Law Enforcement Officers' Pension System – Transfer of Membership – Maryland Transit Administration

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 911 – Senator McFadden

AN ACT concerning

Land Bank Authorities – Establishment by Counties

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

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

Senate Bill 912 – Senators Dyson and DeGrange

AN ACT concerning

Early Childhood Education – Children in Military Families

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 913 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Beans and Bread

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

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

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

Senate Bill 915 – Senator Middleton

AN ACT concerning

Task Force on the Future Conservation of Maryland's Open Space and Farmland

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 916 – Senator Middleton

AN ACT concerning

Maryland Trauma Physician Services Fund – Reimbursement and Grants

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 919 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Wayland Senior Village

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

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

Senate Bill 920 – Senators Brinkley, Colburn, Currie, Dyson, Edwards, Frosh, Garagiola, Glassman, Haines, Kittleman, Klausmeier, Middleton, Mooney, Munson, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Task Force to Study Statewide Gypsy Moth Infestation

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 922 – Senator Jacobs

AN ACT concerning

Thomas J. Hatem Memorial Bridge Deck Replacement – Susquehanna River Region E–Z Pass – Pilot Program

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 923 – Senator Jacobs

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 924 – Senator Peters

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – Residual Value

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 925 – Senators Garagiola, Forehand, Frosh, King, Kramer, Lenett, Madaleno, and Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – The Arc of Montgomery County Group Homes

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

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

Senate Bill 926 – Senator Astle

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

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

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

Senate Bill 927 – Senator Jacobs

AN ACT concerning

Environment – Sewage Sludge Utilization – Zoning and Land Use Requirements

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

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

Senate Bill 930 – Senator Colburn

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

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

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

Senate Bill 931 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 932 – Senator Colburn

AN ACT concerning

Real Property – Talbot County – Recordation of County Right–of–Way Plats

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

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

Senate Bill 933 – Senators Harrington, Exum, and Muse

AN ACT concerning

Public High Schools – Graduation Requirements – Weighted Numerical Assessment System

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 934 – Senator Harrington

AN ACT concerning

Prince George's County – Tax Increment Financing – Application of Bond Proceeds

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 935 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Men's Health Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 936 – Senators Brinkley and Mooney

AN ACT concerning

Creation of a State Debt – Frederick County – Weinberg Center for the Arts

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 937 – Senator Jacobs

AN ACT concerning

Cecil County – Volunteer Length of Service Award Program – Age of Eligibility

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 938 – Senator Kramer

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Our House Youth Home

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 939 – Senator Stone

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 944 – Senators Mooney, Astle, DeGrange, Haines, Harris, Jacobs, Middleton, and Stone

AN ACT concerning

Governor's Emergency Powers – Seizure of Firearms and Ammunition

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 945 – Senator Kasemeyer

AN ACT concerning

Local Governments – Postemployment Benefits – Investment of Funds

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 946 – Senator Middleton

AN ACT concerning

Hospital Regulation and Financing – Maryland Hospital Bond Program and User Fees of the Health Services Cost Review Commission

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 947 – Senator Miller

AN ACT concerning

Creation of a State Debt – Calvert County – Chesapeake Cares Food Pantry

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 948 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Indian Head Center for the Arts

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 949 – Senator Exum

AN ACT concerning

Task Force to Study Gasoline Zone–Pricing in Maryland

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

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

Senate Bill 950 – Senator Exum

AN ACT concerning

Injured Workers' Insurance Fund – Minority Business Enterprise Procurement Activities

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

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

Senate Bill 951 – Senators Miller and Dyson

AN ACT concerning

Public Safety – Industrialized Building – Definition

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

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

Senate Bill 952 – Senator Muse

AN ACT concerning

Higher Education – Admission Standards at Public Institutions

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 953 – Senator Edwards

AN ACT concerning

Garrett County – Local Tax – Date of Payment

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 954 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Sharp Street United Methodist Church Modular Building

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

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

Senate Bill 955 – Senator Harrington

AN ACT concerning

Brian Moore Student Health and Fitness Act of Maryland

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 956 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Bladensburg Market Square

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 957 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Issuance and Renewal of Policies in Certain Geographic Areas

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation and the Committee on Finance:

Senate Bill 958 – Senators Pugh and Harrington

AN ACT concerning

Procurement – Prevailing Wage

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

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

Senate Bill 960 – Senator Klausmeier

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Licensure of Massage Therapists

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

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

Senate Joint Resolution 4 – Senator Mooney

A Senate Joint Resolution concerning

Freedom for Cuba (Viva Cuba Libre)

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

QUORUM CALL

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

(See Roll Call No. 295)

ADJOURNMENT

At 8:41 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 4, 2008.

Annapolis, Maryland
Tuesday, March 4, 2008
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend Dr. Alvin C. Hathaway, Union Baptist Church of Baltimore, guest of Senator Kelley.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 3, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 297)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
AARP	The President and All Members	338

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 298)

LAID OVER BILLS

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

Senate Bill 213 – The President (By Request – Administration) and Senators Frosh, Garagiola, Gladden, King, Madaleno, Peters, Pinsky, Raskin, and Robey

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0213/954530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike the second "and"; in the same line, after "Robey" insert ", Conway, Dyson, Lenett, Rosapepe, Harrington, Colburn, and Harris"; in line 3, after "purposes;" insert "stating the intent of the General Assembly;"; in line 8, strike "an"; in the same line, strike "plan" and substitute "plans"; in line 9, strike the first "the"; in the same line, strike "plan" and substitute "plans"; and in line 10, after "submission;" insert "requiring the BayStat Subcabinet to prepare a final work and expenditure plan;".

On page 2, after line 34, insert:

"BY renumbering
Article – Natural Resources
Section 8–2A–01 and 8–2A–02, respectively,
to be Section 8–2A–02 and 8–2A–01, respectively
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 3, in line 22, after "(f)" insert "**(1)**"; in line 23, strike "**MEASURES**" and substitute "**PROJECTS**"; and after line 24, insert:

"**(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN POSSIBLE, MONEYS IN THE FUND SHALL BE GRANTED TO LOCAL GOVERNMENTS**

AND OTHER POLITICAL SUBDIVISIONS FOR AGRICULTURAL, FORESTRY, STREAM AND WETLAND RESTORATION, AND URBAN AND SUBURBAN STORMWATER NONPOINT SOURCE POLLUTION CONTROL PROJECTS.".

AMENDMENT NO. 3

On page 4, in line 2, strike "**(1)**"; in the same line, strike "**SECTION**" and substitute "**SUBTITLE**"; in line 4, strike "**(2)**" and substitute "**(B)**"; in the same line, strike beginning with "**OR**" through the third "**PROGRAM**" and substitute "**MEANS THE PROGRAM**"; in line 6, strike "**(3) (I)**" and substitute "**(C) (1)**"; in line 9, strike "**(II)**" and substitute "**(2)**"; in line 11, strike "**1.**" and substitute "**(I)**"; in line 15, strike "**2.**" and substitute "**(II)**"; in line 17, strike "**3.**" and substitute "**(III)**"; in the same line, after "**A**" insert "**SUSTAINABLE**"; in the same line, after "**PRACTICE**" insert "**, INCLUDING A FOREST STEWARDSHIP PLAN**"; in the same line, after "**OR**" insert "**A**"; in line 19, strike "**4.**" and substitute "**(IV)**"; in line 20, strike "**5.**" and substitute "**(V)**"; in line 21, strike "**6.**" and substitute "**(VI)**"; in line 25, strike "**7.**" and substitute "**(VII)**"; in line 27, strike "**8.**" and substitute "**(VIII)**"; and strike beginning with "**9.**" in line 29 down through "**DEVELOPMENT,**" in line 30.

On page 5, strike beginning with "**REDEVELOPMENT**" in line 1 down through "**MEASURES**" in line 2 and substitute:

"**(IX) STRATEGIC MONITORING OF WATER QUALITY IMPROVEMENTS FROM NONPOINT SOURCE POLLUTION CONTROL PROJECTS**".

AMENDMENT NO. 4

On page 5, in lines 3 and 7, strike "**(4)**" and "**(5)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 20, strike "**AND**"; and in line 22, after "**SCIENCE**" insert "**; AND**

(VI) THE DEAN OF THE COLLEGE OF AGRICULTURE AND NATURAL RESOURCES AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK".

AMENDMENT NO. 5

On page 6, in line 20, after "**(2)**" insert "**(I)**"; in the same line, strike "**AND EXPENDITURE**"; strike beginning with the colon in line 20 down through "**IDENTIFIES**" in line 21 and substitute "**IDENTIFIES**"; in line 21, strike "**AND EXPENDITURES**" and substitute "**TO BE FUNDED WITH MONEY**"; in line 22, after

"**FUND**" insert "**FOR THE NEXT FISCAL YEAR, INCLUDING ANNUAL NUTRIENT AND SEDIMENT REDUCTION TARGETS, PERFORMANCE MEASURES, AND ACCOUNTABILITY CRITERIA**"; in line 23, strike "**PROVIDES**" and substitute "**DEVELOP AN ANNUAL EXPENDITURE PLAN THAT IDENTIFIES PLANNED EXPENDITURES FOR THE WORK PLAN AND INCLUDES**"; in line 26, strike "**PLAN**" and substitute "**PLANS**"; and after line 27, insert:

"**(E) ON AN ANNUAL BASIS THE BAYSTAT SUBCABINET SHALL PREPARE A FINAL WORK AND EXPENDITURE PLAN BASED ON THE BUDGET APPROVED BY THE GENERAL ASSEMBLY.**".

AMENDMENT NO. 6

On page 7, in line 3, after "**(B)**" insert "**(1)**"; in the same line, after "**THE**" insert "**BAYSTAT**"; line 5, after "**FUNDS**" insert "**, GEOGRAPHICALLY AND BY PRACTICE, TO PROVEN, SCIENTIFICALLY-BASED PROJECTS**"; in the same line, after "**COST-EFFECTIVE**" insert "**AND MEASURABLE**"; after line 6, insert:

"**(2) TO THE MAXIMUM EXTENT PRACTICABLE, THE BAYSTAT PROGRAM SHALL DISTRIBUTE THE TRUST FUND MONEYS ON A COMPETITIVE BASIS.**";

in line 7, after "**THE**" insert "**BAYSTAT**"; in line 8, after "**AGENCIES**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS**"; in line 9, strike "**REDISTRIBUTE**" and substitute "**ADMINISTER**"; in line 10, after "**FUNDS**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS, INCLUDING THE DISTRIBUTION OF FUNDS**"; in lines 11 and 12, strike "**, TO THE MAXIMUM EXTENT PRACTICABLE ON A COMPETITIVE BASIS,**"; in line 21, strike "**AND**"; and in line 23, after "**ARTICLE**" insert "**; AND**

(III) TO THE MARYLAND AGRICULTURAL COST-SHARE PROGRAM ESTABLISHED UNDER TITLE 8, SUBTITLE 7 OF THE AGRICULTURE ARTICLE FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS".

AMENDMENT NO. 7

On page 7, in line 25, after "**GRANTS**" insert "**THAT SHALL INCLUDE CONSIDERATION OF THE EXTENT TO WHICH A PROPOSED PROJECT, BOTH GEOGRAPHICALLY AND BY PRACTICE, WILL DELIVER THE GREATEST, MOST**

COST-EFFECTIVE, AND MEASURABLE NONPOINT SOURCE POLLUTION REDUCTION PER TRUST FUND DOLLAR"; in line 26, after "**THE**" insert "**BAYSTAT**"; in the same line, strike "**MAY**" and substitute "**SHALL**"; in the same line, strike "**A**" and substitute "**MULTI-YEAR, MULTI-PARTNER PROPOSALS, LOCAL**"; in line 27, strike the first comma and substitute "**OR**"; in the same line, after "**COST-SHARE**" insert "**AGREEMENTS**"; and in the same line, strike "**OTHER ACTION**" and substitute "**SIMILAR ACTIONS**".

On page 8, in line 5, strike "**AND**"; in line 6, strike "**MULTIYEAR**" and substitute "**MULTI-YEAR**"; in line 7, after "**ADMINISTRATION**" insert "**; AND**

(3) INCLUDE PROVISIONS FOR VERIFICATION THAT PRACTICES ARE BEING IMPLEMENTED";

in line 14, strike the comma; in line 15, strike "**AND**"; in line 16, after "**OF**" insert "**EXPECTED**"; in line 17, after "**PROJECTS**" insert "**; AND**

(III) THE METHODOLOGIES USED TO CALCULATE ITEMS (I) AND (II) OF THIS PARAGRAPH".

AMENDMENT NO. 8

On page 8, strike beginning with "**PAY**" in line 18 down through "**PURPOSES**" in line 20 and substitute "**ENABLE AN INDIVIDUAL CITED FOR NONCOMPLIANCE WITH A NONPOINT SOURCE POLLUTION CONTROL LAW OR REGULATION TO ACHIEVE COMPLIANCE**"; and in line 24, after "**THE**" insert "**BAYSTAT PROGRAM SCIENTIFIC ADVISORY**".

AMENDMENT NO. 9

On page 9, in line 1, strike "**SEPTEMBER**" and substitute "**AUGUST**"; in line 10, after "**THE**" insert "**PROPOSED**"; and in the same line, strike "**AND EXPENDITURE**".

On page 18, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8–2A–01 and 8–2A–02, respectively, of Article – Natural Resources of the Annotated Code of Maryland, as enacted by Section 2 of this Act, shall be renumbered to be Section(s) 8–2A–02 and 8–2A–01, respectively.";

and in line 6, strike "3." and substitute "4.".

The preceding 9 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 5, 2008.

The motion was adopted.

Senate Bill 442 – Senators Frosh, Conway, and Pinsky

AN ACT concerning

Environment – Clean Air Permit Fees

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

SB0442/504839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "eliminating" and substitute "increasing"; in the same line, after the second "fee" insert "in certain years; eliminating the cap on a certain fee after a certain year; clarifying the calculation of certain fees; altering a certain definition"; and in line 10, strike "2-107" and substitute "2-101(h), 2-107,".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"2–101.

(h) "Regulated emissions" means the actual rate of emissions, in tons per year, of any registered pollutant emitted by a source, to be calculated using criteria consistent with 40 CFR 70 (operating permit program)**[**, and subject to a limit of 4,000 tons per year of any single pollutant**]**.".

AMENDMENT NO. 3

On page 3, in line 6, in each instance, strike the bracket; strike beginning with "(i)" in line 7 down through the bracket in line 14 and substitute:

"**(I)**";

and in line 14, after "**EMISSIONS**" insert "**; AND**

(II) $500,000 FOR ANY SINGLE SOURCE IN CALENDAR YEARS 2008 AND 2009.

(2) FOR PURPOSES OF CALCULATING FEES UNDER THIS SECTION, CARBON DIOXIDE EMISSIONS SHALL BE EXCLUDED".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 31 Negative – 15 (See Roll Call No. 299)

FLOOR AMENDMENT

SB0442/783120/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "prohibiting all" and substitute "altering the circumstances under which certain"; and in lines 3 and 4, strike "from reverting or being transferred to" and substitute "must be deposited in".

AMENDMENT NO. 2

On page 2, in lines 17 and 19, in each instance, strike the bracket; in line 17, strike "$750,000" and substitute "**$2,000,000**"; and strike beginning with "**MONEYS**" in line 19 down through "**STATE.**" in line 20.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #10

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

Senate Bill 238 – Senators Stone, Astle, DeGrange, Della, Forehand, Haines, Harris, Jacobs, Klausmeier, Madaleno, and Muse

AN ACT concerning

Juveniles – Arrests for Reportable Offenses – Expansion of Notification

SB0238/818372/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 238
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "of" insert "a".

AMENDMENT NO. 2

On page 2, in line 5, strike "**(I)**"; in the same line, strike "the" and substitute "**:**

(I) THE";

in line 7, strike the period and substitute "**; OR**"; and strike line 8 in its entirety and substitute:

"**(II) THE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 492 – Senators Frosh, Forehand, King, Madaleno, and Pinsky

AN ACT concerning

Vehicular Crossings – Use by Pedestrians and Bicycles – Authorization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 514 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for March 5, 2008.

The motion was adopted.

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

Senate Bill 771 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #10

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

Senate Bill 353 – Senator Della

AN ACT concerning

State Personnel – Independent Personnel Systems in Executive Branch – Disciplinary Actions

SB0353/507571/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 353
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Independent Personnel Systems in Executive Branch" and substitute "Department of Transportation's Human Resources Management System"; strike beginning with "expanding" in line 4 down through "misconduct" in line 11 and substitute "requiring certain regulations to provide that, except for certain suspensions, an appointing authority or a designated representative may impose any disciplinary action against an employee in the Department of Transportation's Human Resources Management System no later than a certain number of days after acquiring certain knowledge; requiring certain regulations to provide that, except for certain suspensions, an appointing authority or a designated representative may suspend an employee in the Human Resources Management System no later than a certain number of working days following the close of a certain shift; making certain stylistic and conforming changes; and generally relating to disciplinary actions against employees in the Department of Transportation's Human Resources Management System"; and strike in their entirety lines 12 through 16, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 2-103.4(d)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 22 on page 2, inclusive, and substitute:

"Article – Transportation

2–103.4.

(d) (1) The Secretary shall adopt regulations to govern the human resources management system established under this section.

(2) The regulations shall address procedures for leave, appointment, hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement of employees and shall be presented to the Joint Committee on Administrative, Executive, and Legislative Review under Title 10, Subtitle 1 of the State Government Article.

(3) The regulations shall provide that before taking any disciplinary action related to employee misconduct, an appointing authority or **A** designated representative shall:

(i) Investigate the alleged misconduct;

(ii) Meet with the employee;

(iii) Consider any mitigating circumstances;

(iv) Determine the appropriate disciplinary action, if any, to be imposed; and

(v) Give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights.

(4) THE REGULATIONS SHALL PROVIDE THAT, EXCEPT AS PROVIDED UNDER PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, AN APPOINTING AUTHORITY OR A DESIGNATED REPRESENTATIVE MAY IMPOSE ANY DISCIPLINARY ACTION NO LATER THAN 30 DAYS AFTER THE APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE ACQUIRES KNOWLEDGE OF THE MISCONDUCT FOR WHICH THE DISCIPLINARY ACTION IS IMPOSED.

(5) (I) THE REGULATIONS SHALL PROVIDE THAT, EXCEPT FOR A SUSPENSION UNDER PARAGRAPH (6) OF THIS SUBSECTION, AN APPOINTING AUTHORITY OR A DESIGNATED REPRESENTATIVE MAY SUSPEND AN EMPLOYEE WITHOUT PAY NO LATER THAN 5 WORKING DAYS FOLLOWING THE CLOSE OF THE EMPLOYEE'S NEXT SHIFT AFTER THE APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE ACQUIRES KNOWLEDGE OF THE MISCONDUCT FOR WHICH THE SUSPENSION IS IMPOSED.

(II) SATURDAYS, SUNDAYS, LEGAL HOLIDAYS, AND EMPLOYEE LEAVE DAYS ARE EXCLUDED IN CALCULATING THE 5 WORKING DAY PERIOD UNDER THIS PARAGRAPH.

[(4)**] (6)** (i) The regulations shall provide that **[**the**] AN** appointing authority or **A** designated representative may suspend an employee, with or without pay, pending the filing of charges for termination.

(ii) If an employee is suspended without pay, the appointing authority or designated representative shall provide to the Secretary the charges for termination within 30 calendar days after the first day of the suspension period.

(iii) If the appointing authority or designated representative files the charges for termination after the 30–day period described in subparagraph (ii) of this paragraph, the employee shall be placed on leave with pay until the Secretary receives the charges.

[(5)**] (7)** The regulations shall provide that an appointing authority or a designated representative and an employee may agree to the holding in abeyance of a disciplinary action for a period not to exceed 18 months in order to permit an employee to improve conduct or performance.

[(6)**] (8)** Subject to the provisions of paragraph **[**(7)**] (9)** of this subsection, the employee grievance procedures shall include, at a minimum, the following sequence of levels of appeal:

(i) Initially an aggrieved employee shall present any grievance to the appointing authority or a designated representative, who shall render a written decision;

(ii) Any appeal shall be presented to the Secretary or a designated representative, who shall render a written decision;

(iii) If the dispute is still unresolved, the appeal shall be referred to the Office of Administrative Hearings or a mutually agreed upon third party arbiter who may not hear grievances relating to classification, salary, or fiscal matters; and

(iv) For disciplinary actions only, either party may appeal any decision of the Office of Administrative Hearings or a third party arbiter to the Secretary of Budget and Management or that Secretary's designee.

[(7)**]** **(9)** These regulations shall include procedures that ensure that all employees of the Department covered by this section and all employees hired after June 1, 1992 shall be entitled to the same levels of appeal provided for in the State employees' grievance procedures contained in Title 12 of the State Personnel and Pensions Article. Any disciplinary action taken against such employees by the Department shall include the same levels of appeal contained in Division I of the State Personnel and Pensions Article and its implementing regulations.

[(8)**]** **(10)** (i) During any stage of a complaint, grievance, or other administrative or legal action that concerns State employment by a full–time or part–time executive service, career service, or commission plan employee of the Department, or by a temporary or contractual employee of the Department, the employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of the Department solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(ii) An employee of the Department may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(iii) An employee who violates the provisions of this paragraph is subject to disciplinary action, including termination of employment.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 407 – Senator Della

AN ACT concerning

Elevator Safety Review Board Fund

SB0407/277973/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 407
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "certain registrations and"; and in line 11, strike "12–809 and".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 35 on page 2, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 570 – Senators Garagiola, Astle, Exum, Glassman, Kittleman, Klausmeier, Middleton, Pugh, and Robey

AN ACT concerning

State Emergency Medical Services Board – Public Access Automated External Defibrillator Program

SB0570/847576/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 570
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 23 down through "liabilities;" in line 24; and strike beginning with "repealing" in line 26 down through "liabilities;" in line 27.

AMENDMENT NO. 2

On page 7, in line 29, strike the bracket.

On page 8, in line 1, strike "**]** **POSSESSES**"; in line 11, strike "**AND**"; and in lines 12, 14, 15, and 22, in each instance, strike the bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 646 – Senators Astle, Garagiola, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Credit Regulation – Debt Management Services

SB0646/117478/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 646
(First Reading File Bill)

On page 5, in line 21, strike "**WITHIN 3 MONTHS AFTER BEING HIRED**" and substitute "**BEFORE PROVIDING COUNSELING TO A CONSUMER**".

On page 8, in line 23, after "**YEAR;**" insert:

"**(VIII) THE NUMBER OF CONSUMERS WHO SUCCESSFULLY COMPLETED A DEBT MANAGEMENT PLAN DURING THE PRECEDING CALENDAR YEAR;**

(IX) THE NUMBER OF CONSUMERS WHO CEASED PARTICIPATING IN A DEBT MANAGEMENT PLAN WITHOUT SUCCESSFULLY COMPLETING THE PLAN DURING THE PRECEDING CALENDAR YEAR;";

and in line 24, strike "**(VIII)**" and substitute "**(X)**".

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:

Senate Bill 679 – Senator Kittleman

AN ACT concerning

Injured Workers' Insurance Fund – Regulation by the Maryland Insurance Commissioner

SB0679/337779/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Kittleman" and substitute "Senators Kittleman, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, and Pugh"; strike beginning with "providing" in line 6 down through "rating;" in line 7; strike beginning with "removing" in line 9 down through "rates;" in line 10; strike beginning with "removing" in line 12 down through "law;" in line 16 and substitute "requiring the Maryland Insurance Administration to conduct a certain study and identify certain of provisions of law; requiring the Administration to report to certain committees of the General Assembly on or before a certain date;"; strike in their entirety lines 19 through 23, inclusive; and in line 26, strike ", 10-126, and 10-130".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 3 on page 2 through line 20 on page 3, inclusive.

On page 4, in line 5, strike the brackets; strike in their entirety lines 6 and 7; in line 8, strike the brackets; in the same line, strike "**(V)**"; in line 20, strike the bracket; in line 23, strike the first bracket; and in line 31, strike the brackets.

AMENDMENT NO. 3

On pages 5 through 7, strike in their entirety the lines beginning with line 8 on page 5 through line 10 on page 7, inclusive, and substitute:

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

(a) (1) The Maryland Insurance Administration shall study the impact of subjecting the Injured Workers' Insurance Fund to the provisions of law regarding rate making, rating, and rate review that are enforced by the Administration for other property and casualty insurers.

(2) The study shall include:

(i) an analysis of whether the Fund's current rate making practices produce actuarially sound rates;

(ii) a determination of the cost impact to the Fund for the Fund to be required to file rates with a rating organization; and

(iii) a comparison of the experience rating plan used by the Fund for small employers as compared to the experience rating plan established by a rating organization for small employers.

(b) The Administration shall identify other provisions of law relating to consumer protections and financial soundness that are enforced by the Administration and are applicable to other property and casualty insurers, but are not applicable to the Fund.

(c) In conducting its study and identification of other provisions of law under subsections (a) and (b) of this section, the Administration shall seek input, as appropriate, from the Injured Workers' Insurance Fund, the National Council on Compensation Insurance, Inc., the Maryland Association of Counties, the Maryland Municipal League, representatives of small businesses, and any other person that the Administration considers appropriate.

(d) On or before December 1, 2008, the Administration shall report, in accordance with § 2-1246 of the State Government Article, its findings and recommendations on how rates should be established for the Injured Workers' Insurance Fund to the Senate Finance Committee and the House Economic Matters Committee.";

and in line 11, 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 Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 711 – Senator Lenett

AN ACT concerning

Truth in Music Advertising Act

Senator Kelley moved, duly seconded, to make the Bill and Report a Special Order for March 5, 2008.

The motion was adopted.

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

Senate Bill 744 – Senator Pugh

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Additional Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 140 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0140/348873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 140
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 8 down through "knowledge;" in line 10.

AMENDMENT NO. 2

On page 3, in line 1, strike the bracket; in the same line, before "(i)" insert an opening bracket; in line 7, strike "**(1)**" and substitute "**(I)**"; in line 9, after

"**OFFENDER;**" insert "**OR**"; in line 10, strike "**(2)**" and substitute "**(II)**"; in line 12, strike beginning with "**; OR**" in line 12 down through "**VEHICLE**" in line 16; in line 23, after "adult." insert a closing bracket; and in line 29, before "(3)" insert an opening bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 300)

ADJOURNMENT

At 11:48 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 5, 2008.

Annapolis, Maryland
Wednesday, March 5, 2008
10:00 A.M. Session

The Senate met at 10:19 A.M.

Prayer by Pastor Leonard W. Smith, Broadfording Church of the Brethren, guest of Senator Munson.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 4, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 302)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Dr. Harry Basehart	Senator J. Lowell Stoltzfus	369

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 303)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Hereditary and Congenital Disorders – Newborn Screening

FOR the purpose of establishing in the Department of Health and Mental Hygiene a certain system for screening newborn infants for hereditary and congenital disorders; establishing the Department's public health laboratory as the sole laboratory authorized to perform the screening tests; requiring the Department to establish protocols for obtaining specimens for testing; requiring the Department to determine the screening tests to be performed; authorizing postscreening testing by certain licensed laboratories under certain circumstances; authorizing the Secretary of Health and Mental Hygiene to delegate certain newborn screening under certain circumstances; requiring the Department to adopt certain regulations; and generally relating to the screening and evaluation of newborn infants for hereditary and congenital disorders.

BY adding to
Article – Health – General
Section 13–111 and 13–112
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

Reorganization of State Government – Department of Information Technology

FOR the purpose of reorganizing State government by establishing a Department of Information Technology as a principal unit of the Executive Branch; providing for the qualifications, appointment, powers, duties, and salary of the Secretary of Information Technology; providing for the duties of the Department of Information Technology; specifying that the Department of Information Technology is responsible for administering the information technology functions of the Executive Branch of State government; transferring the information technology and telecommunications functions of the Executive Branch from the Department of Budget and Management to the Department of Information Technology; transferring the Telecommunications Access of Maryland program from the Department of Budget and Management to the Department of Information Technology; requiring certain shopping facilities to acquire and install certain communications devices; providing that the Department of Information Technology is a primary procurement unit; repealing a certain requirement regarding the adoption of regulations; repealing certain provisions of law rendered inapplicable by provisions of this Act; abolishing the State Information Technology Board; defining certain terms; providing for the transfer of certain employees under certain circumstances;

providing for appropriate transitional provisions relating to the continuity of certain departments, boards, commissions, committees, agencies, and other units; providing for the transfer of certain property, records, fixtures, appropriations, credits, assets, liabilities, obligations, rights, and privileges; providing for the continuity of certain laws, rules and regulations, standards and guidelines, policies, orders and other directives, permits and licenses, applications, forms, plans, memberships, contracts, property, investigations, and administrative and judicial responsibilities; providing for the continuity of certain transactions, rights, duties, and interests; providing for the continuity of certain persons licensed, registered, permitted, and certified under certain departments, offices, and units; providing for the continuity of certain contracts, agreements, grants, or other obligations; specifying that the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, shall correct agency names and titles in the Code to conform to the changes that are made by this Act; making technical changes; and generally relating to the reorganization of State government and the establishment of a Department of Information Technology.

BY repealing
Article – State Finance and Procurement
Section 3–401 through 3–413 and the subtitle "Subtitle 4. Information Processing"; 3–701 through 3–706 and the subtitle "Subtitle 7. Telecommunications"; 3–801 through 3–807 and the subtitle "Subtitle 8. Telecommunications Access of Maryland"; and 3–901 through 3–906 and the subtitle "Subtitle 9. Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–201
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 3A–101 through 3A–606 to be under the new title "Title 3A. Department of Information Technology"; and 12–107(b)(7)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–101(l), 12–107(b)(2), (5), and (6), 13–401, 13–402(a), and 14–501(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 14–501(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 535 – Delegates Hubbard, Kullen, Montgomery, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Morbidity, Mortality, and Quality Review Committee – Pregnancy and Childhood

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to devise and institute certain means to prevent and control morbidity and mortality associated with pregnancy, childbirth, infancy, and early childhood; requiring the Secretary to establish a Morbidity, Mortality, and Quality Review Committee in the Department of Health and Mental Hygiene; requiring the Committee to conduct certain case reviews and develop and implement certain interventions; requiring the Secretary to adopt certain regulations that include certain information; defining a certain term; and generally relating to the Morbidity, Mortality, and Quality Review Committee and pregnancy and childhood.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–401(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–401(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–107
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2009

(See Exhibit E of Appendix III)

Supplemental Budget No. 1 was read and referred to the Committee on Budget and Taxation.

SPECIAL ORDERS

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

Senate Bill 213 – The President (By Request – Administration) and Senators Frosh, Garagiola, Gladden, King, Madaleno, Peters, Pinsky, Raskin, and Robey

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0213/954530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike the second "and"; in the same line, after "Robey" insert ", Conway, Dyson, Lenett, Rosapepe, Harrington, Colburn, and Harris"; in line 3, after "purposes;" insert "stating the intent of the General Assembly;"; in line 8, strike "an"; in the same line, strike "plan" and substitute "plans"; in line 9, strike the first "the"; in the same line, strike "plan" and substitute "plans"; and in line 10,

after "submission;" insert "requiring the BayStat Subcabinet to prepare a final work and expenditure plan;".

On page 2, after line 34, insert:

"BY renumbering
Article – Natural Resources
Section 8–2A–01 and 8–2A–02, respectively,
to be Section 8–2A–02 and 8–2A–01, respectively
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 3, in line 22, after "(f)" insert "**(1)**"; in line 23, strike "**MEASURES**" and substitute "**PROJECTS**"; and after line 24, insert:

"**(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN POSSIBLE, MONEYS IN THE FUND SHALL BE GRANTED TO LOCAL GOVERNMENTS AND OTHER POLITICAL SUBDIVISIONS FOR AGRICULTURAL, FORESTRY, STREAM AND WETLAND RESTORATION, AND URBAN AND SUBURBAN STORMWATER NONPOINT SOURCE POLLUTION CONTROL PROJECTS.**".

AMENDMENT NO. 3

On page 4, in line 2, strike "**(1)**"; in the same line, strike "**SECTION**" and substitute "**SUBTITLE**"; in line 4, strike "**(2)**" and substitute "**(B)**"; in the same line, strike beginning with "**OR**" through the third "**PROGRAM**" and substitute "**MEANS THE PROGRAM**"; in line 6, strike "**(3) (I)**" and substitute "**(C) (1)**"; in line 9, strike "**(II)**" and substitute "**(2)**"; in line 11, strike "**1.**" and substitute "**(I)**"; in line 15, strike "**2.**" and substitute "**(II)**"; in line 17, strike "**3.**" and substitute "**(III)**"; in the same line, after "**A**" insert "**SUSTAINABLE**"; in the same line, after "**PRACTICE**" insert "**, INCLUDING A FOREST STEWARDSHIP PLAN**"; in the same line, after "**OR**" insert "**A**"; in line 19, strike "**4.**" and substitute "**(IV)**"; in line 20, strike "**5.**" and substitute "**(V)**"; in line 21, strike "**6.**" and substitute "**(VI)**"; in line 25, strike "**7.**" and substitute "**(VII)**"; in line 27, strike "**8.**" and substitute "**(VIII)**"; and strike beginning with "**9.**" in line 29 down through "**DEVELOPMENT,**" in line 30.

On page 5, strike beginning with "**REDEVELOPMENT**" in line 1 down through "**MEASURES**" in line 2 and substitute:

"**(IX) STRATEGIC MONITORING OF WATER QUALITY IMPROVEMENTS FROM NONPOINT SOURCE POLLUTION CONTROL PROJECTS**".

AMENDMENT NO. 4

On page 5, in lines 3 and 7, strike "**(4)**" and "**(5)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 20, strike "**AND**"; and in line 22, after "**SCIENCE**" insert "**; AND**

(VI) THE DEAN OF THE COLLEGE OF AGRICULTURE AND NATURAL RESOURCES AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK".

AMENDMENT NO. 5

On page 6, in line 20, after "**(2)**" insert "**(I)**"; in the same line, strike "**AND EXPENDITURE**"; strike beginning with the colon in line 20 down through "**IDENTIFIES**" in line 21 and substitute "**IDENTIFIES**"; in line 21, strike "**AND EXPENDITURES**" and substitute "**TO BE FUNDED WITH MONEY**"; in line 22, after "**FUND**" insert "**FOR THE NEXT FISCAL YEAR, INCLUDING ANNUAL NUTRIENT AND SEDIMENT REDUCTION TARGETS, PERFORMANCE MEASURES, AND ACCOUNTABILITY CRITERIA**"; in line 23, strike "**PROVIDES**" and substitute "**DEVELOP AN ANNUAL EXPENDITURE PLAN THAT IDENTIFIES PLANNED EXPENDITURES FOR THE WORK PLAN AND INCLUDES**"; in line 26, strike "**PLAN**" and substitute "**PLANS**"; and after line 27, insert:

"**(E) ON AN ANNUAL BASIS THE BAYSTAT SUBCABINET SHALL PREPARE A FINAL WORK AND EXPENDITURE PLAN BASED ON THE BUDGET APPROVED BY THE GENERAL ASSEMBLY.**".

AMENDMENT NO. 6

On page 7, in line 3, after "**(B)**" insert "**(1)**"; in the same line, after "**THE**" insert "**BAYSTAT**"; line 5, after "**FUNDS**" insert "**, GEOGRAPHICALLY AND BY PRACTICE, TO PROVEN, SCIENTIFICALLY-BASED PROJECTS**"; in the same line, after "**COST-EFFECTIVE**" insert "**AND MEASURABLE**"; after line 6, insert:

"**(2) TO THE MAXIMUM EXTENT PRACTICABLE, THE BAYSTAT PROGRAM SHALL DISTRIBUTE THE TRUST FUND MONEYS ON A COMPETITIVE BASIS.**";

in line 7, after "**THE**" insert "**BAYSTAT**"; in line 8, after "**AGENCIES**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS**"; in line 9, strike "**REDISTRIBUTE**" and substitute "**ADMINISTER**"; in line 10, after "**FUNDS**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS, INCLUDING THE DISTRIBUTION OF FUNDS**"; in lines 11 and 12, strike "**, TO THE MAXIMUM EXTENT PRACTICABLE ON A COMPETITIVE BASIS,**"; in line 21, strike "**AND**"; and in line 23, after "**ARTICLE**" insert "**; AND**

(III) TO THE MARYLAND AGRICULTURAL COST-SHARE PROGRAM ESTABLISHED UNDER TITLE 8, SUBTITLE 7 OF THE AGRICULTURE ARTICLE FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS".

AMENDMENT NO. 7

On page 7, in line 25, after "**GRANTS**" insert "**THAT SHALL INCLUDE CONSIDERATION OF THE EXTENT TO WHICH A PROPOSED PROJECT, BOTH GEOGRAPHICALLY AND BY PRACTICE, WILL DELIVER THE GREATEST, MOST COST-EFFECTIVE, AND MEASURABLE NONPOINT SOURCE POLLUTION REDUCTION PER TRUST FUND DOLLAR**"; in line 26, after "**THE**" insert "**BAYSTAT**"; in the same line, strike "**MAY**" and substitute "**SHALL**"; in the same line, strike "**A**" and substitute "**MULTI-YEAR, MULTI-PARTNER PROPOSALS, LOCAL**"; in line 27, strike the first comma and substitute "**OR**"; in the same line, after "**COST-SHARE**" insert "**AGREEMENTS**"; and in the same line, strike "**OTHER ACTION**" and substitute "**SIMILAR ACTIONS**".

On page 8, in line 5, strike "**AND**"; in line 6, strike "**MULTIYEAR**" and substitute "**MULTI-YEAR**"; in line 7, after "**ADMINISTRATION**" insert "**; AND**

(3) INCLUDE PROVISIONS FOR VERIFICATION THAT PRACTICES ARE BEING IMPLEMENTED";

in line 14, strike the comma; in line 15, strike "**AND**"; in line 16, after "**OF**" insert "**EXPECTED**"; in line 17, after "**PROJECTS**" insert "**; AND**

(III) THE METHODOLOGIES USED TO CALCULATE ITEMS (I) AND (II) OF THIS PARAGRAPH".

AMENDMENT NO. 8

On page 8, strike beginning with "**PAY**" in line 18 down through "**PURPOSES**" in line 20 and substitute "**ENABLE AN INDIVIDUAL CITED FOR NONCOMPLIANCE WITH A NONPOINT SOURCE POLLUTION CONTROL LAW OR REGULATION TO ACHIEVE COMPLIANCE**"; and in line 24, after "**THE**" insert "**BAYSTAT PROGRAM SCIENTIFIC ADVISORY**".

AMENDMENT NO. 9

On page 9, in line 1, strike "**SEPTEMBER**" and substitute "**AUGUST**"; in line 10, after "**THE**" insert "**PROPOSED**"; and in the same line, strike "**AND EXPENDITURE**".

On page 18, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8–2A–01 and 8–2A–02, respectively, of Article – Natural Resources of the Annotated Code of Maryland, as enacted by Section 2 of this Act, shall be renumbered to be Section(s) 8–2A–02 and 8–2A–01, respectively.";

and in line 6, strike "3." and substitute "4.".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0213/933220/1

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 in lines 2, 3, 14, and 23, and on page 2 in lines 4, 9, and 38, in each instance, strike "Bay" and substitute "and Atlantic Coastal Bays".

AMENDMENT NO. 2

On page 3 in line 2, on page 5 in lines 7, 12, 26, and 28, on page 6 in lines 2, 5, 8, 10, and 17, on page 7 in lines 6 and 22, on page 8 in line 28, on page 10 in lines 9 and 10, on page 11 in line 16, on page 13 in lines 16, 17, 22, 26, 28, and 33, on page 14 in lines 3, 6, 10, 12, 15, 19, 20, 24, 30, and 32, on page 15 in lines 6, 8, 11, and 17, on page 16 in lines 1, 2, 19, and 36, and on page 17 in lines 9, 12, and 34, in each instance, strike "**BAY**" and substitute "**AND ATLANTIC COASTAL BAYS**".

On page 3, in line 4, strike "Bay" and substitute "**AND ATLANTIC COASTAL BAYS**"; in line 8, after "River**,**" insert "**AND TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES,**"; in line 24, after "Agreement" insert "**AND TO IMPROVE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES**"; in line 30, strike "Bay and its" and substitute "**AND ATLANTIC COASTAL BAYS AND THEIR**"; and in line 31, strike "Bay" and substitute "**BAY**".

On page 5, in line 6, strike "**BAY AND ITS**" and substitute "**AND ATLANTIC COASTAL BAYS AND THEIR**".

On page 6, after line 15, insert:

"**(II) THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES;**";

and in lines 16 and 18, strike "**(II)**" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively.

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

Affirmative – 12 Negative – 35 (See Roll Call No. 304)

FLOOR AMENDMENT

SB0213/483328/2

BY: Senator Conway

AMENDMENTS TO SENATE BILL 213, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "redistribute" in line 13 down through "Fund" in line 14 and substitute "administer the funds, including redistributing the funds in a certain manner".

On page 9 of the bill, in line 16, strike the semicolon and substitute a period.

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0213/954530/2), in line 3 of Amendment No. 4, strike "**AND**"; and in line 5, after "**PARK**" insert "**; AND**

(VII) THE CHAIR OF THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0213/263229/1

BY: Senator Glassman

AMENDMENT TO SENATE BILL 213
(First Reading File Bill)

On page 7, in line 18, strike "**AND**"; in line 21, after "**PROJECTS;**" insert "**AND**"; and after line 21, insert:

"**8. MARYLAND SCENIC AND WILD RIVER WATERSHED ORGANIZATIONS;**".

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

Affirmative – 8 Negative – 38 (See Roll Call No. 305)

FLOOR AMENDMENT

SB0213/533922/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 213, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 4 of the bill, strike in their entirety lines 25 and 26.

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0213/954530/2), in line 11 of Amendment No. 3, strike "**(VII)**"; in the same line, strike "**(VIII)**" and substitute "**(VII)**"; and in line 15, strike "**(IX)**" and substitute "**(VIII)**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 514 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

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

Favorable report adopted.

FLOOR AMENDMENT

SB0514/763324/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 514
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "increasing" in line 8 down through "date;" in line 12; and in line 16, strike "10–208 and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 10, inclusive.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 10 on page 3, inclusive.

On page 3, in line 11, strike "5." and substitute "2.".

The preceding 3 amendments were read only.

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

The motion was adopted.

Senate Bill 711 – Senator Lenett

AN ACT concerning

Truth in Music Advertising Act

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

Favorable report adopted.

FLOOR AMENDMENT

SB0711/553029/1

BY: Senator Raskin

AMENDMENT TO SENATE BILL 711
(First Reading File Bill)

On page 2, in line 33, strike "**OR**" and substitute a comma; and in the same line, after "**TRIBUTE**" insert "**, PARODY, OR SATIRE**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #10

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

Senate Bill 443 – Senators Frosh, Conway, and Dyson

AN ACT concerning

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

SB0443/244637/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 9 and 10, in each instance, strike "person in interest" and substitute "patient".

AMENDMENT NO. 2

On page 2, strike beginning with the second "**A**" in line 32 down through "**ARTICLE**" in line 33 and substitute "**THE PATIENT**".

On page 3, in lines 1, 3, 8 and 9, 13 and 14, and 16, in each instance, strike "**PERSON IN INTEREST**" and substitute "**PATIENT**".

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for March 6, 2008.

The motion was adopted.

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

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, and Raskin

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

SB0533/834539/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 533
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, Conway, Harrington, Klausmeier, Lenett, and Rosapepe"; in lines 19 and 21, in each instance, strike "three" and substitute "two"; and after line 24, insert:

"(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Chief of the Consumer Protection Division of the Office of the Attorney General, or the Chief's designee;".

On page 2, in lines 1 and 9, strike "(4)" and "(5)", respectively, and substitute "(6)" and "(7)", respectively; after line 4, insert:

"(ii) one representative of the American Federation of Teachers;";

and in lines 5 and 7, strike "(ii)" and "(iii)", respectively, and substitute "(iii)" and "(iv)", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 428 – Senators Pinsky, Raskin, Conway, Della, King, Lenett, and Madaleno

AN ACT concerning

Education – Military Recruiters – Student Contact Information – Opportunity to Opt Out

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 569 – Senator Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

SB0569/774934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 569
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "dealer;" insert "altering the definitions of "fixed business address" and "local law enforcement unit", as they relate to the regulation of secondhand precious metal object dealers, to clarify their scope;"; and in line 17, after "12–101(b)" insert ", (d), and (f)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"(d) "Fixed business address" means a single physical location **IN MARYLAND** where a licensee regularly conducts business and at which the licensee or an employee of the licensee is physically present:

(1) during normal business hours; or

(2) other hours as provided in the application for the license which are sufficient to provide an authorized law enforcement officer or agent access to the licensee's place of business as provided in § 12–306 of this title.";

and after line 12, insert:

"(f) "Local law enforcement unit" means the **MARYLAND** Department of State Police, a **MARYLAND** police department, or **MARYLAND** sheriff, as designated by resolution of the county or municipal governing body, with jurisdiction over any place where a dealer transacts business other than the dealer's fixed business address.".

The preceding 2 amendments were read only.

Senator Astle moved, duly seconded, to make the Bill and Amendments a Special Order for March 6, 2008.

The motion was adopted.

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

Senate Bill 600 – Senators Conway, Della, Dyson, Exum, Frosh, Garagiola, Gladden, Kelley, Middleton, Muse, and Stone

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

SB0600/494537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 600
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "students;" insert "authorizing certain screenings in accordance with certain policies;".

AMENDMENT NO. 2

On page 2, in line 9, strike "the" and substitute "**:**

(I) THE";

in line 10, after "Board" insert "**; OR**

(II) POLICIES ADOPTED BY A COUNTY BOARD OR A COUNTY HEALTH DEPARTMENT";

in line 17, after "**THE**" insert "**COUNTY**"; and in line 18, after the first "**THE**" insert "**COUNTY HEALTH**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 608 – Senators Garagiola, Astle, DeGrange, Dyson, Lenett, Mooney, Peters, Raskin, Simonaire, and Stone

AN ACT concerning

Education – Veterans of the Afghanistan and Iraq Conflicts Scholarship – Extension

SB0608/774633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 608

(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Klausmeier, Colburn, Conway, Harris, and Rosapepe".

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 JUDICIAL PROCEEDINGS REPORT #11

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

Senate Bill 548 – Senator Gladden

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 556 – Senator Gladden

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #11

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

Senate Bill 571 – Senator Astle

AN ACT concerning

Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 735 – Senators Miller, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Dyson, Edwards, Forehand, Frosh, Garagiola, Gladden, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

SB0735/147679/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 735
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, and Glassman".

AMENDMENT NO. 2

On page 4, in line 7, strike "**SUBJECT**" and substitute "**WITHIN THE CENTR MARYLAND PROGRAM, SUBJECT**"; in line 20, after "**GRANTS**" insert "**FROM THE FUND**".

On page 5, in line 15, strike "**DISBURSING**" and substitute "**AWARDING**"; in line 16, strike "**PROGRAM**" and substitute "**FUND TO ELIGIBLE RECIPIENTS**"; in line 17, after "**(B)**" insert "**(1) IN ACCORDANCE WITH THIS PART, ALL PRIVATE**

SECTOR ENTITIES IN THE STATE AND ALL INSTITUTIONS OF HIGHER EDUCATION IN THE STATE MAY BE ELIGIBLE RECIPIENTS OF GRANTS.

(2)";

and in lines 19, 20, and 22, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

On page 6, in line 2, after "budget" insert "for the Fund"; in line 3, after "grants" insert "to be awarded"; and in the same line, strike "from the Program" and substitute "under the CENTR Maryland Program".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 306)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 157 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

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

Affirmative – 47 Negative – 0 (See Roll Call No. 307)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Stoltzfus moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 999 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

FOR the purpose of authorizing the governing body of a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property known as the Ocean City Amusement Park and Fishing Pier; authorizing the governing body of Worcester County or a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property used for the operation of an amusement park; authorizing the governing body of Worcester County or a municipal corporation in Worcester County to provide, by law, for certain provisions relating to certain property tax credits; providing for the application of this Act; and generally relating to authorization for certain local property tax credits in Worcester County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–325
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senator Stoltzfus moved to suspend the rules to allow **Senate Bill 999** to be immediately referred to the appropriate committee.

Senator Stoltzfus moved, duly seconded, to make the Motion a Special Order for March 6, 2008.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 308)

ADJOURNMENT

At 11:34 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 6, 2008.

Annapolis, Maryland
Thursday, March 6, 2008
10:00 A.M. Session

The Senate met at 10:20 A.M.

Prayer by Rabbi Binyamin Biber, The Washington Congregation for Secular Humanistic Judaism, guest of Senator Raskin.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 5, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 310)

SPECIAL ORDERS

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

Senate Bill 999 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

STATUS OF BILL: QUESTION IS: "SHALL THE RULES BE SUSPENDED TO SEND THE BILL DIRECTLY TO THE COMMITTEE ON BUDGET AND TAXATION?"

Senator Stoltzfus moved, duly seconded, to withdraw the motion.

The motion was withdrawn.

LAID OVER BILLS

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

Senate Bill 514 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

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

FLOOR AMENDMENT

SB0514/763324/1

BY: Senator Zirkin

AMENDMENT TO SENATE BILL 514
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "increasing" in line 8 down through "date;" in line 12; and in line 16, strike "10-208 and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 10, inclusive.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 10 on page 3, inclusive.

On page 3, in line 11, strike "5." and substitute "2.".

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

Affirmative – 11 Negative – 36 (See Roll Call No. 311)

Read the second time and ordered prepared for Third Reading.

Senate Bill 600 – Senators Conway, Della, Dyson, Exum, Frosh, Garagiola, Gladden, Kelley, Middleton, Muse, and Stone

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0600/494537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 600
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "students;" insert "authorizing certain screenings in accordance with certain policies;".

AMENDMENT NO. 2

On page 2, in line 9, strike "the" and substitute "**:**

(I) THE";

in line 10, after "Board" insert "**; OR**

(II) POLICIES ADOPTED BY A COUNTY BOARD OR A COUNTY HEALTH DEPARTMENT";

in line 17, after "**THE**" insert "**COUNTY**"; and in line 18, after the first "**THE**" insert "**COUNTY HEALTH**".

The preceding 2 amendments were read only.

Senator Madaleno moved, duly seconded, to make the Bill and Amendments a Special Order for March 7, 2008.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #12

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

Senate Bill 166 – Senators Haines, Colburn, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2008.

The motion was adopted.

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

Senate Bill 294 – Senators Garagiola, Forehand, and Raskin

AN ACT concerning

Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer

SB0294/998875/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 294
(First Reading File Bill)

On page 1, in line 19, in each instance, strike the bracket; and in line 21, strike "**] MEANS**".

On pages 1 through 3, strike in their entirety the lines beginning with line 22 on page 1 through line 20 on page 3, inclusive.

On page 3, in line 21, strike "**(2)**" and substitute "**(I)**"; and in the same line, after "facility" insert "**; AND**

(II) AN OFFICER EMPLOYED BY THE WMATA METRO TRANSIT POLICE, SUBJECT TO THE JURISDICTIONAL LIMITATIONS UNDER ARTICLE XVI, § 76 OF THE WASHINGTON METROPOLITAN AREA TRANSIT

AUTHORITY COMPACT, WHICH IS CODIFIED IN § 10-204 OF THE TRANSPORTATION 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:

Senate Bill 316 – Senators Robey, Garagiola, Kasemeyer, King, Kittleman, Lenett, Munson, Peters, Pugh, and Stoltzfus

AN ACT concerning

Criminal Law – Impersonation of a Police Officer – Penalties

SB0316/238378/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 316
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "altering the classification of" and substitute "altering the penalties for"; strike beginning with "wearing" in line 5 down through "or" in line 6 and substitute "under certain circumstances, and the crime of"; and strike beginning with "from" in line 7 down through "offense" in line 8.

AMENDMENT NO. 2

On page 3, in line 5, after "(f)" insert "**(1)**"; in the same line, after "violates" insert "**SUBSECTION (C) OF**"; in the same line, in each instance, strike the bracket; in the same line, strike "**FELONY**"; in line 6, in each instance, strike the bracket; in the same line, strike "**5**"; in line 7, in each instance, strike the bracket; in the same line, strike "**$5,000**"; and after line 7, insert:

"**(2) A PERSON WHO VIOLATES SUBSECTION (B) OR (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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 387 – Senators Stone, Astle, DeGrange, Dyson, Exum, Glassman, Haines, King, and Klausmeier

AN ACT concerning

Criminal Law – Possessing Stolen Property

SB0387/598374/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 387
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "obtained by certain means" and substitute "provided by law enforcement as part of an investigation".

AMENDMENT NO. 2

On page 2, strike beginning with "**OBTAINED**" in line 16 down through "**THEFT**" in line 17 and substitute "**PROVIDED BY LAW ENFORCEMENT AS PART OF AN INVESTIGATION**"; and in line 17, strike "**EXPLICITLY**".

The preceding 2 amendments were read only.

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

The motion was adopted.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #6
March 7, 2008

Administrative Hearings, Office of

1. Thomas E. Dewberry

Judge of the Office of Administrative Hearings; reappointed to serve a term of six years from January 1, 2008

District Court, Baltimore City (District 1)

2. John R. Hargrove, Jr.

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of 10 years from June 24, 2008

District Court, Baltimore County (District 8)

3. Robert J. Steinberg

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from June 2, 2008

District Court, Cecil County (District 3)

4. Stephen James Baker

Judge of the District Court of Maryland, District 3, Cecil County; reappointed to serve a term of ten years from April 4, 2008

District Court, Prince George's County (District 5)

5. Thurman Haywood Rhodes

Judge of the District Court of Maryland, District 5, Prince George's County reappointed to serve a term of ten years from May 3, 2008

6. Joel David Worshtil

Judge of the District Court of Maryland, District 5, Prince George's County reappointed to serve a term of ten years from January 9, 2008

Airport Zoning Appeals Board

7. Michael P. Ertel, Sr.
505 West Joppa Road
Towson, MD 21204

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2006

8. Philip A. Selden
7040 Wilson Lane
Bethesda, MD 20817

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2007

9. Jeffrey Utzinger
1262 Vogt Avenue
Baltimore, MD 21227

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2008

Amusement Ride Safety Board

10. Curtis G. Collins, Sr.
9221 Old Court Road
Windsor Mill, MD 21244

Member of the Amusement Ride Safety Board; appointed to serve a term of four years from July 1, 2006

Arts Council, Maryland State

11. Susanna Nemes
18303 Wickham Road
Olney, MD 20832

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2008

Aviation Commission, Maryland

12. Maurice A. Bellan
4450 Cross Country Drive
Ellicott City, MD 21042

Member of the Maryland Aviation Commission; appointed to serve a term of three years from October 1, 2008

13. William P. Wentworth
7 Trinity Place
Ocean Pines, MD 21811

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2008

Boiler Rules, Board of

14. Leonard Billian
P.O. Box 1387
Brooklandville, MD 21022

Member of the Board of Boiler Rules; appointed to serve a term of four years from January 1, 2008

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

15. Sadara B. Barrow
4313 Newton Street
Colmar Manor, MD 20722

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2006

Correctional Standards, Commission on

16. Robert Lester Green
10905 Honeyfield Road
Williamsport, MD 21795

Member of the Commission on Correctional Standards; appointed to serve a term of three years from July 1, 2006

Dietetic Practice, State Board of

17. Sharon Bunch
2105 Woodbourne Avenue
Baltimore, MD 21214

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2005

18. Sandra Elizabeth Kick
11 Tenby Court
Timonium, MD 21093

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2006

Economic Development Commission, Maryland

19. Robert N. Smelkinson
4603 Kerneway
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2007

20. Walter Allen Tilley, III
68 Crystal Court
Bel Air, MD 21014

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2006

Economic Development Corporation Board of Directors, Maryland

21. Douglas M. Hoffberger
5602 Waycrest Lane
Baltimore, MD 21210

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2007

Education, State Board of

22. Ivan C.A. Walks, M.D.
12408 Bacall Lane
Potomac, MD 20854

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2008

23. Catherine B. Walsh
19 1/2 Saint Timothy's Lane
Catonsville, MD 21228

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2008

Emergency Number Systems Board

24. William Arthur Frazier
29 Willow Lane
La Plata, MD 20646

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2006

Environmental Sanitarian Registration, State Board of

25. Pamela Engle
914 Dunellen Drive
Towson, MD 21286

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2005

26. Robert W. Sheesley
8354 Chestnut Farm Lane
Ellicott City, MD 21043

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2004

Fire-Rescue Education and Training Commission

27. David L. Stokes

5794 Brooks Woods Road
Lothian, MD 20711

Member of the Fire-Rescue Education and Training Commission; appointed to serve remainder of a term of four years from July 1, 2005

Labor Relations Board, State

28. Homer C. La Rue, Esquire
6122 Triangle Drive
Columbia, MD 20144

Member of the State Labor Relations Board; appointed to serve a term of six years from July 1, 2007

Port Commission, Maryland

29. Theodore G. Venetoulis
24 Woodward Lane
Lutherville, MD 21093

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2007

St. Mary's College Board of Trustees

30. Walton Irwin
1301 U Street, NW
Washington, DC 20009

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Agriculture, Board of Review of the Department of

S-1. Jeffrey W. Griffith
5643 Greenock Road
Lothian, MD 20711

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2008

S-2. Stephen T. Reeves
P.O. Box 797
Chaptico, MD 20621

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2008

S-3. Barbara R. Thompson
43865 Thompson Farm Lane
Hollywood, MD 20636

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2008

Airport Zoning Appeals Board

S-4. Laura L. Barrientos
1714 Sulgrave Avenue
Baltimore, MD 21209

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2008

Amusement Ride Safety Board

S-5. John H. Hunt, Jr.
3242 Sharp Road
Glenwood, MD 21738

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2008

Arts Council, Maryland State

S-6. Malinda B. Small
1407 Brewer Neck Road
Pasadena, MD 21122

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2008

Aviation Commission, Maryland

S-7. Calman J. Zamoiski, Jr.
10 East Lee Street
Baltimore, MD 21202

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2008

Boiler Rules, Board of

S-8. Carey M. Dove
1040 Old Woodbine Road
Woodbine, MD 21797

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2008

S-9. Ashwani Kumar Gupta, Ph.D.
P.O. Box 773
College Park, MD 20740

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2008

Correctional Standards, Commission on

S-10. Howard Ray, Jr.
308 Lord Byron Lane, Apt. T3
Cockeysville, MD 21030

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2008

S-11. J. Michael Stouffer
13733 Franks Run Road
Smithsburg, MD 21783

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2008

Correctional Training Commission

S-12. John R. Dixon
2809 Boston Street, #364
Baltimore, MD 21224

Member of the Correctional Training Commission; reappointed to serve a term of three years from July 1, 2008

Dietetic Practice, State Board of

S-13. Paul Edward Araujo, Ph.D.
419 Sanders Street
Baltimore, MD 21230

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2008

S-14. Doris F. Henning
606 Meyers Drive
Catonsville, MD 21228

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2008

S-15. Debra D. Schulze
11303 Country Club Road
New Market, MD 21774

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2008

Economic Development Corporation Board of Directors, Maryland

S-16. Barbara G. Buehl
20020 Potomac Overlook
Oldtown, MD 21555

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2008

S-17. Leonard R. Sachs
3522 Englemeade Road
Baltimore, MD 21208

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2008

Engineers, State Board of Stationary

S-18. Loretta Johnson
3207 Greenmead Road
Baltimore, MD 21244

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2008

S-19. Kevin J. McLeod
20112 Darlington Drive
Montgomery Village, MD 20886

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2008

S-20. Harold E. Norris
21 Stuart Mills Place
Baltimore, MD 21244

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2008

Environmental Sanitarian Registration, State Board of

S-21. William E. Peterson, Jr.
32212 Bonhill Drive
Salisbury, MD 21804

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2008

Master Electricians, State Board of

S-22. Peter E. Bowers
4417 Standford Street
Chevy Chase, MD 20815

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2008

S-23. Arthur Turner Brown
9275 Bay View Place
Nanjemoy, MD 20662

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2008

S-24. William O. Jones
3800 Viser Court
Bowie, MD 20715

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2008

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 7, 2008.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 443 – Senators Frosh, Conway, and Dyson

AN ACT concerning

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0443/244637/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 9 and 10, in each instance, strike "person in interest" and substitute "patient".

AMENDMENT NO. 2

On page 2, strike beginning with the second "**A**" in line 32 down through "**ARTICLE**" in line 33 and substitute "**THE PATIENT**".

On page 3, in lines 1, 3, 8 and 9, 13 and 14, and 16, in each instance, strike "**PERSON IN INTEREST**" and substitute "**PATIENT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 569 – Senator Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0569/774934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 569
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "dealer;" insert "altering the definitions of "fixed business address" and "local law enforcement unit", as they relate to the regulation of secondhand precious metal object dealers, to clarify their scope;"; and in line 17, after "12-101(b)" insert ", (d), and (f)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"(d) "Fixed business address" means a single physical location **IN MARYLAND** where a licensee regularly conducts business and at which the licensee or an employee of the licensee is physically present:

(1) during normal business hours; or

(2) other hours as provided in the application for the license which are sufficient to provide an authorized law enforcement officer or agent access to the licensee's place of business as provided in § 12–306 of this title.";

and after line 12, insert:

"(f) "Local law enforcement unit" means the **MARYLAND** Department of State Police, a **MARYLAND** police department, or **MARYLAND** sheriff, as designated by resolution of the county or municipal governing body, with jurisdiction over any place where a dealer transacts business other than the dealer's fixed business address.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 312)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #25

Senate Bill 140 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims

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

Affirmative – 47 Negative – 0 (See Roll Call No. 313)

The Bill was then sent to the House of Delegates.

Senate Bill 238 – Senators Stone, Astle, DeGrange, Della, Forehand, Haines, Harris, Jacobs, Klausmeier, Madaleno, and Muse

AN ACT concerning

Juveniles – Arrests for Reportable Offenses – Expansion of Notification

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

Affirmative – 47 Negative – 0 (See Roll Call No. 314)

The Bill was then sent to the House of Delegates.

Senate Bill 442 – Senators Frosh, Conway, and Pinsky

AN ACT concerning

Environment – Clean Air Permit Fees

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

Affirmative – 32 Negative – 14 (See Roll Call No. 315)

The Bill was then sent to the House of Delegates.

Senate Bill 492 – Senators Frosh, Forehand, King, Madaleno, and Pinsky

AN ACT concerning

Vehicular Crossings – Use by Pedestrians and Bicycles – Authorization

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

Affirmative – 47 Negative – 0 (See Roll Call No. 316)

The Bill was then sent to the House of Delegates.

Senate Bill 771 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 317)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 353 – Senator Della

AN ACT concerning

State Personnel – ~~Independent Personnel Systems in Executive Branch~~ Department of Transportation's Human Resources Management System – Disciplinary Actions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 318)

The Bill was then sent to the House of Delegates.

Senate Bill 407 – Senator Della

AN ACT concerning

Elevator Safety Review Board Fund

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

Affirmative – 36 Negative – 11 (See Roll Call No. 319)

The Bill was then sent to the House of Delegates.

Senate Bill 570 – Senators Garagiola, Astle, Exum, Glassman, Kittleman, Klausmeier, Middleton, Pugh, and Robey

AN ACT concerning

State Emergency Medical Services Board – Public Access Automated External Defibrillator Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 320)

The Bill was then sent to the House of Delegates.

Senate Bill 646 – Senators Astle, Garagiola, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Credit Regulation – Debt Management Services

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

Affirmative – 41 Negative – 5 (See Roll Call No. 321)

The Bill was then sent to the House of Delegates.

Senate Bill 679 – ~~Senator Kittleman~~ Senators Kittleman, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Injured Workers' Insurance Fund – Regulation by the Maryland Insurance Commissioner

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

Affirmative – 46 Negative – 0 (See Roll Call No. 322)

The Bill was then sent to the House of Delegates.

Senate Bill 744 – Senator Pugh

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Additional Duties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 323)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Harrington moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1000 – Senator Harrington

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

FOR the purpose of authorizing a portion of certain funds to be transferred from Program Open Space to the Community Parks and Playgrounds Program; declaring a certain intent of the General Assembly; establishing a Community Parks and Playgrounds Program; authorizing the Program to provide certain grants for certain purposes; providing for the administration of the Program; requiring the Secretary of Natural Resources to adopt regulations to carry out the Program; providing for funding for the Program; requiring the Governor to include certain funds in the annual capital budget in certain years for the Program; defining a certain term; and generally relating to the Community Parks and Playgrounds Program.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 2 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to
Article – Natural Resources
Section 5–9C–01 through 5–9C–04 to be under the new subtitle "Subtitle 9C. Community Parks and Playgrounds Program"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 324)

ADJOURNMENT

At 10:59 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 7, 2008.

Annapolis, Maryland
Friday, March 7, 2008
11:00 A.M. Session

The Senate met at 11:17 A.M.

Prayer by The Reverend Julius Jefferson, Heritage United Church of Christ, guest of Senator Pugh.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 6, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 325)

LAID OVER BILLS

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

Senate Bill 387 – Senators Stone, Astle, DeGrange, Dyson, Exum, Glassman, Haines, King, and Klausmeier

AN ACT concerning

Criminal Law – Possessing Stolen Property

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0387/598374/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 387
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "obtained by certain means" and substitute "provided by law enforcement as part of an investigation".

AMENDMENT NO. 2

On page 2, strike beginning with "**OBTAINED**" in line 16 down through "**THEFT**" in line 17 and substitute "**PROVIDED BY LAW ENFORCEMENT AS PART OF AN INVESTIGATION**"; and in line 17, strike "**EXPLICITLY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 5 – Kent County Delegation

AN ACT concerning

Kent County – Alcoholic Beverages – Class A Light Wine Licenses

FOR the purpose of adding Kent County to the list of counties in which a Class A light wine license may be issued to a holder of a Class 3 manufacturer's license or a Class 4 manufacturer's license; and generally relating to alcoholic beverages in Kent County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 4–201(a) and (e)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 4–201(c)(1) and (e)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 26 – Delegate Holmes

AN ACT concerning

Real Property – Mechanic's Lien – Land Surveying and Engineering

FOR the purpose of authorizing a surveyor or engineer to establish a mechanic's lien up to a certain amount for debts in connection with land surveying services or engineering services without regard to whether a building has been erected, repaired, rebuilt, or improved on the property; and generally relating to the establishment of a mechanic's lien.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 9–102
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 42 – Delegates McConkey, Weir, Boteler, Hucker, Holmes, Bobo, and Glenn

AN ACT concerning

Home Financial Accountability Act of 2008

FOR the purpose of clarifying the availability of certain books and records kept by or on behalf of certain common ownership communities for certain purposes and to certain persons; requiring the governing body of certain common ownership communities, on request of a member, unit owner, or lot owner, to compile and ~~mail~~ send certain information within a certain time; making a stylistic change; altering certain limitations concerning public inspection of certain records; prohibiting certain common ownership communities from imposing certain fees other than a reasonable charge imposed on a person desiring to review or copy certain books and records or who requests delivery of certain information; providing that a charge for copying certain records may not exceed a certain amount; and generally relating to access to the books and records of cooperative housing associations, condominiums, and homeowners associations.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6B–18.5
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–116(c) and (d) and 11B–112(a) and (b)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 113 – Delegate Elmore

AN ACT concerning

Somerset County – Regulation of Dogs and Cats – Violations of Ordinances and Regulations

FOR the purpose of authorizing the County Commissioners of Somerset County to impose civil and criminal penalties for violations of certain regulations relating to dogs and cats; authorizing the County Commissioners of Somerset County to provide that violations of certain dog and cat control ordinances may be prosecuted in a certain manner; and generally relating to ordinances for the regulation of dogs and cats.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–504(o)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 132 – Delegate Elmore

AN ACT concerning

Somerset County – Sale of Charlie Swift Road

FOR the purpose of authorizing the County Roads Board of Somerset County to sell Charlie Swift Road in the Lawson Election District in Somerset County without public sale and when the property is no longer needed for public use; providing for a certain description of the property that is the subject of the sale authorized by this Act; providing that the County Roads Board may arrange the terms, conditions, and amount of consideration for and execute and acknowledge any deeds or instruments necessary to complete any sale made in accordance with this Act; and generally relating to the sale of Charlie Swift Road in Somerset County.

BY adding to
The Public Local Laws of Somerset County
Section 9–118
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2007 Supplement, as amended)

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

House Bill 163 – Howard County Delegation

AN ACT concerning

Howard County – Appointed Alcoholic Beverage Hearing Board – Qualifications for Membership
Ho. Co. 15–08

FOR the purpose of altering the qualifications for membership on the Appointed Alcoholic Beverage Hearing Board in Howard County; prohibiting a member of the Hearing Board from being employed by the Howard County government; and generally relating to the Appointed Alcoholic Beverage Hearing Board in Howard County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–107.1(a)(1) and (4)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–107.1(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 170 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages – Service of Notice of Charges

FOR the purpose of requiring in Worcester County that a notice of charges of complaint in measures affecting alcoholic beverages licenses be served in a certain manner; requiring a copy of the notice of charges or a certain letter to be

mailed to a licensee under certain circumstances; and generally relating to alcoholic beverages in Worcester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–403(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–403(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 171 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages Licenses – Fines for Late Renewals

FOR the purpose of specifying that the Worcester County Board of License Commissioners may receive late applications for alcoholic beverages license renewals during a certain month; authorizing the Board to impose a certain fine for late applications for alcoholic beverages licenses; and generally relating to alcoholic beverages licenses in Worcester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–301(a)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 10–301(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 173 – Delegate Elmore

AN ACT concerning

Somerset County – Alcoholic Beverages – Death of Licensee

FOR the purpose of adding Somerset County to the list of counties that, on the death of certain alcoholic beverages licensees, issue a license under certain circumstances to the surviving spouse, the surviving partners for the benefit of the partnership, or the senior surviving officer for the benefit of the corporation without further proceedings for the balance of the current license year; and generally relating to alcoholic beverages licensees in Somerset County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–506(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 190 – Howard County Delegation

AN ACT concerning

Howard County – Annual Financial Audit – Filing Date
Ho. Co. 06–08

FOR the purpose of altering the date by which Howard County must file its annual financial audit with the Department of Legislative Services; making stylistic changes; and generally relating to the filing of the annual financial audit by Howard County.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 40
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 198 – Delegate Elmore

AN ACT concerning

Somerset County – Alcoholic Beverages – Licenses, Fees, and Fines

FOR the purpose of authorizing a holder of a Class D beer and light wine license in Somerset County to sell beer and wine for both on and off–sale consumption; altering the fee for a special beer, beer and light wine, or beer, wine and liquor license; altering the maximum fine for a violation of alcoholic beverages laws that is cause for license suspension; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–401(a)(1) and 7–101(s)(1) and (4)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–401(u), 7–101(s)(5)(i), and 16–507(u)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 203 – Delegates Cane, Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

FOR the purpose of adding Wicomico County to the list of counties that authorize the holder of a Class 6 pub–brewery license to sell malt beverages for off–premises consumption in sealed refillable containers; adding Wicomico County to the list of counties that are authorized to issue a Class 7 micro–brewery (on– and off–sale) license; creating a Class B special wine license for the sale of wine for consumption off the premises; specifying certain requirements for applicants for and holders of the Class B special wine license; specifying a fee and hours of sale; specifying a maximum alcohol content for wine sold under the Class B special wine license; authorizing the Board of License Commissioners to adopt certain regulations; authorizing the Board to issue a special Class C beer, beer and wine, or beer, wine and liquor license; specifying the privileges, application requirements, fee, days of use, and other requirements for holders of the special Class C licenses; adding Wicomico County to the list of counties that, on the death of a licensee, shall issue a new license under certain circumstances to the surviving spouse, partners, or senior officer without the necessity of further proceedings for the balance of the current license year; authorizing ~~a holder of a Class 6 pub–brewery license or a Class 7 micro–brewery license to have or hold a financial interest in certain retail alcoholic beverages licenses~~ the Board of License Commissioners to issue a Class 6 pub–brewery license or a Class 7

micro–brewery license to a holder of not more than a certain number of Class B beer, wine and liquor licenses under certain circumstances and subject to certain conditions and limitations; and generally relating to alcoholic beverages licenses in Wicomico County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–207(g), 2–208(b), 9–102(k), and 10–506(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a) and 6–201(x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(x)(4), 7–101(w), and 12–104(e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 205 – Delegates Love, Haddaway, Harrison, King, Kirk, Krysiak, Mathias, Miller, Minnick, Stifler, and Vaughn

AN ACT concerning

Alcoholic Beverages – Beer Manufacturer and Distributor Agreements – Obligation of Successor Manufacturer

FOR the purpose of requiring a successor beer manufacturer who ~~violates~~ terminates a certain agreement with a beer distributor to remunerate the beer distributor a sum equal to the fair market value calculated from the date of the ~~violation~~ termination for the sale of the beer; ~~specifying that a beer distributor or franchisee may bring a certain action against a successor beer manufacturer under certain circumstances to obtain certain remedies;~~ requiring a successor beer manufacturer to give certain notice to a surviving beer distributor before termination of certain agreements; requiring certain negotiations, certain payments, and certain mediation under certain circumstances; requiring a surviving beer distributor to bring a certain action within a certain period of time against a successor beer manufacturer to determine and recover certain value; requiring certain surviving beer distributors and successor beer manufacturers to support and distribute certain brands under certain

circumstances; repealing a defined term; defining a certain term; and generally relating to beer manufacturer and distributor agreements.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21–103
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Endangered and Threatened Species – Incidental Taking – Delmarva Fox Squirrel

FOR the purpose of authorizing the Secretary of Natural Resources to issue a certain taking permit for the Delmarva fox squirrel if an applicant submits a certain plan and the Secretary makes certain findings; authorizing the Secretary to adopt certain regulations; and generally relating to the establishment of an incidental taking permit for the Delmarva fox squirrel.

BY adding to
Article – Natural Resources
Section 10–2A–05.2
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 226 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Regulation of Bait

FOR the purpose of requiring the Department of Natural Resources to adopt certain regulations regarding bait; repealing a certain bait dealer's license and certain other restrictions and limitations relating to live bait dealers; repealing certain limitations on the amounts and types of bait that may be sold by live bait

dealers; and generally relating to the authority of the Department of Natural Resources to regulate bait in the State.

BY adding to
Article – Natural Resources
Section 4–219
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Natural Resources
Section 4–11A–19
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 229 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Fishing – Reciprocal Angler's Licenses

FOR the purpose of clarifying the circumstances under which certain privileges of certain angler's licenses issued by certain other states apply; and generally relating to reciprocal angler's privileges.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–606
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 276 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in County Districts

FOR the purpose of authorizing Sunday sales of certain alcoholic beverages in those election districts of Garrett County in which voters approve a local referendum

in favor of Sunday sales under certain circumstances; providing for the referendum and an effective date; requiring the Board of Supervisors of Elections of Garrett County to carry out certain duties; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–512(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–512(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 308 – Delegate Vallario

AN ACT concerning

Criminal Procedure – Restitution – Priority to Victims

FOR the purpose of altering a provision of law so as to provide that payment of restitution to a victim has priority over any payments to any other person or governmental unit, subject to certain exceptions; and generally relating to restitution.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–606
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Chapter 429 of the Acts of the General Assembly of 2006)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–617(b)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 310 – Delegates Rosenberg and Cardin

~~CONSTITUTIONAL AMENDMENT~~

AN ACT concerning

~~**Elective Franchise – Youth Voter Registration and Participation in Elections**~~
Elections – Voter Registration and Voting – Age

FOR the purpose of ~~authorizing certain citizens who are less than 18 years old to register to vote; authorizing certain citizens who are less than 18 years old to vote in certain elections under certain circumstances; making stylistic changes; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.~~ altering the qualifications for voter registration to allow an individual who is at least 16 years old to register to vote; specifying that an individual under the age of 18 years may vote in certain primary elections but may not vote in any other elections; and generally relating to the age when an individual becomes qualified to register to vote and to vote.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 314 – Delegate Beitzel

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

FOR the purpose of requiring the Garrett County Board of County Commissioners to adopt certain rules, regulations, and procedures in accordance with certain requirements for the establishment of agricultural districts in Garrett County; prohibiting certain rules, regulations, and procedures adopted by the Commissioners from requiring a natural gas rights owner or lessee to subordinate its interest to the Commissioners' interest under certain circumstances; prohibiting the Maryland Agricultural Land Preservation Foundation from purchasing certain easements in Garrett County under certain circumstances; providing for the construction of this Act; defining certain terms; and generally relating to agricultural districts in Garrett County.

BY adding to
Article 25 – County Commissioners
Section 237

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 318 – Delegate Love

AN ACT concerning

Anne Arundel County – Prospective or Current Employees or Volunteers – Criminal History Records Checks

FOR the purpose of altering the requirements for the ~~Director of Administration~~ Personnel Officer of Anne Arundel County to request State and national criminal records checks from the Criminal Justice Information System Central Repository for a prospective or current employee or volunteer; requiring the ~~Director of Administration~~ Personnel Officer of Anne Arundel County to submit certain items to the Central Repository; requiring the Central Repository to forward the prospective or current employee's or volunteer's criminal history information to the prospective or current employee or volunteer and the ~~Director of Administration~~ Personnel Officer of Anne Arundel County; providing that certain information obtained from the Central Repository is confidential, may not be redisseminated, and may only be used for a certain ~~employment~~ personnel–related purpose; authorizing the subject of a certain criminal history records check to contest the contents of a certain printed statement; ~~authorizing~~ requiring the County Council to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks for prospective or current employees or volunteers in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–231
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 331 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations

FOR the purpose of altering the maximum fine that the Alcohol Beverage Board of St. Mary's County may impose for a violation of the laws as to licensing the sale of

alcoholic beverages; making certain stylistic and technical corrections; and generally relating to alcoholic beverages sales in St. Mary's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 373 – The Speaker (By Request – Administration) and Delegates McIntosh, Howard, Ali, Barve, Bronrott, Burns, Cardin, Conaway, Gaines, Glenn, Griffith, Guzzone, Haynes, Kirk, Lafferty, Montgomery, Oaks, Rosenberg, Sophocleus, Stukes, Vaughn, ~~and Walker~~ Walker, Healey, Frush, Stull, Carr, Stein, Malone, Norman, Hucker, Weir, Holmes, V. Clagett, Niemann, and Beidle

AN ACT concerning

Maryland Transit Administration – Transit–Oriented Development

FOR the purpose of establishing that the realization of certain transit–oriented development of certain property located near transit stations is a transportation purpose that is essential for the attainment of certain objectives; defining certain terms; providing for the construction of this Act; and generally relating to transit oriented development.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–101 and 7–102
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 382 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Restaurants – Percentage of Receipts from Food Sales

FOR the purpose of altering the minimum percentage of annual receipts from the sale of food required of a restaurant licensed to sell alcoholic beverages in Cecil County; and generally relating to alcoholic beverages in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–508
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 428 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Cafe License

FOR the purpose of authorizing in Harford County a Class B Cafe beer and wine license; specifying an annual license fee; specifying that the license entitles the holder to sell beer and wine for consumption on and off the premises; specifying that the license is a 7–day license with an on–premises wine tasting privilege for a certain number of days; prohibiting the Liquor Control Board from issuing more than a certain number of cafe licenses; requiring the Liquor Control Board to set a maximum and a minimum seating capacity for certain licenses; authorizing the license to be issued only if certain conditions are met; prohibiting the license from being used for certain purposes; specifying certain hours and days of sale; and generally relating to a Class B Cafe beer and wine license in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 5–201(n)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–513
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 437 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses – Additional Class B Licenses

FOR the purpose of repealing in Harford County the Class BDR (deluxe restaurant) beer, wine and liquor license and all of the privileges, location restrictions, requirements, and other provisions associated with the Class BDR license; specifying when an indirect ownership interest is presumed to exist for certain purposes; increasing the maximum number of Class B licenses that may be issued to an individual for the use of certain persons; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 6–201(n)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(k)(7)(ii) and 9–213(e) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 452 – Delegates Niemann, Holmes, Sossi, and Stein

AN ACT concerning

Landlord and Tenant – Summary Ejectment – Deceased Tenant

FOR the purpose of authorizing a landlord to bring an action for summary ejectment against a deceased, intestate tenant without next of kin under certain

circumstances; requiring a landlord bringing a certain action for summary ejectment to state in a certain written complaint that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin; establishing certain notice and service of process requirements; providing that certain property shall be presumed abandoned under certain circumstances; and generally relating to an action for summary ejectment against a deceased tenant.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–401
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 8–405
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 488 – ~~Delegate Davis~~ Delegates Davis, Anderson, Aumann, Beitzel, Boteler, Cardin, Carter, Costa, DeBoy, Eckardt, Frank, George, Griffith, Haddaway, Jennings, Lafferty, McComas, McConkey, McDonough, Miller, Morhaim, Myers, Norman, Shewell, Smigiel, Stein, Stocksdale, and Weir

EMERGENCY BILL

AN ACT concerning

Motor Vehicle Accident Reports – Access

FOR the purpose of ~~altering the period of time during which certain persons may access a certain motor vehicle accident report; authorizing owners of certain motor vehicles and property to access a certain motor vehicle accident report during a certain time following the date the motor vehicle accident occurred; requiring a person that accesses a certain motor vehicle accident report during a certain time after the motor vehicle accident occurred to present certain information to certain authorized employees; providing for certain exceptions; providing that certain persons who knowingly disclose a certain motor vehicle accident report to certain persons are subject to a certain penalty~~ prohibiting a person from accessing a certain motor vehicle accident report for certain purposes under certain circumstances; providing for a certain penalty; repealing certain provisions of law concerning access to and disclosure of a certain motor

vehicle accident report; defining certain terms; making this Act an emergency measure; and generally relating to motor vehicle accident reports.

BY repealing ~~and reenacting, with amendments,~~
Article – Transportation
Section 20–110
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–604
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10–606(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 545 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2008

FOR the purpose of repealing the off–sale privilege of a Class B beer and light wine license in Dorchester County on and after a certain date; authorizing a holder of a Class B (on–sale and off–sale) beer and light wine license in Dorchester County that is issued on or before a certain date to continue to exercise the privileges of the license and to renew the license; prohibiting the Board of License Commissioners from approving the transfer of a certain license on or before a certain date; repealing a requirement that a holder of a certain license must purchase wine from the Dorchester County Liquor Control Board Dispensaries; clarifying that certain restaurants may obtain a certain license from the Board of License Commissioners; clarifying that a certain license provides for the consumption of beer, wine, and liquor; providing certain penalties for the violation of certain requirements regarding catering events; authorizing the Board of License Commissioners to grant a special license entitling the holder to exercise certain privileges at an event conducted by a not for profit club, society, association, or organization; requiring an applicant for a special license to submit to the Board of License Commissioners a certain application on a certain form; authorizing the issuance of Class A beer and wine licenses for certain premises under certain circumstances; altering the hours of

sale for certain licenses; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–201(k), 6–201(k), 7–101(b)(6) ~~and~~, (d)(7), and (n)(2) and (3), 9–102(b–6), and 11–510(b)(10), (11), (12), and (13)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(n)(1) and 11–510(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–510(b)(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 550 – Delegate Rosenberg (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition

FOR the purpose of prohibiting a person from writing, signing, or possessing certain counterfeited documents; prohibiting a person from forging, falsifying, or counterfeiting the signature of certain persons; establishing certain penalties; providing that a certain crime is not covered by the 1–year statute of limitations for a misdemeanor; making stylistic changes; and generally relating to prohibitions on forgery of signatures and counterfeit documents.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–605
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to

Article – Criminal Law
Section 8–606.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 573 – Delegates Tarrant, DeBoy, Malone, and Stukes

AN ACT concerning

Disabled Law Enforcement Officers and Rescue Workers – Property Tax Credit

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant a certain property tax credit for certain residential real property owned by certain disabled law enforcement officers and rescue workers; defining a certain term; altering ~~a certain definition~~ certain definitions; providing for the application of this Act; and generally relating to a property tax credit for certain residential real property owned by certain disabled law enforcement officers and rescue workers.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–210
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 577 – Delegate Simmons

AN ACT concerning

Preservation of Right to Jury or Judge Trial Act

FOR the purpose of providing that any provision in ~~a~~ an insurance contract with a certain consumer that ~~requires the waiver of~~ limits or waives a trial by jury or judge by requiring certain arbitration is void and unenforceable ~~except under certain circumstances~~; providing for the application of this Act; defining a certain term; and generally relating to the preservation of the right to trial by jury or judge.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–206

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–206.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 629 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

State Ethics Law – Architectural and Engineering Services – Procurement

FOR the purpose of providing that certain persons who do not have certain design responsibilities and are not involved in the construction phase of certain procurements on behalf of the State are eligible to be part of certain teams bidding on certain construction projects under the State procurement law, subject to certain conditions; repealing certain termination provisions in law; requiring the Maryland Department of Transportation to provide certain reports; and generally relating to permissible participation in certain procurements by certain persons.

BY repealing and reenacting, with amendments,
Chapter 84 of the Acts of the General Assembly of 2004
Section 3, 7, and 8

BY repealing
Chapter 84 of the Acts of the General Assembly of 2004
Section 5

BY repealing and reenacting, with amendments,
Chapter 549 of the Acts of the General Assembly of 2006
Section 2

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–508
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 634 – Washington County Delegation

AN ACT concerning

Washington County – Board of License Commissioners – Annual Audit

FOR the purpose of requiring the Board of License Commissioners of Washington County to engage an independent certified public accounting firm to conduct an audit to express an opinion on the fair presentation of the financial statements of the Board; requiring the firm by a certain date to provide copies of the audit report to certain persons; and generally relating to the Board of License Commissioners of Washington County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 15–112(w)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 675 – Delegates King, Bromwell, Costa, Kach, Kipke, Krebs, Kullen, Love, Manno, McHale, Miller, Minnick, Ross, Schuler, Sophocleus, Tarrant, and Walker

AN ACT concerning

Criminal Law – Child Abduction by ~~Noncustodial~~ Relative ~~– Affirmative Defenses and Penalties~~

FOR the purpose of ~~creating certain affirmative defenses to certain prosecutions relating to the abduction of a child under a certain age from a certain custodian by a certain relative to a place within the State, in another state, or outside of the United States or harboring or detaining the child under certain circumstances within the State, in another state, or outside of the United States; altering certain criminal penalties~~ altering the elements of certain crimes involving the abducting, detaining, or harboring of a certain child by a relative to require a certain intent; altering certain penalties for certain crimes

involving the abducting, detaining, or harboring of a certain child by a relative under certain circumstances; and generally relating to child abduction.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Family Law
Section 9–304 ~~and~~, 9–305, and 9–307
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Family Law~~
~~Section 9–306.1~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Family Law~~
~~Section 9–307~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

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

House Bill 703 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Special Brewery Promotional Event Permit

FOR the purpose of establishing a special brewery promotional event permit; authorizing the Office of the Comptroller to issue a permit to a holder of a Class 5 manufacturer's license; authorizing a permit holder to provide certain beer samples and sell beer at a promotional event under certain circumstances; specifying certain restrictions on the frequency and duration of promotional events; providing for a certain fee; requiring a permit application be filed at a certain time; and generally relating to special brewery promotional event permits.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–206(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–206(c)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 704 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education Investment Fund – Expenditures – Base Realignment and Closure Process

FOR the purpose of authorizing moneys from the Higher Education Investment Fund to be used for certain higher education purposes related to the United States Department of Defense Base Realignment and Closure process; and generally relating to the Higher Education Investment Fund.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.6
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

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

House Bill 771 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Law Examiners in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; increasing the maximum Bar examination fee that the Court of Appeals may impose on an applicant; ~~requiring the Court of Appeals to implement the initial increase of certain fees in a certain manner; requiring the Court of Appeals to report to certain committees of the General Assembly on or~~

~~before a certain date;~~ and generally relating to the State Board of Law Examiners.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–208 and 10–218
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(38)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Performing Arts Facility
MC 806–08

FOR the purpose of altering the minimum capacity requirement to be met by a performing arts facility in Montgomery County before a special Class B–BWL alcoholic beverages license may be issued; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(q)(1)(i) and (4)(i) and (ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(q)(4)(iii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 827 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Department of Liquor Control – Sale of Items at Dispensaries and Retail Outlets
MC 817–08

FOR the purpose of authorizing certain retail dispensary stores and retail outlets in Montgomery County to sell certain items commonly associated with the serving or consumption of alcoholic beverages, but prohibiting the sale of certain other items; and generally relating to the sale in Montgomery County of items associated with alcoholic beverages.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–203(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–203(d)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 828 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Additional Class B Licenses
MC 818–08

FOR the purpose of repealing certain requirements for obtaining in Montgomery County an additional Class B beer, wine and liquor (on–sale) license for certain premises; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–102.1(a) and (b)(1) and (4)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102.1(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 899 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Special Class C License for Arts Center

FOR the purpose of authorizing the Carroll County Board of License Commissioners to issue a special Class C beer, wine and liquor license to a certain arts center in Westminster under certain conditions; and generally relating to alcoholic beverages licenses in Carroll County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 940 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements
PG/MC 102–08

FOR the purpose of authorizing, rather than requiring, the county executives of Montgomery County and Prince George's County or a designee of the county executive to conduct certain interviews of each applicant for appointment or reappointment to the Washington Suburban Sanitary Commission (WSSC);

requiring the county executives or a designee of the county executive to conduct certain interviews of applicants selected for appointment to the WSSC; authorizing a designee of the County Executive of Montgomery County to require certain applicants to produce certain documents; altering certain requirements relating to the deadline for filing of certain financial disclosure statements filed by certain applicants for appointments to the WSSC and to the Maryland–National Capital Park and Planning Commission (MNCPPC) in Montgomery County and Prince George's County; clarifying certain requirements relating to the content of certain financial disclosure statements filed by certain applicants for appointment to the WSSC and the MNCPPC; making stylistic changes; and generally relating to applications for appointments to the WSSC and the MNCPPC.

BY repealing and reenacting, with amendments,
Article 29 – Washington Suburban Sanitary District
Section 1–103
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–821
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1016 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of License Commissioners – Compensation of Board's Attorney
PG 330–08

FOR the purpose of clarifying a provision of law relating to the payment of certain legal fees to the attorney for the Prince George's County Board of License Commissioners for representing the Board in court; requiring the County Council of Prince George's County to pay the attorney for the Board up to a certain amount in a certain fiscal year under certain circumstances; providing that the payment made under this Act is in addition to the annual salary of the attorney for the Board as provided by law; stating a certain intent; providing for the termination of a certain provision of this Act; and generally relating to compensation for the attorney to the Prince George's County Board of License Commissioners.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1) and (6)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1019 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Class B–DD Alcoholic Beverages Licenses – Woodmore Towne Centre at Glenarden PG 325–08

FOR the purpose of altering the areas in Prince George's County in which a Class B–DD (Development District) 7–day beer, wine and liquor license for on–sale consumption may be issued; specifying that a Class B–DD license may be issued under certain conditions for restaurants located in a certain development district in the Woodmore Towne Centre at Glenarden; clarifying the conditions for the issuance of a certain license; making stylistic changes; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i) and (15)(i), (ii), (iii), (v), (vii), and (viii) and 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)(iv), (vi), and (ix) and 9–217(f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1020 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class A/Class 4 Light Wine Licenses
PG 322–08

FOR the purpose of authorizing a Class A light wine license to be issued in Prince George's County; exempting a winery that applies for a certain license from certain quotas; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 4–201(a) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1030 – Prince George's County Delegation

AN ACT concerning

Prince George's County – State's Attorney's Office – Composition and Salaries
PG 304–08

FOR the purpose of ~~repealing the method of determining~~ specifying the amount of the annual salary of the State's Attorney for Prince George's County ~~beginning with a~~ for certain calendar ~~year~~ years; specifying that the annual salary of the State's Attorney beginning with a certain calendar year shall equal the salary of a circuit court judge; providing that the County Executive and County Council may set the salary of the State's Attorney at a higher amount by enacting an ordinance before a certain deadline; repealing the maximum number of and maximum salary for deputy and assistant State's Attorneys for Prince George's County; specifying that the State's Attorney may appoint the number of deputy and assistant State's Attorneys that are authorized by law by the County Executive and County Council; specifying that the maximum salary for deputy and assistant State's Attorneys shall be as authorized by law by the County Executive and County Council; repealing the maximum annual salary of a certain administrative assistant to the State's Attorney; specifying that the maximum salary of a certain administrative assistant shall be as authorized by law by the County Executive and County Council; making stylistic changes; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney for Prince George's County; providing for the

construction of this Act; and generally relating to the composition of and salaries in the office of the State's Attorney for Prince George's County.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 15–417(a)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Chapter _____ (S.B. 37) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
~~Article 10 – Legal Officials~~
~~Section 40(q)(1) through (4) and (7)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~
Article – Criminal Procedure
Section 15–417(b), (c), and (d)(1)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Chapter _____ (S.B. 37) of the Acts of the General Assembly of 2008)

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

House Bill 1031 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors
PG 313–08

FOR the purpose of specifying that alcoholic beverages inspectors of the Board of License Commissioners of Prince George's County receive a certain annual salary; making certain technical changes; and generally relating to alcoholic beverages inspectors in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(6)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1045 – Delegates Gaines, Aumann, Barkley, Bronrott, DeBoy, Haynes, Healey, Jones, and F. Turner

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

FOR the purpose of requiring certain health insurance carriers to provide certain information in a certain manner to the Department of Budget and Management, at the request of the Department, about individuals who are eligible for benefits under the State Employee and Retiree Health and Welfare Benefits Program or are Program recipients; requiring certain health insurance carriers to accept the Program's right of recovery and the assignment to the Program of certain rights under certain circumstances; prohibiting certain health insurance carriers from denying or otherwise affecting a health insurance policy or contract due to the eligibility of an individual for Program benefits or receipt by an individual of benefits under the Program; defining a certain term; and generally relating to health insurance carriers and the State Employee and Retiree Health and Welfare Benefits Program.

BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 2–517
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1048 – Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Revolving Fund

FOR the purpose of repealing a requirement that certain funds be transferred in certain fiscal years from the Maryland Correctional Enterprises' revolving fund to a special fund to be used by the Maryland State Department of Education for certain purposes; and generally relating to Maryland Correctional Enterprises.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–507
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 1050 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Economic Development

FOR the purpose of adding a new article to the Annotated Code of Maryland, to be designated and known as the "Economic Development Article", to revise, restate, and recodify the laws of the State relating to the Department of Business and Economic Development and its component parts and programs, including the Maryland Economic Development Commission, the Office of International Trade, the Partnership for Workforce Quality, the Maryland Advisory Commission on Manufacturing Competitiveness, the Division of Tourism, Film, and the Arts, the Maryland Tourism Development Board, the Maryland Film Office, the Maryland State Arts Council, the Maryland Public Art Initiative Program, the Maryland Life Sciences Advisory Board, the Enterprise Fund and enterprise zones, Foreign Trade Zones, Maryland Economic Adjustment Fund, the Maryland Economic Development Assistance Authority and Fund, the Maryland Industrial Development Financing Authority, the Maryland Small Business Development Financing Authority, the Film Production Rebate Fund, the Rural Broadband Assistance Fund, the Dredged Material Disposal Alternatives Program, the Military Reservists and Service–Related No–Interest Loan Program, tax incentives for film production activities, job creation tax credits, and One Maryland start–up and project tax credits; revising, restating, and recodifying the laws of the State relating to certain independent economic development units and programs, including the Maryland Economic Development Corporation, the Maryland Food Center Authority, the Maryland Health and Higher Educational Facilities Authority, the Maryland Technology Development Corporation, the Maryland Stem Cell Research Program, the Maryland Agricultural and Resource–Based Industry Development Corporation, the Maryland Stadium Authority, the Maryland Venture Capital Trust, the Base Realignment and Closure Subcabinet, the Maryland Military Installation Council, the PenMar Development Corporation,

the Bainbridge Development Corporation, local redevelopment authorities for military installations, the Appalachian Regional Development Program, the Southern States Energy Board, the Baltimore Metropolitan Council, the Rural Maryland Council, the Tri–County Council for Southern Maryland, the Tri–County Council for Western Maryland, the Tri–County Council for the Lower Eastern Shore of Maryland, the Mid–Shore Regional Council, the Upper Shore Regional Council, the Rural Broadband Coordination Program; revising, restating, and recodifying the laws of the State relating to certain economic development financing programs, including economic development revenue bonds, tax increment financing, redevelopment bonds, and industrial development bonds; repealing certain obsolete provisions; transferring certain obsolete provisions to the Session Laws; defining certain terms; providing for the construction and application of this Act; providing for the continuity of certain units and the terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interests, licenses, registrations, certifications, and permits; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the laws of the State concerning economic development.

BY repealing
Article 20 – Tri–County Council for Southern Maryland
In its entirety
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 20A – Tri–County Council for Western Maryland
In its entirety
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 20B – Tri–County Council for the Lower Eastern Shore of Maryland
In its entirety
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 20C – Mid–Shore Regional Council
In its entirety
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 20D – Upper Shore Regional Council
In its entirety

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 23 – Miscellaneous Companies
Section 466 through 469, inclusive, and the subheading "Foreign Trade Zones"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 41 – Governor – Executive and Administrative Departments
Section 13–101 through 13–120, inclusive, and 13–123 and the subtitle "Subtitle 1. Maryland Food Center Authority"; 13–501 through 13–512, inclusive, and the subtitle "Subtitle 5. Maryland Agricultural and Resource–Based Industry Development Corporation"; 14–101 through 14–109, inclusive, and the subtitle "Subtitle 1. Maryland Economic Development Revenue Bond Act"; 14–201 through 14–214, inclusive, and the subtitle "Subtitle 2. Tax Increment Financing Act"; 14–801 through 14–812, inclusive, and the subtitle "Subtitle 8. Redevelopment Bond Act"; 15–101 through 15–110, inclusive, and the title "Title 15. Rural Maryland Council"; 16–101 through 16–114, inclusive, and the title "Title 16. Southern States Energy Compact" and the subtitle "Subtitle 1. Compact Provisions"; and 21–101 through 21–103, inclusive, and the title "Title 21. Rural Broadband Coordination"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 43C – Maryland Health and Higher Educational Facilities Authority
In its entirety
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 45A – Industrial Bonds
In its entirety
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 78D – Baltimore Metropolitan Council
Section 1 through 6, inclusive
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 83A – Department of Business and Economic Development

Section 1–101 and the title "Title 1. Maryland Economic Development Commission" and the subtitle "Subtitle 1. Definitions"; 1–201 through 1–204 and the subtitle "Subtitle 2. Creation and Duties"; 2–101 through 2–106 and the title "Title 2. Department Established and Organized"; 3–101 and the title "Title 3. Business Development and Objectives" and the subtitle "Subtitle 1. Objectives"; 3–201 through 3–203 and the subtitle "Subtitle 2. General Duties"; 3–301 and 3–302 and the subtitle "Subtitle 3. Office of International Trade"; 3–601 and the subtitle "Subtitle 6. Coordination of Programs"; 3–701 through 3–704 and the subtitle "Subtitle 7. Partnership for Workforce Quality"; 3–801 through 3–804 and the subtitle "Subtitle 8. Maryland Advisory Commission on Manufacturing Competitiveness"; 4–101 through 4–105 and the title "Title 4. Division of Tourism, Film, and the Arts" and the subtitle "Subtitle 1. Division Established"; 4–201 through 4–208 and the subtitle "Subtitle 2. Maryland Tourism Development Board"; 4–401 through 4–404 and the subtitle "Subtitle 4. Maryland Film Office"; 4–501 and the subtitle "Subtitle 5. Film Production Activity Tax Exemptions"; 4–601 through 4–605, 4–606(a)(2) through (7) and (b) through (d), 4–607(a)(2) through (11) and (b), 4–608, and 4–609 and the subtitle "Subtitle 6. Maryland State Arts Council"; 4–6A–01 through 4–6A–04 and the subtitle "Subtitle 6A. Maryland Public Art Initiative Program"; 4–701 through 4–703 and the subtitle "Subtitle 7. Arts and Entertainment Districts"; 5–101 through 5–105 and the title "Title 5. Economic Development and Financial Assistance Programs" and the subtitle "Subtitle 1. General Provisions"; 5–201 through 5–217 and the subtitle "Subtitle 2. Maryland Economic Development Corporation"; 5–2A–01 through 5–2A–09 and the subtitle "Subtitle 2A. Maryland Technology Development Corporation"; 5–2B–01 through 5–2B–13 and the subtitle "Subtitle 2B. Maryland Stem Cell Research Program"; 5–2C–01 through 5–2C–03 and the subtitle "Subtitle 2C. Maryland Life Sciences Advisory Board"; 5–301 through 5–309 and the subtitle "Subtitle 3. Maryland Venture Capital Trust"; 5–401 through 5–405 and the subtitle "Subtitle 4. Enterprise Zones"; 5–501 through 5–503 and the subtitle "Subtitle 5. Enterprise Fund"; 5–901 through 5–913, 5–914(b) through (f), and 5–915 through 5–933 and the subtitle "Subtitle 9. Maryland Industrial Development Financing Authority"; 5–1001 through 5–1048 and the subtitle "Subtitle 10. Maryland Small Business Development Financing Authority"; 5–1101 through 5–1103 and the subtitle "Subtitle 11. Job Creation Tax Credit"; 5–1201 through 5–1210 and the subtitle "Subtitle 12. PenMar Development Corporation"; 5–1401 through 5–1412 and the subtitle "Subtitle 14. Maryland Economic Development Assistance Authority and Fund"; 5–1501(a) through (d), (f) through (h), and (e)(1), (3), and (4) and the subtitle "Subtitle 15. One Maryland Economic Development Tax Credits"; 5–1601 through 5–1609 and the subtitle "Subtitle 16. Bainbridge Development Corporation"; 5–1701 through 5–1711 and the subtitle "Subtitle 17. Local Redevelopment Authorities"; 5–1801 through 5–1807 and the subtitle "Subtitle 18. Film Production

Rebate Fund"; 5–1901 and 5–1902 and the subtitle "Subtitle 16. Rural Broadband Assistance Fund"; 6–501 through 6–512 and the title "Title 6. Miscellaneous Statewide Development and Assistance Programs" and the subtitle "Subtitle 5. Maryland Economic Adjustment Fund"; 6–701 and 6–702 and the subtitle "Subtitle 7. Appalachian Regional Development Program"; 6–801 and 6–802 and the subtitle "Subtitle 8. Dredged Material Disposal Alternatives Program"; and 6–901 and the subtitle "Subtitle 9. Military Reservists and Service–Related No–Interest Loan Program"

Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article – Financial Institutions
Section 13–701 through 13–724, inclusive, and the subtitle "Subtitle 7. Maryland Stadium Authority"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Government
Section 9–802
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Chapter 138 of the Acts of the General Assembly of 1998, as amended by Chapter 204 of the Acts of the General Assembly of 2003 and Chapter 445 of the Acts of the General Assembly of 2005
Section 12

BY adding
New Article – Economic Development
Section 1–101 through 14–103, inclusive, and the various titles
Annotated Code of Maryland

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–567(a) and 11–302(a)(4)(iii)
Annotated Code of Maryland
(As enacted by Section 2 of this Act)

BY repealing and reenacting, with amendments, and transferring to the Session Laws
Article 41 – Governor – Executive and Administrative Departments
Section 13–121 and 13–122
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session Laws
Article 78D – Baltimore Metropolitan Council
Section 7
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session Laws
Article 83A – Department of Business and Economic Development
Section 4–606(a)(1), 4–607(a)(1), 5–914(a), and 5–1501(e)(2)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article – Economic Development
Title 4, Subtitle 6, and the subtitle "Subtitle 6. Maryland Public Art Initiative Program"; Title 5, Subtitle 11 and the subtitle "Subtitle 11. Rural Broadband Assistance Fund"; Title 11, Subtitle 1 and the subtitle "Subtitle 1. Base Realignment and Closure Subcabinet"; Title 11, Subtitle 2 and the subtitle "Subtitle 2. Maryland Military Installation Council"; and Title 13, Subtitle 5 and the subtitle "Subtitle 5. Rural Broadband Coordination Board"
Annotated Code of Maryland
(As enacted by Section 2 of this Act)

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

House Bill 1086 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Administrative Proceedings and Fines

FOR the purpose of adding the City of Annapolis to the list of jurisdictions in which the granting of probation before judgment to an alcoholic beverages licensee for selling or furnishing alcoholic beverages to an underaged individual does not bar the Board of License Commissioners from proceeding administratively against the licensee for the violation; altering a certain fine that the City of Annapolis may impose for a certain alcoholic beverages violation; and generally relating to alcoholic beverages in the City of Annapolis.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 12–108(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–108(f) and 16–507(c)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1087 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Catering, Stadium, and Sidewalk Café Licenses

FOR the purpose of authorizing the Board of License Commissioners of Washington County to issue a caterer's license to certain alcoholic beverages licensees; specifying the privileges conferred by the caterer's license; specifying certain requirements that a holder of a caterer's license must meet; authorizing the Board to issue a stadium license to certain persons; specifying the privileges conferred by the stadium license and requirements to be met by a stadium license holder; authorizing the Board to issue a sidewalk café license to certain persons; specifying the privileges conferred by a sidewalk café license; requiring the holder of a sidewalk café license to meet certain requirements; providing certain fees and the hours of sale for certain licenses; defining certain terms; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Washington County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 6–709, 6–710, and 6–711, respectively
to be Section 6–710, 6–711, and 6–712, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–709
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–222
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1225 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Licenses Held by Revenue Authority for Public Golf Courses
MC 807–08

FOR the purpose of authorizing the Executive Director of the Montgomery County Revenue Authority or the Executive Director's designee to hold certain alcoholic beverages licenses for the limited use of public golf courses that are under the jurisdiction of the Revenue Authority; specifying that certain licenses be signed by the Executive Director or the Executive Director's designee; requiring the Executive Director or the Executive Director's designee to designate individuals to complete certain training; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102.2
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1338 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Garrett County, from time to time, to borrow not more than ~~$10,000,000~~ $21,000,000 in order to finance, with certain restrictions, certain projects in Garrett County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the

County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; authorizing the County to enter into certain agreements; providing a certain exemption from taxation for certain bonds; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds or refunding bonds, if the interest on or income derived from the bonds is not exempt from State, local, or other taxation in the State; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

INTRODUCTION OF BILLS

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1001 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – NACA Education and Community Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $1,000,000, the proceeds to be used as a grant to the Board of Directors of The Freedom and Democracy Schools Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1002 – Senator Conway

AN ACT concerning

State Government – Audit of Procurements by the Maryland Stadium Authority and Selected Higher Education Institutions

FOR the purpose of requiring the Legislative Auditor to conduct a fiscal/compliance audit of certain procurements during certain fiscal years by the Maryland Stadium Authority and certain institutions of higher education; requiring the Legislative Auditor to submit the results of the audit to the Legislative Policy Committee and to certain committees of the General Assembly in accordance with certain provisions of law; defining certain terms; providing for the termination of this Act; and generally relating to a fiscal/compliance audit of certain entities of State government with regard to certain procurement.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(b), (e), (f), (i), and (m)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1220(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 2–1220.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senator Astle moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1003 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Class H–EX Licenses

FOR the purpose of establishing in Anne Arundel County a Class H–EX beer and light wine license and a Class H–EX beer, wine and liquor license; specifying that the licenses are for use in hotels; specifying that applicants for the licenses and the hotels for which the licenses are sought need not meet certain requirements; specifying certain privileges that holders of each license may exercise; providing certain annual license fees; and generally relating to alcoholic beverages in Anne Arundel County.

BY adding to
Article 2B – Alcoholic Beverages
Section 5–202(h) and 6–201(c)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senator Jones moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1004 – Senator Jones

AN ACT concerning

State Individual Income Tax – Surcharge on Higher Incomes

FOR the purpose of altering the rates and rate brackets under the State income tax on individuals for certain taxable years; requiring the Comptroller to waive certain interest and penalties for a certain taxable year to a certain extent; providing for the application of this Act; and generally relating to the Maryland income tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–105(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

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

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointment and recommends that the Senate of Maryland advise and consent to this appointment.

Delores G. Kelley
Chairman

State Police, Secretary of

1. Terrence B. Sheridan
8507 Marblehead Road
Lutherville, MD 21093

Secretary of Maryland State Police; appointed to serve at the pleasure of the Governor

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?

Senator Kelley moved, duly seconded, to make the Nomination a Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 600 – Senators Conway, Della, Dyson, Exum, Frosh, Garagiola, Gladden, Kelley, Middleton, Muse, and Stone

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0600/494537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 600
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "students;" insert "authorizing certain screenings in accordance with certain policies;".

AMENDMENT NO. 2

On page 2, in line 9, strike "the" and substitute "**:**

(I) THE";

in line 10, after "Board" insert "**; OR**

(II) POLICIES ADOPTED BY A COUNTY BOARD OR A COUNTY HEALTH DEPARTMENT";

in line 17, after "**THE**" insert "**COUNTY**"; and in line 18, after the first "**THE**" insert "**COUNTY HEALTH**".

The preceding 2 amendments were read only.

Senator Conway moved, duly seconded, to make the Bill and Amendments a Special Order for March 10, 2008.

The motion was adopted.

Senate Bill 166 – Senators Haines, Colburn, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

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

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for March 10, 2008.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #6
March 7, 2008

Administrative Hearings, Office of

1. Thomas E. Dewberry

   Judge of the Office of Administrative Hearings; reappointed to serve a term of six years from January 1, 2008

District Court, Baltimore City (District 1)

2. John R. Hargrove, Jr.

   Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of 10 years from June 24, 2008

District Court, Baltimore County (District 8)

3. Robert J. Steinberg

   Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from June 2, 2008

District Court, Cecil County (District 3)

4. Stephen James Baker

   Judge of the District Court of Maryland, District 3, Cecil County; reappointed to serve a term of ten years from April 4, 2008

District Court, Prince George's County (District 5)

5. Thurman Haywood Rhodes

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from May 3, 2008

6. Joel David Worshtil

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from January 9, 2008

Airport Zoning Appeals Board

7. Michael P. Ertel, Sr.
505 West Joppa Road
Towson, MD 21204

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2006

8. Philip A. Selden
7040 Wilson Lane
Bethesda, MD 20817

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2007

9. Jeffrey Utzinger
1262 Vogt Avenue
Baltimore, MD 21227

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2008

Amusement Ride Safety Board

10. Curtis G. Collins, Sr.
9221 Old Court Road
Windsor Mill, MD 21244

Member of the Amusement Ride Safety Board; appointed to serve a term of four years from July 1, 2006

Arts Council, Maryland State

11. Susanna Nemes
18303 Wickham Road
Olney, MD 20832

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2008

Aviation Commission, Maryland

12. Maurice A. Bellan
4450 Cross Country Drive
Ellicott City, MD 21042

Member of the Maryland Aviation Commission; appointed to serve a term of three years from October 1, 2008

13. William P. Wentworth
7 Trinity Place
Ocean Pines, MD 21811

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2008

Boiler Rules, Board of

14. Leonard Billian
P.O. Box 1387
Brooklandville, MD 21022

Member of the Board of Boiler Rules; appointed to serve a term of four years from January 1, 2008

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

15. Sadara B. Barrow
4313 Newton Street
Colmar Manor, MD 20722

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2006

Correctional Standards, Commission on

16. Robert Lester Green
10905 Honeyfield Road

Williamsport, MD 21795

Member of the Commission on Correctional Standards; appointed to serve a term of three years from July 1, 2006

Dietetic Practice, State Board of

17. Sharon Bunch
2105 Woodbourne Avenue
Baltimore, MD 21214

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2005

18. Sandra Elizabeth Kick
11 Tenby Court
Timonium, MD 21093

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2006

Economic Development Commission, Maryland

19. Robert N. Smelkinson
4603 Kerneway
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2007

20. Walter Allen Tilley, III
68 Crystal Court
Bel Air, MD 21014

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2006

Economic Development Corporation Board of Directors, Maryland

21. Douglas M. Hoffberger
5602 Waycrest Lane
Baltimore, MD 21210

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2007

Education, State Board of

22. Ivan C.A. Walks, M.D.
12408 Bacall Lane
Potomac, MD 20854

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2008

23. Catherine B. Walsh
19 1/2 Saint Timothy's Lane
Catonsville, MD 21228

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2008

Emergency Number Systems Board

24. William Arthur Frazier
29 Willow Lane
La Plata, MD 20646

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2006

Environmental Sanitarian Registration, State Board of

25. Pamela Engle
914 Dunellen Drive
Towson, MD 21286

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2005

26. Robert W. Sheesley
8354 Chestnut Farm Lane
Ellicott City, MD 21043

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2004

Fire-Rescue Education and Training Commission

27. David L. Stokes
5794 Brooks Woods Road
Lothian, MD 20711

Member of the Fire-Rescue Education and Training Commission; appointed to serve remainder of a term of four years from July 1, 2005

Labor Relations Board, State

28. Homer C. La Rue, Esquire
6122 Triangle Drive
Columbia, MD 20144

Member of the State Labor Relations Board; appointed to serve a term of six years from July 1, 2007

Port Commission, Maryland

29. Theodore G. Venetoulis
24 Woodward Lane
Lutherville, MD 21093

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2007

St. Mary's College Board of Trustees

30. Walton Irwin
1301 U Street, NW
Washington, DC 20009

Member of the St. Mary's College Board of Trustees; appointed to serve remainder of a term of six years from June 1, 2005

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Agriculture, Board of Review of the Department of

S-1. Jeffrey W. Griffith
5643 Greenock Road
Lothian, MD 20711

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2008

S-2. Stephen T. Reeves
P.O. Box 797

Chaptico, MD 20621

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2008

S-3. Barbara R. Thompson
43865 Thompson Farm Lane
Hollywood, MD 20636

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2008

Airport Zoning Appeals Board

S-4. Laura L. Barrientos
1714 Sulgrave Avenue
Baltimore, MD 21209

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2008

Amusement Ride Safety Board

S-5. John H. Hunt, Jr.
3242 Sharp Road
Glenwood, MD 21738

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2008

Arts Council, Maryland State

S-6. Malinda B. Small
1407 Brewer Neck Road
Pasadena, MD 21122

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2008

Aviation Commission, Maryland

S-7. Calman J. Zamoiski, Jr.
10 East Lee Street
Baltimore, MD 21202

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2008

Boiler Rules, Board of

S-8. Carey M. Dove
1040 Old Woodbine Road
Woodbine, MD 21797

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2008

S-9. Ashwani Kumar Gupta, Ph.D.
P.O. Box 773
College Park, MD 20740

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2008

Correctional Standards, Commission on

S-10. Howard Ray, Jr.
308 Lord Byron Lane, Apt. T3
Cockeysville, MD 21030

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2008

S-11. J. Michael Stouffer
13733 Franks Run Road
Smithsburg, MD 21783

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2008

Correctional Training Commission

S-12. John R. Dixon
2809 Boston Street, #364
Baltimore, MD 21224

Member of the Correctional Training Commission; reappointed to serve a term of three years from July 1, 2008

Dietetic Practice, State Board of

S-13. Paul Edward Araujo, Ph.D.
419 Sanders Street
Baltimore, MD 21230

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2008

S-14. Doris F. Henning
606 Meyers Drive
Catonsville, MD 21228

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2008

S-15. Debra D. Schulze
11303 Country Club Road
New Market, MD 21774

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2008

Economic Development Corporation Board of Directors, Maryland

S-16. Barbara G. Buehl
20020 Potomac Overlook
Oldtown, MD 21555

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2008

S-17. Leonard R. Sachs
3522 Englemeade Road
Baltimore, MD 21208

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2008

Engineers, State Board of Stationary

S-18. Loretta Johnson
3207 Greenmead Road
Baltimore, MD 21244

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2008

S-19. Kevin J. McLeod
20112 Darlington Drive
Montgomery Village, MD 20886

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2008

S-20. Harold E. Norris
21 Stuart Mills Place
Baltimore, MD 21244

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2008

Environmental Sanitarian Registration, State Board of

S-21. William E. Peterson, Jr.
32212 Bonhill Drive
Salisbury, MD 21804

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2008

Master Electricians, State Board of

S-22. Peter E. Bowers
4417 Standford Street
Chevy Chase, MD 20815

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2008

S-23. Arthur Turner Brown
9275 Bay View Place
Nanjemoy, MD 20662

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2008

S-24. William O. Jones
3800 Viser Court
Bowie, MD 20715

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2008

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 326)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #13

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

Senate Bill 42 – Senator Frosh

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

SB0042/618875/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 42
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh, Brochin, Forehand, Muse, and Raskin".

AMENDMENT NO. 2

On page 1, in line 5, after the semicolon insert "requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to provide for the safe storage of the firearm; providing for the retaking of surrendered firearms by the respondent under certain circumstances;"; in line 6, strike "temporary"; and after line 11 insert:

"BY adding to

Article – Family Law
Section 4-506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 3
On page 3, after line 23, insert:

"**4-506.1.**

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4-505 OR § 4-506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) PROVIDE FOR THE SAFE STORAGE OF THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) (1) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A TEMPORARY PROTECTIVE ORDER UNLESS:

(I) THE RESPONDENT IS ORDERED TO SURRENDER THE FIREARM IN A PROTECTIVE ORDER ISSUED UNDER § 4–506 OF THIS SUBTITLE; OR

(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

(2) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A FINAL PROTECTIVE ORDER UNLESS:

(I) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4–507(A)(2) OF THIS SUBTITLE; OR

(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.".

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 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

SB0269/808179/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "system;" in line 7 and substitute "altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle;".

AMENDMENT NO. 2

On page 6, in line 16, strike "10" and substitute "**12**".

On page 17, in line 12, strike "**10**" and substitute "**12**".

AMENDMENT NO. 3

On page 8, in line 13, strike the brackets; and in the same line, strike "**$75**".

On page 18, in line 20, strike "**$75**" and substitute "**$40**".

AMENDMENT NO. 4

On page 6, in line 26, strike "**12**" and substitute "**5**".

The preceding 4 amendments were read only.

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

The motion was adopted.

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

Senate Bill 293 – Senators Frosh and Gladden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans' Court Judges – Qualifications

SB0293/728176/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 293
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "under certain circumstances"; and in line 6, after "for" insert "certain other".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "**IF**" in line 24 on page 1 down through "**REQUESTS,**" in line 1 on page 2.

On page 2, in line 3, strike "**THAT CITY OR COUNTY**" and substitute "**BALTIMORE CITY OR A COUNTY**".

The preceding 2 amendments were read only.

Senator Exum moved, duly seconded, to make the Bill and Amendments a Special Order for March 10, 2008.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #12

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

Senate Bill 270 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, and Stone

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

SB0270/827473/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 270
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Astle, Exum, Garagiola, Haines, and Klausmeier"; in line 5, strike "subprime" and substitute "mortgage"; in line 7, after "loans;" insert "repealing certain provisions of law that establish a certain presumption about a borrower's ability to repay a loan;"; in line 8, after "include" insert "consideration of a certain debt to income ratio and"; in the same line, after "income" insert "and assets"; strike beginning with "providing" in line 10 down through "credit;" in line 12; in line 17, after "applicants" insert "and licensees"; strike beginning with "requiring" in line 23 down through "work;" in line 24; in line 26, after "felonies;" insert "requiring the Commissioner to conduct certain studies; requiring the Commissioner to report certain findings and recommendations on or before a certain date;"; and in line 27, strike "a certain definition" and substitute "certain definitions; altering a certain definition".

On page 2, in line 11, strike "12-905(g),"; in line 27, strike "11–506(a) and (d)" and substitute "11–506(d)"; and in line 33, after "11–503.1," insert "11–508.1,".

AMENDMENT NO. 2

On page 3, in line 9, strike "**(1)**"; in the same line, after "**SECTION**" insert a comma; strike beginning with the first "**THE**" in line 9 down through "**(4)**" in line 17; and in line 17, strike "**MORTGAGE**" and substitute "**MORTGAGE**".

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 10 on page 4, inclusive.

On page 5, in line 6, strike "**(1)**"; in lines 6 and 8, in each instance, strike "**SUBPRIME**" and substitute "**MORTGAGE**"; strike in their entirety lines 10 through 14, inclusive; in line 23, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 24, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in the same line, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**"; in line 27, after "(3)" insert "**(I)**"; after line 28, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

strike in their entirety lines 29 through 31, inclusive; in line 32, strike "(1)"; and in line 33, after the second "the" insert "**MORTGAGE**".

On page 6, strike in their entirety lines 1 through 5, inclusive; in line 11, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 12, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD-PARTY**"; in line 14, after "**ACCEPTABLE**" insert "**THIRD-PARTY**"; strike beginning with "**A**" in line 15 down through "**BORROWER**" in line 16 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W-2**"; in line 17, strike "**FEDERAL**"; in line 19, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; strike beginning with "**A**" in line 20 down through "**EMPLOYER**" in line 21 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD-PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION";

in lines 30 and 31, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 31, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; and in lines 31 and 32, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**".

On page 7, in line 4, after "**(5)**" insert "**(I)**"; after line 5, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

strike in their entirety lines 6 through 8, inclusive; in line 27, strike "(1)"; and in line 28, after the second "the" insert "**MORTGAGE**".

On page 8, strike in their entirety lines 3 through 7, inclusive; in line 13, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 14, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD-PARTY**"; in line 16, after "**ACCEPTABLE**" insert "**THIRD-PARTY**"; strike beginning with "**A**" in line 17 down through "**BORROWER**" in line 18 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W-2**"; in line 19, strike "**FEDERAL**"; in line 21, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 22 down

through "**EMPLOYER**" in line 23 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD-PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 9, in lines 9 and 10, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 10, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in line 11, strike "**IT IS ORIGINATED**" and substitute "**THE SECONDARY MORTGAGE LOAN IS APPROVED BY THE LENDER**"; strike in their entirety lines 16 through 18, inclusive; in line 19, strike "(1)"; strike in their entirety lines 25 through 29, inclusive; in line 35, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 36, after "**INCOME**" insert "**AND ASSETS**"; and in the same line, after "**OF**" insert "**THIRD-PARTY**".

On page 10, in line 3, after "**ACCEPTABLE**" insert "**THIRD-PARTY**"; strike beginning with "**A**" in line 4 down through "**BORROWER**" in line 5 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W-2**"; in line 6, strike "**FEDERAL**"; in line 8, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 9 down through "**EMPLOYER**" in line 10 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD-PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A SECONDARY MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 11, strike in their entirety lines 15 through 17, inclusive; in lines 21 and 22, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 22, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in lines 22 and 23, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**"; in line 25, after "**(3)**" insert "**(I)**"; after line 26, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

and in line 27, strike "**(1)**".

On page 12, strike in their entirety lines 1 through 5, inclusive; in line 7, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 8, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD-PARTY**"; in line 10, after "**ACCEPTABLE**" insert "**THIRD-PARTY**"; strike beginning with "**A**" in line 11 down through "**BORROWER**" in line 12 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W-2**"; in line 13, strike "**FEDERAL**"; in line 15, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 16 down through "**EMPLOYER**" in line 17 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD-PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 12, in lines 26 and 27, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 27, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; and in lines 27 and 28, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**".

On page 13, in line 1, after "**(5)**" insert "**(I)**"; after line 2, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

in line 3, strike "(1)"; strike in their entirety lines 9 through 13, inclusive; in line 19, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 20, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD-PARTY**"; in line 22, after "**ACCEPTABLE**" insert "**THIRD-PARTY**"; strike beginning with "**A**" in line 23 down through "**BORROWER**" in line 24 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W-2**"; in line 25, strike "**FEDERAL**"; in line 27, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 28 down through "**EMPLOYER**" in line 29 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD-PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

AMENDMENT NO. 3

On page 15, strike in their entirety lines 2 through 28, inclusive.

On page 18, in line 7, strike "**$1,000,000**" and substitute "**$750,000**"; and after line 17, insert:

"**11-508.1.**

(A) AN APPLICANT FOR A NEW LICENSE OR FOR THE RENEWAL OF A LICENSE SHALL SATISFY THE COMMISSIONER THAT THE APPLICANT OR LICENSEE HAS, AND AT ALL TIMES WILL MAINTAIN, A MINIMUM NET WORTH COMPUTED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES:

(1) IN THE CASE OF AN APPLICANT OR LICENSEE THAT DOES NOT LEND MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF $25,000; AND

(2) IN THE CASE OF AN APPLICANT OR LICENSEE THAT LENDS MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF:

(I) $25,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE NO MORE THAN $1,000,000 SECURED BY RESIDENTIAL REAL PROPERTY;

(II) $50,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $1,000,000 BUT NO MORE THAN $5,000,000 SECURED BY RESIDENTIAL REAL PROPERTY;

(III) $100,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $5,000,000 BUT NO MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY; AND

(IV) $250,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY.

(B) (1) THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION MAY BE SATISFIED BY THE APPLICANT OR LICENSEE HAVING:

(I) CASH ON DEPOSIT WITH A BANK OR DEPOSITORY INSTITUTION;

(II) A LINE OF CREDIT FROM A BANK OR DEPOSITORY INSTITUTION;

(III) OTHER ASSETS; OR

(IV) A COMBINATION OF CASH, A LINE OF CREDIT, OR OTHER ASSETS.

(2) IF CASH IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER A BANK LETTER VERIFYING:

(I) THE ACCOUNT BALANCE;

(II) THE TYPE OF ACCOUNT IN WHICH THE FUNDS ARE HELD; AND

(III) THAT THE FUNDS ARE NOT ENCUMBERED OR HYPOTHECATED IN ANY WAY.

(3) IF A LINE OF CREDIT IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER A COPY OF THE LINE OF CREDIT AGREEMENT AND PROMISSORY NOTE.".

On page 19, in line 31, after "**REGULATION;**" insert "**AND**".

On page 20, strike beginning with "**; AND**" in line 3 down through "**LICENSEE**" in line 6.

AMENDMENT NO. 4

On page 22, after line 7, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the feasibility of conducting examinations of mortgage lender licensees using a risk-based approach rather than a fixed schedule approach.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the use of a call feature in which a mortgage loan contains a provision that permits the lender or credit grantor, in its sole discretion, absent a default or failure of the borrower to abide by the material terms of the mortgage loan, to accelerate the indebtedness of a mortgage loan.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2-1246 of the State

Government Article, to the Senate Finance Committee and the House Economic Matters Committee.";

and in line 8, strike "4." and substitute "6.".

The preceding 4 amendments were read only.

Senator V. Jones moved, duly seconded, to make the Bill and Amendments a Special Order for March 10, 2008.

The motion was adopted.

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

Senate Bill 328 – Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

SB0328/717979/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 328
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Act;" insert "providing that a part-time worker is not considered to be unemployed if the part-time worker is working all hours for which the part-time worker is available; defining a certain term;"; after line 10, insert:

"BY renumbering
Article – Labor and Employment
Section 8-101(u), (v), (w), (x), and (y), respectively
to be Section 8–101(v), (w), (x), (y), and (z), respectively
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment
Section 8–101(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 8–101(u)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)";

and in line 13, after "Section" insert "8–801 and".

On page 2, in line 7, after "That" insert "Section(s) 8–101(u), (v), (w), (x), and (y), respectively, of Article – Labor and Employment of the Annotated Code of Maryland be renumbered to be Section(s) 8–101(v), (w), (x), (y), and (z), respectively.

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

On page 3, in lines 17 and 20, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

AMENDMENT NO. 2
On page 2, in line 5, after "benefits;" insert "and

WHEREAS, The achievement of employment security requires protection against unemployment directly attributable to, arising from, or connected with a part–time worker's employment;".

AMENDMENT NO. 3
On page 2, after line 8, insert:

"8–101.

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

(U) "PART-TIME WORKER" MEANS AN INDIVIDUAL:

(1) WHOSE AVAILABILITY FOR WORK IS RESTRICTED TO PART-TIME WORK; AND

(2) WHO WORKS PREDOMINANTLY THROUGHOUT THE YEAR ON A PART-TIME BASIS FOR AT LEAST 15 HOURS PER WEEK.

8–801.

(a) To be eligible for benefits, an individual who files a claim for benefits shall be unemployed.

(b) An individual is considered to be unemployed in any week during which the individual:

(1) does not perform work for which wages are payable; or

(2) performs less than full–time work for which wages payable are less than the weekly benefit amount that would be assigned to the individual plus allowances for dependents.

(C) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION, A PART-TIME WORKER IS NOT CONSIDERED TO BE UNEMPLOYED IF THE PART-TIME WORKER IS WORKING ALL HOURS FOR WHICH THE PART-TIME WORKER IS AVAILABLE.";

strike beginning with "**AN**" in line 22 down through the second "**WORK**" in line 23 and substitute "**A PART-TIME WORKER**"; in line 24, strike "**INDIVIDUAL**" and substitute "**PART-TIME WORKER**"; and in line 30, strike "**INDIVIDUAL'S**" and substitute "**PART-TIME WORKER'S**".

On page 3, in line 2, strike "**INDIVIDUAL'S**" and substitute "**PART-TIME WORKER'S**"; and in the same line, strike "**TO**" and substitute "**FOR**".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 347 – Senators Middleton and Astle

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

Senator Colburn moved, duly seconded, to make the Bill and Report a Special Order for March 11, 2008.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 327)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 548 – Senator Gladden

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

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

Affirmative – 45 Negative – 0 (See Roll Call No. 328)

The Bill was then sent to the House of Delegates.

Senate Bill 556 – Senator Gladden

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

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

Affirmative – 45 Negative – 0 (See Roll Call No. 329)

The Bill was then sent to the House of Delegates.

Senate Bill 571 – Senator Astle

AN ACT concerning

Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties

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

Affirmative – 45 Negative – 0 (See Roll Call No. 330)

The Bill was then sent to the House of Delegates.

Senate Bill 711 – Senator Lenett

AN ACT concerning

Truth in Music Advertising Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 331)

The Bill was then sent to the House of Delegates.

Senate Bill 735 – Senators Miller, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Dyson, Edwards, Forehand, Frosh, Garagiola, Gladden, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, and Glassman

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 332)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 213 – The President (By Request – Administration) and Senators Frosh, Garagiola, Gladden, King, Madaleno, Peters, Pinsky, Raskin, ~~and~~ Robey, Conway, Dyson, Lenett, Rosapepe, Harrington, Colburn, and Harris

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 333)

The Bill was then sent to the House of Delegates.

Senate Bill 428 – Senators Pinsky, Raskin, Conway, Della, King, Lenett, and Madaleno

AN ACT concerning

Education – Military Recruiters – Student Contact Information – Opportunity to Opt Out

Senator Stoltzfus moved, duly seconded, to make the Bill a Special Order for March 10, 2008.

The motion was adopted.

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, and Raskin

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

Senator Klausmeier moved, duly seconded, to place **Senate Bill 533** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0533/793528/1

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 533
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Education – Financial Literacy – Task Force Study and Curriculum Development"; in line 11, after "Assembly;" insert "requiring the State Superintendent of Schools, in conjunction with county superintendents of education, to develop curriculum content for a certain course in financial literacy; providing that a certain curriculum content may include certain instruction; requiring certain county boards of education to submit a certain report to the State Superintendent on certain curriculum content in certain high schools on or before a certain date each year; requiring the State Superintendent to submit a certain report to certain committees of the General Assembly on or before a certain date each year;"; in line 11, after "of" insert "certain provisions of"; strike beginning with "the" in line 12 down through "Literacy" in line 13 and substitute "financial literacy education"; and after line 13, insert:

"BY adding to
Article – Education
Section 7–205.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 22, insert:

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

Article – Education

7–205.2.

(A) THE STATE SUPERINTENDENT, IN CONJUNCTION WITH THE COUNTY SUPERINTENDENTS, SHALL DEVELOP CURRICULUM CONTENT FOR A COURSE IN FINANCIAL LITERACY.

(B) THE CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE INSTRUCTION REGARDING:

(1) CHOOSING A CAREER AND EARNING AN INCOME;

(2) ECONOMIC AND FINANCIAL DECISION MAKING;

(3) BASIC ECONOMIC CONCEPTS INCLUDING OPPORTUNITY COST, COST/BENEFIT ANALYSIS, AND SUPPLY AND DEMAND;

(4) SAVING AND INVESTING MONEY;

(5) CREDIT;

(6) CHARITABLE GIVING;

(7) HOUSEHOLD BUDGETING;

(8) INSURANCE;

(9) CONSUMER AWARENESS;

(10) UNDERSTANDING CONTRACTUAL AGREEMENTS;

(11) FRAUD AND IDENTITY THEFT; OR

(12) ANY OTHER SUBJECT THAT THE STATE SUPERINTENDENT AND THE COUNTY SUPERINTENDENTS CONSIDER NECESSARY.

(C) ON OR BEFORE AUGUST 1 OF EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT ON THE FINANCIAL

LITERACY CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION IN THE HIGH SCHOOLS IN THAT COUNTY.

(D) THE STATE SUPERINTENDENT SHALL SUBMIT A REPORT ON THE STATUS OF FINANCIAL LITERACY EDUCATION IN MARYLAND SCHOOLS, 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.";

in line 23, strike "2." and substitute "3."; in line 24, strike "It" and substitute "Section 1 of this Act"; and in line 25, after "Assembly," insert "Section 1 of".

The preceding 2 amendments were read only.

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

The motion was adopted.

Senate Bill 608 – Senators Garagiola, Astle, DeGrange, Dyson, Lenett, Mooney, Peters, Raskin, Simonaire, ~~and Stone~~ Stone, Klausmeier, Colburn, Conway, Harris, and Rosapepe

AN ACT concerning

Education – Veterans of the Afghanistan and Iraq Conflicts Scholarship – Extension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 334)

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. 335)

ADJOURNMENT

At 12:37 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 10, 2008.

Annapolis, Maryland
Monday, March 10, 2008
8:00 P.M. Session

The Senate met at 8:11 P.M.

Prayer by The Reverend Dr. Michael C. Turner, Sr.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 7, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 338)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Damascus High School Swarmin' Hornets Football Team	Senator Kramer	371

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 339)

Recipient	Sponsor	Resolution No.
2007 Blue Ribbon School – Cresaptown Elementary School (Allegany County)	The President and All Members	217
2007 Blue Ribbon School – Broadneck Elementary School (Anne Arundel County)	The President and All Members	218
2007 Blue Ribbon School – Cecil Elementary School (Baltimore City)	The President and All Members	219

2007 Blue Ribbon School – Piney Ridge Elementary School (Carroll County)	The President and All Members	220
2007 Blue Ribbon School – Hickory Elementary School (Harford County)	The President and All Members	221

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 340)

LAID OVER BILLS

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

Senate Bill 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

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

SB0269/808179/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "system;" in line 7 and substitute "altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle;".

AMENDMENT NO. 2

On page 6, in line 16, strike "10" and substitute "**12**".

On page 17, in line 12, strike "**10**" and substitute "**12**".

AMENDMENT NO. 3

On page 8, in line 13, strike the brackets; and in the same line, strike "**$75**".

On page 18, in line 20, strike "**$75**" and substitute "**$40**".

AMENDMENT NO. 4

On page 6, in line 26, strike "**12**" and substitute "**5**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0269/823627/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "Court;" insert "requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner;"; and strike beginning with "first" in line 21 down through "system" in line 22 and substitute "be paid in a certain manner".

AMENDMENT NO. 2

On page 4, after line 25, insert:

"**(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE POLITICAL SUBDIVISION:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE COLLECTED TO THE COMPTROLLER ON A MONTHLY BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.".

On page 14, in line 26, strike "**FIRST**"; in the same line, strike "**THE**" and substitute "**:**

(I) THE";

and in line 28, after "**SYSTEM**" insert "**; AND**

(II) IN THE CASE OF REVENUES BEYOND THOSE NEEDED TO COVER COSTS, TO THE GENERAL FUND OF THE STATE".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 11, 2008.

The motion was adopted.

Senate Bill 328 – Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

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

SB0328/717979/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 328
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Act;" insert "providing that a part–time worker is not considered to be unemployed if the part–time worker is working all hours for which the part–time worker is available; defining a certain term;"; after line 10, insert:

"BY renumbering
Article – Labor and Employment
Section 8–101(u), (v), (w), (x), and (y), respectively
to be Section 8–101(v), (w), (x), (y), and (z), respectively
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 8–101(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 8–101(u)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)";

and in line 13, after "Section" insert "8–801 and".

On page 2, in line 7, after "That" insert "Section(s) 8–101(u), (v), (w), (x), and (y), respectively, of Article – Labor and Employment of the Annotated Code of Maryland be renumbered to be Section(s) 8–101(v), (w), (x), (y), and (z), respectively.

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

On page 3, in lines 17 and 20, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

AMENDMENT NO. 2

On page 2, in line 5, after "benefits;" insert "and

WHEREAS, The achievement of employment security requires protection against unemployment directly attributable to, arising from, or connected with a part–time worker's employment;".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"8–101.

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

(U) "PART–TIME WORKER" MEANS AN INDIVIDUAL:

(1) WHOSE AVAILABILITY FOR WORK IS RESTRICTED TO PART–TIME WORK; AND

(2) WHO WORKS PREDOMINANTLY THROUGHOUT THE YEAR ON A PART–TIME BASIS FOR AT LEAST 15 HOURS PER WEEK.

8–801.

(a) To be eligible for benefits, an individual who files a claim for benefits shall be unemployed.

(b) An individual is considered to be unemployed in any week during which the individual:

(1) does not perform work for which wages are payable; or

(2) performs less than full–time work for which wages payable are less than the weekly benefit amount that would be assigned to the individual plus allowances for dependents.

(C) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION, A PART–TIME WORKER IS NOT CONSIDERED TO BE UNEMPLOYED IF THE PART–TIME WORKER IS WORKING ALL HOURS FOR WHICH THE PART–TIME WORKER IS AVAILABLE.";

strike beginning with "**AN**" in line 22 down through the second "**WORK**" in line 23 and substitute "**A PART–TIME WORKER**"; in line 24, strike "**INDIVIDUAL**" and substitute "**PART–TIME WORKER**"; and in line 30, strike "**INDIVIDUAL'S**" and substitute "**PART–TIME WORKER'S**".

On page 3, in line 2, strike "**INDIVIDUAL'S**" and substitute "**PART–TIME WORKER'S**"; and in the same line, strike "**TO**" and substitute "**FOR**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0328/943124/2

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 328, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 8, after "regulations;" insert "requiring the Department of Labor, Licensing, and Regulation to provide a certain report to the Legislative Policy Committee on or before a certain date;"; and in line 9, after "date" insert "for certain provisions of this Act".

AMENDMENT NO. 2

On page 3 of the bill, in line 18, strike "the provisions" and substitute "Section 2"; after line 19, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2008, the Department of Labor, Licensing, and Regulation shall report to the Legislative Policy Committee on the status of the balance of the Unemployment Insurance Trust Fund and the fiscal impact of unemployment insurance legislation enacted during the 2008 regular session of the General Assembly on the small business community.";

in line 20, after "That" insert "Sections 1, 2, and 3 of"; in line 21, strike "January" and substitute "July"; and after line 21, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect June 1, 2008.".

On page 2 of the Finance Committee Amendments (SB0328/717979/1), in line 6 of Amendment No. 1, strike "4." and substitute "5.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, and Raskin

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

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

FLOOR AMENDMENT

SB0533/793528/1

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 533
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Education – Financial Literacy – Task Force Study and Curriculum Development"; in line 11, after "Assembly;" insert "requiring the State Superintendent of Schools, in conjunction with county superintendents of education, to develop curriculum content for a certain course in financial literacy; providing that a certain curriculum content may include certain instruction; requiring certain county boards of education to submit a certain report to the State Superintendent on certain curriculum content in certain high schools on or before a certain date each year; requiring the State Superintendent to

submit a certain report to certain committees of the General Assembly on or before a certain date each year;"; in line 11, after "of" insert "certain provisions of"; strike beginning with "the" in line 12 down through "Literacy" in line 13 and substitute "financial literacy education"; and after line 13, insert:

"BY adding to
Article – Education
Section 7–205.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2
On page 3, after line 22, insert:

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

Article – Education

7–205.2.

(A) THE STATE SUPERINTENDENT, IN CONJUNCTION WITH THE COUNTY SUPERINTENDENTS, SHALL DEVELOP CURRICULUM CONTENT FOR A COURSE IN FINANCIAL LITERACY.

(B) THE CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE INSTRUCTION REGARDING:

(1) CHOOSING A CAREER AND EARNING AN INCOME;

(2) ECONOMIC AND FINANCIAL DECISION MAKING;

(3) BASIC ECONOMIC CONCEPTS INCLUDING OPPORTUNITY COST, COST/BENEFIT ANALYSIS, AND SUPPLY AND DEMAND;

(4) SAVING AND INVESTING MONEY;

(5) CREDIT;

(6) CHARITABLE GIVING;

(7) HOUSEHOLD BUDGETING;

(8) INSURANCE;

(9) CONSUMER AWARENESS;

(10) UNDERSTANDING CONTRACTUAL AGREEMENTS;

(11) FRAUD AND IDENTITY THEFT; OR

(12) ANY OTHER SUBJECT THAT THE STATE SUPERINTENDENT AND THE COUNTY SUPERINTENDENTS CONSIDER NECESSARY.

(C) ON OR BEFORE AUGUST 1 OF EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT ON THE FINANCIAL LITERACY CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION IN THE HIGH SCHOOLS IN THAT COUNTY.

(D) THE STATE SUPERINTENDENT SHALL SUBMIT A REPORT ON THE STATUS OF FINANCIAL LITERACY EDUCATION IN MARYLAND SCHOOLS, 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.";

in line 23, strike "2." and substitute "3."; in line 24, strike "It" and substitute "Section 1 of this Act"; and in line 25, after "Assembly," insert "Section 1 of".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0533/793528/2

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 533
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Education – Financial Literacy – Task Force Study and Curriculum Development"; in line 11, after "Assembly;" insert "requiring the State Superintendent of Schools, in conjunction with county superintendents of education, to develop curriculum content for a certain course in financial literacy; providing that a certain curriculum content may include certain instruction; requiring certain county boards of education to submit a certain report to the State Superintendent on certain curriculum content in certain high schools on or before a certain date each year; requiring the State Superintendent to submit a certain report to certain committees of the General Assembly on or before a certain date each year;"; in line 11, after "of" insert "certain provisions of"; strike beginning with "the" in line 12 down through "Literacy" in line 13 and substitute "financial literacy education"; and after line 13, insert:

"BY adding to
Article – Education
Section 7–205.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 30, insert:

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

Article – Education

7–205.2.

(A) THE STATE SUPERINTENDENT, IN CONJUNCTION WITH THE COUNTY SUPERINTENDENTS, SHALL DEVELOP CURRICULUM CONTENT FOR A COURSE IN FINANCIAL LITERACY.

(B) THE CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE INSTRUCTION REGARDING:

(1) CHOOSING A CAREER AND EARNING AN INCOME;

(2) ECONOMIC AND FINANCIAL DECISION MAKING;

(3) BASIC ECONOMIC CONCEPTS INCLUDING OPPORTUNITY COST, COST/BENEFIT ANALYSIS, AND SUPPLY AND DEMAND;

(4) SAVING AND INVESTING MONEY;

(5) CREDIT;

(6) CHARITABLE GIVING;

(7) HOUSEHOLD BUDGETING;

(8) INSURANCE;

(9) CONSUMER AWARENESS;

(10) UNDERSTANDING CONTRACTUAL AGREEMENTS;

(11) FRAUD AND IDENTITY THEFT; OR

(12) ANY OTHER SUBJECT THAT THE STATE SUPERINTENDENT AND THE COUNTY SUPERINTENDENTS CONSIDER NECESSARY.

(C) ON OR BEFORE AUGUST 1 OF EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT ON THE FINANCIAL LITERACY CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION IN THE HIGH SCHOOLS IN THAT COUNTY.

(D) THE STATE SUPERINTENDENT SHALL SUBMIT A REPORT ON THE STATUS OF FINANCIAL LITERACY EDUCATION IN MARYLAND SCHOOLS, 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.".

AMENDMENT NO. 3

On page 4, in line 1, strike "2." and substitute "3."; in line 2, strike "It" and substitute "Section 1 of this Act"; and in line 3, after "Assembly," insert "Section 1 of".

The preceding 3 amendments were read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2008.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

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

Senate Bill 124 – Senators Brochin and Stone

AN ACT concerning

Criminal Law – Lawful Interception of Communications – Additional Crimes

SB0124/648575/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 124
(First Reading File Bill)

On page 1, strike in their entirety lines 10 through 14, inclusive; and in line 17, strike "(ii)".

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:

Senate Bill 271 – Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #2

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

Senate Bill 90 – The President (By Request – Administration)

Budget Bill
(Fiscal Year 2009)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2008 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit F of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit G of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 90 – THE BUDGET BILL

(See Exhibit H of Appendix III)

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

The motion was adopted.

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

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority – Bonding Authority

SB0182/949533/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Bonding Authority"; in line 3, after the first "of" insert "requiring the Maryland Transportation Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial forecast for its operations; requiring the financial forecast to include certain components;"; in line 4, strike "Maryland Transportation"; in the same line, after "Authority;" insert "authorizing the Authority to issue certain notes of a certain maturity secured by a pledge of a certain line of credit; altering certain required General Fund appropriations for the financing of a certain highway; authorizing the Authority to issue certain notes for the financing of a certain highway; authorizing the Authority to use certain amounts from a certain line of credit for the financing of a certain highway; authorizing the Governor to transfer up to a certain amount from the Transportation Trust Fund to the Authority for the financing of a certain highway; requiring that certain amounts be repaid by the Authority to the Transportation Trust Fund from certain appropriations; requiring the Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial plan of expenditures and funding for the construction of a certain highway; requiring the financial plan to include certain components; stating the intent of the General Assembly that the Authority provide certain cash flow changes for financing a certain highway;"; in the same line, after "to" insert "the"; in line 5, strike "revenue bonds and the issuance of debt" and substitute "and the financing of the Intercounty Connector"; after line 5, insert:

"BY adding to
Article – Transportation
Section 4–210 and 4–320.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)";

and in line 8, after "4–306" insert "and 4–321".

AMENDMENT NO. 2
On page 1, after line 13, insert:

"**4–210.**

(A) EACH YEAR, THE AUTHORITY SHALL DEVELOP AND ADOPT A 10–YEAR FINANCIAL FORECAST FOR THE OPERATIONS OF THE AUTHORITY.

(B) IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT TO THE GENERAL ASSEMBLY:

(1) A DRAFT OF THE FINANCIAL FORECAST ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(2) THE FINANCIAL FORECAST AS APPROVED BY THE AUTHORITY ON OR BEFORE JULY 1 OF EACH YEAR.

(C) THE FINANCIAL FORECAST SHALL INCLUDE THE FOLLOWING COMPONENTS:

(1) A SCHEDULE OF OPERATING EXPENSES;

(2) A SCHEDULE OF REVENUES, INCLUDING CONCESSIONS INCOME, INVESTMENT INCOME, OTHER INCOME, AND TRANSFERS FROM THE DEPARTMENT;

(3) A SCHEDULE OF TOLL REVENUES, INCLUDING THE AVERAGE TOLL PER VEHICLE, THE AVERAGE TOLL INCREASE, THE NUMBER OF PAID VEHICLES, AND THE TOLL REVENUE BY TOLL FACILITY AND BY FISCAL YEAR;

(4) A SCHEDULE OF PLANNED BOND ISSUANCES, INCLUDING A DETAILED SUMMARY OF BONDS ISSUED TO FUND THE CAPITAL PROGRAM AND BONDS ISSUED TO FUND CAPITALIZED INTEREST;

(5) A SCHEDULE OF DEBT SERVICE IN EACH FISCAL YEAR FOR EACH BOND ISSUANCE OF ALL DEBT ISSUED OR PLANNED TO BE ISSUED BY THE AUTHORITY, INCLUDING REVENUE BONDS AND CONDUIT FINANCING; AND

(6) A SUMMARY SCHEDULE FOR THE AUTHORITY THAT INCLUDES:

(I) THE TOTAL CASH BALANCE;

(II) THE AMOUNT OF THE CASH BALANCE THAT IS ENCUMBERED;

(III) THE ANNUAL CASH SURPLUS OR DEFICIT;

(IV) REVENUES;

(V) TRANSFERS TO THE DEPARTMENT FROM THE AUTHORITY;

(VI) TRANSFERS FROM THE AUTHORITY TO THE DEPARTMENT;

(VII) BOND SALES;

(VIII) EXPENDITURES FOR DEBT SERVICE;

(IX) OPERATING EXPENSES;

(X) CAPITAL EXPENSES;

(XI) MAINTENANCE AND OPERATIONS EXPENSE RESERVE ACCOUNTS;

(XII) FORECASTED BOND INTEREST RATES;

(XIII) TOTAL BONDS OUTSTANDING; AND

(XIV) FINANCIAL COVERAGE RATIOS, INCLUDING THE RATIO OF TOTAL CASH TO TOLL REVENUES, THE DEBT SERVICE COVERAGE RATIO, AND THE RATE COVENANT COMPLIANCE RATIO.

(D) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE COMPONENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:

(1) ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR; AND

(2) FORECASTS OF THE INFORMATION FOR EACH OF THE 10 SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL YEAR FOR THE PROPOSED BUDGET, AND THE NEXT 8 SUBSEQUENT FISCAL YEARS.".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"**4–320.1.**

(A) THE AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(B) NOTES ISSUED UNDER THIS SECTION SHALL HAVE A MATURITY DATE 3 YEARS AFTER THE DATE OF ISSUE.

(C) A PLEDGE OF A LINE OF CREDIT AS AUTHORIZED UNDER THIS SECTION DOES NOT CONSTITUTE THE PLEDGE OF FUTURE FEDERAL REVENUES, AND NOTES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO § 3–601(D) OF THIS ARTICLE OR § 4–320 OF THIS SUBTITLE.

4–321.

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year **[**2010**]** **2012** equal to $264,913,000, **[**with a payment of at least $50,000,000 each year for fiscal years 2007 through 2010; and**]** **AS FOLLOWS:**

(I) $53,000,000 FOR FISCAL YEAR 2007 AND FOR EACH OF FISCAL YEARS 2009 THROUGH 2011; AND

(II) $52,913,000 FOR FISCAL YEAR 2012; AND

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(F) (1) IN ADDITION TO OTHER AMOUNTS PROVIDED TO FINANCE THE INTERCOUNTY CONNECTOR UNDER THIS SECTION, THE AUTHORITY MAY:

(I) ISSUE BOND ANTICIPATION NOTES FOR THE INTERCOUNTY CONNECTOR SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AS AUTHORIZED UNDER § 4–320.1 OF THIS SUBTITLE; AND

(II) USE UP TO AN AMOUNT APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION FROM A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO AMOUNTS TRANSFERRED TO THE AUTHORITY UNDER SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE GOVERNOR MAY TRANSFER UP TO $75,000,000 FROM THE TRANSPORTATION TRUST FUND TO THE AUTHORITY FOR THE INTERCOUNTY CONNECTOR.

(II) ANY AMOUNTS TRANSFERRED FROM THE TRANSPORTATION TRUST FUND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REPAID BY THE AUTHORITY TO THE TRANSPORTATION TRUST FUND FROM THE GENERAL FUND APPROPRIATIONS TO THE AUTHORITY FOR FISCAL YEAR 2011 AND FISCAL YEAR 2012 UNDER SUBSECTION (E)(2) OF THIS SECTION.

[(f)**] (G)** (1) On or before December 1 of each year, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the

status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns.

(H) (1) EACH YEAR UNTIL COMPLETION OF ALL CASH FLOW FOR THE INTERCOUNTY CONNECTOR, THE AUTHORITY SHALL DEVELOP AND ADOPT AN UPDATED DETAILED FINANCIAL PLAN OF EXPENDITURES AND FUNDING FOR THE INTERCOUNTY CONNECTOR.

(2) IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE FINANCIAL PLAN FOR THE INTERCOUNTY CONNECTOR:

(I) ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(II) ON OR BEFORE JULY 1 OF EACH YEAR.

(3) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE REVENUES AND EXPENDITURES FOR EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2004 AND CONTINUING THROUGH ANTICIPATED COMPLETION OF THE INTERCOUNTY CONNECTOR.

(4) THE REPORT SHALL INCLUDE:

(I) PLANNED EXPENDITURES BY YEAR, CATEGORIZED BY PLANNING AND ENGINEERING, RIGHT–OF–WAY ACQUISITIONS, AND CONSTRUCTION;

(II) FUNDING SOURCES BY YEAR, CATEGORIZED BY:

1. GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES;

2. TRANSFERS FROM THE TRANSPORTATION TRUST FUND;

3. TRANSFERS FROM THE GENERAL FUND;

4. FEDERAL FUNDS;

5. AUTHORITY CASH RESERVES;

6. AUTHORITY REVENUE BOND ISSUANCES;

7. DRAWS ON A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT;

8. BOND ANTICIPATION NOTES; AND

9. ANY OTHER REVENUE SOURCE;

(III) NONOWNERSHIP–RELATED PROJECT COMPONENTS, BY COMPONENT, SUCH AS ENVIRONMENTAL MITIGATION, TEMPORARY CONSTRUCTION EASEMENTS, CONSTRUCTION ON ANY NON–STATE–OWNED ROAD, AND ANY OTHER CATEGORY IDENTIFIED BY THE AUTHORITY IN ITS TAX DUE DILIGENCE REVIEW;

(IV) A SCHEDULE OF DEBT SERVICE FOR THE GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES AND AUTHORITY REVENUE BOND ISSUANCES; AND

(V) FINANCING ASSUMPTIONS, INCLUDING MATURITIES OF BOND ISSUANCES AND FORECASTED INTEREST RATES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Maryland Transportation Authority implement cash flow changes for financing the Intercounty Connector as follows:

(1) for fiscal year 2009, the principal amount of the second tranche of Grant Anticipation Revenue Vehicle ("GARVEE") bonds may be increased by $17,000,000 to a total of $425,000,000, plus any bond premium generated in conjunction with that issuance of GARVEE bonds;

(2) for fiscal year 2010:

(i) the Authority may issue up to a $75,000,000 3–year bond anticipation note secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, and General Fund appropriations to the Authority in fiscal years 2011 and 2012 may be invested for the purpose of generating sufficient interest income to offset the interest cost of the 3–year bond anticipation note; and

(ii) the Authority may use up to $75,000,000 from its fiscal year 2010 unencumbered cash balance and return a like amount to its unencumbered cash balance in fiscal year 2011 and fiscal year 2012 from the General Fund appropriations received in those fiscal years; and

(3) the Authority may borrow up to $75,000,000 interest free from the Transportation Trust Fund, to be repaid by the Authority from General Fund appropriations received in fiscal years 2011 and 2012.

(b) Funds received by the Authority from a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act

may be substituted for Maryland Transportation Authority toll–backed revenue bonds in the financing of the Intercounty Connector.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate Relief Act

SB0527/899934/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Mandate" insert "and Revenue Dedication"; strike beginning with "altering" in line 5 down through "education;" in line 6; in line 6, after "libraries;" insert "repealing a requirement that the Governor provide funds in the budget in a certain amount for a certain interagency pool of funds to provide certain services; altering the distribution of the motor fuel tax revenue for certain fiscal years; altering the distribution of the sales and use tax revenue for certain fiscal years;"; in line 7, after "mandates" insert "and dedicated revenues"; in line 15, strike "17–104(a), 23–205(c)," and substitute "23–205(c)"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–139(c) and (d)(1)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104, 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Chapter 6 of the Acts of the General Assembly of the 2007 Special Session
Section 6".

AMENDMENT NO. 2

On page 1, in line 23, after "**INCLUSION**" insert "**WITHOUT REVISION**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 6 on page 3, inclusive.

AMENDMENT NO. 4

On page 4, after line 6, insert:

"Article – Health – General

15–139.

(c) (1) For ⟦fiscal year 2004 and each subsequent⟧ **EACH** fiscal year, the Governor ⟦shall⟧ **MAY** provide funds in the budget for the Children's Cabinet Fund established under Title 8, Subtitle 5 of the Human Services Article ⟦in an amount equal to the amount of federal funds received under subsection (a) of this section during the most recently completed fiscal year:

(i) Less any administrative costs incurred by the Department, the Department of Juvenile Services, and the Department of Human Resources in implementing the programs required under this section; and

(ii) Subject to adjustment in accordance with subsection (e) of this section.

(2) The funds provided under paragraph (1) of this subsection shall**], TO** be used by the Children's Cabinet to create an interagency pool of funds to provide services to children with disabilities.

[(3)**] (2)** The pool of interagency funds established under this subsection shall be used to fund the community–based services and community–based out–of–home placements needed by children with mental or developmental disabilities not in State custody, regardless of eligibility for the State Medical Assistance Program, if:

(i) The child is in an out–of–home placement and has been recommended for discharge but the child's family is unwilling or unable to have the child return home; or

(ii) The child remains in the home but the child's family is unable to provide appropriate care for the child without additional services and the child is either at risk of requiring an out–of–home placement or the treating professionals have recommended an out–of–home placement.

(d) (1) The Governor's Office for Children, Youth, and Families shall adopt regulations to carry out the provisions of subsection **[**(c)(3)**] (C)(2)** of this section.".

AMENDMENT NO. 5

On page 4, before line 7, insert:

"Article – Tax – General

2–1104.

(A) **[**After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, INSTEAD OF THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX REVENUE AS FOLLOWS:

(1) $6,500,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2–1302.1.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, AFTER THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF THE SALES AND USE TAX COLLECTED ON SHORT–TERM VEHICLE RENTALS UNDER § 11–104(C) OF THIS ARTICLE AS FOLLOWS:

(1) $18,500,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2–1302.2.

(A) **[**After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay 6.5% of the remaining sales and use tax revenue into the Transportation Trust Fund established under § 3–216 of the Transportation Article.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, THE COMPTROLLER SHALL DEDUCT FROM THE AMOUNT SPECIFIED TO BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER SUBSECTION (A) OF THIS SECTION AND DISTRIBUTE TO THE STATE POLICE HELICOPTER REPLACEMENT FUND ESTABLISHED UNDER § 2–801 OF THE PUBLIC SAFETY ARTICLE AN AMOUNT EQUAL TO $35,000,000.

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

Chapter 6 of the Acts of the 2007 Special Session

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the sales and use tax revenue collected from January 1, 2008, through the end of June 30, 2008, the Comptroller shall distribute **[**$110,000,000**] $50,000,000** to the State Police Helicopter Replacement Fund established under § 2–801 of the Public Safety Article. It is the intent of the General Assembly that the Governor include in the annual budget bill in fiscal years 2009 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each fiscal year. It is the further intent of the General Assembly that the State Police purchase a flight simulator to use for helicopter pilot training.";

in line 7, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2008.".

The preceding 5 amendments were read only.

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

The motion was adopted.

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

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

SB0536/689537/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 536
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Program;" insert "authorizing a court to exempt a supervisee from the fee under certain circumstances;"; and in line 8, strike "and (c)" and substitute ", (c), and (d)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"(d) Notwithstanding subsections (b) and (c) of this section, **A COURT OR** the Division may exempt a supervisee as a whole or in part from the Program fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the **COURT OR** Division by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the **COURT OR** Division;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

Central Collection Unit – Special Fund Balances

SB0540/319031/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 540
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Central Collection Unit – " and substitute "Transfer of"; in line 4, strike "authorizing" and substitute "requiring"; in lines 5 and 6, strike "the Central Collection Fund" and substitute "certain special funds"; in line 6, after "year;" insert "repealing the Joseph Fund Account within the State Reserve Fund, the Joseph Fund Board, and related provisions of law; requiring that certain balances in the Joseph Fund Account be transferred to a certain special fund;"; in the same line, after "application" insert "of certain provisions"; in line 7, strike "Central Collection

Fund" and substitute "transfer of certain special fund balances to certain funds"; in line 10, after "3–306" insert "and 7–309(b)"; and after line 12, insert:

"BY repealing
Article – State Finance and Procurement
Section 7–327
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2
On page 2, after line 12, insert:

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

Article – State Finance and Procurement

7–309.

(b) The State Reserve Fund comprises:

(1) the Dedicated Purpose Account;

(2) the Revenue Stabilization Account;

(3) the Economic Development Opportunities Program Account; **AND**

(4) the Catastrophic Event Account**[**; and

(5) the Joseph Fund Account**]**.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 7–327 of Article – State Finance and Procurement of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, any balance remaining at the end of May 31, 2008, in the Joseph Fund Account established under § 7–237 of the State Finance and

Procurement Article shall be transferred to the Revenue Stabilization Account of the State Reserve Fund.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding § 34–101 of the State Personnel and Pensions Article or any other provision of law, on or before June 1, 2008, from the funds deposited in the Dedicated Purpose Account for the purpose of defraying the future costs associated with retirement benefits for State employees, the Governor shall transfer $50,000,000 to the General Fund.";

in lines 13, 17, and 19, strike "2.", "3.", and "4.", respectively, and substitute "6.", "7.", and "8.", respectively; in line 14, strike "may" and substitute "shall"; and in line 20, strike "July" and substitute "June".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Account – Transfer of Funds

SB0545/619539/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 545
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland"; in the same line, strike "Provider Rate Stabilization Account" and substitute "Funds"; strike beginning with "Transfer" in line 2 down through "Funds" in line 3 and substitute "Transfers and Disbursements"; in line 6, after "purposes;" insert "limiting a certain requirement that the Legislative

Auditor conduct certain audits of a certain insurance society to years in which the society received certain disbursements from the Rate Stabilization Account of the Fund; requiring the Legislative Auditor to conduct a certain follow–up audit; authorizing the Governor, by budget amendment, to transfer a certain amount in the Cigarette Restitution Fund to the Department of Health and Mental Hygiene under certain circumstances;"; strike beginning with "the" in line 6 down through "Fund" in line 8 and substitute "certain transfers and disbursements of health care funds"; and after line 18, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 24–213
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, in line 20, strike "**$14,275,000**" and substitute "**$3,000,000**"; in line 23, strike "**$62,000,000**" and substitute "**$73,275,000**"; and in line 25, after "**2010**" insert "**AND FISCAL YEAR 2011**".

AMENDMENT NO. 3

On page 2, after line 25, insert:

"24–213.

(a) The Legislative Auditor **[**annually**]** shall conduct a fiscal and compliance audit of the accounts and transactions of the Society **FOR EACH YEAR IN WHICH THE SOCIETY RECEIVES A DISBURSEMENT FROM THE RATE STABILIZATION ACCOUNT UNDER § 19–805 OF THIS ARTICLE OTHER THAN A DISBURSEMENT MADE UNDER § 19–805(B)(3) OF THIS ARTICLE.**

(B) WITHIN ONE YEAR OF THE DATE OF AN AUDIT REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE LEGISLATIVE AUDITOR SHALL CONDUCT A FOLLOW–UP AUDIT TO DETERMINE THE STATUS OF ANY AUDIT RECOMMENDATIONS.

[(b)**] (C)** The Society shall pay the cost of each audit.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 7–317(g)(1) of the State Finance and Procurement Article or any other provision of law, the Governor may, by budget amendment, transfer up to $1,000,000 of the funds in the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article to the Department of Health and Mental Hygiene Program MQ0103 Medical Care Programs Administration, if revenues for fiscal year 2009 attained by the Cigarette Restitution Fund exceed the $170,780,000 in total net sources of revenue noted in Appendix M of the Governor's Budget Books.";

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

The preceding 3 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON RULES REPORT #6

CONSENT CALENDAR #6

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 917 – Senator Forehand

AN ACT concerning

Catastrophic Health Emergencies – Quarantine Orders – Arrest Without Warrant and Citations

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 918 – Senator Forehand

AN ACT concerning

Long–Term Care Insurance – Discrimination Based on Genetic Information or Tests – Prohibited

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

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

Senate Bill 941 – Senator Stoltzfus

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 942 – Senator Forehand

AN ACT concerning

Tobacco Product Manufacturers – Settlement of State Claims – Nonparticipating Manufacturers – Deposit of Funds in Escrow – Codification of Model Statute

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 961 – Senators Brinkley, Colburn, Jacobs, and Munson

AN ACT concerning

Maryland Estate Tax – Returns

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 962 – Senators Brinkley and Kittleman

AN ACT concerning

Public Education – Bridge to Excellence – Video Lottery Terminals

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 963 – Prince George's County Senators

AN ACT concerning

Prince George's County – Safer Roads Act of 2008

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance and the Committee on Budget and Taxation:

Senate Bill 965 – Senators Conway, Dyson, and Gladden

AN ACT concerning

Comptroller – Eligibility for the Maryland Medical Assistance Program or the Maryland Children's Health Program

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 recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 966 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Deale Elementary School Baseball Fields

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

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

Senate Bill 967 – Senator Rosapepe

AN ACT concerning

Education – College Access for Qualified Students

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 968 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Kent County – Camp Fairlee Manor

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

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

Senate Bill 969 – Senator Della

AN ACT concerning

State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators

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

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

Senate Bill 970 – Senator Haines

AN ACT concerning

Agricultural Land Preservation Easements – Construction of Houses

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 971 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Assignment of Policy on Sale of Property

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 972 – Senator Forehand

AN ACT concerning

Identity Fraud – Seizure and Forfeiture

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 973 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Archbishop Curley High School Elevator Project

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 974 – Senator Middleton

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 977 – Senator Mooney

AN ACT concerning

Maryland Clean Energy Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 978 – Senator Astle

AN ACT concerning

Commercial Law – Maryland Cigarette Sales Below Cost Act – Repeal

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 979 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 980 – Senator Robey

AN ACT concerning

Uniform Commercial Code – Financing Statements – Termination by Government Employees

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 981 – Senator Robey

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 982 – Senator Astle

AN ACT concerning

Unemployment Insurance – Payment of Benefits – Total Benefit Amount

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 984 – Senator DeGrange

AN ACT concerning

Board of Public Works – Notification – Capital Leases

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 985 – Senators Peters, Currie, and Garagiola

AN ACT concerning

Property Tax Assessments – Local Ordinance Imposing Rent Restrictions or Affordability Requirements – Study and Report

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

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

Senate Bill 987 – Senator Haines

AN ACT concerning

Carroll County – Special Beer Festival – License Fee

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

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

Senate Bill 988 – Senator Pipkin

AN ACT concerning

Caroline County – Board of Education – Selection of Members – Straw Ballot

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 989 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Chesterwye Center

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

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

Senate Bill 990 – Senators Jones, Lenett, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 991 – Senators Garagiola, Astle, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Public Service Commission – Alternatives to Long–Term Electricity Generation Contracts and New Electricity Generation

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 992 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Children's Guild Multipurpose Room and Play Field

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 993 – Senator Harrington

AN ACT concerning

Liquefied Natural Gas Facilities – Approval for Construction or Operation – Prince George's County

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 994 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – St. James ADA Ramp

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

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

Senate Bill 995 – Senators Lenett, Jones, Middleton, and Pugh

AN ACT concerning

Competitive Sealed Proposals – Disclosure of Information – Minority Business Enterprise Participation

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

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

Senate Bill 996 – Senator Muse

AN ACT concerning

Department of Housing and Community Development – Rent Stabilization Program for Seniors

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 997 – Senator Middleton

AN ACT concerning

Public Service Commission – Regulation of Nuclear Decommissioning Funds

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

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

Senate Bill 998 – Senators Pugh and Harrington

AN ACT concerning

Education – Maryland Education Fund – Establishment and Funding

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 999 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1000 – Senator Harrington

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1001 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – NACA Education and Community Center

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1002 – Senator Conway

AN ACT concerning

State Government – Audit of Procurements by the Maryland Stadium Authority and Selected Higher Education Institutions

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

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

Senate Bill 1003 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Class H–EX Licenses

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1004 – Senator Jones

AN ACT concerning

State Individual Income Tax – Surcharge on Higher Incomes

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

SPECIAL ORDERS

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

Senate Bill 600 – Senators Conway, Della, Dyson, Exum, Frosh, Garagiola, Gladden, Kelley, Middleton, Muse, and Stone

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0600/494537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 600
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "students;" insert "authorizing certain screenings in accordance with certain policies;".

AMENDMENT NO. 2

On page 2, in line 9, strike "the" and substitute "**;**

(I) THE";

in line 10, after "Board" insert "**; OR**

(II) POLICIES ADOPTED BY A COUNTY BOARD OR A COUNTY HEALTH DEPARTMENT";

in line 17, after "**THE**" insert "**COUNTY**"; and in line 18, after the first "**THE**" insert "**COUNTY HEALTH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0600/933521/1

BY: Senator Madaleno

AMENDMENT TO SENATE BILL 600
(First Reading File Bill)

On page 2, in line 8, strike "**THIRD**" and substitute "**EIGHTH OR NINTH**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 166 – Senators Haines, Colburn, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

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

Senator Haines moved, duly seconded, to make the Bill and Report a Special Order for March 11, 2008.

The motion was adopted.

Senate Bill 293 – Senators Frosh and Gladden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans' Court Judges – Qualifications

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0293/728176/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 293
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "under certain circumstances"; and in line 6, after "for" insert "certain other".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "**IF**" in line 24 on page 1 down through "**REQUESTS,**" in line 1 on page 2.

On page 2, in line 3, strike "**THAT CITY OR COUNTY**" and substitute "**BALTIMORE CITY OR A COUNTY**".

The preceding 2 amendments were read only.

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

The motion was adopted.

Senate Bill 270 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, and Stone

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

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

SB0270/827473/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 270
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Astle, Exum, Garagiola, Haines, and Klausmeier"; in line 5, strike "subprime" and substitute "mortgage"; in line 7, after "loans;" insert "repealing certain provisions of law that establish a certain presumption about a borrower's ability to repay a loan;"; in line 8, after "include" insert "consideration of a certain debt to income ratio and"; in the same line, after "income" insert "and assets"; strike beginning with "providing" in line 10

down through "credit;" in line 12; in line 17, after "applicants" insert "and licensees"; strike beginning with "requiring" in line 23 down through "work;" in line 24; in line 26, after "felonies;" insert "requiring the Commissioner to conduct certain studies; requiring the Commissioner to report certain findings and recommendations on or before a certain date;"; and in line 27, strike "a certain definition" and substitute "certain definitions; altering a certain definition".

On page 2, in line 11, strike "12–905(g),"; in line 27, strike "11–506(a) and (d)" and substitute "11–506(d)"; and in line 33, after "11–503.1," insert "11–508.1,".

AMENDMENT NO. 2

On page 3, in line 9, strike "**(1)**"; in the same line, after "**SECTION**" insert a comma; strike beginning with the first "**THE**" in line 9 down through "**(4)**" in line 17; and in line 17, strike "**MORTGAGE**" and substitute "**MORTGAGE**".

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 10 on page 4, inclusive.

On page 5, in line 6, strike "**(1)**"; in lines 6 and 8, in each instance, strike "**SUBPRIME**" and substitute "**MORTGAGE**"; strike in their entirety lines 10 through 14, inclusive; in line 23, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 24, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in the same line, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**"; in line 27, after "(3)" insert "**(I)**"; after line 28, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

strike in their entirety lines 29 through 31, inclusive; in line 32, strike "(1)"; and in line 33, after the second "the" insert "**MORTGAGE**".

On page 6, strike in their entirety lines 1 through 5, inclusive; in line 11, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 12, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 14, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 15 down through "**BORROWER**" in line 16 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 17, strike "**FEDERAL**"; in line 19, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; strike beginning with "**A**" in line 20 down through "**EMPLOYER**" in line 21 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION";

in lines 30 and 31, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 31, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; and in lines 31 and 32, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**".

On page 7, in line 4, after "**(5)**" insert "**(I)**"; after line 5, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

strike in their entirety lines 6 through 8, inclusive; in line 27, strike "(1)"; and in line 28, after the second "the" insert "**MORTGAGE**".

On page 8, strike in their entirety lines 3 through 7, inclusive; in line 13, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 14, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 16, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 17 down through "**BORROWER**" in line 18 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 19, strike "**FEDERAL**"; in line 21, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 22 down through "**EMPLOYER**" in line 23 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 9, in lines 9 and 10, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 10, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in line 11, strike "**IT IS ORIGINATED**" and substitute "**THE SECONDARY MORTGAGE LOAN IS APPROVED BY THE LENDER**"; strike in their entirety lines 16 through 18, inclusive; in line 19, strike "(1)"; strike in their entirety lines 25 through 29, inclusive; in line 35, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 36, after "**INCOME**" insert "**AND ASSETS**"; and in the same line, after "**OF**" insert "**THIRD–PARTY**".

On page 10, in line 3, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 4 down through "**BORROWER**" in line 5 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 6, strike "**FEDERAL**"; in line 8, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 9 down through "**EMPLOYER**" in line 10 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A SECONDARY MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 11, strike in their entirety lines 15 through 17, inclusive; in lines 21 and 22, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 22, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in lines 22 and 23, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**"; in line 25, after "**(3)**" insert "**(I)**"; after line 26, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

and in line 27, strike "**(1)**".

On page 12, strike in their entirety lines 1 through 5, inclusive; in line 7, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 8, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 10, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 11 down through "**BORROWER**" in line 12 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 13, strike "**FEDERAL**"; in line 15, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 16 down through "**EMPLOYER**" in line 17 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 12, in lines 26 and 27, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 27, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; and in lines 27 and 28, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**".

On page 13, in line 1, after "**(5)**" insert "**(I)**"; after line 2, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

in line 3, strike "(1)"; strike in their entirety lines 9 through 13, inclusive; in line 19, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 20, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 22, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 23 down through "**BORROWER**" in line 24 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 25, strike "**FEDERAL**"; in line 27, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 28 down through "**EMPLOYER**" in line 29 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

AMENDMENT NO. 3

On page 15, strike in their entirety lines 2 through 28, inclusive.

On page 18, in line 7, strike "**$1,000,000**" and substitute "**$750,000**"; and after line 17, insert:

"**11–508.1.**

(A) AN APPLICANT FOR A NEW LICENSE OR FOR THE RENEWAL OF A LICENSE SHALL SATISFY THE COMMISSIONER THAT THE APPLICANT OR LICENSEE HAS, AND AT ALL TIMES WILL MAINTAIN, A MINIMUM NET WORTH COMPUTED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES:

(1) IN THE CASE OF AN APPLICANT OR LICENSEE THAT DOES NOT LEND MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF $25,000; AND

(2) IN THE CASE OF AN APPLICANT OR LICENSEE THAT LENDS MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF:

(I) $25,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE NO MORE THAN $1,000,000 SECURED BY RESIDENTIAL REAL PROPERTY;

(II) $50,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $1,000,000 BUT NO MORE THAN $5,000,000 SECURED BY RESIDENTIAL REAL PROPERTY;

(III) $100,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $5,000,000 BUT NO MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY; AND

(IV) $250,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY.

(B) (1) THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION MAY BE SATISFIED BY THE APPLICANT OR LICENSEE HAVING:

(I) CASH ON DEPOSIT WITH A BANK OR DEPOSITORY INSTITUTION;

(II) A LINE OF CREDIT FROM A BANK OR DEPOSITORY INSTITUTION;

(III) OTHER ASSETS; OR

(IV) A COMBINATION OF CASH, A LINE OF CREDIT, OR OTHER ASSETS.

(2) IF CASH IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER A BANK LETTER VERIFYING:

(I) THE ACCOUNT BALANCE;

(II) THE TYPE OF ACCOUNT IN WHICH THE FUNDS ARE HELD; AND

(III) THAT THE FUNDS ARE NOT ENCUMBERED OR HYPOTHECATED IN ANY WAY.

(3) IF A LINE OF CREDIT IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER A COPY OF THE LINE OF CREDIT AGREEMENT AND PROMISSORY NOTE.".

On page 19, in line 31, after "**REGULATION;**" insert "**AND**".

On page 20, strike beginning with "**; AND**" in line 3 down through "**LICENSEE**" in line 6.

AMENDMENT NO. 4

On page 22, after line 7, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the feasibility of conducting examinations of mortgage lender licensees using a risk–based approach rather than a fixed schedule approach.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the use of a call feature in which a mortgage loan contains a provision that permits the lender or credit grantor, in its sole discretion, absent a default or failure of the borrower to abide by the material terms of the mortgage loan, to accelerate the indebtedness of a mortgage loan.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.";

and in line 8, strike "4." and substitute "6.".

The preceding 4 amendments were read only.

Senator Jones moved, duly seconded, to make the Bill and Amendments a Special Order for March 13, 2008.

The motion was adopted.

Senate Bill 428 – Senators Pinsky, Raskin, Conway, Della, King, Lenett, and Madaleno

AN ACT concerning

Education – Military Recruiters – Student Contact Information – Opportunity to Opt Out

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

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

Affirmative – 26 Negative – 20 (See Roll Call No. 341)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 342)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #29

Senate Bill 294 – Senators Garagiola, Forehand, and Raskin

AN ACT concerning

Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer

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

Affirmative – 46 Negative – 0 (See Roll Call No. 343)

The Bill was then sent to the House of Delegates.

Senate Bill 316 – Senators Robey, Garagiola, Kasemeyer, King, Kittleman, Lenett, Munson, Peters, Pugh, and Stoltzfus

AN ACT concerning

Criminal Law – Impersonation of a Police Officer – Penalties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 344)

The Bill was then sent to the House of Delegates.

Senate Bill 443 – Senators Frosh, Conway, and Dyson

AN ACT concerning

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 345)

The Bill was then sent to the House of Delegates.

Senate Bill 514 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 40 Negative – 5 (See Roll Call No. 346)

The Bill was then sent to the House of Delegates.

Senate Bill 569 – Senator Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

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

Affirmative – 45 Negative – 0 (See Roll Call No. 347)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 148 – Delegate Beitzel

AN ACT concerning

Garrett County – Tobacco Products – Distribution to Minors

FOR the purpose of prohibiting a person from distributing certain tobacco–containing and tobacco–related products to a minor in Garrett County; establishing a certain civil infraction and certain civil penalty; and generally relating to the distribution of tobacco products to minors in Garrett County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–102.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 340 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

Public Utility Companies – Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park – Exemption from Motor Carrier Permit Requirement

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by ~~an institution of higher education~~ the University of Maryland, College Park for its students that also is used to provide, in exchange for payment by the municipal corporation in which the ~~institution~~ University of Maryland, College Park is located, transportation service to the residents of the municipal corporation; requiring the Department of Transportation Services in the University of Maryland, College Park to report to certain committees by a certain time on certain findings; providing for the termination of this Act; and generally relating to bus service provided by ~~an institution of higher education~~ the University of Maryland, College Park to its students and to the residents of a certain municipal corporation.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 9–201
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 483 – Harford County Delegation

AN ACT concerning

Harford County – Special Taxing Districts – Creation

FOR the purpose of authorizing Harford County to exercise certain powers concerning the creation of special taxing districts, the levying of certain taxes, and the issuing of certain bonds for developing and financing certain infrastructure improvements under certain circumstances; authorizing Harford County to create a special taxing district only in certain areas; requiring that a local law creating a special taxing district be enacted in a certain manner; authorizing the governing body of Harford County to consider certain elements of a development that would receive the proceeds of a certain bond at a certain public hearing; ~~requiring certain disclosure to buyers of real property within a special taxing district of certain charges for which the buyer would be liable;~~

~~providing that failure to provide certain disclosure makes a contract for the purchase of real property within a special taxing district voidable under certain circumstances;~~ requiring that adequate debt service reserve funds be maintained by Harford County; providing that Harford County may establish a special taxing district only if all the owners of real property within the proposed special taxing district petition the county for the creation of the special taxing district; prohibiting a vendor of certain property within a special taxing district from enforcing a contract for the sale of the property unless the purchaser of the property is provided with certain information relating to the special taxing district and the contract of sale contains a certain notice; providing that a vendor may provide a purchaser with certain information by providing the purchaser with a certain collection of documents; providing that a vendor may rely on certain documents filed in the land records when providing the purchaser with certain information; providing that a purchaser under a contract for the sale of certain property within a special taxing district may cancel the contract within a certain time after receiving certain information; providing that unless the purchaser consents, settlement of a contract for the sale of certain property within a special taxing district may not take place within a certain time after a purchaser receives certain information; requiring a vendor to refund certain deposits under certain circumstances; providing that a vendor is liable for certain damages caused by certain false statements or omissions; providing that an action against a vendor for certain false statements or omissions must be brought within a certain time; and generally relating to the authority of Harford County to create special taxing districts for developing and financing infrastructure improvements and to the sale of property located within certain special taxing districts.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(b) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 10–706
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 487 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Morticians and Funeral Directors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; altering the composition of the Board; requiring the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General to appoint certain Board members; requiring the Director, to the extent practicable, to fill certain vacancies occurring on the Board within a certain period of time; authorizing the Director to remove certain members from the Board under certain circumstances; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring that pre–need contracts contain a certain disclosure statement; requiring the Board to submit certain reports on or before certain dates; requiring the additional consumer member of the Board authorized under this Act to be appointed by a certain date; providing that the term of the additional consumer member shall begin on a certain date; providing that certain positions on the Board terminate on a certain date; and generally relating to the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–202, 7–316(a)(29), 7–405(c) and (h), and 7–602
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–405(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 8–403(b)(40)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 585 – Delegates Pena–Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Griffith, Gutierrez, Hubbard, Hucker, Kipke, McDonough, Montgomery, Nathan–Pulliam, Oaks, Reznik, Robinson, Tarrant, V. Turner, Valderrama, ~~and Weldon~~ Weldon, Elliott, Hammen, Kullen, Morhaim, and Pendergrass

AN ACT concerning

Nursing Homes – Safe Patient Lifting

FOR the purpose of requiring nursing homes to establish a safe patient lifting workgroup composed of certain members on or before a certain date; requiring the workgroup to establish a safe patient lifting policy on or before a certain date; requiring the workgroup to consider certain factors while developing a safe patient lifting policy; ~~defining a certain term;~~ and generally relating to the safe lifting of nursing home patients.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–1401(a) and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 19–1410.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 600 – Delegates Taylor, Frush, Haynes, and Proctor

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

FOR the purpose of establishing the Commission to Study the Title Insurance Industry in Maryland; providing for the membership, staffing, and purposes of

the Commission; prohibiting Commission members from receiving compensation for serving on the Commission; requiring the Commission to report to certain persons by a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Title Insurance Industry in Maryland.

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

House Bill 852 – Delegates Davis, Feldman, Haddaway, Hecht, Impallaria, Jameson, Krysiak, Love, Manno, Mathias, McHale, Miller~~, Minnick~~, Vaughn, Walkup, and Wood

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

FOR the purpose of clarifying that certain fees or charges may be collected by a credit grantor at any time; providing that certain penalties do not apply for certain acts or omissions arising from conformity to or reliance on certain opinions, interpretations, or approvals by certain persons under certain circumstances; providing that certain provisions of this Act may not be construed to limit certain penalties or limit certain powers of the Commissioner of Financial Regulation or the courts under certain circumstances; providing for the application of certain provisions of this Act; making the provisions of this Act severable; making this Act an emergency measure; and generally relating to regulation of credit grantors.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–905(b), 12–1005(d), and 12–1009(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 12–918.1 and 12–1018.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1015 – Prince George's County Delegation

AN ACT concerning

Workers' Compensation – Prince George's County Correctional Officers
PG 328–08

FOR the purpose of providing for enhanced workers' compensation benefits for certain Prince George's County correctional officers for a compensable permanent partial disability of less than a certain number of weeks; providing for the application of this Act; and generally relating to workers' compensation benefits for Prince George's County correctional officers.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–628
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–629
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

March 10, 2008

The Honorable Thomas V. Mike Miller, Jr.
President, H–107
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

GUBERNATORIAL APPOINTMENTS TO STATEWIDE BOARDS REQUIRING CONFIRMATION 2008 SESSION OF THE MARYLAND GENERAL ASSEMBLY

AGRICULTURE DEPARTMENT, BOARD OF REVIEW OF THE	
Nina Bhat 11612 Capstan Drive Upper Marlboro, Maryland 20772 27	Appointment General Public Term of 3 years from January 1, 2007
ARCHITECTS, STATE BOARD OF	
Gary A. Bowden 213 Southway Baltimore, Maryland 21218 43	Reappointment Architect Term of 5 years from July 1, 2008
Gary Richard Ey 4245 Chapel Gate Place Belcamp, Maryland 21017 34	Reappointment Consumer Term of 5 years from July 1, 2008
CHIROPRACTIC EXAMINERS, STATE BOARD OF	
Kay B. O'Hara, D.C. 614 Dorsey Avenue Essex, Maryland 21221 06	Reappointment Chiropractor Term of 4 years from July 1, 2008
Duane Ragis Sadula, D.C. 21017 Cog Wheel Way Germantown, Maryland 20876 15	Reappointment Chiropractor Term of 4 years from July 1, 2008
EMERGENCY NUMBER SYSTEMS BOARD	
Kevin Green 19168 Roman Way Montgomery Village, Maryland 20886 39	Appointment Telephone Utility Term of 4 years from July 1, 2007
HEATING, VENTILATION, AIR–CONDITIONING AND REFRIGERATION CONTRACTORS, STATE BOARD OF	
Walter F. Bell, Jr. 13553 Essex Drive Hagerstown, Maryland 21742 02	Appointment Consumer Term of 3 years from January 1, 2008
HIGHER EDUCATION COMMISSION, MARYLAND	

Mark R. Frazer, D.D.S. 9000 Bay Avenue, #401 North Beach, Maryland 20714 29	Appointment Member Term of 5 years from July 1, 2008
HUMAN RELATIONS, COMMISSION ON	
Joyce DeLaurentis 220 South Street Easton, Maryland 21601 37	Appointment Member Term of 6 years from July 1, 2007
INDIAN AFFAIRS, COMMISSION ON	
Kathryn E. Robbins Fitzhugh 2363 Elliott Island Road Vienna, Maryland 21869 37	Reappointment Member Term of 3 years from July 1, 2008
Thomas W. Windsor, II 4917 78th Avenue Hyattsville, Maryland 20784 47	Reappointment Member Term of 3 years from July 1, 2008
Cornelius Allen Red Deer 3058 Mayfield Avenue Baltimore, Maryland 21213 45	Reappointment Member Term of 3 years from July 1, 2008
INJURED WORKERS' INSURANCE FUND, BOARD FOR THE	
Joseph Merryman Coale, III 1317 Boyce Avenue Baltimore, Maryland 21204 42	Appointment Member Term of 5 years from June 1, 2008
LEGAL SERVICES CORPORATION BOARD OF DIRECTORS, MARYLAND	
Nathaniel E. Jones, Jr., Esquire 4203 North Charles Street Baltimore, Maryland 21218 43	Reappointment Attorney Term of 3 years from July 1, 2008
Bernard L. Jennings 5126 Northern Fences Lane Columbia, Maryland 21044 12	Reappointment Nonlawyer Term of 3 years from July 1, 2008
OCCUPATIONAL THERAPY PRACTICE, STATE BOARD OF	
Meenakshi D. Gupta 8625 Valleyfield Road Lutherville, Maryland 21093 11	Appointment Consumer Term of 4 years from July 1, 2007
PHYSICIANS, STATE BOARD OF	
Suresh K. Gupta, M.D. 109 Autumn Wind Way Rockville, Maryland 20850 15	Appointment Physician Term of 4 years from July 1, 2006

REAL ESTATE APPRAISERS AND HOME INSPECTORS, STATE COMMISSION OF	
Thomas Pirritano 4906 Bramhope Lane Ellicott City, Maryland 21043 09	Reappointment General Appraiser Term of 3 years from January 1, 2008
Steven J. McAdams 3303 Mulberry Street Edgewater, Maryland 21037 33	Reappointment Residential Appraiser Term of 3 years from January 1, 2009
REAL ESTATE COMMISSION, STATE	
Anne S. Cooke 9821 Gwynn Park Drive Ellicott City, Maryland 21042 09	Reappointment Realtor – Central Maryland Term of 4 years from June 1, 2007
Georgiana Tyler 205 Gittings Avenue Baltimore, Maryland 21212 43	Appointment Realtor – Baltimore City Term of 4 years from June 1, 2007
Colette P. Youngblood 7000 High Bridge Road Bowie, Maryland 20720 23	Reappointment Consumer Term of 4 years from June 1, 2008
Abraham Fernando Carpio 6417 Adelphi Road University Park, Maryland 20782 22	Appointment Consumer Term of 4 years from June 1, 2007
Rajan Natarajan, Ph.D. 4237 Woottens Lane Burtonsville, Maryland 20866 14	Appointment Consumer Term of 4 years from June 1, 2008
RETIREMENT AND PENSION SYSTEMS, BOARD OF TRUSTEES FOR THE MARYLAND STATE	
David Blitzstein 17439 Cherokee Lane Olney, Maryland 20832 14	Appointment General Public Remainder of a term to expire July 31, 2008 and a term of 4 years from August 1, 2008
TEACHER EDUCATION BOARD, PROFESSIONAL STANDARDS AND	
Jolynn E. Tarwater 504 Watts Branch Parkway Potomac, Maryland 20854 17	Reappointment Statewide Teachers' Organization with Majority Representation Term of 3 years from July 1, 2008

Kimberly C. Oliver 306 S. Waterford Road Silver Spring, Maryland 20901 20	Reappointment Statewide Teachers' Organization with Majority Representation Term of 3 years from July 1, 2008
Cathy G. Cerveny 331 Royal Oak Drive Bel Air, Maryland 21015 35	Reappointment Statewide Teachers' Organization with Majority Representation Term of 3 years from July 1, 2008
Darren R. Hornbeck 5423 El Camino Columbia, Maryland 21044 12	Reappointment Statewide Teachers' Organization with Majority Representation Term of 3 years from July 1, 2008
Merlyn M. Bell 6703 Yataruba Drive Baltimore, Maryland 21207 10	Reappointment Statewide Teachers' Organization with Non–Majority Representation Term of 3 years from July 1, 2007
David Stuart Clapp 1401 LaBelle Avenue Baltimore, Maryland 21204 42	Appointment Association of Independent Schools Term of 3 years from July 1, 2008
Ardith Z. Harle, Ed.D. 418 Point Mary Tracys Landing, Maryland 20779 33	Reappointment Maryland Teacher Education and College of Teacher Education Associations Term of 3 years from July 1, 2008
Nomsa Geleta 27865 Cross Creek Drive Salisbury, Maryland 21801 37	Appointment Maryland Teacher Education and College of Teacher Education Associations Term of 3 years from July 1, 2008
Karen L. Roe, Ph.D. 9124 Snyder Lane Perry Hall, Maryland 21128 08	Reappointment Maryland Teacher Education and College of Teacher Education Associations Term of 3 years from July 1, 2007
Cynthia T. Bowen, Ed.D. 2308 Pickwick Road Baltimore, Maryland 21207 41	Reappointment Maryland Teacher Education and College of Teacher Education Associations Term of 3 years from July 1, 2007
Stephen H. Guthrie 2142 Misty Meadow Road Finksburg, Maryland 21048 05	Reappointment Maryland Public School Superintendents' Association Term of 3 years from July 1, 2007
Stephanie R. Moses 6160 Oxbridge Drive Salisbury, Maryland 21801 37	Reappointment Maryland Public School Superintendents' Association Term of 3 years from July 1, 2007

Timothy Dawson 226 Teapot Court Reisterstown, Maryland 21136 11	Appointment Maryland Association of Secondary Principals Term of 3 years from July 1, 2008
Louise E. DeJesu 520 Bay Dale Court Arnold, Maryland 21012 30	Reappointment Maryland Association of Elementary School Administrators Term of 3 years from July 1, 2007
Amy Benson 2815 Chesley Avenue Baltimore, Maryland 21234 08	Appointment Association of Independent Schools Term of 3 years from July 1, 2007
TECHNOLOGY DEVELOPMENT CORPORATION (TEDCO) BOARD OF DIRECTORS, MARYLAND	
Eric G. Orlinsky 4415 Greenway Baltimore, Maryland 21218 43	Appointment General Public Term of 4 years from July 1, 2007
HOWARD COUNTY BOARD OF ELECTIONS	
Donna LaVerne Rice 5070 Amesbury Drive Columbia, Maryland 21044 12	Appointment Substitute Member – Majority Party Term of 4 years from June 4, 2007
PRINCE GEORGE'S COMMUNITY COLLEGE BOARD OF TRUSTEES	
Mel R. Franklin 8413 Old Colony Drive South Upper Marlboro, Maryland 20772 27	Appointment Member Term of 5 years from July 1, 2006
Richard E. Thomas 302 Yorknolls Drive Capitol Heights, Maryland 20743 24	Reappointment Member Term of 5 years from July 1, 2008
Jerry J. Mathis 201 Battersea Lane Fort Washington, Maryland 20744 26	Appointment Member Term of 5 years from July 1, 2008
ST. MARY'S COUNTY ALCOHOL BEVERAGE BOARD	
Max Patrick Thomas Sacks, Sr. 21091 Jenns Way Leonardtown, Maryland 20650 29	Reappointment 1st Commission District Term of 4 years from January 1, 2008
Betty W. Currie 24740 Marva Point Way Hollywood, Maryland 20636 29	Appointment 2nd Commission District Term of 4 years from January 1, 2006

Adam Morgan P.O. Box 338 Clements, Maryland 20624 29	Appointment 3rd Commission District Term of 4 years from January 1, 2008
Moses P. Saldana, Jr. 27910 Queentree Road Mechanicsville, Maryland 20659 29	Reappointment At Large Term of 4 years from January 1, 2008

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

INTRODUCTION OF BILLS

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1005 – Senator Gladden

AN ACT concerning

Crimes – Elder Abuse – Increased Penalties and Restrictions on Pretrial Release (The John H. Taylor Act)

FOR the purpose of altering the penalties for the crime of causing abuse or neglect of a vulnerable adult in the first degree; prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with causing abuse or neglect of a vulnerable adult in the first degree; providing that a judge may authorize the pretrial release of the defendant on certain conditions; requiring the judge to order the continued detention of the defendant if neither suitable bail nor other conditions will reasonably ensure that the defendant will not flee or pose a danger to a certain person or the community before the trial; and generally relating to elder abuse and increased penalties and restrictions on pretrial release.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–604(b)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–604(c)

Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–202(f)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Joint Resolution 5 – Senator Conway

A Senate Joint Resolution concerning

Birth of Enoch Pratt – Bicentennial Celebration

FOR the purpose of requesting the Governor to dedicate 2008, the bicentennial of the birth of Enoch Pratt, to the memory and honor of Enoch Pratt.

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

Senator Colburn moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1006 – Senator Colburn

AN ACT concerning

Rural Broadband Communication Services – Railroads and Tributaries

FOR the purpose of exempting the installation of certain infrastructure provided by certain persons from a certain State wetlands licensing requirement; prohibiting the Secretary of the Environment from adopting certain regulations; requiring the Maryland Transit Administration to allow the use of any railroad right–of–way for the installation of certain infrastructure provided by certain persons without the imposition of a certain charge; requiring the State Highway Administration to allow the use of any right–of–way for the installation of certain infrastructure provided by certain persons without the imposition of a certain charge; providing for the termination of this Act; providing for the

construction of certain provisions of this Act; making a stylistic change; and generally relating to rural broadband communication services.

BY repealing and reenacting, without amendments,
Article – Environment
Section 16–202(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–202(d) and 16–302(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 7–904
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–654
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Senator Colburn moved to suspend the rules to allow **Senate Bill 1006** to be referred immediately.

The motion was rejected by roll call vote as follows:

Affirmative – 24 Negative – 20 (See Roll Call No. 348)

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

QUORUM CALL

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

(See Roll Call No. 349)

ADJOURNMENT

At 9:38 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 11, 2008.

Annapolis, Maryland
Tuesday, March 11, 2008
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer by Pastor Justin Repp, Lifehouse West, guest of Senator Munson.

The Journal of March 10, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 357)

LAID OVER BILLS

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

Senate Bill 90 – The President (By Request – Administration)

Budget Bill
(Fiscal Year 2009)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2008 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit F of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit G of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 90 – THE BUDGET BILL

(See Exhibit H of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (220) AND THE FAVORABLE REPORT.

Senator Currie moved, duly seconded, to make the Bill and Amendments Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority – Bonding Authority

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

SB0182/949533/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "- Bonding Authority"; in line 3, after the first "of" insert "requiring the Maryland Transportation Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial forecast for its operations; requiring the financial forecast to include certain components;"; in line 4, strike "Maryland Transportation"; in the same line, after "Authority;" insert "authorizing the Authority to issue certain notes of a certain maturity secured by a pledge of a certain line of credit; altering certain required General Fund appropriations for the financing of a certain highway; authorizing the Authority to issue certain notes for the financing of a certain highway; authorizing the Authority to use certain amounts from a certain line of credit for the financing of a certain

highway; authorizing the Governor to transfer up to a certain amount from the Transportation Trust Fund to the Authority for the financing of a certain highway; requiring that certain amounts be repaid by the Authority to the Transportation Trust Fund from certain appropriations; requiring the Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial plan of expenditures and funding for the construction of a certain highway; requiring the financial plan to include certain components; stating the intent of the General Assembly that the Authority provide certain cash flow changes for financing a certain highway;"; in the same line, after "to" insert "the"; in line 5, strike "revenue bonds and the issuance of debt" and substitute "and the financing of the Intercounty Connector"; after line 5, insert:

"BY adding to
Article – Transportation
Section 4–210 and 4–320.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)";

and in line 8, after "4–306" insert "and 4–321".

AMENDMENT NO. 2
On page 1, after line 13, insert:

"**4-210.**

(A) EACH YEAR, THE AUTHORITY SHALL DEVELOP AND ADOPT A 10-YEAR FINANCIAL FORECAST FOR THE OPERATIONS OF THE AUTHORITY.

(B) IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT TO THE GENERAL ASSEMBLY:

(1) A DRAFT OF THE FINANCIAL FORECAST ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(2) THE FINANCIAL FORECAST AS APPROVED BY THE AUTHORITY ON OR BEFORE JULY 1 OF EACH YEAR.

(C) THE FINANCIAL FORECAST SHALL INCLUDE THE FOLLOWING COMPONENTS:

(1) A SCHEDULE OF OPERATING EXPENSES;

(2) A SCHEDULE OF REVENUES, INCLUDING CONCESSIONS INCOME, INVESTMENT INCOME, OTHER INCOME, AND TRANSFERS FROM THE DEPARTMENT;

(3) A SCHEDULE OF TOLL REVENUES, INCLUDING THE AVERAGE TOLL PER VEHICLE, THE AVERAGE TOLL INCREASE, THE NUMBER OF PAID VEHICLES, AND THE TOLL REVENUE BY TOLL FACILITY AND BY FISCAL YEAR;

(4) A SCHEDULE OF PLANNED BOND ISSUANCES, INCLUDING A DETAILED SUMMARY OF BONDS ISSUED TO FUND THE CAPITAL PROGRAM AND BONDS ISSUED TO FUND CAPITALIZED INTEREST;

(5) A SCHEDULE OF DEBT SERVICE IN EACH FISCAL YEAR FOR EACH BOND ISSUANCE OF ALL DEBT ISSUED OR PLANNED TO BE ISSUED BY THE AUTHORITY, INCLUDING REVENUE BONDS AND CONDUIT FINANCING; AND

(6) A SUMMARY SCHEDULE FOR THE AUTHORITY THAT INCLUDES:

(I) THE TOTAL CASH BALANCE;

(II) THE AMOUNT OF THE CASH BALANCE THAT IS ENCUMBERED;

(III) THE ANNUAL CASH SURPLUS OR DEFICIT;

(IV) REVENUES;

(V) TRANSFERS TO THE DEPARTMENT FROM THE AUTHORITY;

(VI) TRANSFERS FROM THE AUTHORITY TO THE DEPARTMENT;

(VII) BOND SALES;

(VIII) EXPENDITURES FOR DEBT SERVICE;

(IX) OPERATING EXPENSES;

(X) CAPITAL EXPENSES;

(XI) MAINTENANCE AND OPERATIONS EXPENSE RESERVE ACCOUNTS;

(XII) FORECASTED BOND INTEREST RATES;

(XIII) TOTAL BONDS OUTSTANDING; AND

(XIV) FINANCIAL COVERAGE RATIOS, INCLUDING THE RATIO OF TOTAL CASH TO TOLL REVENUES, THE DEBT SERVICE COVERAGE RATIO, AND THE RATE COVENANT COMPLIANCE RATIO.

(D) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE COMPONENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:

(1) ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR; AND

(2) FORECASTS OF THE INFORMATION FOR EACH OF THE 10 SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL YEAR FOR THE PROPOSED BUDGET, AND THE NEXT 8 SUBSEQUENT FISCAL YEARS.".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"**4-320.1.**

(A) THE AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(B) NOTES ISSUED UNDER THIS SECTION SHALL HAVE A MATURITY DATE 3 YEARS AFTER THE DATE OF ISSUE.

(C) A PLEDGE OF A LINE OF CREDIT AS AUTHORIZED UNDER THIS SECTION DOES NOT CONSTITUTE THE PLEDGE OF FUTURE FEDERAL REVENUES, AND NOTES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO § 3-601(D) OF THIS ARTICLE OR § 4-320 OF THIS SUBTITLE.

4–321.

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year **[**2010**] 2012** equal to $264,913,000, **[**with a payment of at least $50,000,000 each year for fiscal years 2007 through 2010; and**] AS FOLLOWS:**

(I) $53,000,000 FOR FISCAL YEAR 2007 AND FOR EACH OF FISCAL YEARS 2009 THROUGH 2011; AND

(II) $52,913,000 FOR FISCAL YEAR 2012; AND

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(F) (1) IN ADDITION TO OTHER AMOUNTS PROVIDED TO FINANCE THE INTERCOUNTY CONNECTOR UNDER THIS SECTION, THE AUTHORITY MAY:

(I) ISSUE BOND ANTICIPATION NOTES FOR THE INTERCOUNTY CONNECTOR SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AS AUTHORIZED UNDER § 4-320.1 OF THIS SUBTITLE; AND

(II) USE UP TO AN AMOUNT APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION FROM A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO AMOUNTS TRANSFERRED TO THE AUTHORITY UNDER SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE GOVERNOR MAY TRANSFER UP TO $75,000,000 FROM THE TRANSPORTATION TRUST FUND TO THE AUTHORITY FOR THE INTERCOUNTY CONNECTOR.

(II) ANY AMOUNTS TRANSFERRED FROM THE TRANSPORTATION TRUST FUND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REPAID BY THE AUTHORITY TO THE TRANSPORTATION TRUST FUND FROM THE GENERAL FUND APPROPRIATIONS TO THE AUTHORITY FOR FISCAL YEAR 2011 AND FISCAL YEAR 2012 UNDER SUBSECTION (E)(2) OF THIS SECTION.

[(f)**] (G)** (1) On or before December 1 of each year, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns.

(H) (1) EACH YEAR UNTIL COMPLETION OF ALL CASH FLOW FOR THE INTERCOUNTY CONNECTOR, THE AUTHORITY SHALL DEVELOP AND ADOPT AN UPDATED DETAILED FINANCIAL PLAN OF EXPENDITURES AND FUNDING FOR THE INTERCOUNTY CONNECTOR.

(2) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE FINANCIAL PLAN FOR THE INTERCOUNTY CONNECTOR:

(I) ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(II) ON OR BEFORE JULY 1 OF EACH YEAR.

(3) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE REVENUES AND EXPENDITURES FOR EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2004 AND CONTINUING THROUGH ANTICIPATED COMPLETION OF THE INTERCOUNTY CONNECTOR.

(4) THE REPORT SHALL INCLUDE:

(I) PLANNED EXPENDITURES BY YEAR, CATEGORIZED BY PLANNING AND ENGINEERING, RIGHT-OF-WAY ACQUISITIONS, AND CONSTRUCTION;

(II) FUNDING SOURCES BY YEAR, CATEGORIZED BY:

1. GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES;

2. TRANSFERS FROM THE TRANSPORTATION TRUST FUND;

3. TRANSFERS FROM THE GENERAL FUND;

4. FEDERAL FUNDS;

5. AUTHORITY CASH RESERVES;

6. AUTHORITY REVENUE BOND ISSUANCES;

7. DRAWS ON A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT;

8. BOND ANTICIPATION NOTES; AND

9. ANY OTHER REVENUE SOURCE;

(III) NONOWNERSHIP-RELATED PROJECT COMPONENTS, BY COMPONENT, SUCH AS ENVIRONMENTAL MITIGATION, TEMPORARY CONSTRUCTION EASEMENTS, CONSTRUCTION ON ANY NON-STATE-OWNED ROAD, AND ANY OTHER CATEGORY IDENTIFIED BY THE AUTHORITY IN ITS TAX DUE DILIGENCE REVIEW;

(IV) A SCHEDULE OF DEBT SERVICE FOR THE GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES AND AUTHORITY REVENUE BOND ISSUANCES; AND

(V) FINANCING ASSUMPTIONS, INCLUDING MATURITIES OF BOND ISSUANCES AND FORECASTED INTEREST RATES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Maryland Transportation Authority implement cash flow changes for financing the Intercounty Connector as follows:

(1) for fiscal year 2009, the principal amount of the second tranche of Grant Anticipation Revenue Vehicle ("GARVEE") bonds may be increased by $17,000,000 to a total of $425,000,000, plus any bond premium generated in conjunction with that issuance of GARVEE bonds;

(2) for fiscal year 2010:

(i) the Authority may issue up to a $75,000,000 3-year bond anticipation note secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, and General Fund appropriations to the Authority in fiscal years 2011 and 2012 may be invested for the purpose of generating sufficient interest income to offset the interest cost of the 3-year bond anticipation note; and

(ii) the Authority may use up to $75,000,000 from its fiscal year 2010 unencumbered cash balance and return a like amount to its unencumbered cash balance in fiscal year 2011 and fiscal year 2012 from the General Fund appropriations received in those fiscal years; and

(3) the Authority may borrow up to $75,000,000 interest free from the Transportation Trust Fund, to be repaid by the Authority from General Fund appropriations received in fiscal years 2011 and 2012.

(b) Funds received by the Authority from a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act may be substituted for Maryland Transportation Authority toll-backed revenue bonds in the financing of the Intercounty Connector.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate Relief Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0527/899934/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Mandate" insert "and Revenue Dedication"; strike beginning with "altering" in line 5 down through "education;" in line 6; in line 6, after "libraries;" insert "repealing a requirement that the Governor provide funds in the budget in a certain amount for a certain interagency pool of funds to provide certain services; altering the distribution of the motor fuel tax revenue for certain fiscal years; altering the distribution of the sales and use tax revenue for certain fiscal years;"; in line 7, after "mandates" insert "and dedicated revenues"; in line 15, strike "17–104(a), 23–205(c)," and substitute "23–205(c)"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–139(c) and (d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104, 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Chapter 6 of the Acts of the General Assembly of the 2007 Special Session
Section 6".

AMENDMENT NO. 2

On page 1, in line 23, after "**INCLUSION**" insert "**WITHOUT REVISION**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 6 on page 3, inclusive.

AMENDMENT NO. 4

On page 4, after line 6, insert:

"Article – Health – General

15–139.

(c) (1) For **[**fiscal year 2004 and each subsequent**]** **EACH** fiscal year, the Governor **[**shall**]** **MAY** provide funds in the budget for the Children's Cabinet Fund established under Title 8, Subtitle 5 of the Human Services Article **[**in an amount equal to the amount of federal funds received under subsection (a) of this section during the most recently completed fiscal year:

(i) Less any administrative costs incurred by the Department, the Department of Juvenile Services, and the Department of Human Resources in implementing the programs required under this section; and

(ii) Subject to adjustment in accordance with subsection (e) of this section.

(2) The funds provided under paragraph (1) of this subsection shall**],** **TO** be used by the Children's Cabinet to create an interagency pool of funds to provide services to children with disabilities.

[(3)**] (2)** The pool of interagency funds established under this subsection shall be used to fund the community–based services and community–based out–of–home placements needed by children with mental or developmental disabilities not in State custody, regardless of eligibility for the State Medical Assistance Program, if:

(i) The child is in an out–of–home placement and has been recommended for discharge but the child's family is unwilling or unable to have the child return home; or

(ii) The child remains in the home but the child's family is unable to provide appropriate care for the child without additional services and the child is either at risk of requiring an out–of–home placement or the treating professionals have recommended an out–of–home placement.

(d) (1) The Governor's Office for Children, Youth, and Families shall adopt regulations to carry out the provisions of subsection **[**(c)(3)**] (C)(2)** of this section.".

AMENDMENT NO. 5

On page 4, before line 7, insert:

"Article – Tax – General

2–1104.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, INSTEAD OF THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX REVENUE AS FOLLOWS:

(1) $6,500,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2–1302.1.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, AFTER THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1)

OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF THE SALES AND USE TAX COLLECTED ON SHORT-TERM VEHICLE RENTALS UNDER § 11-104(C) OF THIS ARTICLE AS FOLLOWS:

(1) $18,500,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2–1302.2.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay 6.5% of the remaining sales and use tax revenue into the Transportation Trust Fund established under § 3–216 of the Transportation Article.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, THE COMPTROLLER SHALL DEDUCT FROM THE AMOUNT SPECIFIED TO BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER SUBSECTION (A) OF THIS SECTION AND DISTRIBUTE TO THE STATE POLICE HELICOPTER REPLACEMENT FUND ESTABLISHED UNDER § 2–801 OF THE PUBLIC SAFETY ARTICLE AN AMOUNT EQUAL TO $35,000,000.

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

Chapter 6 of the Acts of the 2007 Special Session

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the sales and use tax revenue collected from January 1, 2008, through the end of June 30, 2008, the Comptroller shall distribute **[**$110,000,000**] $50,000,000** to the State Police Helicopter Replacement Fund established under § 2–801 of the Public Safety Article. It is the intent of the General Assembly that the Governor include in the annual budget bill in fiscal years 2009 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each fiscal year. It is the further intent of the General Assembly that the State Police purchase a flight simulator to use for helicopter pilot training.";

in line 7, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2008.".

The preceding 5 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0536/689537/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 536
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Program;" insert "authorizing a court to exempt a supervisee from the fee under certain circumstances;"; and in line 8, strike "and (c)" and substitute ", (c), and (d)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"(d) Notwithstanding subsections (b) and (c) of this section, **A COURT OR** the Division may exempt a supervisee as a whole or in part from the Program fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the **COURT OR** Division by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the **COURT OR** Division;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.".

The preceding 2 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

Central Collection Unit – Special Fund Balances

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0540/319031/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 540
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Central Collection Unit – " and substitute "Transfer of"; in line 4, strike "authorizing" and substitute "requiring"; in lines 5 and 6, strike "the Central Collection Fund" and substitute "certain special funds"; in line 6, after "year;" insert "repealing the Joseph Fund Account within the State Reserve Fund, the Joseph Fund Board, and related provisions of law; requiring that certain balances in the Joseph Fund Account be transferred to a certain special fund;"; in the same line, after "application" insert "of certain provisions"; in line 7, strike "Central Collection Fund" and substitute "transfer of certain special fund balances to certain funds"; in line 10, after "3–306" insert "and 7–309(b)"; and after line 12, insert:

"BY repealing
Article – State Finance and Procurement
Section 7–327
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, after line 12, insert:

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

Article – State Finance and Procurement

7–309.

(b) The State Reserve Fund comprises:

(1) the Dedicated Purpose Account;

(2) the Revenue Stabilization Account;

(3) the Economic Development Opportunities Program Account; **AND**

(4) the Catastrophic Event Account**[**; and

(5) the Joseph Fund Account**]**.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 7–327 of Article – State Finance and Procurement of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, any balance remaining at the end of May 31, 2008, in the Joseph Fund Account established under § 7–237 of the State Finance and Procurement Article shall be transferred to the Revenue Stabilization Account of the State Reserve Fund.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding § 34–101 of the State Personnel and Pensions Article or any other provision of law, on or before June 1, 2008, from the funds deposited in the Dedicated Purpose Account for the purpose of defraying the future costs associated with retirement benefits for State employees, the Governor shall transfer $50,000,000 to the General Fund.";

in lines 13, 17, and 19, strike "2.", "3.", and "4.", respectively, and substitute "6.", "7.", and "8.", respectively; in line 14, strike "may" and substitute "shall"; and in line 20, strike "July" and substitute "June".

The preceding 2 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Account – Transfer of Funds

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

SB0545/619539/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 545
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland"; in the same line, strike "Provider Rate Stabilization Account" and substitute "Funds"; strike beginning with "Transfer" in line 2 down through "Funds" in line 3 and substitute "Transfers and Disbursements"; in line 6, after "purposes;" insert "limiting a certain requirement that the Legislative Auditor conduct certain audits of a certain insurance society to years in which the society received certain disbursements from the Rate Stabilization Account of the Fund; requiring the Legislative Auditor to conduct a certain follow–up audit; authorizing the Governor, by budget amendment, to transfer a certain amount in the Cigarette Restitution Fund to the Department of Health and Mental Hygiene under certain circumstances;"; strike beginning with "the" in line 6 down through "Fund" in line 8 and substitute "certain transfers and disbursements of health care funds"; and after line 18, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 24–213
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, in line 20, strike "**$14,275,000**" and substitute "**$3,000,000**"; in line 23, strike "**$62,000,000**" and substitute "**$73,275,000**"; and in line 25, after "**2010**" insert "**AND FISCAL YEAR 2011**".

AMENDMENT NO. 3

On page 2, after line 25, insert:

"24–213.

(a) The Legislative Auditor **[**annually**]** shall conduct a fiscal and compliance audit of the accounts and transactions of the Society **FOR EACH YEAR IN WHICH THE SOCIETY RECEIVES A DISBURSEMENT FROM THE RATE STABILIZATION ACCOUNT UNDER § 19–805 OF THIS ARTICLE OTHER THAN A DISBURSEMENT MADE UNDER § 19–805(B)(3) OF THIS ARTICLE**.

(B) WITHIN ONE YEAR OF THE DATE OF AN AUDIT REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE LEGISLATIVE AUDITOR SHALL CONDUCT A FOLLOW-UP AUDIT TO DETERMINE THE STATUS OF ANY AUDIT RECOMMENDATIONS.

[(b)**] (C)** The Society shall pay the cost of each audit.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 7–317(g)(1) of the State Finance and Procurement Article or any other provision of law, the Governor may, by budget amendment, transfer up to $1,000,000 of the funds in the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article to the Department of Health and Mental Hygiene Program MQ0103 Medical Care Programs Administration, if revenues for fiscal year 2009 attained by the Cigarette Restitution Fund exceed the $170,780,000 in total net sources of revenue noted in Appendix M of the Governor's Budget Books.";

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

The preceding 3 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2008.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #11

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

Senate Bill 33 – Senator Muse

AN ACT concerning

Prince George's County – Board of Education

SB0033/364335/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 33
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Muse" and substitute "Senators Muse, Peters, and Rosapepe".

AMENDMENT NO. 2

On page 4, in line 21, after "**DISTRICT 1**" insert "**, PRECINCTS 1 AND 3 THROUGH 6**"; in line 23, strike "**PRECINCT**" and substitute "**PRECINCTS 2 AND**"; in the same line, strike "**AND**"; and in line 24, strike "**4, 5, 14, 15, 97, AND 99**" and substitute "**5, 14, AND 97; AND**

(5) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003".

AMENDMENT NO. 3

On page 5, in line 2, strike the second "**AND**"; in line 3, after "**3,**" insert "**4,**"; in the same line, after "**13,**" insert "**15,**"; and in line 4, strike "**AND 98**" and substitute "**98, AND 99; AND**

(6) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0033/153925/2

BY: Senator Peters

AMENDMENTS TO SENATE BILL 33, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0033/364335/1), strike Amendment Nos. 2 and 3 in their entirety.

AMENDMENT NO. 2

On page 4 of the bill, strike beginning with "**ELECTION**" in line 23 down through "**(4)**" in line 24; and in line 24, after "**99**" insert "**; AND**

(4) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY WEST, NORTH, AND EAST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUING ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD".

AMENDMENT NO. 3

On page 5 of the bill, in line 2, strike the second "**AND**"; and in line 4, after "**98**" insert "**; AND**

(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY EAST, SOUTH, AND WEST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUING ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD".

The preceding 3 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 with amendments:

Senate Bill 306 – Senator Glassman

AN ACT concerning

Harford County – Board of Education – Election of Members

SB0306/654939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 306
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Glassman" and substitute "Senators Glassman and Harris"; in line 2, strike "Election" and substitute "Selection"; in line 3, strike the second "the" and substitute "certain"; in line 4, after "elected;" insert "requiring that certain members of the County Board be appointed within a certain period of time;"; in line 6, after "Board;" insert "establishing a procedure for the election and appointment of members of the County Board;"; in line 9, after "for" insert "certain"; in line 12, after "Board;" insert "requiring the Governor to ensure a certain makeup of the Board;"; and in line 22, after "Section" insert "3–108(a) and".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"3–108.

(a) **[**Except for the Baltimore City Board of School Commissioners established under § 3–108.1 of this subtitle, counties listed in § 3–114 of this subtitle, and subject to the provisions of § 3–110 of this subtitle with respect to the Anne Arundel County Board of Education, the**]** **THE** Governor shall appoint the members of each county board from the residents of that county**:**

(1) EXCEPT FOR:

(I) THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS ESTABLISHED UNDER § 3–108.1 OF THIS SUBTITLE;

(II) THE COUNTIES LISTED IN § 3–114 OF THIS SUBTITLE; AND

(III) THE HARFORD COUNTY BOARD OF EDUCATION ESTABLISHED UNDER § 3–6A–01 OF THIS TITLE; AND

(2) WITH RESPECT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION, SUBJECT TO THE PROVISIONS OF § 3–110 OF THIS SUBTITLE.";

strike line 21 in its entirety; in lines 22, 23, 24, 25, 26, and 27, in each instance, strike the brackets; and in lines 22, 23, 24, 25, 26, and 27, strike "**(10)**", "**(11)**", "**(12)**", "**(13)**", "**(14)**", and "**(15)**", respectively.

AMENDMENT NO. 3

On page 3, in lines 1, 2, 3, and 4, in each instance, strike the brackets; in lines 1, 2, 3, and 4, strike "**(16)**", "**(17)**", "**(18)**", and "**(19)**", respectively; after line 4, insert:

"**(B) IN HARFORD COUNTY, IN ACCORDANCE WITH SUBTITLE 6A OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.**";

in lines 5 and 12, strike "(b)" and "(c)", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 26, strike "**SEVEN**" and substitute "**SIX**"; after line 26, insert:

"**(2) THREE APPOINTED MEMBERS;**";

and in lines 27 and 29, strike "**(2)**" and "**(3)**", respectively, and substitute "**(3)**" and "**(4)**", respectively.

AMENDMENT NO. 4

On page 4, strike beginning with "**(I)**" in line 6 down through "**(3)**" in line 11; in line 14, strike "**SEVEN**" and substitute "**NINE**"; strike beginning with "**ONE**" in line 18 down through "**LARGE**" in line 19 and substitute "**THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR**"; in line 23, after "**ELECTION**" insert "**OR APPOINTMENT**"; after line 21, insert:

"**(3) THE APPOINTED MEMBERS SHALL BE APPOINTED, WHEN APPROPRIATE, WITHIN 90 DAYS OF THE GENERAL ELECTION.**";

in line 24, after "**ELECTED**" insert "**OR APPOINTED**"; in line 25, strike "**COMMISSIONERS**" and substitute "**COUNCIL**"; in line 27, after "**ELECTED**" insert "**OR APPOINTED**"; and in line 29, after "**REELECTION**" insert "**OR REAPPOINTMENT**".

AMENDMENT NO. 5

On page 5, in line 5, after "**THEREAFTER;**" insert "**AND**"; strike beginning with the semicolon in line 8 down through "**THEREAFTER**" in line 10; after line 10, insert:

"**(5) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:**

(I) TWO MEMBERS SHALL BE APPOINTED IN 2012; AND

(II) ONE MEMBER SHALL BE APPOINTED IN 2014.";

and in line 11, strike "**(5)**" and substitute "**(6)**".

AMENDMENT NO. 6

On page 6, in line 1, strike "**AN ELECTED**" and substitute "**A VOTING**"; and in line 26, strike "**ELECTED**" and substitute "**VOTING**".

AMENDMENT NO. 7

On page 7, strike beginning with "elected" in line 15 down through "2013" in line 16 and substitute "appointed by the Governor in 2014"; after line 24, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, in appointing members to the Harford County Board of Education, the Governor shall ensure, to the extent practicable, that the total makeup of the Board reflects gender, ethnic, and racial diversity.";

and in line 25, strike "4." and substitute "5.".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #15

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

Senate Bill 460 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 461 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices by Young Drivers – Enforcement

Senator Harris moved, duly seconded, to make the Bill and Report a Special Order for March 12, 2008.

The motion was adopted.

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

Senate Bill 713 – Senators Astle, Brinkley, Colburn, DeGrange, Della, Garagiola, Haines, Kramer, Munson, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

SB0713/648371/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 713
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Jacobs"; in line 5, strike "repealing and reenacting, with amendments," and substitute "adding to"; and in line 7, strike "22–224.1" and substitute "22–221(l)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 19 on page 2, inclusive, and substitute:

"22–221.

(L) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MOTORCYCLE MAY BE EQUIPPED WITH THE FOLLOWING AUXILIARY LIGHTING:

(I) BLUE DOT ILLUMINATION;

(II) STANDARD BULB RUNNING LIGHTS; OR

(III) LIGHT–EMITTING DIODE PODS AND STRIPS ADDED TO PROTECT THE DRIVER.

(2) (I) LIGHTING UNDER THIS SUBSECTION SHALL BE:

1. NONBLINKING;

2. NONFLASHING;

3. NONOSCILLATING; AND

4. DIRECTED TOWARD THE ENGINE AND THE DRIVE TRAIN OF THE MOTORCYCLE.

(II) LIGHTING UNDER THIS SUBSECTION MAY NOT:

1. BE ATTACHED TO THE WHEELS OF THE MOTORCYCLE; OR

2. EMIT A RED OR BLUE LIGHT.

(III) BLUE DOT ILLUMINATION:

1. MAY BE LOCATED ONLY ON THE REAR OF A MOTORCYCLE AS PART OF OR ADJACENT TO THE REAR BRAKE LIGHT; AND

2. MAY NOT EXCEED THREE-QUARTERS OF AN INCH IN DIAMETER.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Prince George's County, Maryland Chapter of the Links Incorporated	Senator Ulysses Currie	405

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 358)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #16

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

Senate Bill 557 – Senator Gladden

AN ACT concerning

Lead Poisoning Prevention Act of 2008

SB0557/638370/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 557
(First Reading File Bill)

On page 8, in lines 19 and 20, strike "**STANDARDS UNDER §§ 6–815 AND 6–819**" and substitute "**STANDARD UNDER § 6–815 OR § 6–819**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 610 – Senators Frosh, Dyson, Forehand, Kramer, Madaleno, Raskin, and Stone

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver's License Suspensions

SB0610/298879/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 610
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "extending" in line 1 down through "age;" in line 3; in line 16, strike the first comma and substitute "and"; in the same line, strike ", and 21–1123"; and after line 23, insert:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1123
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 8, in line 25, strike "**4**" and substitute "**5**".

On page 9, in line 10, after the semicolon insert "**OR**"; and strike beginning with the semicolon in line 12 down through "**ARTICLE**" in line 14.

AMENDMENT NO. 3

On page 10, in line 17, strike the brackets; and in the same line, strike "**271ST**".

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:

Senate Bill 696 – Senator Gladden

AN ACT concerning

Maryland General Corporation Law – Altering and Updating Corporate Procedures and Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 718 – Senator Klausmeier

AN ACT concerning

Lead Risk Reduction – Acquisition of Property – Compliance Requirements

SB0718/958079/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 718
(First Reading File Bill)

On page 5, in line 15, strike "**$6,000**" and substitute "**$10,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #13

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

Senate Bill 3 – Senators Simonaire, Harris, Edwards, and Greenip

AN ACT concerning

Fallen Soldier Privacy Act of 2008

SB0003/427178/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Greenip" and substitute "Greenip, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Haines, Glassman, Harrington, Jacobs, Jones, Kasemeyer, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden,

Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin".

AMENDMENT NO. 2

On page 1, in line 3, after "from" insert "knowingly"; in line 5, after "individuals;" insert "providing for the application of this Act;"; and in line 9, strike "19–403" and substitute "19–404".

AMENDMENT NO. 3

On page 2, after line 17, insert:

"**19–402.**

THIS SECTION DOES NOT APPLY TO:

(1) THE USE OF A SOLDIER'S NAME, PORTRAIT, PICTURE, OR IMAGE IN AN ATTEMPT TO PORTRAY, DESCRIBE, OR IMPERSONATE THAT SOLDIER IN A LIVE PERFORMANCE, SINGLE AND ORIGINAL WORK OF FINE ART, PLAY, BOOK, ARTICLE, FILM, MUSICAL WORK, RADIO OR TELEVISION PROGRAMMING, OR OTHER AUDIO OR AUDIOVISUAL WORK, IF THE PERFORMANCE, FINE ART, PLAY, BOOK, ARTICLE, FILM, MUSICAL WORK, RADIO OR TELEVISION PROGRAMMING, OR OTHER AUDIO OR AUDIOVISUAL WORK DOES NOT CONSTITUTE A COMMERCIAL ADVERTISEMENT FOR ANY PRODUCT, GOOD, WARE, OR MERCHANDISE;

(2) THE USE OF A SOLDIER'S NAME, PORTRAIT, PICTURE, OR IMAGE FOR NONCOMMERCIAL PURPOSES, INCLUDING ANY NEWS, PUBLIC AFFAIRS, OR SPORTS BROADCAST OR ACCOUNT;

(3) THE USE OF A SOLDIER'S NAME IN TRUTHFULLY IDENTIFYING THE SOLDIER AS THE AUTHOR OF A PARTICULAR WORK OR PROGRAM OR AS THE PERFORMER IN A PARTICULAR PERFORMANCE;

(4) ANY PROMOTIONAL MATERIALS, ADVERTISEMENTS, OR COMMERCIAL ANNOUNCEMENTS FOR A USE DESCRIBED IN ITEM (1), (2), OR (3) OF THIS SECTION;

(5) UNLESS THE EXHIBITION IS CONTINUED BY THE PROFESSIONAL PHOTOGRAPHER AFTER WRITTEN NOTICE OBJECTING TO THE EXHIBITION BY A PERSON WITH THE AUTHORITY TO GRANT CONSENT FOR USE UNDER § 19–403 OF THIS SUBTITLE, THE USE OF PHOTOGRAPHS, VIDEO RECORDINGS, AND IMAGES BY A PERSON PRACTICING PROFESSIONAL PHOTOGRAPHY TO EXHIBIT, IN OR ABOUT THE PROFESSIONAL PHOTOGRAPHER'S PLACE OF BUSINESS OR PORTFOLIO, SAMPLES OF THE PROFESSIONAL PHOTOGRAPHER'S WORK;

(6) THE USE OF A SOLDIER'S PICTURE, PORTRAIT, OR IMAGE THAT IS NOT FACIALLY IDENTIFIABLE; AND

(7) A PHOTOGRAPH OF A MONUMENT OR A MEMORIAL THAT IS PLACED ON ANY PRODUCT, GOOD, WARE, OR MERCHANDISE.";

and in lines 18, 26, and 27, strike "**19–402.**", "**19–403.**", and "**19–402**", respectively, and substitute "**19–403.**", "**19–404.**", and "**19–403**", respectively.

AMENDMENT NO. 4

On page 2, in line 19, after "**NOT**" insert "**KNOWINGLY**"; strike beginning with the comma in line 20 down through "**BY**" in line 21 and substitute "**IN**"; in line 21, after "**FOR**" insert "**THE**"; in line 22, after "**SALE**" insert "**OF**"; in the same line, after "**SERVICE,**" insert "**FOR THE PURPOSE OF GAINING A COMMERCIAL ADVANTAGE,**"; in the same line, strike "**FIRST**"; in line 23, after "**OBTAINING**" insert "**PRIOR**"; in the same line, after "**FROM**" insert "**THE SOLDIER OR**"; in line 27, strike "**THAT**" and substitute "**WHO**"; and in line 28, in each instance, strike the comma.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 210 – The President (By Request – Administration) and Senators Astle, Brochin, Currie, Della, Edwards, Frosh, Garagiola, Gladden,

Kasemeyer, King, Klausmeier, Lenett, Madaleno, Peters, Rosapepe, and Stone

AN ACT concerning

Maryland Veterans Behavioral Health

SB0210/687873/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 210
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Middleton, Exum, and Glassman"; in line 9, after "conflicts;" insert "requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to separately account for certain funds;"; and in line 15, after "dates;" insert "requiring the Department of Health and Mental Hygiene, in consultation with the Board, to submit a certain application for certain funds on or before a certain date; requiring the Department to submit a copy of the application to the Maryland Congressional Delegation and certain committees of the General Assembly;".

On page 3, in line 19, strike "**ARMED FORCES**" and substitute "**UNIFORMED SERVICES**"; after line 17, insert:

"**(I) "UNIFORMED SERVICES" HAS THE MEANING STATED IN 10 U.S.C. § 101.**";

in line 18, strike "**(I)**" and substitute "**(J)**"; and in line 30, strike "**(J)**" and substitute "**(K)**".

AMENDMENT NO. 2

On page 5, after line 26, insert:

"**(3) THE DEPARTMENT SHALL SEEK REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR OTHER**

RESPONSIBLE PUBLIC OR PRIVATE PAYER FOR ANY BEHAVIORAL HEALTH SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(D) THE DEPARTMENT SHALL ACCOUNT SEPARATELY FOR FUNDS USED TO PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS UNDER SUBSECTION (B) OF THIS SECTION.".

AMENDMENT NO. 3

On page 6, after line 11, insert:

"**(7) A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; AND**";

and in line 12, strike "**(7)**" and substitute "**(8)**".

AMENDMENT NO. 4

On page 7, after line 32, insert:

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

(a) On or before September 1, 2008, the Department of Health and Mental Hygiene, in conjunction with the Veterans Behavioral Health Advisory Board established under Section 1 of this Act, shall submit a grant application to the United States Department of Veterans Affairs or other appropriate federal agency for a minimum of $3,500,000 in federal funds in fiscal year 2010 and a minimum of $3,500,000 in federal funds in fiscal year 2011 to support the provision of behavioral health services to veterans under this Act.

(b) The Department shall send a copy of the application required under this section to the members of the Maryland Congressional Delegation and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee.".

On page 8, in line 1, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 212 – The President (By Request – Administration)

AN ACT concerning

Reorganization of State Government – Department of Information Technology

SB0212/687274/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 212
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Technology;" insert "requiring the Secretary to provide a certain annual report on certain technology development projects to the Department of Legislative Services;".

AMENDMENT NO. 2

On page 4, in line 10, strike "**SUBTITLE**" and substitute "**TITLE**".

On page 12, in line 18, strike "**MARYLAND**" and substitute "**EMARYLAND**".

On page 16, in line 14, strike "**§ 3A–302(B)(2)**" and substitute "**§ 3A–301(B)(2)**".

AMENDMENT NO. 3

On page 17, after line 27, insert:

"**(M) ON OR BEFORE JANUARY 15 OF EACH YEAR, FOR EACH MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT CURRENTLY IN DEVELOPMENT OR FOR WHICH OPERATIONS AND MAINTENANCE FUNDING IS BEING PROVIDED IN ACCORDANCE WITH § 3A–309(I)(3) OF THIS SUBTITLE,**

SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY SHALL PROVIDE A SUMMARY REPORT TO THE DEPARTMENT OF LEGISLATIVE SERVICES WITH THE MOST UP–TO–DATE PROJECT INFORMATION INCLUDING:

(1) PROJECT STATUS;

(2) ANY SCHEDULE, COST, AND SCOPE CHANGES SINCE THE LAST ANNUAL REPORT;

(3) A RISK ASSESSMENT INCLUDING ANY PROBLEMS IDENTIFIED BY ANY INTERNAL OR EXTERNAL REVIEW AND ANY CORRECTIVE ACTIONS TAKEN; AND

(4) ANY CHANGE IN THE MONITORING OR OVERSIGHT STATUS.".

AMENDMENT NO. 4

On page 23, strike in their entirety lines 4 through 10.

On page 24, in line 16, strike "**3A–505.**" and substitute "**3A–504.**"; after line 17, insert:

"**(1) ESTABLISH AND ADMINISTER A PROGRAM TO PROVIDE COST–EFFICIENT, 24–HOUR, DUAL PARTY RELAY SERVICE TO PROGRAM PARTICIPANTS AT A COMPARABLE LEVEL OF ACCESS AND QUALITY THAT A STANDARD TELECOMMUNICATION SERVICE PROVIDES TO A PERSON WITHOUT A HEARING OR SPEECH DISABILITY;**";

in lines 18 and 22, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; and in line 27, strike "**(A)(2)**" and substitute "**(A)(3)**".

AMENDMENT NO. 5

On page 25, in lines 1 and 4, strike "**3A–506.**" and "**3A–507.**", respectively, and substitute "**3A–505.**" and "**3A–506.**", respectively; and in lines 5, 10, 15, 25, and 29, in each instance, strike "**§ 3A–503**" and substitute "**§ 3A–504(A)**".

On page 26, in line 13, strike "**§ 3A–503**" and substitute "**§ 3A–504(A)**".

On page 28, in line 2, strike "**§ 3A–507**" and substitute "**§ 3A–506**".

On page 31, in line 31, strike the period and substitute "**; AND**".

On page 32, in line 5, strike "**§ 3A–302**" and substitute "**§ 3A–301**".

The preceding 5 amendments were read only.

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

The motion was adopted.

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

Senate Bill 566 – Senator Garagiola

AN ACT concerning

Health Care Facility Visitation and Medical Decisions – Domestic Partners

SB0566/917772/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 566
(First Reading File Bill)

AMENDMENT NO.1

On page 1, in the sponsor line, strike "Senator Garagiola" and substitute "Senators Garagiola and Kelley".

On page 2, in line 2, after "severable;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 8, strike beginning with "**A**" in line 24 down through "**ACCOUNT**" in line 25 and substitute "**AN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY BY TWO INDIVIDUALS STATING THAT THEY HAVE ESTABLISHED A DOMESTIC**

PARTNERSHIP"; in line 29, after "**DOCUMENTS;**" insert "**OR**"; and in line 30, strike "**CONTRACT; OR**" and substitute "**CONTRACT.**".

On page 9, strike in their entirety lines 1 through 3, inclusive; and in line 15, after "**RESIDENT**" insert "**OR THE PATIENT'S OR RESIDENT'S PERSONAL REPRESENTATIVE**".

AMENDMENT NO. 3

On page 14, after line 21, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to have any effect on § 2-201 of the Family Law Article.";

and in line 22, strike "3." and substitute "4.".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 775 – Senator Pugh

AN ACT concerning

Maryland Medbank Program – Funding

SB0775/927579/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 775
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Pugh" and substitute "Senators Pugh, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, and Klausmeier".

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:

Senate Bill 906 – The President (By Request – Administration) and Senators Astle, Frosh, Garagiola, Klausmeier, Madaleno, Middleton, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap

SB0906/677978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 906
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, Exum, Glassman, and Kelley"; in line 3, after "Gap" insert "and Sunset Extension"; in line 19, after "subsidy;" insert "extending the termination date of the Senior Prescription Drug Assistance Program;".

On page 2, after line 10, insert:

"BY repealing and reenacting, with amendments,
Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, and Chapter 509 of the Acts of the General Assembly of 2007
Section 13".

AMENDMENT NO. 2

On page 6, after line 18, insert:

"Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005, Chapter 345 of the Acts of 2006, and Chapter 509 of the Acts of 2007

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene and the carrier that is required to offer the Short–Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short–Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short–Term Prescription Drug Subsidy Plan to the Senior Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II of the Insurance Article beginning January 1, 2006. At the end of December 31, **[**2009**]** **2010**, the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II, as amended, shall be abrogated and of no further force and effect.

(5) Beginning April 1, 2003, the carrier required to offer the Short–Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article and the Senior Prescription Drug Assistance Program under Title 14, Subtitle 5 of the Insurance Article shall subsidize the Plan and beginning January 1, 2006, the Program, using the value of the carrier's premium tax exemption.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 347 – Senators Middleton and Astle

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

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

Favorable report adopted.

Senator Stone was excused from voting on Senate Bill 347.

FLOOR AMENDMENT

SB0347/743422/3

BY: Senator Della

AMENDMENT TO SENATE BILL 347
(First Reading File Bill)

On page 3, in lines 21 and 22, strike "**OR DEPUTY COMMISSIONER**".

On page 4, in lines 23 and 24, strike "**OR THE DEPUTY COMMISSIONER**".

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

Affirmative – 17 Negative – 26 (See Roll Call No. 359)

FLOOR AMENDMENT

SB0347/743422/2

BY: Senator Della

AMENDMENTS TO SENATE BILL 347
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "certain provisions of".

AMENDMENT NO. 2

On page 5, in line 13, strike "Section 2 of"; in line 14, after "shall" insert "not"; and strike beginning with "contracts" in line 14 down through "to" in line 16 and substitute "any case filed before".

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

Affirmative – 12 Negative – 32 (See Roll Call No. 360)

Read the second time and ordered prepared for Third Reading.

Senate Bill 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

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

FLOOR AMENDMENT

SB0269/823627/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "Court;" insert "requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner;"; and strike beginning with "first" in line 21 down through "system" in line 22 and substitute "be paid in a certain manner".

AMENDMENT NO. 2

On page 4, after line 25, insert:

"**(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE POLITICAL SUBDIVISION:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE COLLECTED TO THE COMPTROLLER ON A MONTHLY BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.".

On page 14, in line 26, strike "**FIRST**"; in the same line, strike "**THE**" and substitute "**:**

(I) THE";

and in line 28, after "**SYSTEM**" insert "**; AND**

(II) IN THE CASE OF REVENUES BEYOND THOSE NEEDED TO COVER COSTS, TO THE GENERAL FUND OF THE STATE".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0269/823627/2

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "Court;" insert "requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner;"; and strike beginning with "first" in line 21 down through "system" in line 22 and substitute "be paid in a certain manner".

On page 2, strike beginning with "restricting" in line 34 down through the first "Act;" in line 35.

AMENDMENT NO. 2

On page 4, after line 25, insert:

"**(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE POLITICAL SUBDIVISION:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE COLLECTED TO THE COMPTROLLER ON AN ANNUAL BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.".

On page 14, in line 26, strike "**FIRST**"; in the same line, strike "**THE**" and substitute "**:**

(I) THE";

and in line 28, after "**SYSTEM**" insert "**; AND**

(II) IN THE CASE OF REVENUES BEYOND THOSE NEEDED TO COVER COSTS, TO THE GENERAL FUND OF THE STATE".

On page 23, strike line 34 in its entirety.

On page 24, strike in their entirety lines 1 through 7, inclusive; and in lines 8, 12, 16, 20, 23, and 28, strike "4.", "5.", "6.", "7.", "8.", and "9.", respectively, and substitute "3.", "4.", "5.", "6.", "7.", and "8.", respectively.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0269/233222/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "hearing" insert "and a certain referendum".

AMENDMENT NO. 2

On page 6, in line 23, strike "**REASONABLE**" and substitute "**:**

1. REASONABLE";

and in the same line, after "**HEARING**" insert "**; AND**

2. APPROVAL OF THE QUALIFIED VOTERS IN THE LOCAL JURISDICTION VOTING IN A REFERENDUM ON WHETHER TO ALLOW USE OF SPEED MONITORING SYSTEMS IN THE LOCAL JURISDICTION".

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

Affirmative – 15 Negative – 30 (See Roll Call No. 361)

FLOOR AMENDMENT

SB0269/663021/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "system;" insert "adding to the list of defenses that the District Court may consider in defense of a certain violation;".

AMENDMENT NO. 2

On page 10, in line 22, strike "and"; and in line 23, after "(iii)" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND**

(IV)".

On page 11, after line 17, insert:

"**(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.**".

On page 21, in line 10, strike "**AND**"; and in line 11, after "**(III)**" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE**

COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND

(IV)".

On page 22, after line 10, insert:

"**(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.**".

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

Affirmative – 35 Negative – 10 (See Roll Call No. 362)

FLOOR AMENDMENT

SB0269/413023/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 269
(First Reading File Bill)

On page 17, in line 5, strike "**AND**"; and in line 6, after "**(III)**" insert "**WHEN THERE IS AT LEAST ONE WORKER PRESENT AT THE WORK ZONE; AND**

(IV)".

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

Affirmative – 16 Negative – 28 (See Roll Call No. 363)

FLOOR AMENDMENT

SB0269/193624/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "systems;" insert "prohibiting a speed monitoring system from being placed in a certain location;"; and in line 20, after "circumstances;" insert "prohibiting a work zone speed control system from being placed in a certain location;".

AMENDMENT NO. 2

On page 6, in line 32, after "placed" insert "**, SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH**".

On page 7, after line 16, insert:

"**(V) A SPEED MONITORING SYSTEM MAY NOT BE PLACED ON A BRIDGE.**".

On page 16, in line 24, after "**(1)**" insert "**(I)**"; in the same line, strike "**A**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**"; in lines 27, 28, and 30, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; and after line 31, insert:

"**(II) A WORK ZONE SPEED CONTROL SYSTEM MAY NOT BE USED ON A BRIDGE.**".

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

Affirmative – 21 Negative – 24 (See Roll Call No. 364)

FLOOR AMENDMENT

SB0269/113025/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "State" insert ", with certain exceptions,"; and in line 20, after "circumstances" insert ", except in certain counties".

AMENDMENT NO. 2

On page 6, in line 20, after "**(1)**" insert:

"**(I) THIS SECTION DOES NOT AUTHORIZE A SPEED MONITORING SYSTEM IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**";

and in lines 20 and 24, strike "**(I)**" and "**(II)**", respectively, and substitute "**(II)**" and "**(III)**", respectively.

AMENDMENT NO. 3

On page 16, in line 24, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, A**".

On page 18, after line 11, insert:

"**(7) THIS SECTION DOES NOT AUTHORIZE A WORK ZONE SPEED CONTROL SYSTEM IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**".

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

Affirmative – 18 Negative – 27 (See Roll Call No. 365)

FLOOR AMENDMENT

SB0269/923126/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 37, after "date;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 24, in line 29, after "2008." insert "It shall remain effective for a period of 5 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 rejected by a roll call vote as follows:

Affirmative – 19 Negative – 24 (See Roll Call No. 366)

Read the second time and ordered prepared for Third Reading.

Senate Bill 166 – Senators Haines, Colburn, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

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

Favorable report adopted.

FLOOR AMENDMENT

SB0166/953729/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 166
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "making" in line 3 down through "violation;" in line 9 and substitute "increasing the penalty for furnishing an alcoholic beverage for consumption to an individual under the age of 21 years under certain circumstances;"; in line 11, strike "with" and substitute "without"; in line 13, strike "and 10-119(a), (b), (f)(1), and (h)"; and after line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10-119(h)
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 19 on page 1 through line 2 on page 4, inclusive, and substitute:

"10–117.

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

(i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

(ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

10–119.

(h) (1) Except as provided in paragraph (2) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) a fine not exceeding $500; or

(ii) if the violation is a subsequent violation, a fine not exceeding $1,000.

(2) If the District Court finds that a person has committed a Code violation under § 10–117 of this subtitle, the court shall require the person to pay:

(i) a fine not exceeding **[**$1,000**] $2,500**; or

(ii) if the violation is a subsequent violation, a fine not exceeding **[**$1,500**] $5,000**.

(3) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines.".

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

Affirmative – 23 Negative – 22 (See Roll Call No. 367)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 368)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 42 – ~~Senator Frosh~~ Senators Frosh, Brochin, Forehand, Muse, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

Senator Mooney moved, duly seconded, to make the Bill a Special Order for March 12, 2008.

The motion was adopted.

Senate Bill 387 – Senators Stone, Astle, DeGrange, Dyson, Exum, Glassman, Haines, King, and Klausmeier

AN ACT concerning

Criminal Law – Possessing Stolen Property

Senator Mooney moved, duly seconded, to make the Bill a Special Order for March 12, 2008.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Currie moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1007 – Senators Currie, Exum, Harrington, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

FOR the purpose of establishing the Prince George's County Hospital Authority; providing for the mission of the Authority; providing that the Authority is an instrumentality of the State and a public corporation; providing that the exercise by the Authority of certain powers is the performance of an essential public function; requiring the Authority to be subject to the State Open Meetings Law; exempting the Authority from certain provisions of State law; providing that the employees of the Authority are not State personnel as defined in a certain provision of State law; authorizing the Authority to take certain actions to fulfill its mission; requiring Prince George's County to automatically transfer a certain title under certain circumstances; requiring the Authority to allow the Secretary of Health and Mental Hygiene access to certain records, notes, contracts, and plans; requiring the county to provide the Authority with access to certain books and records; requiring the Authority to submit certain reports to the Governor and the General Assembly at certain times; requiring that the Authority be governed by a Board of Directors; providing for the membership of the Board; providing for the removal of Board members under certain circumstances; establishing certain duties of the Board; providing that a member of the Board is entitled to reimbursement for certain expenses; providing that an officer or director of the Authority is not liable personally for actions taken as an officer or director under certain circumstances; providing that Board members are subject to the provisions of the State ethics laws; specifying the terms of the initial members of the Board; requiring the Authority to enter into certain negotiations; providing that a certain agreement is contingent on the fulfillment of certain contingencies; providing for the powers and duties of the Authority; requiring the Authority to submit certain information to the State Treasurer, the Secretary of Health and Mental Hygiene, certain legislative committees, the County Executive, and the County Council within a certain time period; providing that a certain health care entity shall be recognized as a merged asset system under certain provisions of law; authorizing the Authority to issue revenue bonds for a certain purpose; establishing the rights and duties associated with revenue bonding authority; requiring Prince George's County to pay as a grant to the Authority certain amounts on or before a certain date and in certain fiscal years;

authorizing the Authority to use the amounts paid by the county for certain purposes; authorizing the State under certain circumstances to redirect to the Authority certain State funds otherwise required to be paid to the county; requiring the Governor to include certain appropriations in the annual State budget bill for certain fiscal years for the operating costs of the Authority; requiring the Governor to include certain amounts in the annual State capital budget for the capital costs of the Authority; stating the intent of the General Assembly regarding certain State funding for the support of the Prince George's Hospital Center; defining certain terms; requiring the Department of Health and Mental Hygiene and the Department of Business and Economic Development to provide certain staffing and receive certain reimbursement; stating the intent of the General Assembly that State funding for certain purposes will not be affected by certain State support for the Prince George's County Hospital Authority; making this Act an emergency measure; and generally relating to the establishment of the Prince George's County Hospital Authority.

BY adding to
Article – Health – General
Section 24–1601 through 24–1609 to be under the new subtitle "Subtitle 16. Prince George's County Hospital Authority"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1008 – Senator Middleton

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

FOR the purpose of repealing a requirement that an individual who sells any real estate as a sales agent for a home builder be licensed by the State Real Estate Commission; renaming the Home Builder Registration Unit in the Consumer Protection Division of the Office of the Attorney General to be the Home Builder and Home Builder Sales Representative Registration Unit; requiring the Unit to maintain a list of certain registered sales representatives; requiring the Unit to make certain information regarding certain laws and regulations available to certain registered sales representatives within a certain time period; requiring the Unit to collect and maintain certain information regarding consumer

complaints involving registered sales representatives; prohibiting certain persons from acting as home builder sales representatives unless the person is a registered sales representatives; providing for certain application, issuance, and renewal procedures for registration certificates for registered sales representatives; requiring certain registered sales representatives to display a certain registration certificate in a certain manner; authorizing the Unit to deny, reprimand, suspend, or revoke a certain registration certificate or impose certain penalties on certain registered sales representatives under certain circumstances; prohibiting certain acts and providing for certain penalties; requiring certain persons to pay a certain fee before being issued certain permits for home building in certain counties; increasing certain home builder registration and renewal fees; requiring the Division to establish the Home Builder Guaranty Fund; requiring the Division to maintain the Guaranty Fund at a certain monetary level, deposit certain money into the Guaranty Fund, and administer the Guaranty Fund; requiring the Office of Legislative Audits to audit the Guaranty Fund; establishing a custodian of the Guaranty Fund; requiring that certain administrative costs of the Guaranty Fund be paid from a certain fund; requiring certain home builders to pay a certain Guaranty Fund fee with each application for a permit for the construction of a new home; authorizing a home builder to collect money for the Guaranty Fund fee from a certain person; requiring certain county departments to remit Guaranty Fund fees to the Division at a certain time; authorizing the Division to set a certain fee; providing for the suspension of a home builder's registration under certain circumstances; authorizing a consumer to recover compensation from the Guaranty Fund under certain circumstances; requiring certain consumers to provide a certain notice to a registrant under certain circumstances; requiring a complainant with a certain new home warranty security plan to file a certain claim with the plan and exhaust the plan's claims process before seeking recovery from the Guaranty Fund; establishing certain limits on the recovery of a claimant; authorizing the Division to deny a claim under certain circumstances; limiting the amounts of money and purposes for which the Division may make awards from the Guaranty Fund; prohibiting certain persons from making claims against the Guaranty Fund; authorizing a claimant to bring a claim against the Guaranty Fund within a certain time period; specifying procedures for recovering money from the Guaranty Fund; requiring the Division's mediation unit to perform certain duties; requiring the Division to process certain claims made against the Guaranty Fund; authorizing a claimant to make certain appeals; providing that the Division has a right to reimbursement from a certain registrant for money paid from the Guaranty Fund; establishing certain penalties; requiring the Consumer Protection Division of the Office of the Attorney General to submit a certain report on the activities regarding the Home Builder Registration Fund and the Home Builder Guaranty Fund to the General Assembly on or before a certain date each year; defining certain terms; providing for the application of this Act; and generally relating to the Home Builder Guaranty Fund and the registration of home builder sales representatives.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–101(l)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4.5–101, 4.5–201, 4.5–202, 4.5–301, 4.5–303 through 4.5–308, 4.5–501, and 4.5–601; and 4.5–701 to be under the amended subtitle "Subtitle 8. Short Title"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 4.5–203 and 4.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 4.5–304.1; and 4.5–701 through 4.5–712 to be under the new subtitle "Subtitle 7. Home Builder Guaranty Fund"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 522 of the Acts of the General Assembly of 2000
Section 4

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

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 369)

ADJOURNMENT

At 1:18 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:00 A.M. on Wednesday, March 12, 2008.

Annapolis, Maryland
Wednesday, March 12, 2008
9:00 A.M. Session

The Senate met at 9:25 A.M.

Prayer by Pastor Glenn Parkinson, Severna Park Evangelical Presbyterian, guest of Senator Greenip.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 11, 2008 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 371)

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointment and recommends that the Senate of Maryland advise and consent to these appointment.

Delores G. Kelley
Chairman

State Police, Secretary of

1. Terrence B. Sheridan
8507 Marblehead Road
Lutherville, MD 21093

Secretary of Maryland State Police; appointed to serve at the pleasure of the Governor

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nomination of the Executive?"

The above nomination of the Executive was confirmed by roll call vote as follows:

Affirmative – 43 Negative – 1 (See Roll Call No. 372)

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, and Raskin

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

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

FLOOR AMENDMENT

SB0533/793528/2

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 533
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Education – Financial Literacy – Task Force Study and Curriculum Development"; in line 11, after "Assembly;" insert "requiring the State Superintendent of Schools, in conjunction with county superintendents of education, to develop curriculum content for a certain course in financial literacy; providing that a certain curriculum content may include certain instruction; requiring certain county boards of education to submit a certain report to the State Superintendent on certain curriculum content in certain high schools on or before a certain date each year; requiring the State Superintendent to

submit a certain report to certain committees of the General Assembly on or before a certain date each year;"; in line 11, after "of" insert "certain provisions of"; strike beginning with "the" in line 12 down through "Literacy" in line 13 and substitute "financial literacy education"; and after line 13, insert:

"BY adding to
Article – Education
Section 7–205.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2
On page 3, after line 30, insert:

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

Article – Education

7–205.2.

(A) THE STATE SUPERINTENDENT, IN CONJUNCTION WITH THE COUNTY SUPERINTENDENTS, SHALL DEVELOP CURRICULUM CONTENT FOR A COURSE IN FINANCIAL LITERACY.

(B) THE CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE INSTRUCTION REGARDING:

(1) CHOOSING A CAREER AND EARNING AN INCOME;

(2) ECONOMIC AND FINANCIAL DECISION MAKING;

(3) BASIC ECONOMIC CONCEPTS INCLUDING OPPORTUNITY COST, COST/BENEFIT ANALYSIS, AND SUPPLY AND DEMAND;

(4) SAVING AND INVESTING MONEY;

(5) CREDIT;

(6) CHARITABLE GIVING;

(7) HOUSEHOLD BUDGETING;

(8) INSURANCE;

(9) CONSUMER AWARENESS;

(10) UNDERSTANDING CONTRACTUAL AGREEMENTS;

(11) FRAUD AND IDENTITY THEFT; OR

(12) ANY OTHER SUBJECT THAT THE STATE SUPERINTENDENT AND THE COUNTY SUPERINTENDENTS CONSIDER NECESSARY.

(C) ON OR BEFORE AUGUST 1 OF EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT ON THE FINANCIAL LITERACY CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION IN THE HIGH SCHOOLS IN THAT COUNTY.

(D) THE STATE SUPERINTENDENT SHALL SUBMIT A REPORT ON THE STATUS OF FINANCIAL LITERACY EDUCATION IN MARYLAND SCHOOLS, 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.".

AMENDMENT NO. 3

On page 4, in line 1, strike "2." and substitute "3."; in line 2, strike "It" and substitute "Section 1 of this Act"; and in line 3, after "Assembly," insert "Section 1 of".

The preceding 3 amendments were read only.

Senator Klausmeier moved, duly seconded, to make the Bill and Amendments a Special Order for March 13, 2008.

The motion was adopted.

Senate Bill 90 – The President (By Request – Administration)

Budget Bill
(Fiscal Year 2009)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE TO THE SENATE OF MARYLAND – 2008 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit F of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit G of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE REPORT ON SENATE BILL 90 – THE BUDGET BILL

(See Exhibit H of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (220) AND THE FAVORABLE REPORT.

Committee amendments 1 through 36 were read and adopted.

Committee amendments 37 through 57 were read and adopted.

Committee amendments 58 through 69 were read and adopted.

Committee amendments 70 through 99 were read and adopted.

Committee amendments 100 through 123 were read and adopted.

Committee amendments 124 through 136 were read and adopted.

Committee amendments 137 through 165 were read and adopted.

Committee amendments 166 through 180 were read and adopted.

Senator Lenett moved, duly seconded, to make amendment 181 a Special Order for later today.

The motion was adopted.

Committee amendments 182 through 193 were read and adopted.

Committee amendments 194 through 220 were read and adopted.

Committee amendment 181 was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0090/849439/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 90, AS AMENDED
(First Reading File Bill – Committee Reprint)

On pages 98 and 99, in Committee Amendment No. 114, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

On page 98, in line 40, after "that" insert ":

(1)";

and in line 45, after "textbooks" insert "; and

(2) up to $13,000,000 in general funds may be transferred to other programs in the Department of Health and Mental Hygiene as appropriate for the purpose of adding to the amount included in the fiscal 2009 budget to provide inflationary rate adjustments to community services providers".

On page 99, after line 13, insert:

"Further provided that the transfer of up to $13,000,000 in general funds to other programs in the Department of Health and Mental Hygiene as authorized above is contingent on:

(1) the enactment of legislation authorizing any over-attainment of fiscal 2008 lottery revenues up to $13,000,000 to be transferred to the Medical Care Programs Administration M00Q01.03 to offset this transfer; and

(2) the actual realization of those additional revenues.".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0090/203129/1

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 90, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 237, after line 4, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That contingent on enactment of Senate Bill 138, funding for the agencies of the Executive Branch shall be reduced by not less than $100,000,000 in general funds in accordance with a schedule to be determined by the Governor. This reduction may be allocated to any object or subobject of expenditure, unless otherwise restricted. It is the intent of the General Assembly that this reduction, in combination with the use of $114,000,000 in general fund balance, shall provide an amount equivalent to the revenue projected to be raised by expansion of the sales tax to certain computer services.";

and in Committee Amendment No. 219, in lines 5 and 12, strike "42." and "43.", respectively, and substitute "43." and "44.", respectively.

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

Affirmative – 19 Negative – 26 (See Roll Call No. 373)

A FLOOR AMENDMENT to Senate Bill 527 (SB527/953722/1) offered by Senator Brinkley was incorrectly offered to Senate Bill 90.

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

Affirmative – 12 Negative – 33 (See Roll Call No. 374)

FLOOR AMENDMENT

SB0090/263923/1

BY: Senator Stoltzfus

AMENDMENT TO SENATE BILL 90, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 237, after line 4, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That, with the exception of the Deputy Secretary DHMH Medical position, the Chief Medical Examiner Post Mortem position, the Chairman of the Public Service Commission, and the Executive Chief of Staff for the Governor, no position within this budget may be reclassified or paid under the Executive Pay Plan EX 91 classification.";

and in Committee Amendment No. 219, in lines 5 and 12, strike "42." and "43.", respectively, and substitute "43." and "44.", respectively.

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

Affirmative – 15 Negative – 30 (See Roll Call No. 375)

FLOOR AMENDMENT

SB0090/793225/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 90, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 237, after line 4, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 12 and 13 of this Act, the combined merit and cost-of-living increase provided for any Executive Pay Plan position may not exceed 6% of the Executive Pay Plan salary for the position as stated in this budget bill. No increases may be awarded after the effective date of this Act until July 1, 2008, unless that increase is approved by the Board of Public Works.";

and in Committee Amendment No. 219, in lines 5 and 12, strike "42." and "43.", respectively, and substitute "43." and "44.", respectively.

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

Affirmative – 13 Negative – 31 (See Roll Call No. 376)

FLOOR AMENDMENT

SB0090/433420/1

BY: Senator Greenip

AMENDMENT TO SENATE BILL 90
(First Reading File Bill – Committee Reprint)

On page 148, under:

Heading: MARYLAND HIGHER EDUCATION COMMISSION

Program: R62I00.01

Entitled: General Administration

In line 18, after "Appropriation" insert ", provided that no funds may be expended to translate into Spanish or print in Spanish any publications, brochures, or other written materials".

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

Affirmative – 7 Negative – 31 (See Roll Call No. 377)

FLOOR AMENDMENT

SB0090/493020/1

BY: Senator Greenip

AMENDMENT TO SENATE BILL 90
(First Reading File Bill – Committee Reprint)

On page 59, under:

Heading: STATE HIGHWAY ADMINISTRATION

Program: J00B01.02

Entitled: State System Maintenance

After line 17, insert:

"Provided that no funds may be expended for the purpose of planting flowers along highways or other highway beautification purposes.".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0090/133022/1

BY: Senator Greenip

AMENDMENT TO SENATE BILL 90
(First Reading File Bill – Committee Reprint)

On page 86, under:

Heading: FAMILY HEALTH ADMINISTRATION

Program: M00F03.02

Entitled: Family Health Services and Primary Care

After line 36, insert:

"Provided that priority for funds under the Family Planning Program shall be given to those organizations and for those services that do not promote or perform abortions.".

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

Affirmative – 16 Negative – 28 (See Roll Call No. 378)

FLOOR AMENDMENT

SB0090/903728/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 90, AS AMENDED
(First Reading File Bill — Committee Reprint)

On page 169, in Committee Amendment No. 181, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Under: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 2, strike "5,000,000" and substitute "–0–".

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

Affirmative – 18 Negative – 27 (See Roll Call No. 379)

FLOOR AMENDMENT

SB0090/383928/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 90
(First Reading File Bill – Committee Reprint)

On page 18, under:

Heading: BOARD OF PUBLIC WORKS – CAPITAL APPROPRIATION

Program: D06E02.01

Entitled: Public Works Capital Appropriation

In line 6, in the General Fund Appropriation, strike "1,000,000" and substitute "0".

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

Affirmative – 16 Negative – 29 (See Roll Call No. 380)

FLOOR AMENDMENT

SB0090/733229/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 90, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 91, in Committee Amendment No. 107, under:

Heading: MENTAL HYGIENE ADMINISTRATION

Program: M00L01.02

Entitled: Community Services

In line 2, strike "funding" and substitute "$3,125,475 in funding"; in line 29, strike "and"; and in line 45, after "committees" insert "; and

(5) $200,000 of this appropriation, made for the purpose of establishing a program for behavioral health services for Maryland veterans of the Afghanistan and Iraq conflicts may be spent to implement the Veterans of Afghanistan and Iraq Mental Health Pilot Program, contingent upon enactment of Senate Bill 872 or House Bill 984".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Edwards moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1009 – Senator Edwards

AN ACT concerning

Garrett County Code of Public Local Laws – Legalization

FOR the purpose of legalizing the 2005 edition of the Code of Public Local Laws of Garrett County, which was prepared under the direction of the Board of County Commissioners of Garrett County; and generally relating to the legalization of the Code of Public Local Laws of Garrett County.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 381)

RECESS

At 12:53 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 6:00 P.M. on Wednesday, March 12, 2008.

AFTER RECESS
Annapolis, Maryland
Wednesday, March 12, 2008
6:00 P.M. Session

At 6:15 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 382)

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

SPECIAL ORDERS

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

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority – Bonding Authority

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

SB0182/949533/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "- Bonding Authority"; in line 3, after the first "of" insert "requiring the Maryland Transportation Authority each year to develop, adopt,

and submit to the General Assembly at certain times a certain financial forecast for its operations; requiring the financial forecast to include certain components;"; in line 4, strike "Maryland Transportation"; in the same line, after "Authority;" insert "authorizing the Authority to issue certain notes of a certain maturity secured by a pledge of a certain line of credit; altering certain required General Fund appropriations for the financing of a certain highway; authorizing the Authority to issue certain notes for the financing of a certain highway; authorizing the Authority to use certain amounts from a certain line of credit for the financing of a certain highway; authorizing the Governor to transfer up to a certain amount from the Transportation Trust Fund to the Authority for the financing of a certain highway; requiring that certain amounts be repaid by the Authority to the Transportation Trust Fund from certain appropriations; requiring the Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial plan of expenditures and funding for the construction of a certain highway; requiring the financial plan to include certain components; stating the intent of the General Assembly that the Authority provide certain cash flow changes for financing a certain highway;"; in the same line, after "to" insert "the"; in line 5, strike "revenue bonds and the issuance of debt" and substitute "and the financing of the Intercounty Connector"; after line 5, insert:

"BY adding to
Article – Transportation
Section 4–10 and 4–20.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)";

and in line 8, after "4–306" insert "and 4–321".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"**4–210.**

(A) EACH YEAR, THE AUTHORITY SHALL DEVELOP AND ADOPT A 10–YEAR FINANCIAL FORECAST FOR THE OPERATIONS OF THE AUTHORITY.

(B) IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT TO THE GENERAL ASSEMBLY:

(1) A DRAFT OF THE FINANCIAL FORECAST ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(2) THE FINANCIAL FORECAST AS APPROVED BY THE AUTHORITY ON OR BEFORE JULY 1 OF EACH YEAR.

(C) THE FINANCIAL FORECAST SHALL INCLUDE THE FOLLOWING COMPONENTS:

(1) A SCHEDULE OF OPERATING EXPENSES;

(2) A SCHEDULE OF REVENUES, INCLUDING CONCESSIONS INCOME, INVESTMENT INCOME, OTHER INCOME, AND TRANSFERS FROM THE DEPARTMENT;

(3) A SCHEDULE OF TOLL REVENUES, INCLUDING THE AVERAGE TOLL PER VEHICLE, THE AVERAGE TOLL INCREASE, THE NUMBER OF PAID VEHICLES, AND THE TOLL REVENUE BY TOLL FACILITY AND BY FISCAL YEAR;

(4) A SCHEDULE OF PLANNED BOND ISSUANCES, INCLUDING A DETAILED SUMMARY OF BONDS ISSUED TO FUND THE CAPITAL PROGRAM AND BONDS ISSUED TO FUND CAPITALIZED INTEREST;

(5) A SCHEDULE OF DEBT SERVICE IN EACH FISCAL YEAR FOR EACH BOND ISSUANCE OF ALL DEBT ISSUED OR PLANNED TO BE ISSUED BY THE AUTHORITY, INCLUDING REVENUE BONDS AND CONDUIT FINANCING; AND

(6) A SUMMARY SCHEDULE FOR THE AUTHORITY THAT INCLUDES:

(I) THE TOTAL CASH BALANCE;

(II) THE AMOUNT OF THE CASH BALANCE THAT IS ENCUMBERED;

(III) THE ANNUAL CASH SURPLUS OR DEFICIT;

(IV) REVENUES;

(V) TRANSFERS TO THE DEPARTMENT FROM THE AUTHORITY;

(VI) TRANSFERS FROM THE AUTHORITY TO THE DEPARTMENT;

(VII) BOND SALES;

(VIII) EXPENDITURES FOR DEBT SERVICE;

(IX) OPERATING EXPENSES;

(X) CAPITAL EXPENSES;

(XI) MAINTENANCE AND OPERATIONS EXPENSE RESERVE ACCOUNTS;

(XII) FORECASTED BOND INTEREST RATES;

(XIII) TOTAL BONDS OUTSTANDING; AND

(XIV) FINANCIAL COVERAGE RATIOS, INCLUDING THE RATIO OF TOTAL CASH TO TOLL REVENUES, THE DEBT SERVICE COVERAGE RATIO, AND THE RATE COVENANT COMPLIANCE RATIO.

(D) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE COMPONENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:

(1) ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR; AND

(2) FORECASTS OF THE INFORMATION FOR EACH OF THE 10 SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL YEAR FOR THE PROPOSED BUDGET, AND THE NEXT 8 SUBSEQUENT FISCAL YEARS.".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"**4–320.1.**

(A) THE AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(B) NOTES ISSUED UNDER THIS SECTION SHALL HAVE A MATURITY DATE 3 YEARS AFTER THE DATE OF ISSUE.

(C) A PLEDGE OF A LINE OF CREDIT AS AUTHORIZED UNDER THIS SECTION DOES NOT CONSTITUTE THE PLEDGE OF FUTURE FEDERAL REVENUES, AND NOTES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO § 3–601(D) OF THIS ARTICLE OR § 4–320 OF THIS SUBTITLE.

4–321.

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year **[**2010**] 2012** equal to $264,913,000, **[**with a payment of at least $50,000,000 each year for fiscal years 2007 through 2010; and**] AS FOLLOWS:**

(I) $53,000,000 FOR FISCAL YEAR 2007 AND FOR EACH OF FISCAL YEARS 2009 THROUGH 2011; AND

(II) $52,913,000 FOR FISCAL YEAR 2012; AND

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(F) (1) IN ADDITION TO OTHER AMOUNTS PROVIDED TO FINANCE THE INTERCOUNTY CONNECTOR UNDER THIS SECTION, THE AUTHORITY MAY:

(I) ISSUE BOND ANTICIPATION NOTES FOR THE INTERCOUNTY CONNECTOR SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AS AUTHORIZED UNDER § 4–320.1 OF THIS SUBTITLE; AND

(II) USE UP TO AN AMOUNT APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION FROM A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO AMOUNTS TRANSFERRED TO THE AUTHORITY UNDER SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE GOVERNOR MAY TRANSFER UP TO $75,000,000 FROM THE TRANSPORTATION TRUST FUND TO THE AUTHORITY FOR THE INTERCOUNTY CONNECTOR.

(II) ANY AMOUNTS TRANSFERRED FROM THE TRANSPORTATION TRUST FUND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REPAID BY THE AUTHORITY TO THE TRANSPORTATION TRUST FUND FROM THE GENERAL FUND APPROPRIATIONS TO THE AUTHORITY FOR FISCAL YEAR 2011 AND FISCAL YEAR 2012 UNDER SUBSECTION (E)(2) OF THIS SECTION.

[(f)**] (G)** (1) On or before December 1 of each year, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns.

(H) (1) EACH YEAR UNTIL COMPLETION OF ALL CASH FLOW FOR THE INTERCOUNTY CONNECTOR, THE AUTHORITY SHALL DEVELOP AND ADOPT AN

UPDATED DETAILED FINANCIAL PLAN OF EXPENDITURES AND FUNDING FOR THE INTERCOUNTY CONNECTOR.

(2) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE FINANCIAL PLAN FOR THE INTERCOUNTY CONNECTOR:

(I) ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(II) ON OR BEFORE JULY 1 OF EACH YEAR.

(3) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE REVENUES AND EXPENDITURES FOR EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2004 AND CONTINUING THROUGH ANTICIPATED COMPLETION OF THE INTERCOUNTY CONNECTOR.

(4) THE REPORT SHALL INCLUDE:

(I) PLANNED EXPENDITURES BY YEAR, CATEGORIZED BY PLANNING AND ENGINEERING, RIGHT-OF-WAY ACQUISITIONS, AND CONSTRUCTION;

(II) FUNDING SOURCES BY YEAR, CATEGORIZED BY:

1. GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES;

2. TRANSFERS FROM THE TRANSPORTATION TRUST FUND;

3. TRANSFERS FROM THE GENERAL FUND;

4. FEDERAL FUNDS;

5. AUTHORITY CASH RESERVES;

6. AUTHORITY REVENUE BOND ISSUANCES;

7. DRAWS ON A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT;

8. BOND ANTICIPATION NOTES; AND

9. ANY OTHER REVENUE SOURCE;

(III) NONOWNERSHIP-RELATED PROJECT COMPONENTS, BY COMPONENT, SUCH AS ENVIRONMENTAL MITIGATION, TEMPORARY CONSTRUCTION EASEMENTS, CONSTRUCTION ON ANY NON-STATE-OWNED ROAD, AND ANY OTHER CATEGORY IDENTIFIED BY THE AUTHORITY IN ITS TAX DUE DILIGENCE REVIEW;

(IV) A SCHEDULE OF DEBT SERVICE FOR THE GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES AND AUTHORITY REVENUE BOND ISSUANCES; AND

(V) FINANCING ASSUMPTIONS, INCLUDING MATURITIES OF BOND ISSUANCES AND FORECASTED INTEREST RATES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Maryland Transportation Authority implement cash flow changes for financing the Intercounty Connector as follows:

(1) for fiscal year 2009, the principal amount of the second tranche of Grant Anticipation Revenue Vehicle ("GARVEE") bonds may be increased by $17,000,000 to a total of $425,000,000, plus any bond premium generated in conjunction with that issuance of GARVEE bonds;

(2) for fiscal year 2010:

(i) the Authority may issue up to a $75,000,000 3-year bond anticipation note secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, and General Fund appropriations to the Authority in fiscal years 2011 and 2012 may be invested for the purpose of generating sufficient interest income to offset the interest cost of the 3-year bond anticipation note; and

(ii) the Authority may use up to $75,000,000 from its fiscal year 2010 unencumbered cash balance and return a like amount to its unencumbered cash balance in fiscal year 2011 and fiscal year 2012 from the General Fund appropriations received in those fiscal years; and

(3) the Authority may borrow up to $75,000,000 interest free from the Transportation Trust Fund, to be repaid by the Authority from General Fund appropriations received in fiscal years 2011 and 2012.

(b) Funds received by the Authority from a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act may be substituted for Maryland Transportation Authority toll-backed revenue bonds in the financing of the Intercounty Connector.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

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

The motion was adopted.

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate Relief Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0527/899934/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Mandate" insert "and Revenue Dedication"; strike beginning with "altering" in line 5 down through "education;" in line 6; in line 6, after "libraries;" insert "repealing a requirement that the Governor provide funds in the budget in a certain amount for a certain interagency pool of funds to provide certain services; altering the distribution of the motor fuel tax revenue for certain fiscal years; altering the distribution of the sales and use tax revenue for certain fiscal years;"; in line 7, after "mandates" insert "and dedicated revenues"; in line 15, strike "17–104(a), 23–205(c)," and substitute "23–205(c)"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–139(c) and (d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104, 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Chapter 6 of the Acts of the General Assembly of the 2007 Special Session
Section 6".

AMENDMENT NO. 2

On page 1, in line 23, after "**INCLUSION**" insert "**WITHOUT REVISION**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 6 on page 3, inclusive.

AMENDMENT NO. 4

On page 4, after line 6, insert:

"Article – Health – General

15–139.

(c) (1) For **[**fiscal year 2004 and each subsequent**]** **EACH** fiscal year, the Governor **[**shall**]** **MAY** provide funds in the budget for the Children's Cabinet Fund established under Title 8, Subtitle 5 of the Human Services Article **[**in an amount equal to the amount of federal funds received under subsection (a) of this section during the most recently completed fiscal year:

(i) Less any administrative costs incurred by the Department, the Department of Juvenile Services, and the Department of Human Resources in implementing the programs required under this section; and

(ii) Subject to adjustment in accordance with subsection (e) of this section.

(2) The funds provided under paragraph (1) of this subsection shall**],** **TO** be used by the Children's Cabinet to create an interagency pool of funds to provide services to children with disabilities.

[(3)**] (2)** The pool of interagency funds established under this subsection shall be used to fund the community–based services and community–based out–of–home placements needed by children with mental or developmental disabilities not in State custody, regardless of eligibility for the State Medical Assistance Program, if:

(i) The child is in an out–of–home placement and has been recommended for discharge but the child's family is unwilling or unable to have the child return home; or

(ii) The child remains in the home but the child's family is unable to provide appropriate care for the child without additional services and the child is either at risk of requiring an out–of–home placement or the treating professionals have recommended an out–of–home placement.

(d) (1) The Governor's Office for Children, Youth, and Families shall adopt regulations to carry out the provisions of subsection **[**(c)(3)**] (C)(2)** of this section.".

AMENDMENT NO. 5

On page 4, before line 7, insert:

"Article – Tax – General

2–1104.

(A) **[**After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, INSTEAD OF THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX REVENUE AS FOLLOWS:

(1) $6,500,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2–1302.1.

(A) **[**After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, AFTER THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF THE SALES AND USE TAX COLLECTED ON SHORT-TERM VEHICLE RENTALS UNDER § 11-104(C) OF THIS ARTICLE AS FOLLOWS:

(1) $18,500,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2–1302.2.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay 6.5% of the remaining sales and use tax revenue into the Transportation Trust Fund established under § 3–216 of the Transportation Article.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND JULY 1, 2009, THE COMPTROLLER SHALL DEDUCT FROM THE AMOUNT SPECIFIED TO BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER SUBSECTION (A) OF THIS SECTION AND DISTRIBUTE TO THE STATE POLICE HELICOPTER REPLACEMENT FUND ESTABLISHED UNDER § 2-801 OF THE PUBLIC SAFETY ARTICLE AN AMOUNT EQUAL TO $35,000,000.

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

Chapter 6 of the Acts of the 2007 Special Session

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the sales and use tax revenue collected from January 1, 2008, through the end of June 30, 2008, the Comptroller shall distribute **[**$110,000,000**]** **$50,000,000** to the State Police Helicopter Replacement Fund established under § 2–801 of the Public Safety Article. It is the intent of the General Assembly that the Governor include in the annual budget bill in fiscal years 2009 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each fiscal year. It is the further intent of the General Assembly that the State Police purchase a flight simulator to use for helicopter pilot training.";

in line 7, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2008.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0536/689537/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 536
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Program;" insert "authorizing a court to exempt a supervisee from the fee under certain circumstances;"; and in line 8, strike "and (c)" and substitute ", (c), and (d)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"(d) Notwithstanding subsections (b) and (c) of this section, **A COURT OR** the Division may exempt a supervisee as a whole or in part from the Program fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the **COURT OR** Division by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the **COURT OR** Division;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

Central Collection Unit – Special Fund Balances

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0540/319031/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 540
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Central Collection Unit – " and substitute "Transfer of"; in line 4, strike "authorizing" and substitute "requiring"; in lines 5 and 6, strike "the Central Collection Fund" and substitute "certain special funds"; in line 6, after "year;" insert "repealing the Joseph Fund Account within the State Reserve Fund, the Joseph Fund Board, and related provisions of law; requiring that certain balances in the Joseph Fund Account be transferred to a certain special fund;"; in the same line, after "application" insert "of certain provisions"; in line 7, strike "Central Collection Fund" and substitute "transfer of certain special fund balances to certain funds"; in line 10, after "3–306" insert "and 7–309(b)"; and after line 12, insert:

"BY repealing
Article – State Finance and Procurement
Section 7–327
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, after line 12, insert:

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

Article – State Finance and Procurement

7–309.

(b) The State Reserve Fund comprises:

(1) the Dedicated Purpose Account;

(2) the Revenue Stabilization Account;

(3) the Economic Development Opportunities Program Account; **AND**

(4) the Catastrophic Event Account**[**; and

(5) the Joseph Fund Account**]**.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 7-327 of Article – State Finance and Procurement of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, any balance remaining at the end of May 31, 2008, in the Joseph Fund Account established under § 7-237 of the State Finance and Procurement Article shall be transferred to the Revenue Stabilization Account of the State Reserve Fund.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding § 34–101 of the State Personnel and Pensions Article or any other provision of law, on or before June 1, 2008, from the funds deposited in the Dedicated Purpose Account for the purpose of defraying the future costs associated with retirement benefits for State employees, the Governor shall transfer $50,000,000 to the General Fund.";

in lines 13, 17, and 19, strike "2.", "3.", and "4.", respectively, and substitute "6.", "7.", and "8.", respectively; in line 14, strike "may" and substitute "shall"; and in line 20, strike "July" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Account – Transfer of Funds

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

SB0545/619539/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 545
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland"; in the same line, strike "Provider Rate Stabilization Account" and substitute "Funds"; strike beginning with "Transfer" in line 2 down through "Funds" in line 3 and substitute "Transfers and Disbursements"; in line 6, after "purposes;" insert "limiting a certain requirement that the Legislative Auditor conduct certain audits of a certain insurance society to years in which the society received certain disbursements from the Rate Stabilization Account of the Fund; requiring the Legislative Auditor to conduct a certain follow-up audit; authorizing the Governor, by budget amendment, to transfer a certain amount in the Cigarette Restitution Fund to the Department of Health and Mental Hygiene under certain circumstances;"; strike beginning with "the" in line 6 down through "Fund" in line 8 and substitute "certain transfers and disbursements of health care funds"; and after line 18, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 24–213
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, in line 20, strike "**$14,275,000**" and substitute "**$3,000,000**"; in line 23, strike "**$62,000,000**" and substitute "**$73,275,000**"; and in line 25, after "**2010**" insert "**AND FISCAL YEAR 2011**".

AMENDMENT NO. 3

On page 2, after line 25, insert:

"24–213.

(a) The Legislative Auditor **[**annually**]** shall conduct a fiscal and compliance audit of the accounts and transactions of the Society **FOR EACH YEAR IN WHICH THE SOCIETY RECEIVES A DISBURSEMENT FROM THE RATE STABILIZATION ACCOUNT UNDER § 19-805 OF THIS ARTICLE OTHER THAN A DISBURSEMENT MADE UNDER § 19-805(B)(3) OF THIS ARTICLE**.

(B) WITHIN ONE YEAR OF THE DATE OF AN AUDIT REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE LEGISLATIVE AUDITOR SHALL CONDUCT A FOLLOW-UP AUDIT TO DETERMINE THE STATUS OF ANY AUDIT RECOMMENDATIONS.

[(b)**](C)** The Society shall pay the cost of each audit.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 7–317(g)(1) of the State Finance and Procurement Article or any other provision of law, the Governor may, by budget amendment, transfer up to $1,000,000 of the funds in the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article to the Department of Health and Mental Hygiene Program MQ0103 Medical Care Programs Administration, if revenues for fiscal year 2009 attained by the Cigarette Restitution Fund exceed the $170,780,000 in total net sources of revenue noted in Appendix M of the Governor's Budget Books.";

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0545/199833/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 545, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0545/619539/1), in line 10 of Amendment No. 1, after "circumstances;" insert "requiring that certain revenue for a certain fiscal year be distributed to a special fund, to be used only for certain purposes; authorizing the Governor, by budget amendment, to transfer a certain amount from the special fund to the Department of Health and Mental Hygiene under certain circumstances;".

AMENDMENT NO. 2

On page 2 of the Budget and Taxation Committee Amendments, in line 19 of Amendment No. 3, after "Books." insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding § 9–120 of the State Government Article or any other provision of law, after cumulative distributions for fiscal year 2008 to the General Fund under § 9–120(b)(1)(ii) of the State Government Article total $497,111,000, $13,000,000 of the remaining revenue that would otherwise be paid to the General Fund under § 9–120(b)(1)(ii) of the State Government Article shall be distributed to a special fund, to be used only as provided in this Section. The Governor may, by budget amendment, transfer up to $13,000,000 of the money in the special fund to the Department of Health and Mental Hygiene Program MQ0103 Medical Programs Administration.";

and in line 20, strike "3." and substitute "4.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 461 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices by Young Drivers – Enforcement

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

Favorable report adopted.

FLOOR AMENDMENT

SB0461/973022/2

BY: Senator Harris

AMENDMENTS TO SENATE BILL 461
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "law;" insert "requiring the Department of State Police to submit a certain report to the General Assembly on or before a certain date; requiring certain local law enforcement agencies to provide a certain monthly report to the Department;".

AMENDMENT NO. 2

On page 2, after line 23, insert:

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

(a) the Department of State Police shall report to the General Assembly on or before November 30, 2010, in accordance with § 2–1246 of the State Government Article, on the following with respect to traffic stops made during the period beginning on October 1, 2008 through the end of September 30, 2010:

(1) the total number of traffic stops for a suspected violation of this Act regardless of whether a citation is issued;

(2) the number of citations issued for a violation of this Act;

(3) the specific demographics of the individuals stopped for suspected violations of this Act, including age, gender, race, color, and national origin; and

(4) the number of individuals stopped for suspected violations of this Act who, during the same traffic stop, were also charged with or issued a citation for another offense; and

(b) to assist the Department of State Police in compiling data for the report required under subsection (a) of this section, each local law enforcement agency that

makes traffic stops for suspected violations of this Act shall provide to the Department of State Police a monthly report containing the information specified in subsection (a) of this section with respect to traffic stops made by the local law enforcement agency.";

and in line 24, strike "2." and substitute "3.".

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

Affirmative – 22 Negative – 24 (See Roll Call No. 383)

Read the second time and ordered prepared for Third Reading.

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority – Bonding Authority

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

SB0182/949533/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "- Bonding Authority"; in line 3, after the first "of" insert "requiring the Maryland Transportation Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial forecast for its operations; requiring the financial forecast to include certain components;"; in line 4, strike "Maryland Transportation"; in the same line, after "Authority;" insert "authorizing the Authority to issue certain notes of a certain maturity secured by a pledge of a certain line of credit; altering certain required General Fund appropriations for the financing of a certain highway; authorizing the Authority to issue certain notes for the financing of a certain highway; authorizing the Authority to use certain amounts from a certain line of credit for the financing of a certain highway; authorizing the Governor to transfer up to a certain amount from the Transportation Trust Fund to the Authority for the financing of a certain highway;

requiring that certain amounts be repaid by the Authority to the Transportation Trust Fund from certain appropriations; requiring the Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial plan of expenditures and funding for the construction of a certain highway; requiring the financial plan to include certain components; stating the intent of the General Assembly that the Authority provide certain cash flow changes for financing a certain highway;"; in the same line, after "to" insert "the"; in line 5, strike "revenue bonds and the issuance of debt" and substitute "and the financing of the Intercounty Connector"; after line 5, insert:

"BY adding to
Article – Transportation
Section 4–210 and 4–320.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)";

and in line 8, after "4–306" insert "and 4–321".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"**4–210.**

(A) EACH YEAR, THE AUTHORITY SHALL DEVELOP AND ADOPT A 10–YEAR FINANCIAL FORECAST FOR THE OPERATIONS OF THE AUTHORITY.

(B) IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT TO THE GENERAL ASSEMBLY:

(1) A DRAFT OF THE FINANCIAL FORECAST ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(2) THE FINANCIAL FORECAST AS APPROVED BY THE AUTHORITY ON OR BEFORE JULY 1 OF EACH YEAR.

(C) THE FINANCIAL FORECAST SHALL INCLUDE THE FOLLOWING COMPONENTS:

(1) A SCHEDULE OF OPERATING EXPENSES;

(2) A SCHEDULE OF REVENUES, INCLUDING CONCESSIONS INCOME, INVESTMENT INCOME, OTHER INCOME, AND TRANSFERS FROM THE DEPARTMENT;

(3) A SCHEDULE OF TOLL REVENUES, INCLUDING THE AVERAGE TOLL PER VEHICLE, THE AVERAGE TOLL INCREASE, THE NUMBER OF PAID VEHICLES, AND THE TOLL REVENUE BY TOLL FACILITY AND BY FISCAL YEAR;

(4) A SCHEDULE OF PLANNED BOND ISSUANCES, INCLUDING A DETAILED SUMMARY OF BONDS ISSUED TO FUND THE CAPITAL PROGRAM AND BONDS ISSUED TO FUND CAPITALIZED INTEREST;

(5) A SCHEDULE OF DEBT SERVICE IN EACH FISCAL YEAR FOR EACH BOND ISSUANCE OF ALL DEBT ISSUED OR PLANNED TO BE ISSUED BY THE AUTHORITY, INCLUDING REVENUE BONDS AND CONDUIT FINANCING; AND

(6) A SUMMARY SCHEDULE FOR THE AUTHORITY THAT INCLUDES:

(I) THE TOTAL CASH BALANCE;

(II) THE AMOUNT OF THE CASH BALANCE THAT IS ENCUMBERED;

(III) THE ANNUAL CASH SURPLUS OR DEFICIT;

(IV) REVENUES;

(V) TRANSFERS TO THE DEPARTMENT FROM THE AUTHORITY;

(VI) TRANSFERS FROM THE AUTHORITY TO THE DEPARTMENT;

(VII) BOND SALES;

(VIII) EXPENDITURES FOR DEBT SERVICE;

(IX) OPERATING EXPENSES;

(X) CAPITAL EXPENSES;

(XI) MAINTENANCE AND OPERATIONS EXPENSE RESERVE ACCOUNTS;

(XII) FORECASTED BOND INTEREST RATES;

(XIII) TOTAL BONDS OUTSTANDING; AND

(XIV) FINANCIAL COVERAGE RATIOS, INCLUDING THE RATIO OF TOTAL CASH TO TOLL REVENUES, THE DEBT SERVICE COVERAGE RATIO, AND THE RATE COVENANT COMPLIANCE RATIO.

(D) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE COMPONENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:

(1) ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR; AND

(2) FORECASTS OF THE INFORMATION FOR EACH OF THE 10 SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL YEAR FOR THE PROPOSED BUDGET, AND THE NEXT 8 SUBSEQUENT FISCAL YEARS.".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"**4–320.1.**

(A) THE AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(B) NOTES ISSUED UNDER THIS SECTION SHALL HAVE A MATURITY DATE 3 YEARS AFTER THE DATE OF ISSUE.

(C) A PLEDGE OF A LINE OF CREDIT AS AUTHORIZED UNDER THIS SECTION DOES NOT CONSTITUTE THE PLEDGE OF FUTURE FEDERAL REVENUES, AND NOTES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO § 3–601(D) OF THIS ARTICLE OR § 4–320 OF THIS SUBTITLE.

4–321.

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year **[**2010**]** **2012** equal to $264,913,000, **[**with a payment of at least $50,000,000 each year for fiscal years 2007 through 2010; and**]** **AS FOLLOWS:**

(I) $53,000,000 FOR FISCAL YEAR 2007 AND FOR EACH OF FISCAL YEARS 2009 THROUGH 2011; AND

(II) $52,913,000 FOR FISCAL YEAR 2012; AND

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(F) (1) IN ADDITION TO OTHER AMOUNTS PROVIDED TO FINANCE THE INTERCOUNTY CONNECTOR UNDER THIS SECTION, THE AUTHORITY MAY:

(I) ISSUE BOND ANTICIPATION NOTES FOR THE INTERCOUNTY CONNECTOR SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AS AUTHORIZED UNDER § 4–320.1 OF THIS SUBTITLE; AND

(II) USE UP TO AN AMOUNT APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION FROM A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO AMOUNTS TRANSFERRED TO THE AUTHORITY UNDER SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE GOVERNOR MAY TRANSFER UP TO $75,000,000 FROM THE TRANSPORTATION TRUST FUND TO THE AUTHORITY FOR THE INTERCOUNTY CONNECTOR.

(II) ANY AMOUNTS TRANSFERRED FROM THE TRANSPORTATION TRUST FUND UNDER SUBPARAGRAPH (I) OF THIS

PARAGRAPH SHALL BE REPAID BY THE AUTHORITY TO THE TRANSPORTATION TRUST FUND FROM THE GENERAL FUND APPROPRIATIONS TO THE AUTHORITY FOR FISCAL YEAR 2011 AND FISCAL YEAR 2012 UNDER SUBSECTION (E)(2) OF THIS SECTION.

[(f)**] (G)** (1) On or before December 1 of each year, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns.

(H) (1) EACH YEAR UNTIL COMPLETION OF ALL CASH FLOW FOR THE INTERCOUNTY CONNECTOR, THE AUTHORITY SHALL DEVELOP AND ADOPT AN UPDATED DETAILED FINANCIAL PLAN OF EXPENDITURES AND FUNDING FOR THE INTERCOUNTY CONNECTOR.

(2) IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE FINANCIAL PLAN FOR THE INTERCOUNTY CONNECTOR:

(I) ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(II) ON OR BEFORE JULY 1 OF EACH YEAR.

(3) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE REVENUES AND EXPENDITURES FOR EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2004 AND CONTINUING THROUGH ANTICIPATED COMPLETION OF THE INTERCOUNTY CONNECTOR.

(4) THE REPORT SHALL INCLUDE:

(I) PLANNED EXPENDITURES BY YEAR, CATEGORIZED BY PLANNING AND ENGINEERING, RIGHT–OF–WAY ACQUISITIONS, AND CONSTRUCTION;

(II) FUNDING SOURCES BY YEAR, CATEGORIZED BY:

1. GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES;

2. TRANSFERS FROM THE TRANSPORTATION TRUST FUND;

3. TRANSFERS FROM THE GENERAL FUND;

4. FEDERAL FUNDS;

5. AUTHORITY CASH RESERVES;

6. AUTHORITY REVENUE BOND ISSUANCES;

7. DRAWS ON A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT;

8. BOND ANTICIPATION NOTES; AND

9. ANY OTHER REVENUE SOURCE;

(III) NONOWNERSHIP-RELATED PROJECT COMPONENTS, BY COMPONENT, SUCH AS ENVIRONMENTAL MITIGATION, TEMPORARY CONSTRUCTION EASEMENTS, CONSTRUCTION ON ANY NON-STATE-OWNED ROAD, AND ANY OTHER CATEGORY IDENTIFIED BY THE AUTHORITY IN ITS TAX DUE DILIGENCE REVIEW;

(IV) A SCHEDULE OF DEBT SERVICE FOR THE GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES AND AUTHORITY REVENUE BOND ISSUANCES; AND

(V) FINANCING ASSUMPTIONS, INCLUDING MATURITIES OF BOND ISSUANCES AND FORECASTED INTEREST RATES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Maryland Transportation Authority implement cash flow changes for financing the Intercounty Connector as follows:

(1) for fiscal year 2009, the principal amount of the second tranche of Grant Anticipation Revenue Vehicle ("GARVEE") bonds may be increased by $17,000,000 to a total of $425,000,000, plus any bond premium generated in conjunction with that issuance of GARVEE bonds;

(2) for fiscal year 2010:

(i) the Authority may issue up to a $75,000,000 3–year bond anticipation note secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, and General Fund appropriations to the Authority in fiscal years 2011 and 2012 may be invested for the purpose of generating sufficient interest income to offset the interest cost of the 3-year bond anticipation note; and

(ii) the Authority may use up to $75,000,000 from its fiscal year 2010 unencumbered cash balance and return a like amount to its unencumbered cash balance in fiscal year 2011 and fiscal year 2012 from the General Fund appropriations received in those fiscal years; and

(3) the Authority may borrow up to $75,000,000 interest free from the Transportation Trust Fund, to be repaid by the Authority from General Fund appropriations received in fiscal years 2011 and 2012.

(b) Funds received by the Authority from a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act may be substituted for Maryland Transportation Authority toll-backed revenue bonds in the financing of the Intercounty Connector.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0182/913328/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 182
(First Reading File Bill)

On page 2, in line 4, strike "**$3,000,000,000**" and substitute "**$2,500,000,000**".

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

Affirmative – 18 Negative – 28 (See Roll Call No. 384)

FLOOR AMENDMENT

SB0182/663028/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 182, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, before "and" insert "prohibiting the Maryland Transportation Authority from fixing or revising a toll on any part of any transportation facilities project unless the General Assembly approves the toll through legislation; authorizing the Authority, on or after the effective date of this Act, to continue to charge and collect a toll of the same amount in effect before the effective date of this Act;".

On page 1 of the Budget and Taxation Committee Amendments (SB0182/949533/1), in line 20 of Amendment No. 1, strike "and the financing of the Intercounty Connector".

On page 2 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 1, strike "and" and substitute ", 4–312, and".

AMENDMENT NO. 2

On page 2 of the bill, in line 8, after "subtitle." insert:

"4–312.

(a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be continued to be charged on the John F. Kennedy Expressway and any project constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

(2) **[**As**]** **EXCEPT WITH RESPECT TO TOLLS, AS** to all or any part of any transportation facilities project, the Authority may:

(i) Fix, revise, charge, and collect rentals, rates, fees, **[**tolls,**]** and other charges and revenues for its use or for its services; and

(ii) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, **[**tolls,**]** or other charges or revenues for this use.

(3) (I) THE AUTHORITY MAY NOT FIX OR REVISE A TOLL ON ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS THE GENERAL ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION.

(II) ON OR AFTER JULY 1, 2008, THE AUTHORITY MAY CONTINUE TO CHARGE AND COLLECT A TOLL ON ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT IN AN AMOUNT EQUAL TO THE AMOUNT OF THE TOLL IN EFFECT BEFORE JULY 1, 2008.

(b) The rentals, rates, fees, tolls, and other charges and revenues designated as security for any bonds issued under this subtitle shall be fixed and adjusted from time to time, either with respect to a particular transportation facilities project or in respect of the aggregate of the charges and revenues from other transportation facilities projects under the control of the Authority, as may be specified by law or in any applicable resolution or trust agreement, so as to provide funds that, together with any other available revenues, are sufficient as long as the bonds are outstanding and unpaid to:

(1) Pay the costs of maintaining, repairing, and operating the transportation facilities project or projects financed in whole or in part by one or more series of outstanding and unpaid bonds, to the extent that payment is not otherwise provided;

(2) Pay the principal of and the interest on these bonds as they become due and payable;

(3) Create reasonable reserves that are anticipated will be needed for these purposes; and

(4) Provide funds for paying the cost of replacements, renewals, and improvements.

(c) (1) Except as otherwise provided in this [subsection] **SECTION**, the rentals, rates, fees, tolls, and other charges and revenues are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.

(2) This subtitle does not permit the exercise of any power or the undertaking of any activity that would conflict with the provisions and limitations of the federal Urban Mass Transportation Act of 1964.

(3) Tolls for the use of the bridge carrying the John F. Kennedy Memorial Highway over the Susquehanna River may not be less than the comparable tolls charged for the use of the Susquehanna River Bridge.

(4) Prior to [fixing or revising tolls] **SUBMITTING TO THE GENERAL ASSEMBLY A REQUEST FOR LEGISLATION TO FIX OR REVISE A TOLL** on any part of any transportation facilities project, the Authority shall provide, in accordance with § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Ways and Means Committee information on the proposed toll charges, including:

(i) The annual revenues generated by the toll charges;

(ii) The proposed use of the revenues; and

(iii) The proposed commuter discount rates.".

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

Affirmative – 16 Negative – 28 (See Roll Call No. 385)

FLOOR AMENDMENT

SB0182/273024/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 182, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB182/949533/1), strike beginning with "altering" in line 7 down through "highway;" in line 19 and substitute "requiring the Governor to include a certain appropriation to the Transportation Trust Fund under certain circumstances; limiting the cumulative amount of certain appropriations to the Transportation Trust Fund; providing that a certain appropriation to the Revenue Stabilization Account under a certain provision of law is not required except under certain circumstances; altering the amount of a certain appropriation under certain circumstances; prohibiting the Maryland Department of Transportation and the Maryland Transportation Authority from

financing the Intercounty Connector or expending any funds for the Intercounty Connector; repealing certain provisions of law concerning the financing of the Intercounty Connector; requiring the Maryland Transportation Authority to retire certain bonds secured by a pledge of future federal aid in a certain manner;"; in line 20, strike "and the financing of the Intercounty Connector"; and in line 24, strike "4–210" and substitute "3–216(g), 4–210,".

AMENDMENT NO. 2

On page 1 of the bill, after line 13, insert:

"3–216.

(G) (1) NOTWITHSTANDING § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, FOR FISCAL YEAR 2010 AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS $10,000,000, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND IN AN AMOUNT EQUAL TO THE LESSER OF $50,000,000 OR THE EXCESS SURPLUS OVER $10,000,000.

(2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

(I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF $10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

(II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF $10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL

THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF $10,000,000 AND THE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL YEARS MAY NOT EXCEED $211,913,000.

(II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A CUMULATIVE AMOUNT EQUAL TO AT LEAST $211,913,000 HAS BEEN APPROPRIATED TO THE TRANSPORTATION TRUST FUND FOR PRIOR FISCAL YEARS UNDER THIS SUBSECTION.".

On pages 6 through 11 of the Budget and Taxation Committee Amendments, in Amendment No. 3, strike beginning with "(b)" in line 1 on page 6 down through "Connector." in line 18 on page 11 and substitute:

"(b) The State and the Authority **[**shall**]** **MAY NOT [**finance**]** **ISSUE ANY DEBT OR EXPEND ANY FUNDS FROM ANY SOURCE FOR** the Intercounty Connector **[**as provided in this section**]**.

[(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year 2010 equal to $264,913,000, with a payment of at least $50,000,000 each year for fiscal years 2007 through 2010; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(f) (1) On or before December 1 of each year, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Transportation Authority shall retire any bonds secured by a pledge of future federal aid, outstanding as of the effective date of this Act, with:

(1) unspent bond proceeds;

(2) if unspent bond proceeds are insufficient to retire the bonds, any unspent moneys appropriated for the Intercounty Connector; or

(3) if unspent bond proceeds and unspent moneys appropriated for the Intercounty Connector are insufficient to retire the bonds, federal fund authorizations from the federal highway program.".

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

Affirmative – 12 Negative – 32 (See Roll Call No. 386)

FLOOR AMENDMENT

SB0182/333728/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 182, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, before "and" insert "limiting to certain law enforcement efforts the use of data collected from video cameras at transportation facility toll booths operated by the Authority;".

On page 1 of the Budget and Taxation Committee Amendments (SB0182/949533/1), in line 24 of Amendment No. 1, strike "and 4–320.1" and substitute ", 4–320.1, and 4–407".

AMENDMENT NO. 2

On page 10 of the Budget and Taxation Committee Amendments, after line 15 of Amendment No. 3, insert:

"**4–407.**

THE AUTHORITY MAY NOT USE ANY DATA COLLECTED FROM VIDEO CAMERAS AT TRANSPORTATION FACILITY TOLL BOOTHS FOR ANY PURPOSE OTHER THAN THE ENFORCEMENT OF TOLL VIOLATIONS, HOMELAND SECURITY, OR OTHER LAW ENFORCEMENT EFFORTS.".

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

Affirmative – 18 Negative – 24 (See Roll Call No. 387)

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

The motion was adopted.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 42 – ~~Senator Frosh~~ Senators Frosh, Brochin, Forehand, Muse, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

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

Affirmative – 29 Negative – 17 (See Roll Call No. 388)

The Bill was then sent to the House of Delegates.

Senate Bill 387 – Senators Stone, Astle, DeGrange, Dyson, Exum, Glassman, Haines, King, and Klausmeier

AN ACT concerning

Criminal Law – Possessing Stolen Property

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

Affirmative – 45 Negative – 0 (See Roll Call No. 389)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority – Bonding Authority

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

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 399 – Delegates Rosenberg, Benson, Frush, Hubbard, Kullen, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil Relief – Waiver of Sovereign Immunity

FOR the purpose of clarifying that certain earnings and amounts earnable operate to reduce certain awards of back pay in certain administrative proceedings; establishing that certain respondents may elect to have certain claims asserted in a certain complaint filed with the Maryland Human Relations Commission determined in certain civil actions brought by the Commission on the complainant's behalf; requiring that certain respondents give notice of certain elections to the Commission and certain other complainants and respondents; establishing that a certain civil action alleging a certain discriminatory act may be filed if the complainant filed a certain administrative charge or certain complaint in a timely manner and must be filed within a certain time after the occurrence of a certain act of discrimination; establishing that the filing of certain civil actions will automatically terminate certain proceedings before the Commission; establishing that certain earnings and amounts earnable operate to reduce certain awards of back pay in certain civil actions; prohibiting the use of sovereign immunity as a defense against certain awards in employment discrimination cases; providing for the payment of certain awards made against the State; correcting a certain cross–reference; and generally relating to the Maryland Human Relations Commission, administrative and civil relief for certain acts of discrimination, and the waiver of sovereign immunity.

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 11(e)(6), 11A, 11B, 11D, and 17A
Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 17B
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

LAID OVER BILLS

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

Senate Bill 212 – The President (By Request – Administration)

AN ACT concerning

Reorganization of State Government – Department of Information Technology

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0212/687274/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 212
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Technology;" insert "requiring the Secretary to provide a certain annual report on certain technology development projects to the Department of Legislative Services;".

AMENDMENT NO. 2

On page 4, in line 10, strike "**SUBTITLE**" and substitute "**TITLE**".

On page 12, in line 18, strike "**MARYLAND**" and substitute "**EMARYLAND**".

On page 16, in line 14, strike "**§ 3A-302(B)(2)**" and substitute "**§ 3A-301(B)(2)**".

AMENDMENT NO. 3

On page 17, after line 27, insert:

"**(M) ON OR BEFORE JANUARY 15 OF EACH YEAR, FOR EACH MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT CURRENTLY IN DEVELOPMENT OR FOR WHICH OPERATIONS AND MAINTENANCE FUNDING IS BEING PROVIDED IN ACCORDANCE WITH § 3A–309(I)(3) OF THIS SUBTITLE, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY SHALL PROVIDE A SUMMARY REPORT TO THE DEPARTMENT OF LEGISLATIVE SERVICES WITH THE MOST UP-TO-DATE PROJECT INFORMATION INCLUDING:**

(1) PROJECT STATUS;

(2) ANY SCHEDULE, COST, AND SCOPE CHANGES SINCE THE LAST ANNUAL REPORT;

(3) A RISK ASSESSMENT INCLUDING ANY PROBLEMS IDENTIFIED BY ANY INTERNAL OR EXTERNAL REVIEW AND ANY CORRECTIVE ACTIONS TAKEN; AND

(4) ANY CHANGE IN THE MONITORING OR OVERSIGHT STATUS.".

AMENDMENT NO. 4

On page 23, strike in their entirety lines 4 through 10.

On page 24, in line 16, strike "**3A–505.**" and substitute "**3A–504.**"; after line 17, insert:

"**(1) ESTABLISH AND ADMINISTER A PROGRAM TO PROVIDE COST–EFFICIENT, 24–HOUR, DUAL PARTY RELAY SERVICE TO PROGRAM PARTICIPANTS AT A COMPARABLE LEVEL OF ACCESS AND QUALITY THAT A STANDARD TELECOMMUNICATION SERVICE PROVIDES TO A PERSON WITHOUT A HEARING OR SPEECH DISABILITY;**";

in lines 18 and 22, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; and in line 27, strike "**(A)(2)**" and substitute "**(A)(3)**".

AMENDMENT NO. 5

On page 25, in lines 1 and 4, strike "**3A-506.**" and "**3A-507.**", respectively, and substitute "**3A-505.**" and "**3A-506.**", respectively; and in lines 5, 10, 15, 25, and 29, in each instance, strike "**§ 3A-503**" and substitute "**§ 3A-504(A)**".

On page 26, in line 13, strike "**§ 3A-503**" and substitute "**§ 3A-504(A)**".

On page 28, in line 2, strike "**§ 3A-507**" and substitute "**§ 3A-506**".

On page 31, in line 31, strike the period and substitute "**; AND**".

On page 32, in line 5, strike "**§ 3A-302**" and substitute "**§ 3A-301**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 566 – Senator Garagiola

AN ACT concerning

Health Care Facility Visitation and Medical Decisions – Domestic Partners

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

SB0566/917772/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 566
(First Reading File Bill)

AMENDMENT NO.1

On page 1, in the sponsor line, strike "Senator Garagiola" and substitute "Senators Garagiola and Kelley".

On page 2, in line 2, after "severable;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 8, strike beginning with "**A**" in line 24 down through "**ACCOUNT**" in line 25 and substitute "**AN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY BY TWO INDIVIDUALS STATING THAT THEY HAVE ESTABLISHED A DOMESTIC PARTNERSHIP**"; in line 29, after "**DOCUMENTS;**" insert "**OR**"; and in line 30, strike "**CONTRACT; OR**" and substitute "**CONTRACT.**".

On page 9, strike in their entirety lines 1 through 3, inclusive; and in line 15, after "**RESIDENT**" insert "**OR THE PATIENT'S OR RESIDENT'S PERSONAL REPRESENTATIVE**".

AMENDMENT NO. 3

On page 14, after line 21, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to have any effect on § 2–201 of the Family Law Article.";

and in line 22, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 29 Negative – 16 (See Roll Call No. 390)

FLOOR AMENDMENT

SB0566/883429/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 566, AS AMENDED
(First Reading File Bill)

In the Finance Committee Amendments (SB0566/917772/1), strike Amendment No. 2 in its entirety.

On page 8 of the bill, in line 9, strike "**PROOF**" and substitute "**:**

(1) AN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY BY TWO INDIVIDUALS STATING THAT THEY HAVE ESTABLISHED A DOMESTIC PARTNERSHIP; AND

(2) PROOF";

in lines 11, 13, 17, 19, 22, 26, 27, 28, and 30, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; strike in their entirety lines 24 and 25; in line 29, after "**DOCUMENTS;**" insert "**OR**"; and in line 30, strike "**; OR**" and substitute a period.

On page 9 of the bill, strike in their entirety lines 1 through 3, inclusive; and in line 15, after "**RESIDENT**" insert "**OR THE PATIENT'S OR RESIDENT'S PERSONAL REPRESENTATIVE**".

The preceding amendment was read only.

Senator Harris moved, duly seconded, to make the Bill and Amendment a Special Order for March 13, 2008.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #18

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

Senate Bill 2 – Senator Lenett

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

SB0002/568775/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "providing that a violation of this Act may only be enforced as a secondary action;"; in line 13, after "terms;" insert "providing for the termination of this Act;"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–213.2(a)(7) and (8)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, after line 27, insert:

"Article – Health – General

18–213.2.

(a) (7) "First responder" means a:

(i) Fire fighter;

(ii) Emergency medical technician;

(iii) Rescue squad member;

(iv) Law enforcement officer;

(v) Correctional officer; or

(vi) Sworn member of the State Fire Marshal's office.

(8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(i) The Department of State Police;

(ii) The Baltimore City Police Department;

(iii) The police department, bureau, or force of any county;

(iv) The police department, bureau, or force of any incorporated city or town;

(v) The office of the sheriff of any county;

(vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary's College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;

(vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;

(viii) The law enforcement officers of the Department of Natural Resources;

(ix) The Field Enforcement Bureau of the Comptroller's Office; or

(x) The Internal Investigative Unit of the Department of Public Safety and Correctional Services.".

AMENDMENT NO. 3

On page 3, in line 8, strike "**EMERGENCY USE**" and substitute "**USE**"; strike beginning with the comma in line 8 down through "**A**" in line 10 and substitute "**TO**

CALL A"; strike beginning with the semicolon in line 10 down through "**AND**" in line 15 and substitute "**FOR PURPOSES RELATED TO AN EMERGENCY THAT IS ONGOING AT THE TIME THE CALL IS MADE;**"; and strike beginning with "**LAW**" in line 19 down through "**PERSONNEL**" in line 20 and substitute "**FIRST RESPONDERS, AS DEFINED IN § 18–213.2 OF THE HEALTH – GENERAL ARTICLE;**

(II) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR CONTRACTORS ACTING UNDER THE AUTHORITY OF § 8–602 OF THIS ARTICLE IN AN EMERGENCY SITUATION; AND

(III) AN INDIVIDUAL DRIVING FOR A TRANSPORTATION SERVICE OPERATING UNDER § 2–103.3 OF THIS ARTICLE; AND

(3) USE OF A TWO–WAY RADIO THAT OPERATES WITH PUSH-TO-TALK TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN § 16–803 OF THIS ARTICLE".

AMENDMENT NO. 4

On page 4, in line 7, after "**(E)**" insert "**A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

(F)".

AMENDMENT NO. 5

On page 4, in lines 10 and 12, strike "**$100**" and "**$250**", respectively, and substitute "**$50**" and "**$100**", respectively; in line 16, strike "**(F)**" and substitute "**(G)**"; and in the same line, strike "**(E)**" and substitute "**(F)**".

AMENDMENT NO. 6

On page 4, in line 26, strike "October 1, 2008" and substitute "July 1, 2008. It shall remain effective for a period of 2 years and, at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect".

The preceding 6 amendments were read only.

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

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 10 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Criminal Procedure Article Additions – Cross–References and Corrections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 313 – Senators Stone, Haines, Colburn, Conway, Miller, and Muse

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

Senator Astle moved, duly seconded, to make the Bill and Report a Special Order for March 14, 2008.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 327 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Astle, Currie, Della, Exum, Jacobs, Kittleman, Lenett, Mooney, Pinsky, Pugh, Raskin, and Stone

AN ACT concerning

Identity Fraud – Personal and Business Documents and Cardholder Affidavits – Evidence

SB0327/738078/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 327
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Forehand".

AMENDMENT NO. 2

On page 1, in line 2, strike "Personal and Business Documents and"; strike beginning with "providing" in line 4 down through "proceeding;" in line 6; in line 11, strike "documents and"; and strike in their entirety lines 13 through 18, inclusive.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 14, inclusive.

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 JUDICIAL PROCEEDINGS REPORT #17

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 215 – Chair, Judicial Proceedings Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland False Health Claims Act

Senator Astle moved, duly seconded, to make the Bill and Report a Special Order for March 14, 2008.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 590 – Senators Pinsky, Brochin, Frosh, Lenett, Raskin, and Rosapepe

AN ACT concerning

Environment – Statute of Limitations

Senator Colburn moved, duly seconded, to make the Bill and Report a Special Order for March 14, 2008.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #3

Senator Currie, Chair, for the Committee on Budget and Taxation and Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

Senator DeGrange moved, duly seconded, to make the Bill and Report a Special Order for March 13, 2008.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 391)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 124 – Senators Brochin and Stone

AN ACT concerning

Criminal Law – Lawful Interception of Communications – Additional Crimes

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 392)

The Bill was then sent to the House of Delegates.

Senate Bill 271 – Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 393)

The Bill was then sent to the House of Delegates.

Senate Bill 328 – Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

Senator Harris moved, duly seconded, to make the Bill a Special Order for March 13, 2008.

The motion was adopted.

Senate Bill 600 – Senators Conway, Della, Dyson, Exum, Frosh, Garagiola, Gladden, Kelley, Middleton, Muse, and Stone

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 394)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Pugh moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1010 – Senators Pugh and Forehand

AN ACT concerning

International Marriage Brokers – Regulation

FOR the purpose of requiring an international marriage broker to provide certain notice to its recruits and to provide certain information to a recruit on request; requiring a client of an international marriage broker to obtain and provide certain information to the international marriage broker and to affirm that certain information is accurate and complete; requiring the Central Repository to process certain State and national criminal history records checks on submission of certain information and fees; prohibiting an international marriage broker from providing further services to a certain client or recruit until certain information is received and provided to a recruit; prohibiting an international marriage broker from further dissemination of certain information; establishing penalties for violating this Act; requiring the court to consider certain factors in determining a certain penalty; defining certain terms; and generally relating to international marriage brokers.

BY adding to
Article – Business Regulation
Section 19–401 through 19–407 to be under the new subtitle "Subtitle 4. International Marriage Brokers"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 395)

ADJOURNMENT

At 8:37 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 13, 2008.

Annapolis, Maryland
Thursday, March 13, 2008
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by The Reverend Ken Valentine, Wesley Grove United Methodist Church, guest of Senator DeGrange.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 12, 2008 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Muse and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 397)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 2 – Senator Lenett

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0002/568775/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "providing that a violation of this Act may only be enforced as a secondary action;"; in line 13, after "terms;" insert "providing for the termination of this Act;"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–213.2(a)(7) and (8)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, after line 27, insert:

"Article – Health – General

18–213.2.

(a) (7) "First responder" means a:

(i) Fire fighter;

(ii) Emergency medical technician;

(iii) Rescue squad member;

(iv) Law enforcement officer;

(v) Correctional officer; or

(vi) Sworn member of the State Fire Marshal's office.

(8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(i) The Department of State Police;

(ii) The Baltimore City Police Department;

(iii) The police department, bureau, or force of any county;

(iv) The police department, bureau, or force of any incorporated city or town;

(v) The office of the sheriff of any county;

(vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary's College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;

(vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;

(viii) The law enforcement officers of the Department of Natural Resources;

(ix) The Field Enforcement Bureau of the Comptroller's Office; or

(x) The Internal Investigative Unit of the Department of Public Safety and Correctional Services.".

AMENDMENT NO. 3

On page 3, in line 8, strike "**EMERGENCY USE**" and substitute "**USE**"; strike beginning with the comma in line 8 down through "**A**" in line 10 and substitute "**TO CALL A**"; strike beginning with the semicolon in line 10 down through "**AND**" in line 15 and substitute "**FOR PURPOSES RELATED TO AN EMERGENCY THAT IS ONGOING AT THE TIME THE CALL IS MADE;**"; and strike beginning with "**LAW**" in line 19 down through "**PERSONNEL**" in line 20 and substitute "**FIRST RESPONDERS, AS DEFINED IN § 18–213.2 OF THE HEALTH – GENERAL ARTICLE;**

(II) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR CONTRACTORS ACTING UNDER THE AUTHORITY OF § 8–602 OF THIS ARTICLE IN AN EMERGENCY SITUATION; AND

(III) AN INDIVIDUAL DRIVING FOR A TRANSPORTATION SERVICE OPERATING UNDER § 2–103.3 OF THIS ARTICLE; AND

(3) USE OF A TWO–WAY RADIO THAT OPERATES WITH PUSH–TO–TALK TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN § 16–803 OF THIS ARTICLE".

AMENDMENT NO. 4

On page 4, in line 7, after "**(E)**" insert "**A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

(F)".

AMENDMENT NO. 5

On page 4, in lines 10 and 12, strike "**$100**" and "**$250**", respectively, and substitute "**$50**" and "**$100**", respectively; in line 16, strike "**(F)**" and substitute "**(G)**"; and in the same line, strike "**(E)**" and substitute "**(F)**".

AMENDMENT NO. 6

On page 4, in line 26, strike "October 1, 2008" and substitute "July 1, 2008. It shall remain effective for a period of 2 years and, at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 23 Negative – 22 (See Roll Call No. 398)

FLOOR AMENDMENT

SB0002/483929/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB002/568775/2) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, strike "Wireless Communication" and substitute "Text Messaging"; strike beginning with "driver" in line 4 down through "circumstances" in line 10 and substitute "person from using a text messaging device to write, send, or read a text message while operating a motor vehicle"; strike beginning with "authorizing" in line 10 down through "terms;" in line 13; in line 14, strike "wireless communication" and substitute "text messaging"; strike in their entirety lines 16 through 20, inclusive; and after line 25, insert:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 2 through 29, inclusive.

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 24 on page 4 and substitute:

"**A PERSON MAY NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE.**

27–101.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than $500.".

The preceding 3 amendments were read and adopted by a roll call vote as follows:

Affirmative – 23 Negative – 21 (See Roll Call No. 399)

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 14, 2008.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #12

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs and Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 155 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

SB0155/474634/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 155
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "the" and substitute "a notice of"; and in line 6, strike "office of the clerk for" and substitute "land records of".

AMENDMENT NO. 2

On page 2, in line 10, after "**(4)**" insert "**(I)**"; strike beginning with the colon in line 11 down through "**A**" in line 12 and substitute "**A**"; in line 14, strike "**; AND**" and substitute a period; and in line 15, strike "**RECORDED IN THE OFFICE OF THE CLERK FOR**" and substitute "**A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND RECORDS OF**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 246 – Senators Frosh, Brochin, Conway, Dyson, Forehand, Garagiola, Gladden, King, Kramer, Lenett, Madaleno, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Agriculture – Fertilizer – Phosphorus Content Reduction

SB0246/914537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 246
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Reduction" insert "– Study".

AMENDMENT NO. 2

On page 1, strike beginning with "prohibiting" in line 3 down through "phosphorus" in line 12 and substitute "requiring the Department of Agriculture and the University of Maryland to collaborate on a certain study relating to lawn care

products and phosphate loads to the waters of the State, including the Chesapeake Bay; establishing the purpose of the study; requiring the Department and the University of Maryland to convene a group of technical experts to develop certain recommendations; requiring the Department and the University of Maryland to report certain findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study of the effect of phosphate loads to the waters of the State"; strike in their entirety lines 13 through 22, inclusive; in line 24, after "That" insert a colon; and strike beginning with "the" in line 24 down through "Agriculture" in line 25.

AMENDMENT NO. 3

On pages 2 through 6, strike in their entirety the lines beginning with line 1 on page 2 through line 25 on page 6, inclusive, and substitute:

"(a) The Department of Agriculture and the University of Maryland shall collaborate on a study to determine what effects lawn care products have on phosphate loads to the waters of the State, including the Chesapeake Bay, and what steps could be taken to minimize the loads.

(b) The purpose of the study is to evaluate what steps should be taken to reduce phosphate loads from lawn care products to the waters of the State, including the Chesapeake Bay.

(c) As part of the study, the Department of Agriculture and the University of Maryland shall convene a group of technical experts to develop recommendations to reduce nutrient losses by requiring changes in lawn care product content, form, or application methods.

(d) On or before January 1, 2010, the Department of Agriculture and the University of Maryland shall report their findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On page 6, in line 27, after "2008." insert "It shall remain effective for a period of 1 year and 8 months and, at the end of May 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read only.

Senator Pinsky moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 287 – Senators Stoltzfus, Brinkley, Conway, Currie, DeGrange, Dyson, Edwards, Exum, Frosh, Garagiola, Gladden, Greenip, Haines, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

State Designations – Smith Island Cake – State Dessert

SB0287/644332/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 287
(First Reading File Bill)

On page 1, in the sponsor line, after "Haines," insert "Harrington, Harris,".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 699 – Senator Gladden

AN ACT concerning

Task Force to Study the Development of Environmentally Friendly Communities in Urban Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Joint Resolution 2 – Senators Rosapepe, Peters, and Pinsky

A Senate Joint Resolution concerning

Henry A. Wallace Beltsville Agricultural Research Center and the National Agricultural Library

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #19

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 504 – Senators Brinkley, Currie, Glassman, Haines, Jacobs, King, Kittleman, Kramer, Middleton, Munson, Robey, Stoltzfus, and Stone

AN ACT concerning

Criminal Law – Theft of Rental Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 531 – Senators Muse and Forehand

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 563 – Senator Raskin

AN ACT concerning

Lilly Ledbetter Fair Pay Act of 2008

SB0563/818370/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 563
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin, Forehand, Gladden, and Muse".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 577 – Senator Forehand

AN ACT concerning

Individuals with Disabilities – Service Animals

SB0577/128771/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 577
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Forehand" and substitute "Senators Forehand, Brochin, Frosh, Gladden, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 630 – Senator Jacobs

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

SB0630/678973/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 630
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "subpoenas" in line 3 down through "circumstances" in line 5 and substitute "a subpoena for the production of certain records or documents for a certain purpose"; in line 6, after "specifying" insert "the manner of service of a subpoena,"; in the same line, after "subpoena" insert a comma; in line 9, after "subpoena" insert "to a certain circuit court"; and in the same line, after "grant" insert "certain".

AMENDMENT NO. 2

On page 1, strike beginning with "**MAY**" in line 22 down through the second "**AND**" in line 23.

The preceding 2 amendments were read only.

Senator Della moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 822 – Carroll County Senators

AN ACT concerning

Carroll County – Distribution of Tobacco Products to Minors – Prohibition and Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #4

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 239 – Senators Kasemeyer, Astle, Brinkley, Conway, Currie, DeGrange, Della, Edwards, Frosh, Garagiola, Jones, Kittleman, Klausmeier, Middleton, Munson, Peters, Robey, Stoltzfus, and Stone

EMERGENCY BILL

AN ACT concerning

Homestead Property Tax Credit

SB0239/799031/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 239
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Colburn, Dyson, Glassman, Harris, Kelley, Pipkin, and Simonaire".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 41 Negative – 4 (See Roll Call No. 400)

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 310 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Annual Financial Report – Filing Date

SB0310/619230/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 310
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Frederick County - "; in the same line, strike "Report" and substitute "and Audit Reports"; strike beginning with "and" in line 5 down through "County" in line 6 and substitute "altering the date by which a certain audit report must be submitted by a county, municipal corporation, or taxing district to the Legislative Auditor; making certain stylistic changes; and generally relating to annual financial and audit reports of counties, municipal corporations, and taxing districts"; and in line 9, after "37" insert "and 40(a)".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"40.

(a) (1) Except as provided in paragraph (2) of this subsection, each county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** and taxing district created by and situated within the State shall have its books, accounts, **[**records**]** **RECORDS,** and reports examined at least once during each fiscal year by the persons and for the purposes specified in this section. The examination shall be made by a certified public accountant in the capacity of either an independent auditor or official

auditor of any county or [incorporated city] **MUNICIPAL CORPORATION**. The auditor shall be in compliance with the provisions of the Maryland Public Accountancy Act. The official auditor shall be approved by the Legislative Auditor for the purposes specified in this section. On such examination, inquiry shall be made into the methods, [accuracy] **ACCURACY,** and legality of the accounts, records, [files] **FILES,** and reports of each county, [incorporated city or town] **MUNICIPAL CORPORATION,** and taxing district. The Legislative Auditor upon [his] **THE LEGISLATIVE AUDITOR'S** own initiative may review or audit the books, [records] **RECORDS,** and reports of any county, [incorporated city or town] **MUNICIPAL CORPORATION,** or taxing district. Any county, [incorporated city or town] **MUNICIPAL CORPORATION,** or taxing district may request the Legislative Auditor to audit its books, [records] **RECORDS,** and reports. If the request is approved, the costs of the examination shall be borne by the auditee. The results of the audit shall be reported, subject to § 2–1246 of the State Government Article, to the Legislative Auditor on such form or forms and in such manner as the Legislative Auditor may prescribe. This report shall be made to the Legislative Auditor by [November 1 after the close of the fiscal year, except that the report may be made to the Legislative Auditor by January 1 after the close of the fiscal year for a county, incorporated city or town or taxing district having a population of more than 400,000] **THE DATE THE COUNTY'S, MUNICIPAL CORPORATION'S, OR TAXING DISTRICT'S FINANCIAL REPORT IS REQUIRED TO BE SUBMITTED UNDER § 37 OF THIS SUBTITLE**. An audit report filed with the Legislative Auditor is a public record under the provisions of § 10–611 of the State Government Article. Each year the Legislative Auditor shall review the audit reports submitted and shall make a full and detailed report in writing to the State Comptroller and, subject to § 2–1246 of the State Government Article, to the Executive Director of the State Department of Legislative Services of the result of the examination of the books, accounts, [records] **RECORDS,** and reports of each county, [incorporated city or town] **MUNICIPAL CORPORATION,** and taxing district, together with such suggestions as the Legislative Auditor may think advisable to be made with respect to methods of bookkeeping, changes in the uniform system of financial [reporting] **REPORTING,** and changes in the reports of the counties, [incorporated cities or towns] **MUNICIPAL CORPORATIONS,** and taxing districts. In conducting the reviews specified in this section, the Legislative Auditor may review the working papers and other documentation of the auditor. As a result of the Legislative Auditor's reviews, audit reports, working papers, or other documentation may be referred to the State Board of Public Accountancy for action as prescribed in the Maryland Public Accountancy Act. It shall also be the duty of the Legislative Auditor to report all violations by any county, [incorporated city or town] **MUNICIPAL CORPORATION,** and taxing district of

the requirement and provisions specified in the sections of this subtitle to the State Comptroller and, subject to § 2–1246 of the State Government Article, to the Executive Director of the State Department of Legislative Services. Should any county or **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** or taxing district fail or refuse to file the audit reports as provided in this section with the Legislative Auditor within the time prescribed or fail or refuse to submit an audit report including financial statements that have been prepared in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards, the State Comptroller, acting upon the advice of the Executive Director of the State Department of Legislative Services, shall be authorized to order the discontinuance of payment of all funds, grants, or State aid which the county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** or taxing district is entitled to receive under State law. This provision shall have specific reference to all funds, grants, or State aid which the county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** or taxing district is entitled to receive under applicable provisions of State law distributed by the State Comptroller, the clerks of the court, or other units of State government.

(2) Unless the Legislative Auditor determines, on a case–by–case basis, that more frequent audits are required, the Legislative Auditor may authorize **[**an incorporated city or town**]** **A MUNICIPAL CORPORATION** or taxing district created by the State with annual revenues of less than $50,000 in the prior 4 fiscal years to have an audit conducted once every 4 years.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 326 – Senator Miller

AN ACT concerning

Calvert County – Sheriff – Pensions

SB0326/519435/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 326
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "changes;" in line 6 and substitute "permitting certain individuals serving as the Sheriff of Calvert County to participate in the Calvert County Employees' Savings Plan;"; in line 8, strike "with" and substitute "without"; and after line 12, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(f)(6)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, in lines 17, 18, 19, 21, and 22, in each instance, strike the brackets; in line 18, strike "**A**"; in line 19, strike "**THE SHERIFF**"; in line 21, strike "**(II)**"; in the same line strike "**A**"; strike beginning with "**AUTHORIZED**" in line 21 down through "**PARAGRAPH**" in line 22; and in line 22, strike "**AT LEAST**".

On page 2, in lines 1 and 2, in each instance, strike the brackets.

AMENDMENT NO. 3

On page 2, after line 2, insert:

"**(6) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO:**

1. ON OR AFTER JULY 1, 2008, SERVES AS THE SHERIFF OF CALVERT COUNTY; AND

2. AS THE SHERIFF OF CALVERT COUNTY DOES NOT PARTICIPATE IN THE EMPLOYEES' PENSION SYSTEM UNDER TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(II) AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PARTICIPATE IN THE CALVERT COUNTY EMPLOYEES' SAVINGS PLAN.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 340 – Senators Peters, Brinkley, Currie, DeGrange, Edwards, Kasemeyer, King, Kramer, Madaleno, Munson, Robey, and Stoltzfus

AN ACT concerning

Task Force on Reducing State Budget Expenditures for Record Management and Retention

SB0340/909936/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "President" in line 18 down through "Senate" in line 19 and substitute "Governor"; and strike beginning with "Speaker" in line 20 down through "House" in line 21 and substitute "Governor".

On page 2, strike beginning with "jointly" in line 8 down through "House" in line 9 and substitute "by the Governor".

AMENDMENT NO. 2

On page 2, strike lines 4 and 5 in their entirety; and in lines 6 and 8, strike "(8)" and "(9)", respectively, and substitute "(7)" and "(8)", 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 Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 375 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Retirement and Pension System – Imposition of Administrative Fees on Employers

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.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 488 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Police Retirement System – Survivor Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 173 – Senators Astle, Brinkley, and Robey

AN ACT concerning

Income Tax – Credit for Installation of Fire Suppression Systems

SB0173/649835/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "**CAPABLE**" in line 22 on page 1 down through "**ACTIVATED**" in line 4 on page 2 and substitute "**INSTALLED AND MAINTAINED IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 13, 13D, OR 13R, INSTALLATION OF SPRINKLER SYSTEMS, AS REFERENCED BY THE STATE OF MARYLAND FIRE PREVENTION CODE OR THE LOCAL FIRE PREVENTION CODE**".

AMENDMENT NO. 2

On page 2, in line 9, strike "**COUNTY FIRE CHIEF**" and substitute "**LOCAL AUTHORITY WITH JURISDICTION OVER THE ENFORCEMENT OF FIRE AND BUILDING CODES**".

AMENDMENT NO. 3

On page 2, strike beginning with "**LOCATED**" in line 6 down through "**PLACES**" in line 7 and substitute "**LISTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AS A NATIONAL HISTORIC LANDMARK**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 297 – Senators King, Astle, Currie, DeGrange, Edwards, Garagiola, Klausmeier, Madaleno, Munson, Peters, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Tax Credit For Employer Established Work–Based Learning Programs for Students

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 959 – Senators Middleton, Miller, Astle, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Haines, Harrington, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Statewide Phase–Out of Electronic Gaming Devices

SB0959/229035/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 959
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Slot Machines – Definition"; strike beginning with "prohibiting" in line 3 down through "definitions" in line 6 and substitute "altering the definition of "slot machine" for purposes of certain provisions of law to include certain machines, apparatuses, or devices that make a certain award to a user through the reading of a game of chance or the delivery of a game of chance; providing that the definition of "slot machine" does not include certain machines, apparatuses, or devices; authorizing the continued use of certain instant bingo machines under certain circumstances; establishing that the enforcement and implementation of this Act may not be stayed under certain circumstances"; in line 7, strike "electronic gaming devices" and substitute "slot machines"; and strike in their entirety lines 8 through 22, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Criminal Law

Section 12–301
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–302
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 3 through 7, strike in their entirety the lines beginning with line 12 on page 3 through line 4 on page 7, inclusive.

On page 7, in line 10, after "chance" insert "**, THE READING OF A GAME OF CHANCE, THE DELIVERY OF A GAME OF CHANCE,**"; in line 15, strike the second "and"; in line 19, strike the brackets; and strike in their entirety lines 22 and 23 and substitute:

"**(3) "SLOT MACHINE" DOES NOT INCLUDE A MACHINE, APPARATUS, OR DEVICE THAT:**

(I) AWARDS THE USER ONLY FREE ADDITIONAL GAMES OR PLAYS;

(II) AWARDS THE USER ONLY NONCASH MERCHANDISE OR PRIZES OF MINIMAL VALUE;

(III) DISPENSES PAPER PULL TAB TIP JAR TICKETS OR PAPER PULL TAB INSTANT BINGO TICKETS THAT MUST BE OPENED MANUALLY BY THE USER PROVIDED THAT THE MACHINE, APPARATUS, OR DEVICE DOES NOT:

1. READ THE TICKETS ELECTRONICALLY;

2. ALERT THE USER TO A WINNING OR LOSING TICKET; OR

3. TABULATE A PLAYER'S WINNINGS AND LOSSES;

(IV) 1. DISPLAYS FACSIMILES OF BINGO CARDS THAT USERS MARK AND MONITOR AS NUMBERS ARE CALLED BY AN INDIVIDUAL LOCATED ON THE PREMISES WHERE THE USER IS OPERATING THE MACHINE; AND

2. DOES NOT PERMIT A USER TO PLAY MORE THAN 54 BINGO CARDS AT THE SAME TIME;

(V) IS USED BY THE STATE LOTTERY COMMISSION UNDER TITLE 9 OF THE STATE GOVERNMENT ARTICLE; OR

(VI) IF LEGISLATION TAKES EFFECT AUTHORIZING THE OPERATION OF VIDEO LOTTERY TERMINALS, A VIDEO LOTTERY TERMINAL AS DEFINED IN AND LICENSED UNDER THAT LEGISLATION.".

On pages 8 and 9, strike in their entirety the lines beginning with line 1 on page 8 through line 10 on page 9, inclusive.

AMENDMENT NO. 3

On page 9, before line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 1 of this Act, an entity licensed to offer instant bingo may continue to operate a game of instant bingo in the same manner using electronic machines until January 1, 2009, provided that:

(a) the machines have been in operation for a 1–year period ending December 31, 2007;

(b) the machines operate using preprinted rolls of paper pull tab tickets that issue pull tab tickets in a predetermined order; and

(c) the conduct of the gaming and operation of the machines is consistent with all other provisions of the Criminal Law Article and with the holding in the case of Chesapeake Amusements Inc. v. Riddle, 363 Md. 16 (2001).

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if any action is brought for declaratory, injunctive, or other relief to challenge the legality of any provision of this Act or any amendment made by this Act, the enforcement and implementation of this Act may not be stayed pending the disposition of the action.";

and in line 11, strike "2." and substitute "4.".

The preceding 3 amendments were read only.

Senator Mooney moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON RULES REPORT #7

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 940 – Senator Astle

AN ACT concerning

City of Annapolis – Drug–Free Area or City

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 975 – Senator Pinsky

AN ACT concerning

Income Tax – Corporations – Denial of Deduction for Excessive Compensation of Officers and Directors

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1005 – Senator Gladden

AN ACT concerning

Crimes – Elder Abuse – Increased Penalties and Restrictions on Pretrial Release (The John H. Taylor Act)

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1006 – Senator Colburn

AN ACT concerning

Rural Broadband Communication Services – Railroads and Tributaries

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1007 – Senators Currie, Exum, Harrington, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1008 – Senator Middleton

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1009 – Senator Edwards

AN ACT concerning

Garrett County Code of Public Local Laws – Legalization

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

MOTION

Senator Garagiola moved, duly seconded, to reconsider the vote by which **Senate Bill 2** was made a Special Order for March 14, 2008.

The motion was adopted.

Senate Bill 2 – Senator Lenett

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

Senator Garagiola moved to reconsider the vote by which floor amendment **SB0002/483929/1** was adopted.

Senator Garagiola moved, duly seconded, to make the Bill and Motion to reconsider the floor amendment a Special Order for March 18, 2008.

The motion was adopted by a roll call vote as follows:

Affirmative – 23 Negative – 22 (See Roll Call No. 401)

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 13, 2008

District Court, Montgomery County (District 6)

1. Stephen P. Johnson

   Judge of the District Court of Maryland, District 6, Montgomery County; reappointed to serve a term of ten years from April 9, 2008

Arts Council, Maryland State

2. Nancy Haragan
   2901 Boston Street #510
   Baltimore, MD 21224

   Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2008

Education, State Board of

3. James H. DeGraffenreidt, Jr., Esquire
   406 Cedarcroft Road
   Baltimore, MD 21212

   Member of the State Board of Education; appointed to serve a term of four years from July 1, 2008

Engineers, State Board for Professional

4. H.C. Harclerode, II
One Country Club Lane
Phoenix, MD 21131

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2008

5. Eugene Callan Harvey
613 Banyon Avenue
Severna Park, MD 21146

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2008

Human Relations Commission

6. Doris Cowl
24 Tullycross Court
Timonium, MD 21093

Member of the Human Relations Commission; appointed to serve a term of six years from July 1, 2005

Injured Workers' Insurance Fund, Board for the

7. Kenneth Nwafor
3807 Dunhill Court
Bowie, MD 20721

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2008

8. Leonard Schuler, Jr.
3 Old Garrett Court
White Hall, MD 21161

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2007

Interagency Coordinating Council for Infants and Toddlers

9. William T. Cohee, Ed.D.
130 Nantucket Drive
Middletown, DE 19709

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2008

10. Angelina B. Dickerson, Ph.D.
5242 West Boniwood Turn
Clinton, MD 20735

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2008

11. Veronica D. Land–Davis
1546 Langford Road
Baltimore, MD 21207

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

12. Amy L. Nicholas, Ph.D.
1290 East Sandcroft Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2007

13. Kelli Piscano–Nelson
761 Sussex Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

14. Suzette Scipio–Ettienne, M.D.
10305 Ackerly Terrace
Lanham, MD 20706

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

Judicial Disabilities, Commission on

15. Nancy B. Shuger
4326 Roland Springs Drive
Baltimore, MD 21210–2755

Judge of the Commission on Judicial Disabilities; reappointed to serve a term of four years from January 1, 2008

Labor Relations Board, State

16. Susie C. Jablinske
109 Maple Lane
Annapolis, MD 21403

Member of the State Labor Relations Board; appointed to serve a term of six years from July 1, 2006

Landscape Architects, Board of Examiners of

17. Jeanette M. Stern–Tansey
301 Cedarcroft Road
Baltimore, MD 21212

Member of the State Board of Examiners of Landscape Architects; appointed to serve a term of three years from July 1, 2007

Legal Services Corporation Board of Directors

18. Teri A. Heger, LCSW–C
20032 Alva Court
Keedysville, MD 21756

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve a term of three years from July 1, 2007

Optometry, State Board of Examiners in

19. Kisha Fields Matthews
8227 Township Drive
Owings Mills, MD 21117

Member of the State Board of Examiners in Optometry; appointed to serve a term of three years from June 1, 2008

Parole Commission, Maryland

20. Thomas Vincent Miller, III, Esquire
5300 Beauvoir Court
West River, MD 20778

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2008

Pharmacy, State Board of

21. Richard W. Matens
2401 Pelham Avenue
Baltimore, MD 21213

Member of the State Board of Pharmacy; appointed to serve a term of four years from July 1, 2006

Port Commission, Maryland

22. William B. Dockser, Esquire
8906 Clewerwall Drive
Bethesda, MD 20817

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2006

23. Peta N. Richkus
107 A Versailles Circle
Towson, MD 21204

Member of the Maryland Port Commission; appointed to serve a term of three years from July 1, 2008

Psychologists, State Board of

24. Warren L. Hobbs
6210 Park Heights Avenue, #904
Baltimore, MD 21215

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2008

Racing Commission, State

25. Mary Louise Preis
810 Drohomer Place
Baltimore, MD 21210

Member of the State Racing Commission; appointed to serve a term of four years from July 1, 2008

26. Charles G. Tildon, III
5616 Cross Country Boulevard
Baltimore, MD 21209

Member of the State Racing Commission; appointed to serve a term of four years from July 1, 2008

Tourism Development Board, Maryland

27. Greg Shockley
10148 Queen's Circle
Ocean City, MD 21842

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2008

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Higher Education Commission, Maryland

S–1. Kevin M. O'Keefe
3 St. Martin's Road
Baltimore, MD 21218

Member of the Maryland Higher Education Commission; reappointed to serve a term of five years from July 1, 2008

S–2. Chung K. Pak
226 Grange Hall Drive
Gaithersburg, MD 20877

Member of the Maryland Higher Education Commission; reappointed to serve a term of five years from July 1, 2008

Interagency Coordinating Council for Infants and Toddlers

S–3. Margaret C. Berman
7031 Kenleigh Road
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

S–4. Eric F. Snyder
810 Hydric Court, Apt. 303
Odenton, MD 21113

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

Judicial Disabilities, Commission on

S–5. William D. Berkshire
1487 Crofton Parkway
Crofton, MD 21114

Member of the Commission on Judicial Disabilities; reappointed to serve a term of four years from January 1, 2008

S–6. Robert A. Greenberg
50 Maryland Avenue
Rockville, MD 20850

Judge of the Commission on Judicial Disabilities; reappointed to serve a term of four years from January 1, 2008

Lottery Commission, Maryland State

S–7. George M. Wagner
231 Wicklow Road
Ferndale, MD 21061

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2008

Physical Therapy Examiners, State Board of

S–8. Lois V. Rosedom–Boyd
6760 Real Princess Lane
Baltimore, MD 21207

Member of the State Board of Physical Therapy Examiners; reappointed to serve a term of four years from June 1, 2008

Physicians, State Board of

S–9. Rosaire Verna, M.D.
9062 Bozman Road
St. Michaels, MD 21663

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Plumbing, State Board of

S–10. Michael J. Kastner, Jr.
13556 Agro Drive
Dayton, MD 21036

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2008

S–11. Charles J. Morgan, Jr.
1219 Hull Street
Baltimore, MD 21230

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2008

Port Commission, Maryland

S–12. Alvin J. Nichols
8105 Felbrigg Hall Road
Glenn Dale, MD 20769

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2008

Prevailing Wage Rates, Advisory Council on

S–13. Michael Claude A. McPherson
11090 Swansfield Road
Columbia, MD 21044

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2008

Public Service Commission

S–14. Steven B. Larsen
10111 Parkwood Drive
Bethesda, MD 20814

Member of the Public Service Commission; reappointed to serve a term of five years from July 1, 2008

Racing Commission, State

S–15. John P. McDaniel
13032 Highland Road
Highland, MD 20777

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2008

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 14, 2008.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 270 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, and Stone

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0270/827473/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 270
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Astle, Exum, Garagiola, Haines, and Klausmeier"; in line 5, strike "subprime" and substitute "mortgage"; in line 7, after "loans;" insert "repealing certain provisions of law that establish a certain presumption about a borrower's ability to repay a loan;"; in line 8, after "include" insert "consideration of a certain debt to income ratio and"; in the same line, after "income" insert "and assets"; strike beginning with "providing" in line 10

down through "credit;" in line 12; in line 17, after "applicants" insert "and licensees"; strike beginning with "requiring" in line 23 down through "work;" in line 24; in line 26, after "felonies;" insert "requiring the Commissioner to conduct certain studies; requiring the Commissioner to report certain findings and recommendations on or before a certain date;"; and in line 27, strike "a certain definition" and substitute "certain definitions; altering a certain definition".

On page 2, in line 11, strike "12-905(g),"; in line 27, strike "11–506(a) and (d)" and substitute "11–506(d)"; and in line 33, after "11–503.1," insert "11–508.1,".

AMENDMENT NO. 2

On page 3, in line 9, strike "**(1)**"; in the same line, after "**SECTION**" insert a comma; strike beginning with the first "**THE**" in line 9 down through "**(4)**" in line 17; and in line 17, strike "**MORTGAGE**" and substitute "**MORTGAGE**".

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 10 on page 4, inclusive.

On page 5, in line 6, strike "**(1)**"; in lines 6 and 8, in each instance, strike "**SUBPRIME**" and substitute "**MORTGAGE**"; strike in their entirety lines 10 through 14, inclusive; in line 23, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 24, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in the same line, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**"; in line 27, after "(3)" insert "**(I)**"; after line 28, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

strike in their entirety lines 29 through 31, inclusive; in line 32, strike "(1)"; and in line 33, after the second "the" insert "**MORTGAGE**".

On page 6, strike in their entirety lines 1 through 5, inclusive; in line 11, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 12, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 14, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 15 down through "**BORROWER**" in line 16 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 17, strike "**FEDERAL**"; in line 19, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; strike beginning with "**A**" in line 20 down through "**EMPLOYER**" in line 21 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION";

in lines 30 and 31, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 31, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; and in lines 31 and 32, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**".

On page 7, in line 4, after "**(5)**" insert "**(I)**"; after line 5, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

strike in their entirety lines 6 through 8, inclusive; in line 27, strike "(1)"; and in line 28, after the second "the" insert "**MORTGAGE**".

On page 8, strike in their entirety lines 3 through 7, inclusive; in line 13, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 14, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 16, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 17 down through "**BORROWER**" in line 18 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 19, strike "**FEDERAL**"; in line 21, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 22 down through "**EMPLOYER**" in line 23 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 9, in lines 9 and 10, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 10, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in line 11, strike "**IT IS ORIGINATED**" and substitute "**THE SECONDARY MORTGAGE LOAN IS APPROVED BY THE LENDER**"; strike in their entirety lines 16 through 18, inclusive; in line 19, strike "(1)"; strike in their entirety lines 25 through 29, inclusive; in line 35, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 36, after "**INCOME**" insert "**AND ASSETS**"; and in the same line, after "**OF**" insert "**THIRD–PARTY**".

On page 10, in line 3, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 4 down through "**BORROWER**" in line 5 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 6, strike "**FEDERAL**"; in line 8, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 9 down through "**EMPLOYER**" in line 10 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A SECONDARY MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 11, strike in their entirety lines 15 through 17, inclusive; in lines 21 and 22, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 22, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in lines 22 and 23, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**"; in line 25, after "**(3)**" insert "**(I)**"; after line 26, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

and in line 27, strike "**(1)**".

On page 12, strike in their entirety lines 1 through 5, inclusive; in line 7, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 8, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 10, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 11 down through "**BORROWER**" in line 12 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 13, strike "**FEDERAL**"; in line 15, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 16 down through "**EMPLOYER**" in line 17 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 12, in lines 26 and 27, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 27, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; and in lines 27 and 28, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**".

On page 13, in line 1, after "**(5)**" insert "**(I)**"; after line 2, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

in line 3, strike "(1)"; strike in their entirety lines 9 through 13, inclusive; in line 19, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 20, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 22, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 23 down through "**BORROWER**" in line 24 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 25, strike "**FEDERAL**"; in line 27, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 28 down through "**EMPLOYER**" in line 29 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD-PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

AMENDMENT NO. 3

On page 15, strike in their entirety lines 2 through 28, inclusive.

On page 18, in line 7, strike "**$1,000,000**" and substitute "**$750,000**"; and after line 17, insert:

"**11–508.1.**

(A) AN APPLICANT FOR A NEW LICENSE OR FOR THE RENEWAL OF A LICENSE SHALL SATISFY THE COMMISSIONER THAT THE APPLICANT OR LICENSEE HAS, AND AT ALL TIMES WILL MAINTAIN, A MINIMUM NET WORTH COMPUTED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES:

(1) IN THE CASE OF AN APPLICANT OR LICENSEE THAT DOES NOT LEND MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF $25,000; AND

(2) IN THE CASE OF AN APPLICANT OR LICENSEE THAT LENDS MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF:

(I) $25,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE NO MORE THAN $1,000,000 SECURED BY RESIDENTIAL REAL PROPERTY;

(II) $50,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $1,000,000 BUT NO MORE THAN $5,000,000 SECURED BY RESIDENTIAL REAL PROPERTY;

(III) $100,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $5,000,000 BUT NO MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY; AND

(IV) $250,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY.

(B) (1) THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION MAY BE SATISFIED BY THE APPLICANT OR LICENSEE HAVING:

(I) CASH ON DEPOSIT WITH A BANK OR DEPOSITORY INSTITUTION;

(II) A LINE OF CREDIT FROM A BANK OR DEPOSITORY INSTITUTION;

(III) OTHER ASSETS; OR

(IV) A COMBINATION OF CASH, A LINE OF CREDIT, OR OTHER ASSETS.

(2) IF CASH IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER A BANK LETTER VERIFYING:

(I) THE ACCOUNT BALANCE;

(II) THE TYPE OF ACCOUNT IN WHICH THE FUNDS ARE HELD; AND

(III) THAT THE FUNDS ARE NOT ENCUMBERED OR HYPOTHECATED IN ANY WAY.

(3) IF A LINE OF CREDIT IS USED TOWARD SATISFYING THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION, THE APPLICANT OR LICENSEE SHALL SUBMIT TO THE COMMISSIONER A COPY OF THE LINE OF CREDIT AGREEMENT AND PROMISSORY NOTE.".

On page 19, in line 31, after "**REGULATION;**" insert "**AND**".

On page 20, strike beginning with "**; AND**" in line 3 down through "**LICENSEE**" in line 6.

AMENDMENT NO. 4

On page 22, after line 7, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the feasibility of conducting examinations of mortgage lender licensees using a risk-based approach rather than a fixed schedule approach.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the use of a call feature in which a mortgage loan contains a provision that permits the lender or credit grantor, in its sole discretion, absent a default or failure of the borrower to abide by the material terms of the mortgage loan, to accelerate the indebtedness of a mortgage loan.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.";

and in line 8, strike "4." and substitute "6.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, and Raskin

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR KLAUSMEIER.

FLOOR AMENDMENT

SB0533/793528/2

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 533
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Education – Financial Literacy – Task Force Study and Curriculum Development"; in line 11, after "Assembly;" insert "requiring the State Superintendent of Schools, in conjunction with county superintendents of education, to develop curriculum content for a certain course in financial literacy; providing that a certain curriculum content may include certain instruction; requiring certain county boards of education to submit a certain report to the State Superintendent on certain curriculum content in certain high schools on or before a certain date each year; requiring the State Superintendent to submit a certain report to certain committees of the General Assembly on or before a certain date each year;"; in line 11, after "of" insert "certain provisions of"; strike beginning with "the" in line 12 down through "Literacy" in line 13 and substitute "financial literacy education"; and after line 13, insert:

"BY adding to
Article – Education
Section 7–205.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 30, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

7–205.2.

(A) THE STATE SUPERINTENDENT, IN CONJUNCTION WITH THE COUNTY SUPERINTENDENTS, SHALL DEVELOP CURRICULUM CONTENT FOR A COURSE IN FINANCIAL LITERACY.

(B) THE CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION MAY INCLUDE INSTRUCTION REGARDING:

(1) CHOOSING A CAREER AND EARNING AN INCOME;

(2) ECONOMIC AND FINANCIAL DECISION MAKING;

(3) BASIC ECONOMIC CONCEPTS INCLUDING OPPORTUNITY COST, COST/BENEFIT ANALYSIS, AND SUPPLY AND DEMAND;

(4) SAVING AND INVESTING MONEY;

(5) CREDIT;

(6) CHARITABLE GIVING;

(7) HOUSEHOLD BUDGETING;

(8) INSURANCE;

(9) CONSUMER AWARENESS;

(10) UNDERSTANDING CONTRACTUAL AGREEMENTS;

(11) FRAUD AND IDENTITY THEFT; OR

(12) ANY OTHER SUBJECT THAT THE STATE SUPERINTENDENT AND THE COUNTY SUPERINTENDENTS CONSIDER NECESSARY.

(C) ON OR BEFORE AUGUST 1 OF EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE STATE SUPERINTENDENT ON THE FINANCIAL LITERACY CURRICULUM CONTENT DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION IN THE HIGH SCHOOLS IN THAT COUNTY.

(D) THE STATE SUPERINTENDENT SHALL SUBMIT A REPORT ON THE STATUS OF FINANCIAL LITERACY EDUCATION IN MARYLAND SCHOOLS, 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.".

AMENDMENT NO. 3

On page 4, in line 1, strike "2." and substitute "3."; in line 2, strike "It" and substitute "Section 1 of this Act"; and in line 3, after "Assembly," insert "Section 1 of".

The preceding 3 amendments were withdrawn.

FLOOR AMENDMENT

SB0533/994230/1

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 533
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 2, in line 11, strike "one representative" and substitute "two representatives"; and in line 12, after "Association" insert ", one of whom teaches a course involving principles of financial literacy".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"(1) study the current ability of high school students to understand basic financial concepts;

(2) evaluate the current provision of financial literacy education in Maryland's public schools;

(3) assess the utility of financial literacy education as part of primary and secondary education;";

in lines 12, 14, and 23, strike "(1)", "(2)", and "(3)", respectively, and substitute "(4)", "(5)", and "(6)", respectively; and in line 26, strike "utility" and substitute "benefits and drawbacks".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0533/833528/1

BY: Senator Harrington

AMENDMENT TO SENATE BILL 533
(Bill as Printed for Third Reading)

On page 2, after line 8, insert:

"(6) the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, or the Commissioner's designee;";

and in lines 9 and 18, strike "(6)" and "(7)", respectively, and substitute "(7)" and "(8)", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 566 – Senator Garagiola

AN ACT concerning

Health Care Facility Visitation and Medical Decisions – Domestic Partners

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR HARRIS.

FLOOR AMENDMENT

SB0566/883429/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 566, AS AMENDED
(First Reading File Bill)

In the Finance Committee Amendments (SB0566/917772/1), strike Amendment No. 2 in its entirety.

On page 8 of the bill, in line 9, strike "**PROOF**" and substitute "**:**

(1) AN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY BY TWO INDIVIDUALS STATING THAT THEY HAVE ESTABLISHED A DOMESTIC PARTNERSHIP; AND

(2) PROOF";

in lines 11, 13, 17, 19, 22, 26, 27, 28, and 30, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; strike in their entirety lines 24 and 25; in line 29, after "**DOCUMENTS;**" insert "**OR**"; and in line 30, strike "**; OR**" and substitute a period.

On page 9 of the bill, strike in their entirety lines 1 through 3, inclusive; and in line 15, after "**RESIDENT**" insert "**OR THE PATIENT'S OR RESIDENT'S PERSONAL REPRESENTATIVE**".

The preceding amendment was read only.

Senator Garagiola moved, duly seconded, to make the Bill and Amendments a Special Order for March 14, 2008.

The motion was adopted.

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

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 328 – Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Read the third time and failed for want of a constitutional majority:

Affirmative – 23 Negative – 21 (See Roll Call No. 402)

Senator Kelley moved, duly seconded, to reconsider the vote by which **Senate Bill 328** failed Third Reading.

Senator Kelley moved, duly seconded, to make the Bill and Motion to reconsider the vote by which the Bill failed Third Reading a Special Order for March 18, 2008.

The motion was adopted by a roll call vote as follows:

Affirmative – 24 Negative – 20 (See Roll Call No. 403)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 404)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 33 – ~~Senator Muse~~ Senators Muse, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 405)

The Bill was then sent to the House of Delegates.

Senate Bill 306 – ~~Senator Glassman~~ Senators Glassman and Harris

AN ACT concerning

Harford County – Board of Education – ~~Election~~ Selection of Members

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 406)

The Bill was then sent to the House of Delegates.

Senate Bill 460 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 407)

The Bill was then sent to the House of Delegates.

Senate Bill 557 – Senator Gladden

AN ACT concerning

Lead Poisoning Prevention Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 408)

The Bill was then sent to the House of Delegates.

Senate Bill 610 – Senators Frosh, Dyson, Forehand, Kramer, Madaleno, Raskin, and Stone

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver's License Suspensions

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 409)

The Bill was then sent to the House of Delegates.

Senate Bill 696 – Senator Gladden

AN ACT concerning

Maryland General Corporation Law – Altering and Updating Corporate Procedures and Miscellaneous Provisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 410)

The Bill was then sent to the House of Delegates.

Senate Bill 713 – Senators Astle, Brinkley, Colburn, DeGrange, Della, Garagiola, Haines, Kramer, Munson, Stoltzfus, ~~and Stone~~ Stone, and Jacobs

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 411)

The Bill was then sent to the House of Delegates.

Senate Bill 718 – Senator Klausmeier

AN ACT concerning

Lead Risk Reduction – Acquisition of Property – Compliance Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 412)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 3 – Senators Simonaire, Harris, Edwards, ~~and Greenip~~ Greenip, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Haines, Glassman, Harrington, Jacobs, Jones, Kasemeyer, King, Kittleman, Klausmeier,

Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Fallen Soldier Privacy Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 413)

The Bill was then sent to the House of Delegates.

Senate Bill 166 – Senators Haines, Colburn, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 414)

The Bill was then sent to the House of Delegates.

Senate Bill 210 – The President (By Request – Administration) and Senators Astle, Brochin, Currie, Della, Edwards, Frosh, Garagiola, Gladden, Kasemeyer, King, Klausmeier, Lenett, Madaleno, Peters, Rosapepe, ~~and Stone~~ Stone, Middleton, Exum, and Glassman

AN ACT concerning

Maryland Veterans Behavioral Health

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 415)

The Bill was then sent to the House of Delegates.

Senate Bill 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

Senator Frosh moved, duly seconded, to make the Bill a Special Order for March 18, 2008.

The motion was adopted.

Senate Bill 347 – Senators Middleton and Astle

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 34 Negative – 10 (See Roll Call No. 416)

The Bill was then sent to the House of Delegates.

Senate Bill 775 – ~~Senator Pugh~~ Senators Pugh, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, and Klausmeier

AN ACT concerning

Maryland Medbank Program – Funding

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 417)

The Bill was then sent to the House of Delegates.

Senate Bill 906 – The President (By Request – Administration) and Senators Astle, Frosh, Garagiola, Klausmeier, Madaleno, Middleton, Muse, Pinsky, Pugh, ~~and Raskin~~ Raskin, Exum, Glassman, and Kelley

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap and Sunset Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 418)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 375 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Retirement and Pension System – Imposition of Administrative Fees on Employers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Zirkin moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1011 – Senators Zirkin, Brinkley, DeGrange, Forehand, Kramer, and Mooney

AN ACT concerning

Sales and Use Tax – Computer Services

FOR the purpose of delaying the effective date of certain provisions of law imposing the sales and use tax on certain computer services; altering the definition of "taxable service" under the sales and use tax to repeal the tax on certain computer services; providing certain sales and use tax exemptions relating to certain computer services and certain computer software maintenance contracts; repealing a certain termination date; repealing a certain definition; making certain provisions of this Act subject to a certain contingency; providing

for a delayed effective date for certain provisions of this Act; and generally relating to the repeal of the sales and use tax on certain computer services.

BY repealing and reenacting, with amendments,
Chapter 3 of the Acts of the General Assembly of the 2007 Special Session
Section 13

BY repealing
Article – Tax – General
Section 11–101(c–1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–101(m) and 11–219
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Chapter 3 of the Acts of the General Assembly of the 2007 Special Session
Section 13
(As enacted by Section 1 of this Act)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 419)

ADJOURNMENT

At 12:29 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Friday, March 14, 2008.

Annapolis, Maryland
Friday, March 14, 2008
10:00 A.M. Session

The Senate met at 10:09 A.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 421)

Prayer by Father Stuart Swetland, Mt. St. Mary's University, guest of Senator Mooney.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 13, 2008 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Exum and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 422)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Desiree Holland	Senator Paul G. Pinsky	439

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 423)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 90 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2009)

Read the third time and passed by yeas and nays as follows:

Affirmative – 38 Negative – 7 (See Roll Call No. 424)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 10 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Criminal Procedure Article Additions – Cross–References and Corrections

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 425)

The Bill was then sent to the House of Delegates.

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority ~~– Bonding Authority~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 36 Negative – 9 (See Roll Call No. 426)

The Bill was then sent to the House of Delegates.

Senate Bill 212 – The President (By Request – Administration)

AN ACT concerning

Reorganization of State Government – Department of Information Technology

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 14 (See Roll Call No. 427)

The Bill was then sent to the House of Delegates.

Senate Bill 327 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Astle, Currie, Della, Exum, Jacobs, Kittleman, Lenett, Mooney, Pinsky, Pugh, Raskin, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

Identity Fraud – ~~Personal and Business Documents and~~ Cardholder Affidavits – Evidence

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the House of Delegates.

Senate Bill 461 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices by Young Drivers – Enforcement

Senator Harris moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 429)

The Bill was then sent to the House of Delegates.

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the House of Delegates.

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

~~**Central Collection Unit –**~~ **Transfer of Special Fund Balances**

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the House of Delegates.

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

~~**Maryland**~~ **Health Care** ~~**Provider Rate Stabilization Account**~~ **Funds – ~~Transfer of Funds~~ Transfers and Disbursements**

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 3 (See Roll Call No. 432)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 6 – Delegates Anderson, Vallario, Rosenberg, Ramirez, Valderrama, Schuler, Dumais, Gutierrez, Ivey, Conaway, Shank, Carter, McConkey, McComas, and Smigiel

AN ACT concerning

Criminal Procedure – Custodial Interrogation – ~~Electronic~~ Recordation

FOR the purpose of establishing that it is the public policy of the State that ~~custodial interrogations of criminal suspects be recorded whenever practicable; requiring that an electronic recording be made of certain custodial interrogations except under certain circumstances; establishing that the State shall bear the burden of proving, by a preponderance of the evidence, that a certain exception to the requirement to record a custodial interrogation is applicable; requiring the State to file a certain notice under certain circumstances; requiring the notice to contain certain information; requiring the recording of the making and signing of a certain writing under certain circumstances; requiring a court to make a certain finding under certain circumstances; exempting recordings made in accordance with this Act~~ certain law enforcement units shall make certain efforts to create a certain audiovisual recording under certain circumstances and certain law enforcement units shall make certain efforts to create a certain audio recording under certain circumstances; exempting certain recordings from certain provisions of law; defining ~~certain terms~~ a certain term; ~~providing that~~ requiring the Governor's Office of Crime Control and Prevention ~~shall~~ to work with State and local law enforcement agencies to ensure that the State secures certain funding ~~and~~, develop a program to assist the agencies in funding ~~compliance with this Act; providing for the application of this Act; providing for a delayed effective date;~~ the establishment of certain interrogation rooms, and monitor and report during certain meetings on the progress of jurisdictions and the Department of State Police in establishing certain interrogation rooms; and generally relating to custodial interrogations of certain individuals.

BY adding to
Article – Criminal Procedure
Section 2–401 ~~and 2–402~~ through 2–404 to be under the new subtitle "Subtitle 4. Custodial Interrogation"
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 117 – Delegates Hecht, Bartlett, Bronrott, G. Clagett, DeBoy, Donoghue, Elmore, Feldman, Frank, George, Gilchrist, Guzzone, Howard, Hucker, James, King, Krysiak, Lee, Manno, Mizeur, Morhaim, Murphy, Riley, Rudolph, Schuh, Stocksdale, Stukes, F. Turner, ~~and Weldon~~ Weldon, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Niemann, Shewell, Stein, and Montgomery

AN ACT concerning

Real Property – ~~Installation of~~ Solar ~~Panels~~ Collector Systems – ~~Clarification~~ Restriction on Use and Solar Easement

FOR the purpose of ~~defining certain terms relating to the application of a restrictive covenant as to the installation of solar collection panels in certain locations;~~ prohibiting a ~~condominium council of unit owners from establishing bylaws that impose~~ restriction on use from imposing unreasonable limitations on the installation of a solar ~~collection panels in~~ collector system under certain ~~locations; establishing the right of a condominium unit owner or a lot owner in a development to negotiate with neighboring unit owners or lot owners to obtain a solar easement for a unit or lot that has installed a solar energy system; establishing certain requirements for an instrument creating a solar easement~~ circumstances; authorizing a property owner who has installed or intends to install a solar collector system to negotiate to obtain a solar easement in writing; requiring any written instrument creating a solar easement to include certain provisions; requiring a written instrument creating a solar easement to be recorded under certain circumstances; exempting a restriction on use on certain historic properties from the applicability of this Act; defining certain terms; and generally relating to ~~enabling the installation and access to sunlight of~~ solar ~~energy~~ collector systems.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 2–119~~, 11–104(c), and 11–125(f)~~
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Real Property~~
~~Section 11–104(a)~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Real Property~~
~~Section 11–125(f) through (h) and 11B–111.6~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2007 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 123 – Delegate Bromwell

AN ACT concerning

Baltimore County – State's Attorney – Salary

FOR the purpose of ~~clarifying~~ establishing the salary of the State's Attorney for Baltimore County beginning with the State's Attorney elected in a certain year; providing that the salary be increased annually by a certain ~~amount~~ percentage until a certain date; clarifying language; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney for Baltimore County; and generally relating to the State's Attorney for Baltimore County.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 15–404(a)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Chapter ____ (S.B. 37) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 15–404(b)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Chapter ____ (S.B. 37) of the Acts of the General Assembly of 2008)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 153 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Campaign Finance – Slate – Disbursements

FOR the purpose of authorizing the chairman, in addition to the treasurer, of a slate to make disbursements from ~~that campaign finance entity's~~ the slate's campaign account; prohibiting the chairman of a slate from making disbursements for the slate if the chairman is a candidate; and generally relating to the authority of the chairman to make a disbursement from the campaign account of a slate.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–218
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law
Section 13–219(a) and 13–220(b) and (c)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 183 – Delegates Dumais, Barve, Bobo, Doory, Eckardt, Feldman, Frick, Glenn, Gutierrez, Healey, Hecht, Hixson, Jones, Kaiser, Krebs, Krysiak, Kullen, Lee, Love, McIntosh, Mizeur, Montgomery, Pendergrass, Shank, Stein, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

FOR the purpose of authorizing a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of a final protective order; and generally relating to domestic violence.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–506(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Family Law
Section 4–506(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(e), (f), and (g) and 4–507(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 221 – Delegates Gaines, Frush, Griffith, Healey, Ivey, Niemann, and Ross

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motorcycles – Definition

FOR the purpose of altering the definition of "motorcycle" under the Maryland Vehicle Law; making this Act an emergency measure; and generally relating to the definition of motorcycle under the Maryland Vehicle Law.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–136
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 239 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive ~~Investigations – Deputy Fire Marshal~~ Investigators – Qualifications

FOR the purpose of ~~requiring that an Anne~~ altering the definition of "Anne Arundel County or City of Annapolis fire and explosive ~~investigator have the rank of deputy fire marshal or higher~~ investigator" to include certain additional qualifications; and generally relating to fire and explosive ~~investigations~~ investigators in Anne Arundel County and the City of Annapolis.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–208.2
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 246 – Delegates Bobo and V. Clagett

AN ACT concerning

Charter Counties – Land Use Appeals – Standing

FOR the purpose of ~~authorizing certain persons in a charter county~~ authorizing a charter county to enact a local law to include among those persons authorized to appeal a decision of a board of appeals or a zoning action of a local legislative or quasi–legislative body ~~to the circuit court of the county; authorizing certain persons in a charter county to make certain appeals to the Court of Special~~

~~Appeals; providing certain rules and procedures for certain appeals under certain circumstances to apply to certain persons in a charter county; authorizing a local legislative body in a charter county to allow an appeal to the circuit court of any matter arising under the planning and zoning laws of the local jurisdiction; providing for the application of this Act; and generally relating to appeals of a decision of a board of appeals or a zoning action of a local legislative body to courts~~ a person who is not aggrieved by the decision or action; authorizing the local law to establish the terms and conditions under which the person may appeal and procedures for taking an appeal; and generally relating to the authority to appeal a decision of a board of appeals or a zoning action of a local legislative or quasi–legislative body in a charter county.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.02
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 66B – Land Use
Section 14.10
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article 66B – Land Use~~
~~Section 4.08~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2007 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 287 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Department of Detention Facilities ~~Correctional Employees~~ Employment Applicants – Polygraph Examinations

FOR the purpose of exempting from the prohibition against an employer requiring or demanding, as a condition of ~~employment, prospective employment, or continued~~ employment, that an individual submit to or take a lie detector or similar test, individuals who apply for employment ~~or are employed as correctional officers for~~ with the Anne Arundel County Department of Detention Facilities either as correctional officers or in any other capacity that involves

direct ~~personal~~ contact with an inmate in the Department; and generally relating to the Anne Arundel County Department of Detention Facilities.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–702(a) and (c)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 325 – Delegate Elmore

AN ACT concerning

Somerset County – County Roads Board – Authority to Sell County Roads

FOR the purpose of authorizing the County Roads Board of Somerset County to sell any county road in Somerset County without public sale and when the property is no longer needed for public use; providing that the County Roads Board may arrange the terms, conditions, and amount of consideration for and execute and acknowledge any deeds or instruments necessary to complete any sale made in accordance with this Act; and generally relating to the sale of public county roads in Somerset County.

BY adding to
The Public Local Laws of Somerset County
Section 9–118
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2007 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 348 – Delegates Waldstreicher and Feldman

AN ACT concerning

Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer

FOR the purpose of altering the definition of a law enforcement officer for certain crimes against law enforcement officers; and generally relating to the crimes against law enforcement officers.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–201
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 416 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – State Collection of the Federal Unemployment Insurance Tax

FOR the purpose of authorizing the Department of Labor, Licensing, and Regulation to directly collect from employers the federal unemployment insurance tax under certain circumstances; requiring that funds derived from the collection of the tax be used only for certain purposes; providing for a certain review by the Joint Committee on Unemployment Insurance Oversight; providing for the termination of this Act; and generally relating to unemployment insurance law.

BY adding to
Article – Labor and Employment
Section 8–607.1
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 442 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits

FOR the purpose of limiting the circumstances under which certain retirees of the State Police Retirement System or the Law Enforcement Officers' Pension System who are participating in the Deferred Retirement Option Program may apply for certain disability retirements; providing for the application of this Act;

and generally relating to retirees receiving a line of duty disability retirement benefit while participating in the Deferred Retirement Option Program.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–401.1(k), 26–401.1(k), and 29–111
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 458 – Delegate G. Clagett

AN ACT concerning

State Personnel – Executive Pay ~~Plan~~ Plans – Reporting Requirements – ~~Repeal~~

FOR the purpose of ~~repealing~~ altering a certain ~~requirements~~ requirement that the Secretary of Budget and Management provide ~~certain reports~~ a report to the Department of Legislative Services on Executive Pay Plan employees under certain circumstances; requiring the Secretary of Transportation to provide a report to the Department of Legislative Services on Executive Pay Plan employees under certain circumstances; repealing a certain reporting requirement; and generally relating to reports by the Secretary of Budget and Management and the Secretary of Transportation on the Executive Pay Plan.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 8–103
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 8–108(c)(3)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.4(h)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 472 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Imposition of Administrative Fees on Employers

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to adopt regulations to impose certain fees on certain participating employers that fail to provide certain information to the State Retirement Agency with regard to the enrollment of eligible employees in the State Retirement and Pension System; and generally relating to the imposition of administrative fees on employers participating in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–110(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 481 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Investments

FOR the purpose of repealing certain restrictions placed on the Board of Trustees for the State Retirement and Pension System with regard to investing the assets of the several systems of the State Retirement and Pension System; repealing the requirement that the Board of Public Works approve certain sales and purchases of real estate by the Board of Trustees; requiring the Comptroller, Treasurer, and Secretary of Budget and Management to approve certain sales and purchases of real estate by the Board of Trustees; requiring the Board of Trustees to submit certain reports by certain dates; clarifying that certain provisions of the State Finance and Procurement Article do not apply to certain transactions of the Board of Trustees; eliminating certain limitations on certain fees paid by the Board of Trustees to certain investment managers; clarifying that the Board of Trustees is not subject to any limitation on certain fees paid to certain investment managers; and generally relating to the investments of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–123(c) and (f) and 21–315(d)

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–123(h)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 482 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Survivor Benefits

FOR the purpose of altering the survivor benefit for certain beneficiaries of certain retirees of the State Police Retirement System; repealing a supplemental survivor benefit for certain beneficiaries of certain retirees of the State Police Retirement System; and generally relating to survivor benefits for beneficiaries of retirees of the State Police Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–403
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 24–404
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 497 – Delegates Kach, Impallaria, Jennings, and McDonough

AN ACT concerning

Oil Discharge – Groundwater Contamination – Reimbursement for Costs

FOR the purpose of requiring a person responsible for a certain release resulting in groundwater contamination to reimburse certain property owners for certain costs incurred for conducting certain tests under certain circumstances; authorizing a certain property owner to bring a certain action in District Court

for reimbursement of certain costs under certain circumstances; and generally relating to groundwater contamination.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411.2
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 531 – Delegate Dumais

AN ACT concerning

Catastrophic Health ~~Emergencies – Quarantine~~ Emergency Orders – ~~Arrest Without Warrant and~~ Citations

FOR the purpose of authorizing ~~an arrest without a warrant for failing to comply with a certain health emergency quarantine order; authorizing~~ a police officer to issue a citation for failing to comply with a certain health emergency ~~quarantine~~ order; and generally relating to catastrophic health emergency ~~quarantine~~ orders and ~~arrests without warrants and~~ citations.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section ~~2–203 and~~ 4–101
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–907(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–3A–08
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 543 – Delegates Stull, Bartlett, Bates, Beitzel, Bobo, Bohanan, Boteler, Burns, Cane, G. Clagett, Conway, Davis, DeBoy, Dumais,

Eckardt, Elliott, Elmore, Feldman, Frank, George, Guzzone, Haddaway, Hecht, Hucker, James, Jameson, Kullen, Levy, Mathias, McComas, McDonough, McIntosh, McKee, Miller, Montgomery, Morhaim, Murphy, Myers, Norman, O'Donnell, Proctor, Riley, Rudolph, Shank, Shewell, Smigiel, Sossi, Stifler, Stukes, Weir, Weldon, and Wood

AN ACT concerning

Agriculture – Maryland Dairy Farmer Emergency Trust Fund

FOR the purpose of establishing the Maryland Dairy Farmer Emergency Trust Fund; establishing the purpose and uses of the Fund; requiring the Secretary of Agriculture to administer the Fund and establish certain procedures; requiring that certain unspent or unencumbered funds, in excess of a certain amount, revert to the General Fund of the State; specifying that the State Treasurer shall hold the Fund separately and that the Comptroller shall account for the Fund; designating the moneys to be deposited into the Fund; ~~requiring~~ authorizing the Governor ~~to appropriate to the Fund a certain amount~~ to make an appropriation to the Fund each fiscal year; and generally relating to the Maryland Dairy Farmer Emergency Trust Fund.

BY adding to
Article – Agriculture
Section 2–1301 to be under the new subtitle "Subtitle 13. Maryland Dairy Farmer Emergency Trust Fund"
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 544 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

FOR the purpose of authorizing only the treasurer of a campaign finance entity to make a disbursement by debit card from a campaign account; authorizing the treasurer of a campaign finance entity to reimburse a person by debit card disbursement to pay an expense of the campaign finance entity; authorizing the treasurer of a campaign finance entity to replenish a petty cash fund by debit card disbursement; and generally relating to debit card disbursements by the treasurer of a campaign finance entity.

BY repealing and reenacting, without amendments,
Article – Election Law

Section 13–218
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–219 and 13–220
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 588 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – Pensions

FOR the purpose of ~~requiring that any individual who has served as Sheriff of Calvert County since a certain date and for a certain period of time receive a certain pension; requiring that the pension be paid at least at certain intervals of time; making stylistic changes;~~ permitting certain individuals serving as the Sheriff of Calvert County to participate in the Calvert County Employees' Savings Plan; and generally relating to pensions for sheriffs of Calvert County.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Courts and Judicial Proceedings
Section 2–309(f)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(f)(6)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 608 – Delegates Kelly, Bartlett, Beidle, Beitzel, Conaway, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Jennings, Kipke, McComas, McDonough, McKee, Myers, Norman, O'Donnell, Riley, Schuh, Shank, Smigiel, Sophocleus, Sossi, Stull, ~~and Weldon~~ Weldon, Hecht, Manno, Mathias, and Taylor

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Energy Efficiency and Conservation Programs and Services – ~~Prohibition of Surcharge Without~~ Customer ~~Consent~~ Notification and Report

FOR the purpose of ~~prohibiting the Public Service Commission from approving any program or service for the use and conservation of energy that requires or allows a gas company or an electric company to provide a product or service to a gas customer or an electric customer for which the customer would be charged a surcharge without a certain consent; requiring a gas company or an electric company under certain circumstances to separately state a certain surcharge and clearly describe the purpose of the surcharge on a customer's bill; requiring, under certain circumstances, a gas company or an electric company to refund the amount of the surcharge or credit the amount of the surcharge;~~ requiring electric companies and gas companies to provide certain customers with notice of certain energy efficiency and conservation charges and benefits in a certain manner with a certain frequency; requiring the Public Service Commission to report to the General Assembly on the status of certain energy efficiency and conservation programs on certain dates; making a stylistic change; making this Act an emergency measure; and generally relating to energy efficiency and conservation programs and services approved by the Public Service Commission.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–211
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 612 – Delegates Kullen, Elmore, Haddaway, Mathias, Smigiel, and Sossi

~~EMERGENCY BILL~~

AN ACT concerning

Property Tax ~~Assessment~~ Credit – Commercial Waterfront Property

FOR the purpose of ~~establishing commercial waterfront property as a subclass of real property for assessment purposes; providing for the assessment of certain commercial waterfront property based on its use instead of its market value; requiring the State Department of Assessments and Taxation to adopt certain regulations; requiring the Department to provide certain notice to certain~~

~~property owners; providing for certain applications for property to be assessed as commercial waterfront property; providing for the termination of a certain use assessment and the imposition of a certain penalty under certain circumstances; providing for the distribution of the proceeds from a certain penalty; defining certain terms declaring the intent of the General Assembly; making this Act an emergency measure; and generally relating to the assessment of certain commercial waterfront property for property tax purposes~~ authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain commercial waterfront property; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and certain other provisions to carry out the credit; defining certain terms; providing for the application of this Act; and generally relating to a local property tax credit for commercial waterfront property.

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – Property~~
~~Section 8–101(b)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume)~~

BY adding to
Article – Tax – Property
Section ~~8–228.1~~ 9–248
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 684 – Delegates Stukes, Frush, Braveboy, Burns, Conaway, Frick, Glenn, Gutierrez, Howard, Kaiser, Levi, McHale, Niemann, Oaks, Proctor, Rice, Robinson, Taylor, F. Turner, Valderrama, ~~and Walker~~ Walker, Carr, McIntosh, Shewell, and Stein

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices

FOR the purpose of establishing the Task Force to Study Motor Vehicle Towing Practices in the State; providing for the membership of the Task Force; requiring the Governor to designate the chair of the Task Force; requiring the Task Force to study certain issues relevant to motor vehicle towing practices in the State; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for reimbursement for expenses for a member of the Task Force; providing for the staff of the Task Force; providing for the termination of this Act; and

generally relating to the establishment of the Task Force to Study Motor Vehicle Towing Practices in the State.

Read the first time and referred to the Committee on Finance.

House Bill 696 – Delegates Hixson, Waldstreicher, Gutierrez, Hucker, ~~and Mizeur~~ Mizeur, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Malone, McIntosh, Niemann, O'Donnell, Norman, Shewell, Sossi, and Stein

AN ACT concerning

Farm–to–School Program – Activities and Promotional Events

FOR the purpose of establishing the Jane Lawton Farm–to–School Program in the Department of Agriculture; establishing the purposes of the Program; requiring the Program to establish certain promotional events for certain purposes; defining certain terms; and generally relating to the establishment of the Jane Lawton Farm–to–School Program in the Department of Agriculture.

BY adding to
Article – Agriculture
Section 10–1601 to be under the new subtitle "Subtitle 16. Jane Lawton Farm–to–School Program"
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 717 – Delegate Malone

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors – Notice of Vehicle Acquisition

FOR the purpose of altering the procedures that an automotive dismantler and recycler or scrap processor must follow to give notice to the Motor Vehicle Administration that the automotive dismantler and recycler or scrap processor has acquired title to a vehicle; providing a certain exception; and generally relating to automotive dismantlers and recyclers and scrap processors.

BY repealing
Article – Transportation
Section 15–508
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–511
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 720 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

FOR the purpose of exempting from a certain offset of a retirement allowance retired judges who are members of the Employees' Retirement System or the Employees' Pension System; requiring certain local school superintendents to make certain reimbursements under certain circumstances by a certain date; providing that certain members of the Judges' Retirement System may earn service credit under certain circumstances; providing for certain individuals who are retirees of the Employees' Retirement System or Employees' Pension System to elect to suspend temporarily their service retirement allowances under certain circumstances; requiring the Board of Trustees to suspend temporarily certain service retirement allowances under certain circumstances as of a certain date; exempting certain individuals who are retirees of the Employees' Retirement System or Employees' Pension System from a certain earnings offset under certain circumstances; providing for the resumption of a service retirement allowance with certain adjustments to the allowance after receipt by the Board of Trustees for the State Retirement and Pension System of certain documentation; providing for certain survivorship benefits for surviving spouses of certain individuals who are retirees of the Employees' Retirement System or Employees' Pension System; requiring the Joint Committee on Pensions to submit certain information to the Senate Budget and Taxation Committee and the House Appropriations Committee by a certain date; requiring certain State agencies to submit certain data to the Joint Committee on Pensions; providing for the termination of certain provisions of this Act; and generally relating to reemployment of retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(b) and (c)(2) and (3) and 23–407(b) and (c)(2) and (3)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~22–406(c)(1) and (9) and 23–407(c)(1) and (9)~~ 22–406(c)(1), (4)(vii) and (viii), and (9) and 23–407(c)(1), (4)(v) and (vi), and (9)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~22–407 and 23–408~~ 22–406(c)(4)(ix), 22–407, 23–407(c)(4)(vii), and 23–408
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 724 – Delegates Feldman, Ali, Barkley, Barnes, Bates, Bobo, Bronrott, Dumais, Frick, Gilchrist, Gutierrez, Hecht, Hucker, Jameson, King, Kramer, Lee, Manno, Miller, Mizeur, Montgomery, Morhaim, Pendergrass, Rice, Rosenberg, Ross, Simmons, Stifler, Taylor, Vaughn, Waldstreicher, Walker, and Weldon

AN ACT concerning

Joint Information Technology and Biotechnology Committee – Membership and Duties

FOR the purpose of codifying and renaming the Joint Technology Oversight Committee to be the Joint Information Technology and Biotechnology Committee; modifying the membership and duties of the Committee; and generally relating to the Joint Information Technology and Biotechnology Committee.

BY repealing
Chapter 11 of the Acts of the General Assembly of 2000
Section 6

BY adding to
Article – State Government
Section 2–10A–13
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 725 – Delegates Rudolph, Bartlett, G. Clagett, DeBoy, Hecht, Stull, and Weldon

AN ACT concerning

~~Employees'~~ State Retirement and Pension ~~Systems~~ System – Line of Duty Death Benefits ~~– State Highway Administration Employees~~

FOR the purpose of providing that certain minor children and dependent parents of certain ~~employees of the State Highway Administration~~ deceased members of the State Retirement and Pension System are entitled to enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; providing that surviving spouses, certain minor children, or dependent parents of certain deceased members of the ~~Employees' Retirement System or Employees' Pension System~~ State Retirement and Pension System are eligible to receive certain death benefits under certain circumstances; prohibiting the payment of certain death benefits to surviving spouses, certain minor children, or dependent parents of certain deceased members of the ~~Employees' Retirement System or Employees' Pension System~~ State Retirement and Pension System if the surviving spouse, children, or parents are receiving certain line of duty death benefits; providing for the application of this Act; and generally relating to line of duty death benefits for surviving spouses, minor children, and dependent parents of deceased ~~employees of the State Highway Administration~~ members of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–507, 29–202(b), 29–205, 29–206
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 29–202(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 29–204.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 745 – Delegate Donoghue

AN ACT concerning

City of Hagerstown – Fire and Explosives Investigators – Authority

FOR the purpose of providing that under certain circumstances, a City of Hagerstown fire and explosive investigator operating in the City of Hagerstown has the same authority as the State Fire Marshal and a full–time investigative and inspection assistant in the Office of the State Fire Marshal to make arrests without a warrant and to exercise certain powers of arrest; authorizing a City of Hagerstown fire and explosive investigator to exercise certain authority while operating outside the City of Hagerstown under certain circumstances; authorizing the City of Hagerstown Fire Chief to limit certain authority of a fire and explosive investigator to make an arrest without a warrant or exercise certain powers of arrest; requiring the City of Hagerstown Fire Chief to express the limitation in writing; excluding a City of Hagerstown fire and explosive investigator from the definition of "law enforcement officer" under the law relating to the Law Enforcement Officers' Bill of Rights; including a City of Hagerstown fire and explosive investigator in the definition of "police officer" in connection with provisions of law relating to the Maryland Police Training Commission and in the definition of "law enforcement official" in connection with the authorized carrying of a handgun by a person engaged in law enforcement; defining certain terms; requiring the Maryland Police Training Commission to certify certain fire and explosive investigators as police officers by a certain date under certain circumstances; and generally relating to the authority of the City of Hagerstown fire and explosive investigators.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–201(a)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–201(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–208
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–208.5
Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–201(a)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(2) and 3–201(e)(2)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 768 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Glenn

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

FOR the purpose of extending the termination date for certain provisions of law relating to certain records and reports concerning children and access by the Baltimore City Health Department; authorizing access to certain court records and police records by the Baltimore City Health Department under certain circumstances; ~~requiring the State Department of Education to disclose to the Baltimore City Health Department certain records concerning certain children under certain circumstances; requiring the Baltimore City Health Department to keep certain information confidential; providing that the Baltimore City Health Department shall be liable for the unauthorized release of certain information; requiring the Baltimore City Health Department to submit certain reports under certain circumstances;~~ requiring that certain records and reports concerning child abuse and neglect be disclosed to the Baltimore City Health Department under certain circumstances; requiring the Department of Juvenile Services to disclose to the Baltimore City Health Department certain records concerning certain children under certain circumstances; requiring the Department of State Police to provide to the Baltimore City Health Department certain information concerning certain children under certain circumstances; ~~defining a certain term;~~ providing for the termination of this Act; and generally relating to records concerning children and access by the Baltimore City Health Department.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–827(a) and 3–8A–27(a) and (b)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Education~~
~~Section 2–107~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(b) and 9–219(f)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–308(d)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 10 of the Acts of the General Assembly of 2006
Section 2

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 824 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Fire and Explosive Investigator – ~~Rank~~ Qualifications

MC 805–08

FOR the purpose of repealing the requirement that an individual must have attained a certain rank to become a fire and explosive investigator in Montgomery County; altering the definition of "Montgomery County fire and explosive investigator" to include certain additional qualifications; correcting certain language; and generally relating to fire and explosive investigators in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–208.1(a) and (c)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 883 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Eligibility for Parole – Medical Parole

FOR the purpose of establishing medical parole as a form of release from incarceration for incapacitated inmates who, as a result of a medical or mental health condition, disease, or syndrome, pose no danger to public safety; establishing a means of initiating consideration by the Maryland Parole Commission of the appropriateness of granting medical parole; providing a means for the Commission to obtain information relevant to its consideration; requiring the Commission to consider certain information before granting a medical parole release; authorizing the Commission to impose certain conditions on a parolee in conjunction with any medical parole; providing for reincarceration of the parolee if the parolee's incapacitation ends; providing for the applicability to medical parole proceedings of provisions of law concerning victim notification and participation in parole proceedings; ~~eliminating~~ reaffirming a requirement that the Governor approve certain medical parole releases; requiring the Commission to adopt certain regulations; and generally relating to medical parole.

BY adding to
Article – Correctional Services
Section 7–309
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 946 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Housing Opportunities Commission – Service Contracts

MC 814–08

FOR the purpose of providing that before the Housing Opportunities Commission of Montgomery County may solicit a certain service contract, the Executive Director of the Montgomery Commission must provide certain certification; prohibiting the Executive Director from making a certain

certification unless the Commission has taken certain actions; requiring the Commission to compare certain costs under certain circumstances; requiring the Commission to provide certain notice and maintain a certain plan under certain circumstances; authorizing the certified representative of an adversely affected Commission employee to submit a proposal in response to a certain solicitation; specifying that noncompliance with the provisions of this Act may not invalidate certain contract awards or proposed contract awards; authorizing a certified representative to file a certain appeal on behalf of a Commission employee if the Commission fails to comply with certain provisions of this Act; authorizing an administrative hearing officer to award an employee certain damages under certain circumstances; providing that a certain award of damages shall be the sole and exclusive remedy for certain violations; providing for the application of this Act; providing for a certain remedy; defining certain terms; and generally relating to Housing Opportunities Commission of Montgomery County service contracts.

BY adding to
Article – Housing and Community Development
Section 16–401 through 16–407 to be under the new subtitle "Subtitle 4. Service Contracts"
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 972 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Forest Conservation – Reporting and Enforcement

FOR the purpose of requiring certain local authorities to report certain enforcement activity to the Department of Natural Resources within a certain period of time; requiring the Department to include certain information regarding certain enforcement activity in certain annual reports; and generally relating to enforcement of State and local forest conservation laws.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1612 and 5–1613
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1005 – Delegates Conway, Mathias, Cane, Eckardt, Elmore, Haddaway, and Sossi

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – School Buses – Length of Operation – Sunset Repeal

FOR the purpose of repealing the termination date for a provision of law that authorizes conventional school buses that meet certain criteria to be operated in Somerset, Wicomico, and Worcester counties for a certain length of time.

BY repealing and reenacting, with amendments,
Chapter 420 of the Acts of the General Assembly of 2003, as amended by Chapter 576 of the Acts of the General Assembly of 2006
Section 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1064 – Delegates Conway and Mathias

AN ACT concerning

Convention Center – Bond Authority

FOR the purpose of curing a previous Act of the General Assembly, erroneously enacted as part of the Maryland Consolidated Capital Bond Loan of 2007, by repealing and reenacting without amendments a provision of law to provide for an increase in the total principal amount of bonds that may be issued by the local governing body of a code county; and generally relating to the bonding authority of code counties.

BY repealing and reenacting, without amendments,
Article 25B – Home Rule for Code Counties
Section 13H(a) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1079 – Delegates Feldman, Ali, and Rosenberg

AN ACT concerning

Consumer Protection – Halal Food Products

FOR the purpose of requiring certain persons, that represent to the public that any unpackaged food that is sold or served is halal, to prominently and conspicuously display on the premises a certain disclosure statement; requiring the Division of Consumer Protection of the Office of the Attorney General to develop and make available a form for certain disclosure statements; requiring the disclosure statement to contain certain information; establishing certain duties of a person that displays a certain disclosure statement; prohibiting the sale, offer for sale, or display for sale of certain food unless certain signs with certain words are displayed; prohibiting a person from falsely representing certain food as halal; establishing a certain presumption; prohibiting certain acts relating to the marking, stamping, tagging, branding, labeling, or other means of identifying halal food products; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to halal food products.

BY adding to
Article – Commercial Law
Section 14–3601 through 14–3604 to be under the new subtitle "Subtitle 36. Halal Food Products"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1113 – Delegates Lee, McComas, and Niemann (Task Force to Study Identity Theft) and Delegates ~~Barkley, Barnes, Benson, Bronrott, DeBoy, Dumais, Frick, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, Montgomery, Pena–Melnyk, Pendergrass, Ramirez, Schuh, Schuler, Shank, Smigiel, Stocksdale, Valderrama, and Waldstreicher~~ Aumann, Barkley, Barnes, Beitzel, Benson, Bronrott, Carter, DeBoy, Dumais, Eckardt, Elliott, Frank, Frick, George, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, McConkey, McDonough, Miller, Montgomery, Myers, Norman, Pena–Melnyk, Pendergrass, Ramirez, Robinson, Schuh, Schuler, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Valderrama, Waldstreicher, and Wood

AN ACT concerning

Identity Fraud – ~~Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult –~~ Prohibitions, Evidence, and Penalties

FOR the purpose of prohibiting the intentional, willful, and unauthorized copying, attempt to copy, possessing, or attempt to possess all or part of the contents of a computer database accessed in a certain manner; providing that certain penalties apply to a certain violation; authorizing in a criminal case or juvenile

proceeding involving identity fraud the introduction of the affidavit of a lawful credit cardholder as substantive evidence that the credit card or credit card number of the credit cardholder was taken, used, or possessed without the authorization of the credit cardholder; prohibiting a person from knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value using a re–encoder device or a skimming device in a certain manner for certain purposes; prohibiting a person from knowingly, willfully, and with fraudulent intent to possess, obtain, or help another person to possess or obtain a re–encoder device or a skimming device for certain unauthorized purposes; increasing the penalty for a person who commits identity fraud where the benefit, credit, good, service, or other thing of value that is the subject of the offense has a value of $500 or greater; increasing the penalty for a person who commits identity fraud under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent; ~~providing an enhanced penalty for a person who commits identity fraud while serving as a fiduciary for the victim; providing an enhanced penalty for a person who commits identity fraud in circumstances in which the victim is a vulnerable adult; providing an enhanced penalty for a person convicted of the crime of identity fraud who has been convicted previously of identity fraud;~~ defining certain terms; making stylistic changes; and generally relating to ~~penalties for~~ identity fraud.

~~BY repealing and reenacting, without amendments,~~
~~Article – Criminal Law~~
~~Section 8–301(b), (c), (d), and (h)~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–302(c), 8–214.1, and 8–301~~(a) and (e)~~
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–302(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1166 – ~~Delegate Davis~~ Delegates Davis, Haddaway, Hecht, King, Manno, Mathias, Miller, Minnick, Vaughn, and Walkup

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

FOR the purpose of expanding the definition of a Tier 1 renewable source to include poultry litter–to–energy; altering the definition of a Tier 2 renewable source to exclude the incineration of poultry litter; repealing a certain limitation on the eligibility of energy produced from certain sources for inclusion in meeting the renewable energy portfolio standard; and generally relating to poultry litter and Tier 1 renewable sources applied to the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(g)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(l) and (m) and 7–704(a)(4)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1233 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

FOR the purpose of requiring the Blue Ribbon Commission to Study Retiree Health Care Funding Options to issue a certain report by a certain date; altering the date by which the Blue Ribbon Commission to Study Retiree Health Care Funding Options is required to submit a certain report; extending the termination date of the Blue Ribbon Commission to Study Retiree Health Care Funding Options until a certain date; and generally relating to the reporting and termination dates of the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 34–201(g)

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 433 of the Acts of the General Assembly of 2006
Section 3

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1245 – Cecil County Delegation

AN ACT concerning

Cecil County – Correctional Officers' Bill of Rights Act

FOR the purpose of providing for certain rights of a correctional officer in Cecil County relating to employment, investigation, and discipline under certain circumstances; providing for the procedures for the investigation or interrogation of a correctional officer; establishing procedures for an application for a show cause order under certain circumstances; establishing a certain limitation on administrative charges against a correctional officer in Cecil County; providing for procedures for a hearing board for an investigation against a correctional officer in Cecil County; providing for expungement of a record of a formal complaint against a correctional officer in Cecil County under certain circumstances; providing for certain disciplinary actions against a correctional officer in Cecil County under certain circumstances; providing that this Act supersedes inconsistent provisions of any other State or local law that conflicts with this Act to the extent of the conflict; providing for the effect of this Act in relation to the duties of a managing official; prohibiting certain false statements; establishing a criminal penalty for providing a false statement to certain persons; providing for the scope of this Act; defining certain terms; and generally relating to rights of a correctional officer in Cecil County.

BY adding to
Article – Correctional Services
Section 11–1001 through 11–1014 to be under the new subtitle "Subtitle 10. Correctional Officers' Bill of Rights"
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1323 – Delegates Vallario, Ali, Barkley, Carter, Conaway, Costa, DeBoy, Dumais, Glenn, Healey, Kipke, Love, Manno, Montgomery, Pendergrass, Ramirez, Riley, Shank, Shewell, and Sophocleus

AN ACT concerning

Criminal Injuries Compensation – Claims by Victims

FOR the purpose of ~~requiring~~ authorizing the Criminal Injuries Compensation Board to reduce the amount of a certain award or deny a certain claim if the Board finds that the victim contributed to the victim's own injury under certain circumstances; repealing a provision authorizing the Board to disregard the responsibility of the victim for the victim's own injury under certain circumstances; repealing a provision prohibiting a certain claimant from receiving an award unless the claimant proves a certain lack of knowledge; repealing a provision prohibiting a claimant from receiving an award under certain circumstances; repealing a reference to a certain schedule of benefits as it existed on a certain date and providing that the effective schedule of benefits applies; modifying certain definitions; providing that certain limitations regarding eligibility for an award do not apply with respect to certain victims; and generally relating to claims by victims for awards from the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–801, 11–808(a), 11–810(a) and (d), and 11–811(a)(1)(i)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1329 – Delegates Valderrama, Vallario, and Lee

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Delegation of Contested Claims to Office of Administrative Hearings

FOR the purpose of authorizing the Criminal Injuries Compensation Board to adopt regulations for the approval of attorneys' fees for representation before the Office of Administrative Hearings; repealing the authority of the Board to hear and determine a certain claim, hold hearings, administer oaths, examine any person under oath, and issue certain subpoenas; authorizing the Board to tentatively determine a certain claim and request certain subpoenas; repealing the authority of the Board to delegate certain power to a certain member or employee; requiring the Board to provide a certain report to a certain claimant and a certain attorney; requiring the Secretary of Public Safety and Correctional Services to delegate the authority to conduct a certain hearing to the Office of Administrative Hearings under certain circumstances; requiring the Office to hold a certain hearing at a certain location under certain circumstances; altering a certain provision of law to require the Secretary to modify, affirm, or reverse a certain decision within a certain time period under

certain circumstances; requiring that a certain claimant and a certain attorney be given a copy of a certain decision; authorizing a certain claimant to appeal a certain decision within a certain time period; authorizing the transfer and appropriation of certain money in a certain manner to the Office for a certain purpose; providing for the application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–805, 11–814, and 11–815
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1358 – Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan–Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Artificial Tanning Devices – Protection of Minors

FOR the purpose of prohibiting certain owners, employees, and operators of tanning facilities from allowing minors to use certain tanning devices unless ~~the minors have certain prescriptions or are accompanied by~~ certain individuals provide consent for the minors in a certain manner; requiring certain owners, employees, and operators of tanning facilities to require certain documentation before allowing certain individuals access to tanning facilities; authorizing the Secretary of Health and Mental Hygiene to impose certain penalties and adopt certain regulations; defining certain terms; providing for the construction of this Act; and generally relating to artificial tanning devices.

BY adding to
Article – Health – General
Section 20–106
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 630 – Senator Jacobs

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0630/678973/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 630
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "subpoenas" in line 3 down through "circumstances" in line 5 and substitute "a subpoena for the production of certain records or documents for a certain purpose"; in line 6, after "specifying" insert "the manner of service of a subpoena,"; in the same line, after "subpoena" insert a comma; in line 9, after "subpoena" insert "to a certain circuit court"; and in the same line, after "grant" insert "certain".

AMENDMENT NO. 2

On page 1, strike beginning with "**MAY**" in line 22 down through the second "**AND**" in line 23.

The preceding 2 amendments were read only.

Senator Conway moved, duly seconded, to make the Bill and Amendments a Special Order for March 18, 2008.

The motion was adopted.

Senate Bill 959 – Senators Middleton, Miller, Astle, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Haines, Harrington, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Statewide Phase–Out of Electronic Gaming Devices

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0959/229035/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 959
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Slot Machines – Definition"; strike beginning with "prohibiting" in line 3 down through "definitions" in line 6 and substitute "altering the definition of "slot machine" for purposes of certain provisions of law to include certain machines, apparatuses, or devices that make a certain award to a user through the reading of a game of chance or the delivery of a game of chance; providing that the definition of "slot machine" does not include certain machines, apparatuses, or devices; authorizing the continued use of certain instant bingo machines under certain circumstances; establishing that the enforcement and implementation of this Act may not be stayed under certain circumstances"; in line 7, strike "electronic gaming devices" and substitute "slot machines"; and strike in their entirety lines 8 through 22, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–301
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–302
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 3 through 7, strike in their entirety the lines beginning with line 12 on page 3 through line 4 on page 7, inclusive.

On page 7, in line 10, after "chance" insert "**, THE READING OF A GAME OF CHANCE, THE DELIVERY OF A GAME OF CHANCE,**"; in line 15, strike the second "and"; in line 19, strike the brackets; and strike in their entirety lines 22 and 23 and substitute:

"**(3) "SLOT MACHINE" DOES NOT INCLUDE A MACHINE, APPARATUS, OR DEVICE THAT:**

(I) AWARDS THE USER ONLY FREE ADDITIONAL GAMES OR PLAYS;

(II) AWARDS THE USER ONLY NONCASH MERCHANDISE OR PRIZES OF MINIMAL VALUE;

(III) DISPENSES PAPER PULL TAB TIP JAR TICKETS OR PAPER PULL TAB INSTANT BINGO TICKETS THAT MUST BE OPENED MANUALLY BY THE USER PROVIDED THAT THE MACHINE, APPARATUS, OR DEVICE DOES NOT:

1. READ THE TICKETS ELECTRONICALLY;

2. ALERT THE USER TO A WINNING OR LOSING TICKET; OR

3. TABULATE A PLAYER'S WINNINGS AND LOSSES;

(IV) 1. DISPLAYS FACSIMILES OF BINGO CARDS THAT USERS MARK AND MONITOR AS NUMBERS ARE CALLED BY AN INDIVIDUAL LOCATED ON THE PREMISES WHERE THE USER IS OPERATING THE MACHINE; AND

2. DOES NOT PERMIT A USER TO PLAY MORE THAN 54 BINGO CARDS AT THE SAME TIME;

(V) IS USED BY THE STATE LOTTERY COMMISSION UNDER TITLE 9 OF THE STATE GOVERNMENT ARTICLE; OR

(VI) IF LEGISLATION TAKES EFFECT AUTHORIZING THE OPERATION OF VIDEO LOTTERY TERMINALS, A VIDEO LOTTERY TERMINAL AS DEFINED IN AND LICENSED UNDER THAT LEGISLATION.".

On pages 8 and 9, strike in their entirety the lines beginning with line 1 on page 8 through line 10 on page 9, inclusive.

AMENDMENT NO. 3

On page 9, before line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 1 of this Act, an entity licensed to offer instant bingo may continue to operate a game of instant bingo in the same manner using electronic machines until January 1, 2009, provided that:

(a) the machines have been in operation for a 1–year period ending December 31, 2007;

(b) the machines operate using preprinted rolls of paper pull tab tickets that issue pull tab tickets in a predetermined order; and

(c) the conduct of the gaming and operation of the machines is consistent with all other provisions of the Criminal Law Article and with the holding in the case of Chesapeake Amusements Inc. v. Riddle, 363 Md. 16 (2001).

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if any action is brought for declaratory, injunctive, or other relief to challenge the legality of any provision of this Act or any amendment made by this Act, the enforcement and implementation of this Act may not be stayed pending the disposition of the action.";

and in line 11, strike "2." 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.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 313 – Senators Stone, Haines, Colburn, Conway, Miller, and Muse

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0313/563028/1

BY: Senator Kramer

AMENDMENT TO SENATE BILL 313
(First Reading File Bill)

On page 2, after line 21, insert:

"**(1) IF A CONTRACTOR HAS FURNISHED 100% SECURITY TO GUARANTEE THE PERFORMANCE OF A CONTRACT AND 100% SECURITY TO GUARANTEE PAYMENT FOR LABOR AND MATERIALS, INCLUDING LEASED EQUIPMENT:**";

in line 22, strike "**(1)**" and substitute "**(I)**"; in line 23, after "**PRICE;**" insert "**AND**"; in line 24, strike "**(2)**" and substitute "**(II)**"; and in line 27, strike "**(3)**" and substitute "**(2)**".

On page 3, in line 1, strike "**(4)**" and substitute "**(3)**".

The preceding amendment was read only.

Senator DeGrange moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senate Bill 215 – Chair, Judicial Proceedings Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland False Health Claims Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 590 – Senators Pinsky, Brochin, Frosh, Lenett, Raskin, and Rosapepe

AN ACT concerning

Environment – Statute of Limitations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0590/143825/1

BY: Senator Colburn

AMENDMENT TO SENATE BILL 590
(First Reading File Bill)

On page 2, strike beginning with "**DATE**" in line 26 down through "**THE**" in line 27; and in line 27, after "**VIOLATION**" insert "**WAS COMMITTED**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 433)

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 13, 2008

District Court, Montgomery County (District 6)

1. Stephen P. Johnson

   Judge of the District Court of Maryland, District 6, Montgomery County; reappointed to serve a term of ten years from April 9, 2008

Arts Council, Maryland State

2. Nancy Haragan
   2901 Boston Street #510
   Baltimore, MD 21224

   Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2008

Education, State Board of

3. James H. DeGraffenreidt, Jr., Esquire
   406 Cedarcroft Road
   Baltimore, MD 21212

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2008

Engineers, State Board for Professional

4. H.C. Harclerode, II
One Country Club Lane
Phoenix, MD 21131

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2008

5. Eugene Callan Harvey
613 Banyon Avenue
Severna Park, MD 21146

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2008

Human Relations Commission

6. Doris Cowl
24 Tullycross Court
Timonium, MD 21093

Member of the Human Relations Commission; appointed to serve a term of six years from July 1, 2005

Injured Workers' Insurance Fund, Board for the

7. Kenneth Nwafor
3807 Dunhill Court
Bowie, MD 20721

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2008

8. Leonard Schuler, Jr.
3 Old Garrett Court
White Hall, MD 21161

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2007

Interagency Coordinating Council for Infants and Toddlers

9. William T. Cohee, Ed. D.
130 Nantucket Drive
Middletown, DE 19709

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2008

10. Angelina B. Dickerson, Ph.D.
5242 West Boniwood Turn
Clinton, MD 20735

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2008

11. Veronica D. Land-Davis
1546 Langford Road
Baltimore, MD 21207

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

12. Amy L. Nicholas, Ph.D.
1290 East Sandcroft Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2007

13. Kelli Piscano-Nelson
761 Sussex Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

14. Suzette Scipio-Ettienne, M.D.
10305 Ackerly Terrace
Lanham, MD 20706

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

Judicial Disabilities, Commission on

15. Nancy B. Shuger
4326 Roland Springs Drive
Baltimore, MD 21210-2755

Judge of the Commission on Judicial Disabilities; reappointed to serve a term of four years from January 1, 2008

Labor Relations Board, State

16. Susie C. Jablinske
109 Maple Lane
Annapolis, MD 21403

Member of the State Labor Relations Board; appointed to serve a term of six years from July 1, 2006

Landscape Architects, Board of Examiners of

17. Jeanette M. Stern-Tansey
301 Cedarcroft Road
Baltimore, MD 21212

Member of the State Board of Examiners of Landscape Architects; appointed to serve a term of three years from July 1, 2007

Legal Services Corporation Board of Directors

18. Teri A. Heger, LCSW-C
20032 Alva Court
Keedysville, MD 21756

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve a term of three years from July 1, 2007

Optometry, State Board of Examiners in

19. Kisha Fields Matthews
8227 Township Drive
Owings Mills, MD 21117

Member of the State Board of Examiners in Optometry; appointed to serve a term of three years from June 1, 2008

Parole Commission, Maryland

20. Thomas Vincent Miller, III, Esquire
5300 Beauvoir Court
West River, MD 20778

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2008

Pharmacy, State Board of

21. Richard W. Matens
2401 Pelham Avenue
Baltimore, MD 21213

Member of the State Board of Pharmacy; appointed to serve a term of four years from July 1, 2006

Port Commission, Maryland

22. William B. Dockser, Esquire
8906 Clewerwall Drive
Bethesda, MD 20817

Member of the Maryland Port Commission; appointed to serve remainder of a term of three years from July 1, 2006

23. Peta N. Richkus
107 A Versailles Circle
Towson, MD 21204

Member of the Maryland Port Commission; appointed to serve a term of three years from July 1, 2008

Psychologists, State Board of

24. Warren L. Hobbs
6210 Park Heights Avenue, #904
Baltimore, MD 21215

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2008

Racing Commission, State

25. Mary Louise Preis
810 Drohomer Place
Baltimore, MD 21210

Member of the State Racing Commission; appointed to serve a term of four years from July 1, 2008

26. Charles G. Tildon, III

5616 Cross Country Boulevard
Baltimore, MD 21209
Member of the State Racing Commission; appointed to serve a term of four years from July 1, 2008

Tourism Development Board, Maryland

27. Greg Shockley
10148 Queen's Circle
Ocean City, MD 21842

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2008

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Higher Education Commission, Maryland

S-1. Kevin M. O'Keefe
3 St. Martin's Road
Baltimore, MD 21218

Member of the Maryland Higher Education Commission; reappointed to serve a term of five years from July 1, 2008

S-2. Chung K. Pak
226 Grange Hall Drive
Gaithersburg, MD 20877

Member of the Maryland Higher Education Commission; reappointed to serve a term of five years from July 1, 2008

Interagency Coordinating Council for Infants and Toddlers

S-3. Margaret C. Berman
7031 Kenleigh Road
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

S-4. Eric F. Snyder

810 Hydric Court, Apt. 303
Odenton, MD 21113

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

Judicial Disabilities, Commission on

S-5. William D. Berkshire
1487 Crofton Parkway
Crofton, MD 21114

Member of the Commission on Judicial Disabilities; reappointed to serve a term of four years from January 1, 2008

S-6. Robert A. Greenberg
50 Maryland Avenue
Rockville, MD 20850

Judge of the Commission on Judicial Disabilities; reappointed to serve a term of four years from January 1, 2008

Lottery Commission, Maryland State

S-7. George M. Wagner
231 Wicklow Road
Ferndale, MD 21061

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2008

Physical Therapy Examiners, State Board of

S-8. Lois V. Rosedom-Boyd
6760 Real Princess Lane
Baltimore, MD 21207

Member of the State Board of Physical Therapy Examiners; reappointed to serve a term of four years from June 1, 2008

Physicians, State Board of

S-9. Rosaire Verna, M.D.
9062 Bozman Road
St. Michaels, MD 21663

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Plumbing, State Board of

S-10. Michael J. Kastner, Jr.
13556 Agro Drive
Dayton, MD 21036

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2008

S-11. Charles J. Morgan, Jr.
1219 Hull Street
Baltimore, MD 21230

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2008

Port Commission, Maryland

S-12. Alvin J. Nichols
8105 Felbrigg Hall Road
Glenn Dale, MD 20769

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2008

Prevailing Wage Rates, Advisory Council on

S-13. Michael Claude A. McPherson
11090 Swansfield Road
Columbia, MD 21044

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2008

Public Service Commission

S-14. Steven B. Larsen
10111 Parkwood Drive
Bethesda, MD 20814

Member of the Public Service Commission; reappointed to serve a term of five years from July 1, 2008

Racing Commission, State

S-15. John P. McDaniel
13032 Highland Road
Highland, MD 20777

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2008

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 434)

Senate Bill 566 – Senator Garagiola

AN ACT concerning

Health Care Facility Visitation and Medical Decisions – Domestic Partners

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR HARRIS.

FLOOR AMENDMENT

SB0566/883429/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 566, AS AMENDED
(First Reading File Bill)

In the Finance Committee Amendments (SB0566/917772/1), strike Amendment No. 2 in its entirety.

On page 8 of the bill, in line 9, strike "**PROOF**" and substitute "**:**

(1) AN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY BY TWO INDIVIDUALS STATING THAT THEY HAVE ESTABLISHED A DOMESTIC PARTNERSHIP; AND

(2) PROOF";

in lines 11, 13, 17, 19, 22, 26, 27, 28, and 30, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; strike in their entirety lines 24 and 25; in line 29, after "**DOCUMENTS;**" insert "**OR**"; and in line 30, strike "**; OR**" and substitute a period.

On page 9 of the bill, strike in their entirety lines 1 through 3, inclusive; and in line 15, after "**RESIDENT**" insert "**OR THE PATIENT'S OR RESIDENT'S PERSONAL REPRESENTATIVE**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0566/293123/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 566
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "circumstances;" insert "providing for the application of certain provisions of this Act to certain health care facilities;"; and in line 25, after "circumstances;" insert "exempting certain health care facilities from certain requirements regarding domestic partners;".

AMENDMENT NO. 2

On page 9, after line 20, insert:

"**(C) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A HOSPITAL, RELATED INSTITUTION, OR RESIDENTIAL TREATMENT CENTER THAT**

IS OWNED, CONTROLLED, OR AFFILIATED WITH A BONA FIDE RELIGIOUS INSTITUTION.".

AMENDMENT NO. 3

On page 12, in line 4, after "(h)" insert "**(1)**"; after line 6, insert:

"**(2) THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY IF THE FACILITY IS OWNED, CONTROLLED, OR AFFILIATED WITH A BONA FIDE RELIGIOUS INSTITUTION.**";

in line 9, after "**(2)**" insert "**(I)**"; and after line 11, insert:

"**(II) THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY IF THE FACILITY IS OWNED, CONTROLLED, OR AFFILIATED WITH A BONA FIDE RELIGIOUS INSTITUTION.**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 27 (See Roll Call No. 435)

FLOOR AMENDMENT

SB0566/583623/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 566
(First Reading File Bill)

On page 9, in line 8, strike the comma and substitute "**AND**"; and strike beginning with the comma in line 9 down through "**CHILD**" in line 10.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 26 (See Roll Call No. 436)

FLOOR AMENDMENT

SB0566/523220/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 566
(First Reading File Bill)

On page 5, in line 27, strike "**OR DOMESTIC PARTNER**".

On page 6, in line 5, strike "or"; after line 5, insert:

"**(7) THE DOMESTIC PARTNER OF THE DECEDENT; OR**";

in line 6, strike "(7)" and substitute "**(8)**"; in the same line, strike "(6)" and substitute "**(7)**"; and in line 11, strike "(6)" and substitute "**(7)**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 28 (See Roll Call No. 437)

FLOOR AMENDMENT

SB0566/303029/1

BY: Senator Greenip

AMENDMENT TO SENATE BILL 566
(First Reading File Bill)

On page 7, in line 31, strike "**18**" and substitute "**21**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 29 (See Roll Call No. 438)

FLOOR AMENDMENT

SB0566/213622/1

BY: Senator Greenip

AMENDMENTS TO SENATE BILL 566, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike "Domestic Partners" and substitute "Cohabitating Adults".

On page 1 of the bill, in lines 3, 4, 5 and 6, and 24, in each instance, strike "domestic partners" and substitute "cohabitating adults".

On pages 1 and 2 of the bill, strike "domestic partner" and substitute "cohabitating adult" in each of the following instances:

on page 1, in lines 4, 11, 12, 13, 15, 16, 18, 20, 22, 27, 28, and 31; and

on page 2, in lines 1 and 4.

On page 1 of the bill, in line 23, strike "domestic partner's" and substitute "cohabitating adult's".

On page 1 of the bill, in lines 9 and 26, strike "domestic partnership" and substitute "adult cohabitation arrangement".

AMENDMENT NO. 2

On page 3 of the bill, in line 10, strike "**DOMESTIC PARTNER**" and substitute "**COHABITATING ADULT**".

On pages 4 through 14 of the bill, strike "**DOMESTIC PARTNER**" and substitute "**COHABITATING ADULT**" in each of the following instances:

on page 4, in line 29;

on page 5, in lines 9 and 27;

on page 6, in line 32;

on page 7, in line 19;

on page 9, in lines 8 and 9;

on page 10, in lines 2, 5, 21, and 33;

on page 11, in line 31;

on page 12, in lines 9 and 10, 10 and 11, 12, and 26;

on page 13, in line 25; and

on page 14, in line 9.

On pages 7 and 8 of the bill, strike "**DOMESTIC PARTNERSHIP**" and substitute "**ADULT COHABITATION ARRANGEMENT**" in each of the following instances:

on page 7, in line 29; and

on page 8, in lines 1 and 2, and 8.

On pages 9 and 12 of the bill, strike "**DOMESTIC PARTNERS**" and substitute "**COHABITATING ADULTS**" in each of the following instances:

on page 9, in line 23; and

on page 12, in line 5.

AMENDMENT NO. 3

On page 1 of the Finance Committee Amendments (SB0566/917772/2), in lines 3 and 4 of Amendment No. 2, strike "**DOMESTIC PARTNERSHIP**" and substitute "**ADULT COHABITATION ARRANGEMENT**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 439)

FLOOR AMENDMENT

SB0566/193227/1

BY: Senator Greenip

AMENDMENT TO SENATE BILL 566, AS AMENDED

In the Finance Committee Amendments (SB0566/917772/2), in line 3 of Amendment No. 3, after "to" insert ":

(1)";

and in the same line, after "Article" insert "; or

(2) require the State Board of Education to include the topic of domestic partnerships as a part of the program of instruction for the public schools in this State".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 440)

FLOOR AMENDMENT

SB0566/723920/1

BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 566, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In Senator Harris' amendment (SB0566/883429/2), in line 10, strike "**(VI)**" and substitute "**(VII)**"; in the same line, strike "**(VII)**" and substitute "**(VIII)**"; in the same line, strike "**(VIII)**" and substitute "**(IX)**"; and in the same line, strike "**(IX)**" and substitute "**(X)**".

AMENDMENT NO. 2

On page 8 of the bill, after line 25, insert:

"**(VI) A JOINT CHECKING ACCOUNT, JOINT INVESTMENTS, OR A JOINT CREDIT ACCOUNT;**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #13

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 309 – Senators Pinsky, Brochin, Currie, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, King, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

Global Warming Solutions – Reductions in Greenhouse Gases

SB0309/994239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Harrington"; strike beginning with "stating" in line 6 down through "Assembly;" in line 7; in line 7, after "to" insert "develop plans,"; in line 8, after "regulations" insert ", and implement certain programs"; in the same line, strike "require certain reductions in" and substitute "reduce"; in the same line, after "emissions" insert "to a certain level"; in the same line, after "by" insert "a"; in line 9, strike "years" and substitute "year"; in line 10, strike "adopt regulations in order to implement" and substitute "report to the Governor and the General Assembly on the status of implementing"; in line 11, after "measures" insert "on or before certain dates; requiring the Department to develop and publish a certain plan in accordance with certain requirements on or before a certain date"; strike beginning with "requiring" in line 16 down through "requirements;" in line 18; in line 21, strike "requiring" and substitute "authorizing"; in line 27, after "requiring" insert "certain sources to include greenhouse gas emissions in certain statements submitted to the Department;"; and strike beginning with "the"

in line 27 down through "compliance" in line 29 and substitute "requiring the Department to adopt certain regulations related to greenhouse gas emissions".

On page 2, strike beginning with "creating" in line 6 down through "Act;" in line 7; in line 8, strike the first "authorizing" and substitute "requiring"; in line 9, after "circumstances;" insert "requiring the Department to include certain stakeholders in advisory workgroups; requiring the Department to conduct a certain study; requiring certain fees to be deposited in a certain fund under certain circumstances; requiring the Department of the Environment, prior to the implementation of certain provisions of this Act, to make and forward a certain determination; making certain provisions of this Act contingent on a certain determination and report by the Department of the Environment; providing for the termination of certain provisions of this Act if a certain determination is not received by a certain date;"; in line 20, strike "2-1210" and substitute "2–1209"; and in line 34, strike "**2–1208**" and substitute "**2–1207**".

On page 3, in line 13, strike "**THE**" and substitute "**AN**".

AMENDMENT NO. 2

On page 4, in line 10, strike "**TECHNOLOGY AND**"; in line 13, after "**AND**" insert "**BY PREPARING A PLAN INCLUDING REGULATORY AND OTHER PROGRAMS SUFFICIENT TO MEET A TARGET OF**"; in line 14, strike "**MANDATED**"; in line 16, strike "**REDUCTIONS**" and substitute "**REDUCTION**"; and after line 33, insert:

"**(B) "ALLOWANCE" MEANS 1 TON OF CARBON DIOXIDE EQUIVALENT THAT MAY BE EMITTED DURING 1 CALENDAR YEAR.**".

AMENDMENT NO. 3

On page 5, in line 1, strike "**(B)**" and substitute "**(C)**"; in line 2, strike "**EMISSIONS**"; strike in their entirety lines 5 and 6; in line 16, strike "**EMISSIONS**"; after line 20, insert:

"**(H) "GREENHOUSE GAS SOURCE" MEANS A SOURCE OR CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS THAT HAVE EMISSIONS OF GREENHOUSE GASES THAT ARE SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, AS DETERMINED BY THE DEPARTMENT.**";

and in lines 21 and 24, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

On page 6, strike in their entirety lines 2 through 5, inclusive.

AMENDMENT NO. 4

On page 6, in line 14, after "**SHALL**" insert "**DEVELOP PLANS,**"; in the same line, after "**REGULATIONS**" insert "**, AND IMPLEMENT PROGRAMS**"; in line 15, strike the colon; in line 16, strike "**(1)**"; strike beginning with the semicolon in line 16 down through "**2050**" in line 17; in lines 22 and 29, strike "**ADOPT REGULATIONS TO IMPLEMENT**" and substitute "**REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF IMPLEMENTING**"; in line 19, after "**SHALL**" insert "**PREPARE AND**"; and in the same line, strike "**AND MAKE AVAILABLE TO THE PUBLIC**".

On page 7, in line 1, after "**(I)**" insert "**AN INVENTORY OF STATEWIDE GREENHOUSE GAS EMISSIONS;**

(II)";

in line 3, strike "**(II)**" and substitute "**(III)**"; in line 6, strike "**2011**" and substitute "**2012**"; after line 9, insert:

"**(E) (1) BY JUNE 1, 2012, THE DEPARTMENT SHALL DEVELOP AND PUBLISH A PLAN TO REDUCE GREENHOUSE GAS EMISSIONS BY 90% FROM 2006 LEVELS BY 2050, THAT SHALL INCLUDE:**

(I) REGULATORY AND OTHER PROGRAMS;

(II) RESEARCH, DEVELOPMENT, AND TECHNOLOGICAL ADVANCEMENT INITIATIVES; AND

(III) A SCHEDULE FOR ADOPTING AND IMPLEMENTING THE ELEMENTS OF THE PLAN.

(2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE PUBLISHED AND UPDATED BY NOVEMBER 1 OF EVERY FOURTH YEAR;

(II) INCLUDE A SUMMARY OF THE STATE OF THE SCIENCE REGARDING GLOBAL WARMING; AND

(III) BE SUBMITTED TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.";

in line 10, strike "**(E)WITH RESPECT TO**" and substitute "**(F)IN DEVELOPING PLANS, IMPLEMENTING PROGRAMS, AND**"; after line 14, insert:

"**(2) ENSURE THAT THE PLANS, REGULATIONS, AND PROGRAMS IMPLEMENTED IN ACCORDANCE WITH THIS SECTION ARE CONSISTENT WITH, AND DO NOT DUPLICATE, OTHER GREENHOUSE GAS EMISSION REDUCTION PROGRAMS REQUIRED BY LAW, INCLUDING THE HEALTHY AIR ACT, THE CLEAN CARS ACT, OR OTHER REQUIREMENTS OF FEDERAL LAW RELATED TO GREENHOUSE GAS EMISSION REDUCTIONS;**";

in lines 15, 19, 22, 23, 27, 29, and 31, strike "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively; in line 15, after "**A**" insert "**GREENHOUSE GAS**"; in line 22, after "**OF**" insert "**THE ACTIONS UNDERTAKEN TO COMPLY WITH**"; and in line 30, after "**EACH**" insert "**GREENHOUSE GAS**".

On page 8, in line 1, after "**THAT**" insert "**GREENHOUSE GAS**"; in the same line, after "**REDUCTIONS**" insert "**REQUIRED UNDER THIS SECTION**"; in lines 1, 3, 6, and 10, strike "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively, and substitute "**(10)**", "**(11)**", "**(12)**", and "**(13)**", respectively; in line 11, after the first "**AND**" insert "**, TO THE EXTENT PRACTICABLE,**"; in lines 16 and 25, strike "**(F)**" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 20, after "**FOR**" insert "**GREENHOUSE GAS**"; and in line 31, strike "**ELECTRICAL**" and substitute "**ELECTRICITY**".

On page 9, in line 1, strike "**ELECTRICAL**" and substitute "**ELECTRICITY**"; in line 4, strike "**(H)**" and substitute "**(I)**"; in line 16, after "**EACH**" insert "**GREENHOUSE GAS**"; in line 19, strike "**RECOMMEND**" and substitute "**ESTABLISH**"; and in line 25, strike "**(I)**" and substitute "**(J)**".

AMENDMENT NO. 5

On page 10, in line 1, strike "**SHALL**" and substitute "**MAY**"; in line 2, after "**FOR**" insert "**GREENHOUSE GAS**"; in line 3, strike "**THAT EMIT GREENHOUSE GAS EMISSIONS**"; strike beginning with "**BE**" in line 6 down through "**(II)**" in line 7; in line 8, after "**FROM**" insert "**GREENHOUSE GAS**"; in line 11, strike "**(III)**" and substitute "**(II)**"; in the same line, after "**ALLOWANCES**" insert "**OR A PORTION OF ALLOWANCES**"; in the same line, strike "**AND**"; in line 12, strike "**(IV)**" and substitute "**(III)**"; in the same line, strike "**BE COMPLEMENTARY WITH**" and substitute "**NOT DUPLICATE**"; in line 13, after "**(RGGI)**" insert "**; AND**

(IV) USE A MINIMUM OF A 5-YEAR AVERAGE ON ANNUAL EMISSIONS DATA TO ESTABLISH CAPS FOR ANY STATIONARY GREENHOUSE GAS SOURCE COVERED BY THE CAP AND TRADE PROGRAM";

in line 23, after "**SYSTEM**" insert "**, BEYOND PARTICIPATION IN THE REGIONAL GREENHOUSE GAS INITIATIVE**"; in line 32, after "**APPROPRIATE**" insert "**; AND**

(4) (I) MAKE EVERY REASONABLE EFFORT TO MINIMIZE LEAKAGE THROUGH A CONSUMPTION BASED CAP AND TRADE OR OTHER PROGRAM; AND

(II) CONDUCT A STUDY OF OTHER STATE EFFORTS, INCLUDING CALIFORNIA, TO DETERMINE WHETHER EFFECTIVE PROGRAMS TO CONTROL LEAKAGE EXIST, AND IF SO, DETERMINE THEIR APPLICABILITY IN MARYLAND";

and in line 30, strike "**AND**".

AMENDMENT NO. 6

On page 11, strike beginning with the colon in line 12 down through "**BE**" in line 14 and substitute "**BE**"; in line 15, after "**FROM**" insert "**GREENHOUSE GAS**"; and in lines 20 and 22, in each instance, after "**A**" insert "**GREENHOUSE GAS**".

On page 12, strike beginning with "**ON**" in line 1 down through "**SUBTITLE**" in line 4 and substitute "**BEGINNING IN CALENDAR YEAR 2008, A SOURCE, AS DEFINED UNDER § 2–101 OF THIS TITLE, THAT IS REQUIRED TO SUBMIT**

CERTIFIED ANNUAL EMISSION STATEMENTS TO THE DEPARTMENT UNDER COMAR 26.11.01.05–1 OR COMAR 26.11.02.19D., SHALL INCLUDE GREENHOUSE GAS EMISSIONS IN THE ANNUAL CERTIFED EMISSION STATEMENT"; in line 6, after "**FOR**" insert "**GREENHOUSE GAS**"; strike beginning with "**THE**" in line 8 down through "**SHALL**" in line 9 and substitute "**ON OR BEFORE JUNE 1, 2009, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**"; in line 10, strike "**REAL-TIME**" and substitute "**:**

(I) REAL-TIME";

in line 11, after "**MONITORING**" insert "**TO THE EXTENT THIS TECHNOLOGY IS AVAILABLE, AS DETERMINED BY THE DEPARTMENT;**"; in the same line, strike "**ANNUAL**" and substitute "**(II) ANNUAL**"; in line 12, after "**FROM**" insert "**GREENHOUSE GAS**"; and in line 23, strike "**EMISSIONS**".

On page 13, in line 3, after "**PROCEEDS**" insert "**RECEIVED BY THE DEPARTMENT**"; in line 4, after "**INITIATIVE**" insert "**OR FROM ANY OTHER SALE OF GREENHOUSE GAS ALLOWANCES BY THE DEPARTMENT**"; in line 11, after "**A**" insert "**GREENHOUSE GAS**"; and strike beginning with "**OF**" in line 11 down through "**EMISSIONS**" in line 12.

AMENDMENT NO. 7

On page 13, strike in their entirety lines 21 through 30.

On page 14, strike in their entirety lines 1 through 31, inclusive; and in line 32, strike "**2–1209.**" and substitute "**2–1208.**".

AMENDMENT NO. 8

On page 15, in line 1, strike "**MAY**" and substitute "**SHALL**"; in line 5, strike "**IF**" and substitute "**WHEN**"; in line 10, after "**DEPARTMENT**" insert a comma; after line 13, insert "**(III) LABOR UNIONS FROM AFFECTED INDUSTRIES;**"; in lines 14 and 15, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively; and in line 17, strike "**2–1210.**" and substitute "**2–1209.**".

On page 16, after line 6, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the Environment, before adopting new regulations to implement new programs to reduce greenhouse gas emissions, shall include labor unions, business groups, and environmental advocacy stakeholders in advisory workgroups to the extent these stakeholders are willing to participate.

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of the Environment shall conduct a study of the resources needed to fully implement the requirements of this Act through 2050. The study shall be submitted to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, before December 31, 2009. The study shall include an evaluation of the need for an Office of Climate Change within State government to oversee and coordinate the broad and institutionally diverse efforts to address climate change and issues associated with the potential transition to a federal program.

SECTION 5. AND BE IT FURTHER ENACTED, That if Senate Bill 268 or House Bill 368 of the Acts of the General Assembly of 2008 is enacted, the revenues generated as a result of an auction conducted in accordance with § 2–1204 of the Environment Article, as enacted by Section 1 of this Act, and any fees generated in accordance with § 2–1207 of the Environment Article, as enacted by Section 1 of this Act, shall be deposited into the Maryland Strategic Energy Investment Fund, instead of the Maryland Clean Air Fund.

SECTION 6. AND BE IT FURTHER ENACTED, That, prior to implementation of Sections 1 through 5 of this Act, the Department of the Environment shall:

(a) determine whether it has received adequate revenues to pay for the costs of implementing the requirements of this Act from auction proceeds generated as a result of the State's participation in the Regional Greenhouse Gas Initiative or another source; and

(b) forward the determination required under subsection (a) of this section to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 7. AND BE IT FURTHER ENACTED, That Sections 1 through 5 of this Act shall take effect contingent on, and as of the first day of the month after, the receipt by the Department of Legislative Services of a determination by the Department of the Environment that it has received adequate revenues, as provided under Section 6 of this Act. If the determination of the Department of the

Environment that it has received adequate revenues is not received by the Department of Legislative Services on or before December 31, 2008, Sections 1 through 5 of this Act, with no further action required by the General Assembly, shall be null and void and of no further force and effect.";

in line 7, strike "3." and substitute "8."; and in the same line, after "That" insert ", subject to Section 7 of this Act,".

The preceding 8 amendments were read only.

Senator Gladden moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 461 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices by Young Drivers – Enforcement

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Read the third time and failed for want of a constitutional majority:

Affirmative – 22 Negative – 21 (See Roll Call No. 441)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 442)

ADJOURNMENT

At 12:11 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 17, 2008.

Annapolis, Maryland
Monday, March 17, 2008
8:00 P.M. Session

The Senate met at 8:01 P.M.

Prayer by Chaplain Kimberly Sawatsky for the U. S. Naval Academy, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 14, 2008 was read and approved.

On motion of Senator Kasemeyer it was ordered that The President be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 444)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 81 – Delegates Hubbard and Hammen

AN ACT concerning

Task Force to Study the Regulation of Artificial Trans Fat

FOR the purpose of establishing the Task Force to Study the Regulation of Artificial Trans Fat; providing for the membership of the Task Force; requiring the Task Force to elect a chair from among the members of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive certain reimbursement; providing for the duties of the Task Force; requiring the Task Force to submit a certain report to certain committees on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Regulation of Artificial Trans Fat.

BY adding to

Article – Health – General
Section 21–214
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 108 – Delegates Branch, Anderson, Stukes, and Tarrant

AN ACT concerning

Public Safety – Electronic Weapons – ~~Prohibition~~ Procedures and Reports

FOR the purpose of ~~prohibiting a person from possessing, using, selling, distributing, offering to sell or distribute, or transporting into the State a certain electronic weapon; creating a certain exception; establishing penalties for a violation of this Act; requiring the Police Training Commission to require that certain curriculum and minimum courses of study include certain training;~~ requiring a law enforcement agency to follow certain procedures and file a certain report with the Governor's Office of Crime Control and Prevention whenever a law enforcement officer employed by the law enforcement agency discharges a certain electronic weapon under certain circumstances; requiring a law enforcement officer to file a certain report with the Governor's Office of Crime Control and Prevention whenever an individual other than a law enforcement officer discharges a certain electronic weapon under certain circumstances; requiring the Governor's Office of Crime Control and Prevention to compile and allow public inspection of certain reports; defining certain terms; and generally relating to electronic weapons.

~~BY adding to~~
~~Article – Criminal Law~~
~~Section 4–109~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
BY adding to
Article – Public Safety
Section ~~3–207~~ 3–507
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 277 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Insurance Commissioner – ~~Authority to Act~~ Adoption of Regulations Applicable in an Emergency – Required

FOR the purpose of applying certain provisions of law to ~~managed care organizations and~~ health maintenance organizations; ~~specifying the applicability and purpose of certain provisions of law; authorizing the Maryland Insurance Commissioner to act in a certain manner in an emergency under certain circumstances; authorizing the Commissioner to take certain actions in an emergency; requiring the Commissioner to adopt certain actions as emergency regulations;~~ requiring the Maryland Insurance Commissioner to adopt certain regulations that may be applied in certain emergencies or disasters; authorizing the regulations to apply to certain persons and address certain activities; requiring the Commissioner to issue a certain bulletin under certain circumstances; requiring the Commissioner to provide a copy of the bulletin to a certain emergency contact; authorizing the Commissioner to post a copy of the bulletin on a certain website; and generally relating to the authority of the Maryland Insurance Commissioner.

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 15–102.3(c)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 2–115
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 419 – Delegates Elliott, Ali, Bartlett, Beitzel, Bromwell, Cane, Costa, DeBoy, Frush, George, Norman, Hammen, Hecht, Hubbard, Impallaria, Kach, King, Kipke, Kirk, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Proctor, Reznik, Riley, Rudolph, Smigiel, Sophocleus, Sossi, Stukes, Stull, V. Turner, Walkup, Weir, ~~and Weldon~~ Weldon, Benson, and Donoghue

AN ACT concerning

Pharmacy Benefits Managers – Registration

FOR the purpose of requiring a ~~person~~ pharmacy benefits manager to register with the Maryland Insurance Commissioner before ~~the person acts as or represents itself as a pharmacy benefits manager~~ providing pharmacy benefits management services in the State; ~~exempting certain managed care organizations, insurers, nonprofit health service plans, and health maintenance organizations, and affiliates, subsidiaries, or other related entities of certain insurers, nonprofit health service plans, and health maintenance organizations from certain provisions of this Act under certain circumstances;~~ requiring an applicant for registration to file an application on a certain form and pay to the Commissioner a certain fee; requiring the Commissioner to register certain ~~applicants~~ pharmacy benefits managers; providing for the expiration and renewal of a registration; prohibiting a pharmacy benefits manager from taking certain actions; authorizing the Commissioner to deny, suspend, or revoke a registration or refuse to renew a registration under certain circumstances and subject to certain hearing provisions; ~~authorizing the Commissioner, if a registration is suspended or revoked, to permit the continued operation of a pharmacy benefits manager for a certain period of time under certain circumstances; requiring a pharmacy benefits manager to register as a third party administrator or a private review agent under certain circumstances; requiring a certain pharmacy benefits manager to pay and adjust claims according to certain statutory requirements;~~ prohibiting ~~an insurer, a nonprofit health service plan, or a health maintenance organization~~ a purchaser from entering into an agreement with a pharmacy benefits manager that has not registered with the Commissioner; ~~requiring~~ authorizing the Commissioner to conduct a certain examination in accordance with certain provisions of law; requiring a pharmacy benefits manager to maintain certain books and records for a certain period and in accordance with certain standards; ~~requiring the Commissioner to adopt certain regulations on or before a certain date;~~ authorizing the Commissioner to issue a certain order; authorizing an order of the Commissioner to be served in a certain manner under certain circumstances; providing that a request for a hearing on a certain order does not stay a certain portion of the order; authorizing the Commissioner to file a certain petition in circuit court; authorizing the Commissioner to recover certain fees and costs under certain circumstances; providing certain penalties; ~~altering the definition of a "nonresident pharmacy" to include a pharmacy benefits manager under certain provisions of law; requiring a nonresident pharmacy to meet certain requirements;~~ making certain provisions of law applicable to health maintenance organizations; allowing a certain person to continue to act as a pharmacy benefits manager without registering with the Commissioner under certain circumstances; defining certain terms; and generally relating to regulation and registration of pharmacy benefits managers.

BY adding to
Article – Insurance
Section 15–1601 through ~~15–1613~~ 15–1609 to be under the new subtitle "Subtitle 16. Pharmacy Benefits Managers"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Health Occupations~~
~~Section 12–101(m) and 12–403(e) and (f)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Health Occupations~~
~~Section 12–403(a), (b)(17), (d), and (g)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

Read the first time and referred to the Committee on Finance.

House Bill 440 – Delegates Rosenberg, Harrison, Kirk, Krysiak, Love, Manno, McHale, and Taylor

AN ACT concerning

Procurement – Service Contracts – Notice to ~~State Employees and~~ Exclusive Representatives

FOR the purpose of requiring the Board of Public Works to ensure that certain procurement regulations provide for procedures that are consistent with certain provisions of law; requiring that notice of certain rights be given to exclusive representatives of certain employees ~~and their exclusive representatives~~ at certain points in the procurement process; providing that a violation of a certain provision does not constitute grounds to challenge or appeal certain awards and processes; providing that certain notice requirements must be met for certain service contracts to be certified; ~~authorizing the Department of General Services and the Department of Budget and Management to adopt certain regulations; requiring a procurement unit in the Executive Branch of the State government to include certain information in certain required~~ altering certain notice requirements included in certain plans of assistance for certain State employees

who will be adversely affected by certain service contracts; defining ~~certain terms~~ a certain term; and generally relating to notice requirements for certain service contracts with the State.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(a) and (d) and 13–218(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–101(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 13–218.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 13–401~~, 13–402, and 13–403~~ through 13–404
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~13–404 and~~ 13–405
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 527 – Delegates Reznik, Beitzel, Bromwell, Donoghue, Hammen, Kullen, Montgomery, Morhaim, Pena–Melnyk, Schuler, Tarrant, and V. Turner

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

FOR the purpose of establishing a Task Force to Study the Procurement of Health and Social Services by State Agencies; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; authorizing the Task Force to establish certain subcommittees; requiring the ~~Department of Budget and Management and the Department of General Services~~ Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a Task Force to Study the Procurement of Health and Social Services by State Agencies.

Read the first time and referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs.

House Bill 561 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Tarrant, V. Turner, and Weldon

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

FOR the purpose of adding the Maryland Transportation Authority and the Department of Information Technology as ~~a~~ designated procurement ~~unit~~ units under the Small Business Reserve Program; altering the definition of small business by increasing certain maximum average gross sales requirements and adding a category of services; requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; making certain provisions of this Act contingent on the taking effect of another Act; and generally relating to the Small Business Reserve Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501(b)(22) and (23)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 14–501(b)(24)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 578 – Delegates Pena–Melnyk, Mizeur, Benson, Bromwell, Costa, Donoghue, Dumais, Elliott, Feldman, Gutierrez, Guzzone, Heller, Kaiser, Kipke, Montgomery, Nathan–Pulliam, Oaks, Reznik, Rice, Tarrant, F. Turner, V. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Beitzel, Hammen, Hubbard, Kach, Kullen, McDonough, Morhaim, Pendergrass, and Riley

AN ACT concerning

Health Insurance – Coverage for Amino Acid–Based Elemental Formula

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for amino acid–based elemental formula for the diagnosis and treatment of certain allergies, syndromes, and conditions under certain circumstances; authorizing an insurer, nonprofit health service plan, or health maintenance organization to review a certain determination of medical necessity; providing for the application of this Act; and generally relating to requiring health insurance coverage for amino acid–based elemental formula.

BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–843
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 689 – ~~Delegate Barnes~~ Delegates Barnes, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen,

McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Access to Public Records – Permissible Denials – Public Institutions of Higher Education

FOR the purpose of authorizing a custodian ~~to deny certain inspections of a part~~ of a certain record kept by a public institution of higher education that contains certain personal information relating to certain individuals ~~that contains certain information~~ to require that certain requests be in writing and to deny certain inspections under certain circumstances; defining ~~a~~ certain ~~term~~ terms; and generally relating to records kept by public institutions of higher education.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–611(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 10–618(m)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 805 – Delegates Weldon, Bates, G. Clagett, Hecht, Miller, ~~and Stull~~ Stull, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement – Preferences – Employment Works Program

FOR the purpose of naming a certain preference procurement program within the Department of General Services as the Employment Works Program; clarifying the preference priority for certain providers with regard to purchases of certain supplies and services by the State or by certain other entities; altering the membership of the Pricing and Selection Committee for the Program; defining, altering, and clarifying certain terms; clarifying provisions relating to a certain entity as the coordinating entity for the distribution of certain procurement contracts among certain Program providers; specifying duties for a certain

committee; and generally relating to the Employment Works Program and the procurement process relating to certain community service providers.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–101, 14–103, 14–106, and 14–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Finance and Procurement
Section 14–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 14–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 815 – Delegates Tarrant, Donoghue, James, Nathan–Pulliam, Riley, and Stukes

AN ACT concerning

Health Insurance – Reimbursement of Health Care Practitioners – Information Provided by Carriers

FOR the purpose of increasing the number of fees on a schedule of certain services billed by certain health care practitioners that certain health insurance carriers must provide health care practitioners in a certain manner; requiring certain health insurance carriers to provide certain health care practitioners with a certain pharmaceutical formulary in a certain manner; and generally relating to reimbursement of health care practitioners by carriers under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–113
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 865 – Delegates Morhaim, Bromwell, Miller, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Beitzel, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

~~**Government Efficiency and Streamlining Operations**~~
Procurement – eMaryland Marketplace – Use

FOR the purpose of requiring certain persons to use eMaryland Marketplace to advertise for a certain procurement and to publish notice of an award of a certain contract; defining certain terms; providing for the construction of this Act; prohibiting an unintentional violation from constituting grounds to challenge or appeal the award of a procurement or the process through which a procurement was conducted; and generally relating to the use of eMaryland Marketplace.

BY adding to
Article – State Finance and Procurement
Section 17–501 and 17–502 to be under the new subtitle "Subtitle 5. eMaryland Marketplace – Use by Certain Persons"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 872 – Delegates Pendergrass, Bobo, DeBoy, Guzzone, Malone, ~~and F. Turner~~ F. Turner, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

FOR the purpose of requiring a person to be certified by the Maryland Insurance Commissioner before operating a public–private health care program in the State; establishing certain requirements an applicant for certification must meet; requiring the Commissioner to certify an applicant to operate a public–private health care program under certain circumstances; providing for the expiration and renewal of a certification; requiring a certified nonprofit corporation to comply with and be subject to certain provisions of law; requiring a public–private health care program to disapprove an application under certain

circumstances; authorizing the Commissioner to deny a certification to an applicant or refuse to renew, suspend, or revoke a certification under certain circumstances; requiring that all forms, agreements, advertising, or other documents provided to participants in a public–private health care program be truthful and not misleading and be made available to the Commissioner on request; authorizing the Commissioner to issue certain orders to enforce this Act and certain regulations; specifying the manner in which an order of the Commissioner may be served on certain persons; providing that a request for a hearing on an order of the Commissioner does not stay a certain portion of the order; authorizing the Commissioner to file a petition in a certain court to enforce certain orders; authorizing the Commissioner to recover for the use of the State certain attorney's fees and costs under certain circumstances; establishing certain civil penalties; authorizing the Commissioner to adopt certain regulations; specifying the purpose of certain provisions of this Act; defining certain terms; requiring the Maryland Insurance Administration to report to certain committees of the General Assembly on the Administration's recommendations for the continuation of public–private health care programs in the State on or before a certain date; providing for the termination of this Act; and generally relating to public–private health care programs.

BY adding to
Article – Insurance
Section 14–701 through ~~14–709~~ 14–710 to be under the new subtitle "Subtitle 7. Public–Private Health Care Programs"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 878 – Washington County Delegation

AN ACT concerning

Washington County – Regulation of Electricians and the Provision of Electrical Services

FOR the purpose of providing that the compensation of each member of the Board of Electrical Examiners and Supervisors shall be in an amount approved by the County Commissioners of Washington County; requiring the Board to adopt certain rules and regulations for the examining and licensing of master electricians, restricted electricians, and apprentice and journeyman electricians in Washington County and the conduct of certain hearings by the Board under certain circumstances; authorizing the County Commissioners to modify certain regulations under certain circumstances; providing for the types of businesses that an individual may engage in if that individual holds a certain master electrician license; providing for the types of businesses that an individual may engage in if that individual holds a certain restricted electrician license;

requiring that a certain master electrician license be issued in accordance with certain rules and regulations of the Board; repealing certain provisions relating to the application and issuance of a certain master electrician license; repealing provisions relating a right of appeal for certain applicants for a certain license to a certain arbitration board; providing that a certain license examination be administered and the results determined in accordance with certain rules and regulations of the Board; requiring a certain individual to deliver a certain certificate of comprehensive general liability insurance to the Board before the issuance or renewal of a certain restricted electrician license; requiring a certain certificate of insurance to contain certain information; altering the fees for a certain master electrician license or restricted electrician license; repealing certain provisions relating to the expiration or inactive status of a certain license; providing that an individual is guilty of a misdemeanor if that individual performs certain work while not licensed as, or under the supervision of, a master electrician or a restricted electrician under certain circumstances; providing that an individual is guilty of a misdemeanor if that individual practices the work of a restricted electrician without complying with certain provisions of law; repealing certain provisions relating to the licensing of certain restricted electricians; defining certain terms; and generally relating to the Washington County Board of Electrical Examiners and Supervisors and the regulations of electrical services in Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 8–101, 8–103, 8–104, 8–105, 8–106, 8–107, and 8–112
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY repealing
The Public Local Laws of Washington County
Section 8–108 and 8–117
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 881 – ~~Delegate Weldon~~ Delegates Weldon, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement – Preference Procurement Program for Sheltered Workshops – Individual With Disability Owned Businesses

FOR the purpose of expanding eligibility in the preference procurement program for sheltered workshops within the Department of General Services to include a specified ~~entity~~ business; defining the ~~entity~~ business and specifying requirements for the ~~entity~~ business to qualify to participate in the program; requiring the State or certain State aided or controlled entities to buy certain supplies and services from certain businesses under certain circumstances; requiring a specified committee to establish and review specified eligibility guidelines for participation in the program; requiring the committee to maintain and periodically review and revise a specified list of ~~entities~~ certain sheltered workshops and businesses eligible for the program; and generally relating to the preference procurement program for sheltered workshops and individual with disability owned businesses.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–101, 14–103, 14–106, 14–107, and 14–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 902 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Sunday Sales

FOR the purpose of authorizing holders of certain alcoholic beverages licenses in Carroll County to sell certain alcoholic beverages during certain hours on Sundays; extending the hours of sale on Sunday for holders of certain other alcoholic beverages licenses; making certain stylistic changes; and generally relating to alcoholic beverages in Carroll County.

BY adding to
Article 2B – Alcoholic Beverages
Section 11–302(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–303(a)(2), 5–401(h), and 11–507
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1013 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class BH (Hotel) Licenses and Class B–DD (Development District) ~~Alcoholic Beverages~~ Licenses – Greenbelt Station
PG 310–08

FOR the purpose of altering the annual license fee for a BH (Hotel) license; altering the hours for licensed premises with a BH license to sell alcoholic beverages on Sunday; repealing the limitation on the number of BH licenses that an individual, partnership, or corporation may hold; repealing the limitation on the number of BH licenses that the Board of License Commissioners may issue; exempting BH licenses from certain limitations on granting licenses within certain distances of certain schools or churches; altering the areas in Prince George's County in which a Class B–DD (Development District) 7–day beer, wine and liquor license for on–sale consumption may be issued; specifying that a Class B–DD license may be issued under certain conditions for restaurants located within Greenbelt Station; clarifying the conditions for the issuance of a certain license; making stylistic changes; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i), (4)(i), and (15)(i), (ii), (iii), (v), (vii), and (viii) and 9–217(a) and (e)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section ~~6–201(r)(15)(iv)~~ 6–201(r)(4)(ii), (iv), (vi), and (vii) and (15)(iv), (vi), and (ix), 9–201(a), and ~~9–217(f)(7)~~ 9–217(b)(15), (e)(5), and (f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1059 – Delegates Hubbard, Benson, Costa, Elliott, Gaines, Guzzone, Hucker, Kipke, Kullen, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, ~~and Weldon~~ Weldon, Hammen,

Pendergrass, Bromwell, Donoghue, Kach, McDonough, Mizeur, Morhaim, and Reznik

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date Extension and Modifications

FOR the purpose of extending the termination date for the Community Services Reimbursement Rate Commission; authorizing the Governor, with the advice and consent of the Senate, to appoint a certain number of members to the Commission for an additional consecutive term beginning on a certain date; altering a requirement that the Commission assess changes in wages paid by certain providers to require the Commission to assess the level of and changes in wages paid by certain providers to direct support workers; repealing a requirement that the Commission assess certain measures of quality and certain other rate system issues; altering a requirement that the Commission assess the impact of consumer safety costs to require the Commission to assess the impact of changes in regulations that impact on the costs of certain providers; ~~requiring the Commission to assess trends in housing costs and how these trends affect costs of certain providers;~~ requiring the Commission to develop or refine certain methodologies; ~~requiring the Commission to continue to study the transportation costs incurred by certain providers; requiring the Commission to work with the Mental Hygiene Administration to expand the use of certain data~~ repealing a requirement that the Commission study the variation in transportation costs among providers of services to individuals with developmental disabilities and make a certain recommendation; repealing a requirement that the Commission work with the Mental Hygiene Administration to expand the use of certain billing data for a certain purpose; repealing a requirement that the Commission review certain changes in the payments for and utilization of psychiatric rehabilitation services; ~~requiring the Commission to review information on certain practices and make certain recommendations;~~ requiring the Commission to include certain findings in a certain report; requiring the Board of Nursing to provide to the Commission at a certain time copies of any new or revised regulations that would be expected to impact on the costs incurred by certain providers; repealing a certain definition; and generally relating to the Community Services Reimbursement Rate Commission.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–801, 13–803, 13–806, 13–809, and 13–810
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General

Section 13–802, 13–804, 13–805, 13–807, and 13–808
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 593 of the Acts of the General Assembly of 1996, as amended by Chapter 566 of the Acts of the General Assembly of 1999, Chapter 370 of the Acts of the General Assembly of 2002, and Chapter 401 of the Acts of the General Assembly of 2005
Section 3

Read the first time and referred to the Committee on Finance.

House Bill 1301 – Delegates Frick, McIntosh, Gutierrez, Waldstreicher, Carr, Ali, Barkley, Barve, Beidle, Benson, Bronrott, V. Clagett, Dumais, Feldman, Frush, Gilchrist, Healey, Heller, Hixson, Hucker, Kaiser, Kramer, Lee, Malone, Manno, McComas, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Niemann, Reznik, Rice, Shewell, Simmons, Sossi, and Taylor

AN ACT concerning

The Jane E. Lawton Loan Program

FOR the purpose of establishing the Jane E. Lawton Conservation Loan Program; establishing the Jane E. Lawton Conservation Fund to finance the Program; consolidating certain programs administered by the Maryland Energy Administration into the Program; consolidating certain funds into the Fund; providing for the management and composition of the Fund; providing the powers and duties of the Administration with respect to the Program; providing that entities seeking loans under the Program comply with certain application procedures; establishing the purposes for which loans made under the Program may be used; providing that borrowers that receive loans under the Program must document that the anticipated energy cost savings over a defined period after the completion of the project funded by the loan are greater than the cost of the project; providing for repayment of the loans; authorizing the Administration to enter into contracts with third parties to make, service, or sell loans under this Act; prohibiting false statements to be made in applications for loans and providing certain penalties for entities that violate the prohibition; defining certain terms; providing that certain assets, liabilities, and obligations of the programs subject to repeal by this Act shall remain the assets, liabilities, and obligations of the fund established by this Act; and generally relating to the Jane E. Lawton Conservation Loan Program and Conservation Fund.

BY repealing
Article – State Government

Section 9–20A–01 through 9–20A–09 and the subtitle "Subtitle 20A. Energy Efficiency and Economic Development Loan Program"; and 9–2101 through 9–2109 and the subtitle "Subtitle 21. Community Energy Loan Program"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–20A–01 through 9–20A–09 to be under the new subtitle "Subtitle 20A. Jane E. Lawton Conservation Loan Program"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1316 – Delegates Vaughn, Burns, Feldman, Haddaway, Hecht, King, Krysiak, Miller, ~~and Taylor~~ Taylor, and Manno

AN ACT concerning

Real Estate ~~Brokers~~ Licensees – Record Keeping

FOR the purpose of requiring a real estate ~~broker~~ licensee to ~~retain~~ keep certain records for a certain period of time; authorizing a ~~broker~~ licensee to keep and store certain records in a certain manner under certain circumstances; requiring a real estate ~~broker~~ licensee to make certain records available to the State Real Estate Commission in a certain manner under certain circumstances; and generally relating to record keeping requirements for real estate ~~brokers~~ licensees.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a), (d), (k), and (n) and 17–508
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–507
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1400 – Delegates Wood, Bohanan, Murphy, and O'Donnell

AN ACT concerning

Workers' Compensation – Covered Employees – State Government Volunteer Workers

FOR the purpose of providing that a volunteer worker for a unit of State government is a covered employee under the Maryland Workers' Compensation Act; specifying that, for certain purposes, the State is the employer of a certain volunteer worker; ~~using the federal minimum wage in effect at a certain time to calculate a certain average weekly wage for certain purposes;~~ limiting the benefits provided to a volunteer worker to certain medical services and treatment; and generally relating to covered employment under workers' compensation law.

BY adding to
Article – Labor and Employment
Section 9–231.1 ~~and 9–602(m)~~
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2008 Resolutions)

Recipient	Sponsor	Resolution No.
Glenelg High School Varsity Wrestling Team	Senator Allen H. Kittleman	451

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 445)

MESSAGE FROM THE EXECUTIVE

March 17, 2008

The Honorable Thomas V. Mike Miller, Jr.
President, H-107
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.
Sincerely,

Governor

AFRICAN AMERICAN HISTORY AND CULTURE, COMMISSION ON	
Walter B. Hill, Jr., Ph.D. 3934 Sunflower Circle Mitchellville, Maryland 20721 24	Reappointment Member Term of 4 years from July 1, 2008
Kelsey Roderic Bush 21931 Rosewood Terrace Lexington Park, Maryland 20653 29	Appointment Member Term of 4 years from July 1, 2005
ARCHAEOLOGY, ADVISORY COMMITTEE ON	
C. Jane Cox 1106 Bay Ridge Avenue Annapolis, Maryland 21403 30	Appointment Member Term of 3 years from July 1, 2008
Michele C. Aubry 9503 Lynnhall Place Alexandria, Virginia 22309 Nonresident	Reappointment Member Term of 3 years from July 1, 2008
Richard J. Dent, Ph.D. 778 Woodmont Road Great Cacapon, West Virginia 25422 Nonresident	Reappointment Member Term of 3 years from July 1, 2008
DEAF AND HARD OF HEARING, MARYLAND ADVISORY COUNCIL FOR THE	
Gary Franklin Monroe 10509 Gentian Court Upper Marlboro, Maryland 20772 27	Appointment Human Relations Commission Representative Term of 3 years from October 1, 2006
DEAF AND HARD OF HEARING, OFFICE OF THE	
Lisa H. Kornberg 3414 Bancroft Road Baltimore, Maryland 21215 41	Appointment Director Serves at the pleasure of the Governor
EDUCATION, STATE BOARD OF	

D. Derek Wu 5460 E. Nithsdale Drive Salisbury, Maryland 21801 37	Appointment Student Term of 1 year from July 1, 2008
ELECTIONS, STATE BOARD OF	
Bobbie Sue Mack 3001 Marcando Lane Upper Marlboro, Maryland 20774 25	Reappointment Majority Party Term of 4 years from July 1, 2008
Andrew Vladimir Jezic, Esquire 2101 Hounds Run Place Silver Spring, Maryland 20906 19	Reappointment Majority Party Term of 4 years from July 1, 2007
EMERGENCY NUMBER SYSTEMS BOARD	
Richard D. Berg 8288 Elvaton Road Millersville, Maryland 21108 32	Appointment MIEMSS Term of 4 years from July 1, 2007
HEALTH AND MENTAL HYGIENE, BOARD OF REVIEW OF THE DEPARTMENT OF	
Betty Makell Coleman 8 Kirby Lane Annapolis, Maryland 21401 30	Reappointment General Public Term of 3 years from July 1, 2007
Anne Ruth Cullen 3024 Traymore Lane Bowie, Maryland 20715 23	Reappointment General Public Term of 3 years from July 1, 2007
Yoo Jung Chang 108 S. High Street Baltimore, Maryland 21202 46	Reappointment Knowledge and Experience Term of 3 years from July 1, 2008
Jacqueline C. Mashin, R.N. 2429 White Horse Lane Silver Spring, Maryland 20906 19	Reappointment Knowledge and Experience Term of 3 years from July 1, 2008
INJURED WORKERS' INSURANCE FUND, BOARD FOR THE	
Charles H. Dankmeyer 908 Burnett Avenue Arnold, Maryland 21012 30	Appointment Member Term of 5 years from June 1, 2008
PATUXENT INSTITUTION BOARD OF REVIEW	
Wayne S. Price, Sr. 7212 Hawthorne Street Landover, Maryland 20785 47	Reappointment Public/Victim Rights Organization Term of 4 years from March 21, 2008

Arthur A. Marshall, Jr. 628 Plantation Boulevard West River, Maryland 20778 30	Reappointment Public Term of 4 years from March 21, 2008
PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF	
Barbara A. Crosby 1014 Upnor Road Baltimore, Maryland 21212 43	Appointment Consumer Term of 4 years from July 1, 2008
RESIDENTIAL BOARDING EDUCATION PROGRAMS, BOARD OF TRUSTEES OF	
Morton P. Fisher, Jr. 2435 Still Forest Road Baltimore, Maryland 21208 42	Appointment Member Remainder of a term to expire June 30, 2010
Carmen Sylvia Brown 11102 Old Carriage Road Glen Arm, Maryland 21057 07	Appointment Member Remainder of a term to expire June 30, 2010
UNIVERSITY OF MARYLAND BOARD OF REGENTS	
Joshua L. Michael 9967 Timberknoll Lane Ellicott City, Maryland 21042 09	Appointment Student Term of 1 year from July 1, 2008

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 313 – Senators Stone, Haines, Colburn, Conway, Miller, and Muse

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR KRAMER.

FLOOR AMENDMENT

SB0313/563028/1

BY: Senator Kramer

AMENDMENT TO SENATE BILL 313
(First Reading File Bill)

On page 2, after line 21, insert:

"**(1) IF A CONTRACTOR HAS FURNISHED 100% SECURITY TO GUARANTEE THE PERFORMANCE OF A CONTRACT AND 100% SECURITY TO GUARANTEE PAYMENT FOR LABOR AND MATERIALS, INCLUDING LEASED EQUIPMENT:**";

in line 22, strike "**(1)**" and substitute "**(I)**"; in line 23, after "**PRICE;**" insert "**AND**"; in line 24, strike "**(2)**" and substitute "**(II)**"; and in line 27, strike "**(3)**" and substitute "**(2)**".

On page 3, in line 1, strike "**(4)**" and substitute "**(3)**".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 29 Negative – 16 (See Roll Call No. 446)

Read the second time and ordered prepared for Third Reading.

Senate Bill 309 – Senators Pinsky, Brochin, Currie, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, King, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

Global Warming Solutions – Reductions in Greenhouse Gases

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (8) AND THE FAVORABLE REPORT.

SB0309/994239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Harrington"; strike beginning with "stating" in line 6 down through "Assembly;" in line 7; in line 7, after "to" insert "develop plans,"; in line 8, after "regulations" insert ", and implement certain programs"; in the same line, strike "require certain reductions in" and substitute "reduce"; in the same line, after "emissions" insert "to a certain level"; in the same line, after "by" insert "a"; in line 9, strike "years" and substitute "year"; in line 10, strike "adopt regulations in order to implement" and substitute "report to the Governor and the General Assembly on the status of implementing"; in line 11, after "measures" insert "on or before certain dates; requiring the Department to develop and publish a certain plan in accordance with certain requirements on or before a certain date"; strike beginning with "requiring" in line 16 down through "requirements;" in line 18; in line 21, strike "requiring" and substitute "authorizing"; in line 27, after "requiring" insert "certain sources to include greenhouse gas emissions in certain statements submitted to the Department;"; and strike beginning with "the" in line 27 down through "compliance" in line 29 and substitute "requiring the Department to adopt certain regulations related to greenhouse gas emissions".

On page 2, strike beginning with "creating" in line 6 down through "Act;" in line 7; in line 8, strike the first "authorizing" and substitute "requiring"; in line 9, after "circumstances;" insert "requiring the Department to include certain stakeholders in advisory workgroups; requiring the Department to conduct a certain study; requiring certain fees to be deposited in a certain fund under certain circumstances; requiring the Department of the Environment, prior to the implementation of certain provisions of this Act, to make and forward a certain determination; making certain provisions of this Act contingent on a certain determination and report by the Department of the Environment; providing for the termination of certain provisions of this Act if a certain determination is not received by a certain date;"; in line 20, strike "2–1210" and substitute "2–1209"; and in line 34, strike "**2–1208**" and substitute "**2–1207**".

On page 3, in line 13, strike "**THE**" and substitute "**AN**".

AMENDMENT NO. 2

On page 4, in line 10, strike "**TECHNOLOGY AND**"; in line 13, after "**AND**" insert "**BY PREPARING A PLAN INCLUDING REGULATORY AND OTHER PROGRAMS SUFFICIENT TO MEET A TARGET OF**"; in line 14, strike "**MANDATED**"; in line 16, strike "**REDUCTIONS**" and substitute "**REDUCTION**"; and after line 33, insert:

"**(B) "ALLOWANCE" MEANS 1 TON OF CARBON DIOXIDE EQUIVALENT THAT MAY BE EMITTED DURING 1 CALENDAR YEAR.**".

AMENDMENT NO. 3

On page 5, in line 1, strike "**(B)**" and substitute "**(C)**"; in line 2, strike "**EMISSIONS**"; strike in their entirety lines 5 and 6; in line 16, strike "**EMISSIONS**"; after line 20, insert:

"**(H) "GREENHOUSE GAS SOURCE" MEANS A SOURCE OR CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS THAT HAVE EMISSIONS OF GREENHOUSE GASES THAT ARE SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, AS DETERMINED BY THE DEPARTMENT.**";

and in lines 21 and 24, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

On page 6, strike in their entirety lines 2 through 5, inclusive.

AMENDMENT NO. 4

On page 6, in line 14, after "**SHALL**" insert "**DEVELOP PLANS,**"; in the same line, after "**REGULATIONS**" insert "**, AND IMPLEMENT PROGRAMS**"; in line 15, strike the colon; in line 16, strike "**(1)**"; strike beginning with the semicolon in line 16 down through "**2050**" in line 17; in lines 22 and 29, strike "**ADOPT REGULATIONS TO IMPLEMENT**" and substitute "**REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF IMPLEMENTING**"; in line 19, after "**SHALL**" insert "**PREPARE AND**"; and in the same line, strike "**AND MAKE AVAILABLE TO THE PUBLIC**".

On page 7, in line 1, after "**(I)**" insert "**AN INVENTORY OF STATEWIDE GREENHOUSE GAS EMISSIONS;**

(II)";

in line 3, strike "**(II)**" and substitute "**(III)**"; in line 6, strike "**2011**" and substitute "**2012**"; after line 9, insert:

"**(E) (1) BY JUNE 1, 2012, THE DEPARTMENT SHALL DEVELOP AND PUBLISH A PLAN TO REDUCE GREENHOUSE GAS EMISSIONS BY 90% FROM 2006 LEVELS BY 2050, THAT SHALL INCLUDE:**

(I) REGULATORY AND OTHER PROGRAMS;

(II) RESEARCH, DEVELOPMENT, AND TECHNOLOGICAL ADVANCEMENT INITIATIVES; AND

(III) A SCHEDULE FOR ADOPTING AND IMPLEMENTING THE ELEMENTS OF THE PLAN.

(2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE PUBLISHED AND UPDATED BY NOVEMBER 1 OF EVERY FOURTH YEAR;

(II) INCLUDE A SUMMARY OF THE STATE OF THE SCIENCE REGARDING GLOBAL WARMING; AND

(III) BE SUBMITTED TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.";

in line 10, strike "**(E) WITH RESPECT TO**" and substitute "**(F) IN DEVELOPING PLANS, IMPLEMENTING PROGRAMS, AND**"; after line 14, insert:

"**(2) ENSURE THAT THE PLANS, REGULATIONS, AND PROGRAMS IMPLEMENTED IN ACCORDANCE WITH THIS SECTION ARE CONSISTENT WITH, AND DO NOT DUPLICATE, OTHER GREENHOUSE GAS EMISSION REDUCTION PROGRAMS REQUIRED BY LAW, INCLUDING THE HEALTHY AIR ACT, THE CLEAN CARS ACT, OR OTHER REQUIREMENTS OF FEDERAL LAW RELATED TO GREENHOUSE GAS EMISSION REDUCTIONS;**";

in lines 15, 19, 22, 23, 27, 29, and 31, strike "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**",

respectively; in line 15, after "**A**" insert "**GREENHOUSE GAS**"; in line 22, after "**OF**" insert "**THE ACTIONS UNDERTAKEN TO COMPLY WITH**"; and in line 30, after "**EACH**" insert "**GREENHOUSE GAS**".

On page 8, in line 1, after "**THAT**" insert "**GREENHOUSE GAS**"; in the same line, after "**REDUCTIONS**" insert "**REQUIRED UNDER THIS SECTION**"; in lines 1, 3, 6, and 10, strike "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively, and substitute "**(10)**", "**(11)**", "**(12)**", and "**(13)**", respectively; in line 11, after the first "**AND**" insert "**, TO THE EXTENT PRACTICABLE,**"; in lines 16 and 25, strike "**(F)**" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 20, after "**FOR**" insert "**GREENHOUSE GAS**"; and in line 31, strike "**ELECTRICAL**" and substitute "**ELECTRICITY**".

On page 9, in line 1, strike "**ELECTRICAL**" and substitute "**ELECTRICITY**"; in line 4, strike "**(H)**" and substitute "**(I)**"; in line 16, after "**EACH**" insert "**GREENHOUSE GAS**"; in line 19, strike "**RECOMMEND**" and substitute "**ESTABLISH**"; and in line 25, strike "**(I)**" and substitute "**(J)**".

AMENDMENT NO. 5

On page 10, in line 1, strike "**SHALL**" and substitute "**MAY**"; in line 2, after "**FOR**" insert "**GREENHOUSE GAS**"; in line 3, strike "**THAT EMIT GREENHOUSE GAS EMISSIONS**"; strike beginning with "**BE**" in line 6 down through "**(II)**" in line 7; in line 8, after "**FROM**" insert "**GREENHOUSE GAS**"; in line 11, strike "**(III)**" and substitute "**(II)**"; in the same line, after "**ALLOWANCES**" insert "**OR A PORTION OF ALLOWANCES**"; in the same line, strike "**AND**"; in line 12, strike "**(IV)**" and substitute "**(III)**"; in the same line, strike "**BE COMPLEMENTARY WITH**" and substitute "**NOT DUPLICATE**"; in line 13, after "**(RGGI)**" insert "**; AND**

(IV) USE A MINIMUM OF A 5–YEAR AVERAGE ON ANNUAL EMISSIONS DATA TO ESTABLISH CAPS FOR ANY STATIONARY GREENHOUSE GAS SOURCE COVERED BY THE CAP AND TRADE PROGRAM";

in line 23, after "**SYSTEM**" insert "**, BEYOND PARTICIPATION IN THE REGIONAL GREENHOUSE GAS INITIATIVE**"; in line 32, after "**APPROPRIATE**" insert "**; AND**

(4) (I) MAKE EVERY REASONABLE EFFORT TO MINIMIZE LEAKAGE THROUGH A CONSUMPTION BASED CAP AND TRADE OR OTHER PROGRAM; AND

(II) CONDUCT A STUDY OF OTHER STATE EFFORTS, INCLUDING CALIFORNIA, TO DETERMINE WHETHER EFFECTIVE PROGRAMS TO CONTROL LEAKAGE EXIST, AND IF SO, DETERMINE THEIR APPLICABILITY IN MARYLAND";

and in line 30, strike "**AND**".

AMENDMENT NO. 6

On page 11, strike beginning with the colon in line 12 down through "**BE**" in line 14 and substitute "**BE**"; in line 15, after "**FROM**" insert "**GREENHOUSE GAS**"; and in lines 20 and 22, in each instance, after "**A**" insert "**GREENHOUSE GAS**".

On page 12, strike beginning with "**ON**" in line 1 down through "**SUBTITLE**" in line 4 and substitute "**BEGINNING IN CALENDAR YEAR 2008, A SOURCE, AS DEFINED UNDER § 2–101 OF THIS TITLE, THAT IS REQUIRED TO SUBMIT CERTIFIED ANNUAL EMISSION STATEMENTS TO THE DEPARTMENT UNDER COMAR 26.11.01.05–1 OR COMAR 26.11.02.19D., SHALL INCLUDE GREENHOUSE GAS EMISSIONS IN THE ANNUAL CERTIFED EMISSION STATEMENT**"; in line 6, after "**FOR**" insert "**GREENHOUSE GAS**"; strike beginning with "**THE**" in line 8 down through "**SHALL**" in line 9 and substitute "**ON OR BEFORE JUNE 1, 2009, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**"; in line 10, strike "**REAL–TIME**" and substitute "**:**

(I) REAL–TIME";

in line 11, after "**MONITORING**" insert "**TO THE EXTENT THIS TECHNOLOGY IS AVAILABLE, AS DETERMINED BY THE DEPARTMENT;**"; in the same line, strike "**ANNUAL**" and substitute "**(II) ANNUAL**"; in line 12, after "**FROM**" insert "**GREENHOUSE GAS**"; and in line 23, strike "**EMISSIONS**".

On page 13, in line 3, after "**PROCEEDS**" insert "**RECEIVED BY THE DEPARTMENT**"; in line 4, after "**INITIATIVE**" insert "**OR FROM ANY OTHER SALE OF GREENHOUSE GAS ALLOWANCES BY THE DEPARTMENT**"; in line 11, after "**A**" insert "**GREENHOUSE GAS**"; and strike beginning with "**OF**" in line 11 down through "**EMISSIONS**" in line 12.

AMENDMENT NO. 7

On page 13, strike in their entirety lines 21 through 30.

On page 14, strike in their entirety lines 1 through 31, inclusive; and in line 32, strike "**2-1209.**" and substitute "**2–1208.**".

AMENDMENT NO. 8

On page 15, in line 1, strike "**MAY**" and substitute "**SHALL**"; in line 5, strike "**IF**" and substitute "**WHEN**"; in line 10, after "**DEPARTMENT**" insert a comma; after line 13, insert "**(III) LABOR UNIONS FROM AFFECTED INDUSTRIES;**"; in lines 14 and 15, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively; and in line 17, strike "**2–1210.**" and substitute "**2–1209.**".

On page 16, after line 6, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the Environment, before adopting new regulations to implement new programs to reduce greenhouse gas emissions, shall include labor unions, business groups, and environmental advocacy stakeholders in advisory workgroups to the extent these stakeholders are willing to participate.

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of the Environment shall conduct a study of the resources needed to fully implement the requirements of this Act through 2050. The study shall be submitted to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, before December 31, 2009. The study shall include an evaluation of the need for an Office of Climate Change within State government to oversee and coordinate the broad and institutionally diverse efforts to address climate change and issues associated with the potential transition to a federal program.

SECTION 5. AND BE IT FURTHER ENACTED, That if Senate Bill 268 or House Bill 368 of the Acts of the General Assembly of 2008 is enacted, the revenues generated as a result of an auction conducted in accordance with § 2–1204 of the Environment Article, as enacted by Section 1 of this Act, and any fees generated in accordance with § 2–1207 of the Environment Article, as enacted by Section 1 of this Act, shall be deposited into the Maryland Strategic Energy Investment Fund, instead of the Maryland Clean Air Fund.

SECTION 6. AND BE IT FURTHER ENACTED, That, prior to implementation of Sections 1 through 5 of this Act, the Department of the Environment shall:

(a) determine whether it has received adequate revenues to pay for the costs of implementing the requirements of this Act from auction proceeds generated as a result of the State's participation in the Regional Greenhouse Gas Initiative or another source; and

(b) forward the determination required under subsection (a) of this section to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 7. AND BE IT FURTHER ENACTED, That Sections 1 through 5 of this Act shall take effect contingent on, and as of the first day of the month after, the receipt by the Department of Legislative Services of a determination by the Department of the Environment that it has received adequate revenues, as provided under Section 6 of this Act. If the determination of the Department of the Environment that it has received adequate revenues is not received by the Department of Legislative Services on or before December 31, 2008, Sections 1 through 5 of this Act, with no further action required by the General Assembly, shall be null and void and of no further force and effect.";

in line 7, strike "3." and substitute "8."; and in the same line, after "That" insert ", subject to Section 7 of this Act,".

The preceding 8 amendments were read and adopted.

Senator Stone moved, duly seconded, to make the Bill and Report a Special Order for March 19, 2008.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #20

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 216 – Senator Pugh and the President (By Request – Administration) and Senators Currie, Della, Frosh, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Raskin, and Stone

AN ACT concerning

Real Property – Recordation of Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property

SB0216/268874/3

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 216
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Forehand".

AMENDMENT NO. 2

On page 1, in line 4, strike "prohibiting" and substitute "requiring"; in line 5, strike "from being recorded unless it contains" and substitute "on certain residential property to contain"; in line 6, after "lender" insert "when recorded in the land records"; in the same line, after the semicolon insert "requiring the Commissioner of Financial Regulation to adopt certain regulations to enforce certain provisions of this Act;"; in line 11, strike "a certain person" and substitute "certain persons"; in line 20, after "mortgagor" insert "or grantor"; in line 23, after "mortgagor" insert "or grantor"; in the same line, after "mortgagor's" insert "or grantor's"; in line 25, after "term" insert "; providing for the application of certain provisions of this Act"; and in line 26, strike "prerequisites to".

On page 2, in line 2, strike "3–104(h)" and substitute "3–104.1".

AMENDMENT NO. 3

On page 2, in line 13, strike "3-104." and substitute "**3–104.1.**"; after line 13, insert:

"**(A) IN THIS SECTION, "RESIDENTIAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS.**";

in line 14, strike "**(H)**" and substitute "**(B)**"; in the same line, strike "**A**" and substitute "**WHEN RECORDED, A**"; in line 15, strike "**MAY NOT BE RECORDED UNLESS IT**

CONTAINS" and substitute "**ON RESIDENTIAL PROPERTY SHALL CONTAIN**"; in line 19, strike "**INDIVIDUAL**" and substitute "**PERSON**"; and after line 29, insert:

"**(C) THE COMMISSIONER OF FINANCIAL REGULATION SHALL ADOPT REGULATIONS TO ENFORCE THE PROVISIONS OF THIS SECTION, INCLUDING:**

(1) MINIMUM REQUIREMENTS FOR THE INCLUSION OF LICENSING INFORMATION WHEN A MORTGAGE, DEED OF TRUST, OR OTHER INSTRUMENT SECURING A MORTGAGE LOAN ON RESIDENTIAL PROPERTY IS RECORDED; AND

(2) PENALTIES FOR THE FAILURE TO INCLUDE LICENSING INFORMATION WHEN A MORTGAGE, DEED OF TRUST, OR OTHER INSTRUMENT SECURING A MORTGAGE LOAN ON RESIDENTIAL PROPERTY IS RECORDED.".

AMENDMENT NO. 4

On page 4, in line 8, strike "**AT LEAST**" and substitute "**THE LATER OF**"; and in line 10, strike "**AND**" and substitute "**OR**".

On page 5, in line 5, after "**GRANTOR**" insert "**AND THE RECORD OWNER**".

On page 6, in line 6, strike "**THE**" and substitute "**IF APPLICABLE, THE**"; and in line 7, strike "**IF APPLICABLE, THE**" and substitute "**THE**".

On page 7, in line 8, after "**FORM**" insert "**, AS PRESCRIBED BY THE COMMISSIONER OF FINANCIAL REGULATION**"; and in line 32, strike "**1–877–462–7555**" and substitute "**(INSERT TELEPHONE NUMBER)**".

On page 8, in line 10, strike "**1–888–743–0023**" and substitute "**(INSERT TELEPHONE NUMBER)**"; and in line 15, after "**FORECLOSE**" insert "**ON RESIDENTIAL PROPERTY**".

On page 9, in line 11, after "**DEFAULT**" insert "**BY PAYING ALL PAST DUE PAYMENTS, PENALTIES, AND FEES**".

AMENDMENT NO. 5

On page 8, in line 22, after "**GRANTOR**" insert "**UNDER SUBSECTION (E)(1) OF THIS SECTION**"; in line 27, after "**BY**" insert "**CERTIFIED MAIL, RETURN RECEIPT**

REQUESTED, AND"; in line 29, after "**ADDRESS**" insert "**AND, IF DIFFERENT, TO THE ADDRESS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE MORTGAGE OR DEED OF TRUST**"; and in line 32, after the first "**THE**" insert "**RESIDENTIAL**".

AMENDMENT NO. 6

On page 9, in line 8, after "**CIRCULATION**" insert "**IN THE COUNTY WHERE THE ACTION IS PENDING**"; and in line 9, strike "**, NOT LESS THAN 10 DAYS BEFORE THE SALE**" and substitute "**A WEEK FOR 3 SUCCESSIVE WEEKS, THE FIRST PUBLICATION TO BE NOT LESS THAN 15 DAYS BEFORE THE SALE AND THE LAST PUBLICATION TO BE NOT MORE THAN 1 WEEK BEFORE THE SALE**".

AMENDMENT NO. 7

On page 15, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That § 3–104.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any mortgage, deed of trust, or other instrument recorded before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That § 7–105.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any foreclosure action filed before the effective date of this Act.".

AMENDMENT NO. 8

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 25, after the second semicolon insert "making this Act an emergency measure;".

On page 15, strike in their entirety lines 3 and 4 and substitute:

"SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

The preceding 8 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 217 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, and Stone

AN ACT concerning

Real Property – Maryland Mortgage Fraud Protection Act

SB0217/478273/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 217
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5, 7, 8, 9, and 10, in each instance, before "this" insert "certain provisions of"; in line 10, after "circumstances;" insert "establishing procedures for the forfeiture of certain property;"; in line 11, after "terms;" insert "making this Act an emergency measure;"; after line 11, insert:

"BY adding to
Article – Criminal Procedure
Section 13–401 through 13–408 to be under the new subtitle "Subtitle 4. Violations of the Maryland Mortgage Fraud Protection Act"
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)";

and in line 14, strike "and (m)".

On page 2, strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On page 3, in line 24, after "**DOCUMENT**" insert "**RELATING TO A MORTGAGE LOAN THAT**".

On page 4, strike beginning with "**HAS**" in line 12 down through "**ARTICLE**" in line 13 and substitute "**MEANS REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS**".

AMENDMENT NO. 3

On page 7, after line 7, insert:

"**(C) THE FORFEITURE OF PROPERTY UNDER THIS SUBTITLE SHALL BE SUBJECT TO TITLE 13, SUBTITLE 4 OF THE CRIMINAL PROCEDURE ARTICLE.**".

On page 1, after line 24, insert:

"Article – Criminal Procedure

SUBTITLE 4. VIOLATIONS OF THE MARYLAND MORTGAGE FRAUD PROTECTION ACT.

13–401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "MORTGAGE FRAUD LAW" MEANS THE MARYLAND MORTGAGE FRAUD PROTECTION ACT, TITLE 7, SUBTITLE 4 OF THE REAL PROPERTY ARTICLE.

(C) "FORFEITING AUTHORITY" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(D) "GOVERNING BODY" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(E) "LIENHOLDER" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(F) "OWNER" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(G) "PROCEEDS" INCLUDES PROPERTY DERIVED DIRECTLY OR INDIRECTLY IN CONNECTION WITH OR AS A RESULT OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(H) (1) "PROPERTY" INCLUDES:

(I) REAL PROPERTY AND ANYTHING GROWING ON OR ATTACHED TO REAL PROPERTY;

(II) PERSONAL PROPERTY; AND

(III) MONEY.

(2) "PROPERTY" DOES NOT INCLUDE A LESSOR'S INTEREST IN PROPERTY SUBJECT TO A BONA FIDE LEASE, UNLESS THE FORFEITING AUTHORITY CAN SHOW THAT:

(I) THE LESSOR PARTICIPATED IN A VIOLATION OF THE MORTGAGE FRAUD LAW; OR

(II) THE PROPERTY WAS THE PROCEEDS OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(I) "SEIZING AUTHORITY" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

13–402.

THE FOLLOWING PROPERTY IS SUBJECT TO FORFEITURE:

(1) PROPERTY USED OR INTENDED FOR USE IN THE COURSE OF A VIOLATION OF THE MORTGAGE FRAUD LAW;

(2) PROPERTY DERIVED FROM OR REALIZED THROUGH A VIOLATION OF THE MORTGAGE FRAUD LAW; AND

(3) PROCEEDS OF PROPERTY DESCRIBED IN ITEM (1) OR (2) OF THIS SECTION.

13–403.

(A) PROPERTY OR AN INTEREST IN PROPERTY MAY NOT BE FORFEITED IF THE OWNER ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION OF THE MORTGAGE FRAUD LAW WAS COMMITTED WITHOUT THE OWNER'S ACTUAL KNOWLEDGE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS SUBTITLE UNLESS ONE OF THE OWNERS OF THE PROPERTY WAS CONVICTED OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(2) WITHOUT A CONVICTION, A COURT MAY ORDER A FORFEITURE OF PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IF THE OWNER OF THE FAMILY RESIDENCE:

(I) FAILS TO APPEAR FOR A REQUIRED COURT APPEARANCE; AND

(II) FAILS TO SURRENDER TO THE JURISDICTION OF THE COURT WITHIN 180 DAYS AFTER THE REQUIRED COURT APPEARANCE.

(C) PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE BY A HUSBAND AND WIFE AND HELD BY THE HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY MAY NOT BE FORFEITED UNLESS:

(1) THE PROPERTY WAS USED IN CONNECTION WITH:

(I) A VIOLATION OF THE MORTGAGE FRAUD LAW; OR

(II) AN ATTEMPT OR CONSPIRACY TO VIOLATE THE MORTGAGE FRAUD LAW; AND

(2) BOTH THE HUSBAND AND WIFE ARE CONVICTED OF:

(I) A VIOLATION OF THE MORTGAGE FRAUD LAW; OR

(II) AN ATTEMPT OR CONSPIRACY TO VIOLATE THE MORTGAGE FRAUD LAW.

13–404.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROPERTY SUBJECT TO FORFEITURE UNDER THIS SUBTITLE MAY BE SEIZED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN §§ 12–202, 12–203, AND 12–208 THROUGH 12–211 OF THIS ARTICLE.

(B) THE PROBABLE CAUSE REQUIRED UNDER § 12–202(A)(2)(V) OF THIS ARTICLE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY HAS BEEN USED OR IS INTENDED TO BE USED IN VIOLATION OF THE MORTGAGE FRAUD LAW.

13–405.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FORFEITURE OF PROPERTY UNDER THIS SUBTITLE SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN §§ 12–301 THROUGH 12–308 OF THIS ARTICLE.

(B) THE ALLEGATION REQUIRED UNDER § 12–305(A)(7) OF THIS ARTICLE REFERS TO THE MORTGAGE FRAUD LAW RATHER THAN THE CONTROLLED DANGEROUS SUBSTANCES LAW.

13-406.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION AND § 12–403(C) OF THIS SUBTITLE, AN OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE REAL PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF THE MORTGAGE FRAUD LAW.

(B) FORFEITURE PROCEEDINGS FOR REAL PROPERTY MAY BE BROUGHT IN THE JURISDICTION WHERE:

(1) THE CRIMINAL CHARGES ARE PENDING;

(2) THE OWNER RESIDES; OR

(3) THE REAL PROPERTY IS LOCATED.

(C) (1) IF FORFEITURE PROCEEDINGS FOR REAL PROPERTY ARE BROUGHT IN A JURISDICTION OTHER THAN WHERE THE REAL PROPERTY IS LOCATED, A NOTICE OF PENDING LITIGATION SHALL BE FILED IN THE JURISDICTION WHERE THE REAL PROPERTY IS LOCATED.

(2) A NOTICE OF PENDING LITIGATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST:

(I) THE NAME AND ADDRESS OF THE OWNER OF THE REAL PROPERTY;

(II) A DESCRIPTION OF THE REAL PROPERTY; AND

(III) A DESCRIPTION OF THE REASONS FOR THE FILING OF THE FORFEITURE PROCEEDINGS AND NOTICE OF PENDING LITIGATION.

(D) IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IS CONVICTED UNDER THE MORTGAGE FRAUD LAW AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT SHALL STAY FORFEITURE PROCEEDINGS UNDER § 12–403(C) OF THIS ARTICLE OR SUBSECTION (F) OF THIS SECTION AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE APPEAL.

(E) (1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THERE IS A REBUTTABLE PRESUMPTION THAT PROPERTY OR PART OF A PROPERTY IN WHICH A PERSON HAS AN OWNERSHIP INTEREST IS SUBJECT TO FORFEITURE AS PROCEEDS, IF THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE PERSON HAS VIOLATED THE MORTGAGE FRAUD LAW;

(II) THE PROPERTY WAS ACQUIRED BY THE PERSON DURING THE VIOLATION OR WITHIN A REASONABLE TIME AFTER THE VIOLATION; AND

(III) THERE WAS NO OTHER LIKELY SOURCE FOR THE PROPERTY.

(2) A CLAIMANT OF THE PROPERTY HAS THE BURDEN OF PROOF TO REBUT THE PRESUMPTION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER SUBSECTION (E) OF THIS SECTION UNLESS:

(1) AN OWNER OF THE REAL PROPERTY WAS CONVICTED UNDER SUBSECTION (E)(1) OF THIS SECTION; OR

(2) THE REAL PROPERTY IS COVERED BY § 13–403(B)(2) OF THIS SUBTITLE.

13–407.

(A) EXCEPT AS PROVIDED IN THIS SECTION, DISPOSITION OF PROPERTY AFTER FORFEITURE UNDER THIS SUBTITLE SHALL BE SUBJECT TO §§ 12–401, 12–402, AND 12–404 OF THIS ARTICLE.

(B) THE COURT DETERMINATION UNDER § 12–402(C) OF THIS ARTICLE SHALL INCLUDE THAT THE PROPERTY WAS BEING USED OR WAS TO BE USED IN VIOLATION OF THE MORTGAGE FRAUD LAW RATHER THAN THE CONTROLLED DANGEROUS SUBSTANCES LAW.

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "IDENTIFIABLE LOSSES" INCLUDE:

1. EXPENSES NECESSARY TO:

A. DISCOVER THE EXTENT OF A VIOLATION OF THE MORTGAGE FRAUD LAW;

B. REPAIR DAMAGES RESULTING FROM A VIOLATION OF THE MORTGAGE FRAUD LAW, INCLUDING REPAIRING CREDIT RATINGS AND CORRECTING ERRORS IN CONSUMER REPORTS; AND

C. PREVENT FURTHER DAMAGES RESULTING FROM A VIOLATION OF THE MORTGAGE FRAUD LAW; AND

2. LOST WAGES RESULTING FROM TIME AWAY FROM WORK IN ORDER TO RECTIFY ANY FRAUD CAUSED BY A VIOLATION OF THE MORTGAGE FRAUD LAW.

(II) "VICTIM" INCLUDES A BUSINESS THAT LOSES ANY THING OF VALUE AS A RESULT OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(2) DISPOSITION OF FORFEITED PROPERTY UNDER THIS SUBTITLE SHALL FOLLOW THE PROCEDURES IN THIS SUBSECTION.

(3) WHENEVER PROPERTY IS FORFEITED UNDER THIS SUBTITLE, THE GOVERNING BODY WHERE THE PROPERTY WAS SEIZED SHALL SELL THE PROPERTY AT PUBLIC AUCTION.

(4) THE PROCEEDS OF A SALE UNDER THIS SUBSECTION SHALL BE DISTRIBUTED AS FOLLOWS:

(I) FIRST, TO PAY ALL PROPER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE AND SALE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE OF CUSTODY, ADVERTISING, AND COURT COSTS;

(II) SECOND, FOR RESTITUTION AS ORDERED BY THE COURT TO VICTIMS TO PAY FOR IDENTIFIABLE LOSSES RESULTING FROM THE VIOLATION OF THE MORTGAGE FRAUD LAW; AND

(III) FINALLY, TO THE GENERAL FUND OF THE STATE.

13–408.

LIENHOLDERS OF PROPERTY SEIZED UNDER THIS SUBTITLE SHALL HAVE THE RIGHTS AND OBLIGATIONS SET FORTH IN TITLE 12, SUBTITLE 5 OF THIS ARTICLE.".

AMENDMENT NO. 4

On page 1, at the top of the page, insert "EMERGENCY BILL".

On page 7, strike beginning with "shall" in line 11 down through "2008" in line 12 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 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:

Senate Bill 218 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, and Stone

AN ACT concerning

Protection of Homeowners in Foreclosure – Prohibition on Foreclosure Rescue Transactions – Enforcement

SB0218/598174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 218
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Frosh, Brochin, Forehand, Haines, Jacobs, Mooney, and Simonaire".

AMENDMENT NO. 2

On page 6, in line 13, strike "**30**" and substitute "**60**".

AMENDMENT NO. 3

On page 6, after line 19, insert:

"**(L) "SETTLEMENT" MEANS AN IN-PERSON, FACE-TO-FACE MEETING WITH THE HOMEOWNER TO COMPLETE FINAL DOCUMENTS INCIDENT TO THE SALE OR TRANSFER OF REAL PROPERTY OR THE CREATION OF A MORTGAGE OR EQUITABLE INTEREST IN REAL PROPERTY, CONDUCTED BY A SETTLEMENT AGENT, DURING WHICH THE HOMEOWNER MUST BE PRESENTED WITH A COMPLETED COPY OF THE HUD-1 SETTLEMENT FORM.**";

in lines 25 and 29, in each instance, strike the bracket; in line 25, strike "is owed an obligation" and substitute "**SERVICES A MORTGAGE LOAN**"; in lines 25 and 26, strike "lien on any"; in line 26, strike "foreclosure" and substitute "**DEFAULT**"; strike beginning with "services" in line 26 down through the second "lien" in line 27 and substitute "**SERVICING, COLLECTION, AND LOSS MITIGATION ACTIVITIES IN REGARD TO THAT MORTGAGE LOAN, PROVIDED THE MORTGAGE LOAN**"; and in line 28, strike "reconveyance" and substitute "**CONSULTING CONTRACT**".

On page 7, in line 1, strike the brackets; in the same line, strike "**(3)**"; in line 7, after "license;" insert a bracket; in line 8, strike "(7)" and substitute "**(5)**"; in the same line, strike "mortgage broker or"; in line 9, strike "acting" and substitute "**:**

(I) ACTING";

in line 10, strike "license;" and substitute "**LICENSE IN REGARD TO A RESIDENCE IN DEFAULT; AND**

(II) ARRANGING FOR A REFINANCING OF A MORTGAGE LOAN FOR THE RESIDENCE IN DEFAULT;";

in line 11, strike "(8)" and substitute "**(6)**"; strike beginning with the comma in line 13 down through "or" in line 16 and substitute "**ONLY:**

(I) WHILE THE PERSON:

1. ENGAGES IN ANY ACTIVITY FOR WHICH THE PERSON IS LICENSED UNDER TITLE 17 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

2. DOES NOT VIOLATE ANY PROVISION OF § 7–307 OF THIS SUBTITLE OR TITLE 17 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(II) IF THE RESIDENCE IN DEFAULT FOR WHICH THE PERSON IS CONDUCTING A LICENSED ACTIVITY:

1. IS LISTED IN THE LOCAL MULTIPLE LISTING SERVICE; AND

2. IS SOLD OR TRANSFERRED THROUGH A SETTLEMENT, INCLUDING THE CONVEYANCE OR TRANSFER OF DEED, TITLE, OR ESTABLISHMENT OF EQUITABLE INTEREST; OR";

in line 17, strike "**(4)**" and substitute "**(7)**"; and in lines 19 and 20, strike "or foreclosure purchasers".

AMENDMENT NO. 4

On page 1, in line 11, strike "cancel" and substitute "rescind".

On page 7, in line 29, in each instance, strike the bracket.

On page 7 in line 31, on page 9 in lines 21 and 23, on page 10 in line 19, on page 13 in lines 16 and 20, and on page 21 in line 3, in each instance, strike "**CANCEL**" and substitute "**RESCIND**".

On page 8 in line 1, on page 10 in lines 10 and 20, on page 11 in line 7, on page 22 in lines 12, 17, 18, and 28, and on page 23 in lines 3, 17, 18, 22, 30, and 35, in each instance, strike "**[**Rescission**]** **CANCELLATION**" and substitute "Rescission".

On page 8 in lines 2, 6, 8, 12, and 14, on page 9 in lines 33 and 34, on page 10 in line 24, on page 15 in line 9, on page 16 in line 1, on page 22 in line 13, and on page 23 in lines 19 and 20, in each instance, strike "**[**rescission**]** **CANCELLATION**" and substitute "rescission".

On page 8 in lines 10 and 18, on page 10 in line 21, on page 11 in lines 2 and 8, on page 15 in lines 5 and 33, on page 16 in lines 12 and 20, on page 22 in lines 7, 9, 25, and 31, and on page 23 in lines 15, 32, and 33, in each instance, strike "**[**rescind**]** **CANCEL**" and substitute "rescind".

On page 9, in line 24, strike "**CANCELLATION**" and substitute "**RESCISSION**"; in line 25, strike "**CANCELLATION**" and substitute "**RESCISSION**"; and in line 29, strike "**[**rescind the transfer**]** **CANCEL**" and substitute "rescind".

On page 10, in line 6, strike "cancellation" and substitute "**RESCISSION**".

On page 10 in lines 9, 15, and 30, on page 16 in line 8, and on page 22 in line 23, in each instance, strike "**[**RESCISSION**]** **CANCELLATION**" and substitute "RESCISSION".

On page 10 in line 17, and on page 15 in line 29, in each instance, strike "cancel **[**or rescind**]**" and substitute "rescind".

On page 15, in line 7, strike "**CANCEL**" and substitute "**RESCIND**"; in lines 18, 20, and 26, in each instance, strike "CANCEL" and substitute "**RESCIND**".

On page 16, in line 17, strike "Cancel" and substitute "**RESCIND**".

On page 19, in line 11, strike "**[**rescind or**]** cancel" and substitute "rescind".

On page 22, in line 27, strike "cancel" and substitute "**RESCIND**".

On page 23, in line 14, in each instance, strike the bracket; and in the same line, strike "**TO CANCEL**".

AMENDMENT NO. 5

On page 13, in line 16, before "**IN**" insert "**(A)**"; strike beginning with "**IF**" in line 17 down through the comma in line 19; in line 19, strike the second "**THE**" and substitute "**A**"; in line 20, strike the second "**THE**" and substitute "**A**"; in line 21, after "**TRANSFER**" insert "**OF THE RESIDENCE IN DEFAULT**"; and after line 21, insert:

"**(B) ANY PROVISION IN A CONTRACT OR OTHER AGREEMENT CONCERNING A SALE OR TRANSFER OF A RESIDENCE IN DEFAULT THAT ATTEMPTS OR PURPORTS TO WAIVE THE HOMEOWNER'S RIGHTS UNDER THIS TITLE, CONSENT TO JURISDICTION FOR LITIGATION OR CHOICE OF LAW IN A STATE OTHER THAN MARYLAND, CONSENT TO VENUE IN A COUNTY OTHER THAN THE COUNTY IN WHICH THE PROPERTY IS LOCATED, OR IMPOSE ANY COSTS OR FILING FEES GREATER THAN THE FEES REQUIRED TO FILE AN ACTION IN A CIRCUIT COURT, IS VOID.**

(C) EXCEPT WHEN A PRIMARY MORTGAGE LENDER TAKES A DEED IN LIEU OF FORECLOSURE, A SALE OR TRANSFER OF A RESIDENCE IN DEFAULT MAY NOT BE EXECUTED USING A QUITCLAIM DEED.

(D) A NOTICE OF RESCISSION UNDER THIS SECTION:

(1) SHALL BE IN WRITING BUT NEED NOT TAKE ANY PARTICULAR FORM SPECIFIED IN THIS SUBTITLE OR ANY FORM CONTAINED IN ANY AGREEMENT WITH THE PURCHASER OR TRANSFEREE; AND

(2) IS EFFECTIVE, HOWEVER EXPRESSED, IF IT INDICATES THE INTENTION OF THE HOMEOWNER TO RESCIND THE CONTRACT.

(E) THE RIGHT TO RESCIND MAY NOT BE CONDITIONED ON THE REPAYMENT OF ANY FUNDS, PROVIDED HOWEVER THAT ANY DEBT EXISTING PRIOR TO A RESCISSION SHALL CONTINUE TO EXIST.

(F) WITHIN 10 DAYS AFTER RECEIPT OF A NOTICE OF RESCISSION, THE PURCHASER OR TRANSFEREE SHALL RETURN, WITHOUT CONDITION, ANY ORIGINAL DEED, TITLE, CONTRACT, AND ANY OTHER DOCUMENT SIGNED BY THE HOMEOWNER.

(G) DURING THE 5–DAY RESCISSION PERIOD, A DEED OR OTHER DOCUMENT AFFECTING TITLE TO THE HOMEOWNER'S RESIDENCE IN DEFAULT MAY NOT BE RECORDED.".

On pages 16 and 17, strike in their entirety the lines beginning with line 23 on page 16 through line 15 on page 17, inclusive.

AMENDMENT NO. 6

On page 18, in lines 10, 13, 14, and 15, in each instance, strike the bracket; and in lines 10 and 11, strike "**COMPLETE A SALE OR TRANSFER OF THE RESIDENCE IN DEFAULT UNTIL THE**".

On page 19, in line 4, strike "**(3)**" and substitute "**(2)**"; and in line 11, strike "**(4)**" and substitute "**(3)**".

AMENDMENT NO. 7

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 21, after "changes;" insert "making this Act an emergency measure;".

On page 26, strike in their entirety lines 3 and 4 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members

elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #6

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 422 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits

SB0422/899231/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 422
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, after "**IF**" insert "**AFTER**"; and in the same line, strike "**IS**".

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 2 on page 2, inclusive, and substitute "**COMMENCES PARTICIPATION IN THE DROP:**

(I) THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL

PERFORMANCE OF DUTY THAT OCCURS WHILE PARTICIPATING IN DROP, AND WITHOUT WILLFUL NEGLIGENCE OF THE MEMBER; AND

(II) THE MEDICAL BOARD CERTIFIES THAT:

1. THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY BY THE OCCURRENCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH;

2. THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

3. THE MEMBER SHOULD BE RETIRED.".

AMENDMENT NO. 2

On page 2, in line 25, after "**IF**" insert "**AFTER**"; in the same line, strike "**IS**"; and strike in their entirety lines 26 through 31, inclusive, and substitute "**COMMENCES PARTICIPATION IN THE DROP:**

(I) THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY THAT OCCURS WHILE PARTICIPATING IN DROP, AND WITHOUT WILLFUL NEGLIGENCE OF THE MEMBER; AND

(II) THE MEDICAL BOARD CERTIFIES THAT:

1. THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY BY THE OCCURRENCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH;

2. THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

3. THE MEMBER SHOULD BE RETIRED.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 565 – Senators Garagiola, Brochin, Edwards, Forehand, Middleton, Peters, Raskin, and Rosapepe

AN ACT concerning

Income Tax Credit – Bio–Heating Oil

SB0565/969035/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 565
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "Act;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3, in line 5, after "2007" insert ", but before January 1, 2013. It shall remain effective for a period of 5 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 793 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Special Taxing Districts – Creation

SB0793/489534/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 793
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 11 down through "circumstances;" in line 15; in line 19, after "district;" insert "prohibiting a vendor of certain property within a special taxing district from enforcing a contract for the sale of the property unless the purchaser of the property is provided with certain information relating to the special taxing district and the contract of sale contains a certain notice; providing that a vendor may provide a purchaser with certain information by providing the purchaser with a certain collection of documents; providing that a vendor may rely on certain documents filed in the land records when providing the purchaser with certain information; providing that a purchaser under a contract for the sale of certain property within a special taxing district may cancel the contract within a certain time after receiving certain information; providing that unless the purchaser consents, settlement of a contract for the sale of certain property within a special taxing district may not take place within a certain time after a purchaser receives certain information; requiring a vendor to refund certain deposits under certain circumstances; providing that a vendor is liable for certain damages caused by certain false statements or omissions; providing that an action against a vendor for certain false statements or omissions must be brought within a certain time;"; and in line 21, after "improvements" insert "and to the sale of property located within certain special taxing districts".

On page 2, after line 3, insert:

"BY adding to
Article – Real Property
Section 10–706
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 5, in line 3, after "**(II)**" insert "**1.**"; after line 5, insert:

"**2. THE COUNTY MAY NOT EXERCISE THE AUTHORITY GRANTED UNDER THIS SECTION IN ANY OF THE COUNTY'S RURAL VILLAGES.**";

and strike beginning with "**REQUIRE:**" in line 20 down through "**THAT**" in line 29 and substitute "**REQUIRE THAT**".

On page 6, after line 3, insert:

"Article – Real Property

10–706.

(A) (1) THIS SECTION APPLIES ONLY TO THE SALE OF RESIDENTIAL REAL PROPERTY IN HARFORD COUNTY.

(2) THIS SECTION DOES NOT APPLY TO:

(I) A SALE OF PROPERTY TO A PURCHASER WHO DOES NOT INTEND TO OCCUPY THE PROPERTY; OR

(II) A SALE IN AN ACTION TO FORECLOSE A MORTGAGE, DEED OF TRUST, OR OTHER LIEN.

(B) THE VENDOR OF PROPERTY THAT IS SUBJECT TO A TAX OF A SPECIAL TAXING DISTRICT AS AUTHORIZED IN ARTICLE 24, § 9-1301(C) OF THE CODE MAY NOT ENFORCE A CONTRACT FOR THE SALE OF THE PROPERTY UNLESS:

(1) THE PURCHASER OF THE PROPERTY IS PROVIDED WITH THE FOLLOWING INFORMATION IN WRITING:

(I) A DESCRIPTION OF THE AREA INCLUDED WITHIN THE SPECIAL TAXING DISTRICT;

(II) THE MAXIMUM AMOUNT OF BONDS AND OTHER OBLIGATIONS TO BE ISSUED WITH RESPECT TO THE SPECIAL TAXING DISTRICT;

(III) A DESCRIPTION OF THE PURPOSES FOR WHICH THE SPECIAL TAXING DISTRICT WAS CREATED, AND FOR WHICH THE BONDS OR OTHER OBLIGATIONS HAVE BEEN ISSUED, INCLUDING A DESCRIPTION OF ANY IMPROVEMENTS;

(IV) THE AMOUNT OF SPECIAL TAXES LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR OR, IF TAXES WERE NOT LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR, A GOOD-FAITH ESTIMATE OF THE ANNUAL TAX THAT WILL BE LEVIED ON THE PROPERTY;

(V) THE MAXIMUM AMOUNT OF SPECIAL TAXES THAT MAY BE LEVIED ON THE PROPERTY IN A YEAR;

(VI) THE PROJECTED TIME PERIOD OVER WHICH ANY BONDS OR OBLIGATIONS ISSUED IN CONNECTION WITH THE SPECIAL TAXING DISTRICT ARE TO BE REPAID; AND

(VII) A DESCRIPTION OF THE PURCHASER'S RIGHT TO FULLY PREPAY THE SPECIAL TAXING DISTRICT OBLIGATIONS; AND

(2) THE CONTRACT FOR THE SALE OF THE PROPERTY CONTAINS A NOTICE, WRITTEN IN CONSPICUOUS, BOLD, AND UNDERSCORED TYPE, THAT IS SUBSTANTIALLY THE SAME AS THE FOLLOWING:

"NOTICE REQUIRED BY MARYLAND LAW

THE PROPERTY THAT IS THE SUBJECT OF THIS CONTRACT IS LOCATED WITHIN A SPECIAL TAXING DISTRICT, WHICH HAS BEEN CREATED FOR THE PURPOSE OF FINANCING OR REFINANCING THE COSTS RELATED TO CERTAIN INFRASTRUCTURE IMPROVEMENTS WITHIN THE TAXING DISTRICT. THESE COSTS WILL BE REPAID FROM THE PROCEEDS OF SPECIAL TAXES COLLECTED FROM THE OWNERS OF PROPERTIES LOCATED WITHIN THE SPECIAL TAXING DISTRICT.

STATE LAW REQUIRES THAT THE SELLER DISCLOSE TO YOU, AT OR BEFORE THE TIME YOU ENTER INTO THIS CONTRACT, THE FOLLOWING INFORMATION: (1) A DESCRIPTION OF THE AREA INCLUDED WITHIN THE SPECIAL TAXING DISTRICT, (2) THE MAXIMUM AMOUNT OF BONDS AND OTHER OBLIGATIONS TO BE ISSUED WITH RESPECT TO THE SPECIAL TAXING DISTRICT, (3) A DESCRIPTION OF THE PURPOSES FOR WHICH THE SPECIAL TAXING DISTRICT WAS CREATED, AND FOR WHICH THE BONDS OR OTHER OBLIGATIONS HAVE BEEN ISSUED, INCLUDING A DESCRIPTION OF ANY INFRASTRUCTURE IMPROVEMENTS, (4) THE AMOUNT OF SPECIAL TAXES LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR OR, IF TAXES WERE NOT LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR, A GOOD-FAITH ESTIMATE OF THE ANNUAL TAX THAT WILL BE LEVIED ON THE PROPERTY, (5) THE MAXIMUM AMOUNT OF SPECIAL TAXES THAT MAY BE LEVIED ON THE PROPERTY IN A YEAR, (6) THE PROJECTED TIME PERIOD OVER WHICH ANY BONDS OR OBLIGATIONS ISSUED IN CONNECTION WITH THE SPECIAL TAXING DISTRICT ARE TO BE REPAID, AND (7) YOUR RIGHT AS THE PROSPECTIVE OWNER OF THE PROPERTY TO FULLY PREPAY THE SPECIAL TAXING DISTRICT OBLIGATIONS WITH RESPECT TO THE PROPERTY.

YOU HAVE 7 CALENDAR DAYS FROM THE DATE YOU RECEIVE THE ABOVE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT TO CANCEL THIS CONTRACT BY SENDING A WRITTEN NOTICE OF CANCELLATION TO THE SELLER. YOU ARE NOT REQUIRED TO STATE A REASON FOR CANCELLING THE CONTRACT. UPON CANCELLATION OF THE CONTRACT, YOU ARE ENTITLED TO A REFUND OF ANY DEPOSIT YOU MAY HAVE MADE UNDER THIS CONTRACT.

A SELLER MAY NOT REQUIRE THAT YOU WAIVE YOUR RIGHT TO RECEIVE THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT OR YOUR RIGHT TO CANCEL THE CONTRACT WITHIN 7 CALENDAR DAYS OF RECEIPT OF THE INFORMATION. A SELLER MAY NOT REQUIRE THAT YOU CLOSE THE SALE UNDER THIS CONTRACT WITHIN 7 CALENDAR DAYS FROM THE DATE YOU RECEIVE THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT.

STATE LAW PROVIDES THAT ANY SELLER WHO, IN DISCLOSING THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT, MAKES ANY FALSE

STATEMENT OF A MATERIAL FACT OR OMITS A MATERIAL FACT THAT, IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH THE STATEMENTS WERE MADE, IS NECESSARY TO MAKE THE STATEMENTS NOT MISLEADING IS LIABLE TO THE PURCHASER FOR DAMAGES PROXIMATELY CAUSED BY THE SELLER'S FALSE OR OMITTED STATEMENT. ANY ACTION FOR DAMAGES CAUSED BY THE SELLER'S FALSE STATEMENT OR OMISSION OF A MATERIAL FACT MUST BE BROUGHT WITHIN 1 YEAR FROM THE DATE OF CLOSING UNDER THIS CONTRACT.

YOU SHOULD CAREFULLY REVIEW THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT PROVIDED BY THE SELLER TO FAMILIARIZE YOURSELF WITH YOUR RIGHTS AND OBLIGATIONS AS A PROSPECTIVE OWNER OF PROPERTY LOCATED WITHIN THE SPECIAL TAXING DISTRICT."

(C) (1) THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION SHALL BE DEEMED FULFILLED IF THE INFORMATION REQUIRED TO BE PROVIDED TO THE PURCHASER IS PROVIDED TO THE PURCHASER IN WRITING, IN A CLEAR AND CONCISE MANNER.

(2) A VENDOR MAY PROVIDE THE PURCHASER WITH THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION BY PROVIDING THE PURCHASER WITH A COLLECTION OF DOCUMENTS IF THE DOCUMENTS CONVEY THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION IN A CLEAR AND CONCISE MANNER.

(3) IN SATISFYING THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION, THE VENDOR MAY RELY ON ANY DOCUMENT THAT, IN CONNECTION WITH THE CREATION OF THE SPECIAL TAXING DISTRICT, WAS FILED BY THE OWNER OF THE PROPERTY IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(D) (1) A PURCHASER UNDER A CONTRACT FOR THE SALE OF PROPERTY THAT IS SUBJECT TO THIS SECTION MAY CANCEL THE CONTRACT WITHIN 7 CALENDAR DAYS OF RECEIVING THE INFORMATION UNDER SUBSECTION (B)(1) OF THIS SECTION BY DELIVERING WRITTEN NOTICE OF CANCELLATION TO THE VENDOR.

(2) UNLESS THE PURCHASER CONSENTS TO AN EARLIER SETTLEMENT DATE, THE SETTLEMENT OF A CONTRACT FOR THE SALE OF PROPERTY THAT IS SUBJECT TO THIS SECTION MAY NOT TAKE PLACE WITHIN 7 CALENDAR DAYS FROM THE DATE THE PURCHASER RECEIVES THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(3) NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DELIVERED BY:

(I) HAND-DELIVERY; OR

(II) FIRST-CLASS MAIL.

(4) ON CANCELLATION OF A CONTRACT FOR THE PURCHASE OF PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE VENDOR SHALL REFUND TO THE PURCHASER ANY DEPOSITS PAID BY, OR ON BEHALF OF, THE PURCHASER UNDER THE CANCELLED CONTRACT.

(E) (1) ANY VENDOR THAT, IN PROVIDING THE PURCHASER WITH THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, MAKES ANY FALSE STATEMENT OF A MATERIAL FACT OR OMITS A MATERIAL FACT THAT, IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH THE STATEMENTS WERE MADE, IS NECESSARY TO MAKE THE STATEMENTS NOT MISLEADING IS LIABLE TO THE PURCHASER FOR DAMAGES PROXIMATELY CAUSED BY THE VENDOR'S FALSE OR OMITTED STATEMENT.

(2) AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE BROUGHT WITHIN 1 YEAR FROM THE DATE OF SETTLEMENT OF THE CONTRACT OF SALE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 94 – Senators Miller, Currie, Britt, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs

SB0094/869430/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 94
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "requiring" and substitute "authorizing"; and in line 14, strike "9–318(a)" and substitute "9–318(b)(1)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 15, inclusive, and substitute:

"(b) (1) The governing body of Prince George's County may grant, by law, a property tax credit under this section against county property tax imposed on:

(i) real property that is:

1. owned by a nonprofit community civic association or corporation;

2. dedicated by plat or deed restriction to the use of the lot owners in the community, if the use is not contingent on the payment of:

A. dues to the association or corporation, unless dues are used only to improve or maintain the real property of the community; or

B. compensation for admission to or use of the real property, unless the compensation is used only to improve or maintain the real property of the community;

(ii) real property that is owned by the Piscataway Hills Citizens Association;

(iii) real property that is improved to promote housing, community redevelopment, and business revitalization;

(iv) real property used by the property owner to provide child care for the children of at least 25 employees;

(v) real property that is:

1. owned by the American Center for Physics, Inc.;

2. leased by the American Center for Physics, Inc. to affiliated societies; and

3. used only for nonprofit activities relating to the advancement and diffusion of the knowledge of physics and its application to human welfare;

(vi) subject to the condition established under paragraph (6) of this subsection, residential real property that is located within an area that the governing body determines is adversely impacted by its proximity to a refuse disposal system for which a permit has been issued under § 9–204 of the Environment Article; **[**and**]**

(vii) real property that is owned by the Kettering–Largo–Mitchellville Boys and Girls Club**; AND**

(VIII) AGRICULTURAL LAND, INCLUDING ANY FARM IMPROVEMENT USED IN CONNECTION WITH AN ACTIVITY THAT IS RECOGNIZED BY THE DEPARTMENT AS AN APPROVED AGRICULTURAL ACTIVITY, THAT IS SUBJECT TO STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS.";

and in lines 17 and 23, in each instance, strike "**(A)(3)**" and substitute "**(B)(1)(VIII)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 208 – The President (By Request – Administration) and Senators Madaleno, King, Brochin, Forehand, Frosh, Garagiola, Lenett, Pinsky, and Rosapepe

AN ACT concerning

High Performance Buildings Act

SB0208/419139/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 208
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Currie, DeGrange, Edwards, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Zirkin".

The preceding amendment was read only.

Senator Brochin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 384 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Retirement and Pension Systems – Investments

SB0384/449339/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 384
(First Reading File Bill)

On page 2, in line 29, after "**MANAGEMENT**" insert "**, IN THEIR CAPACITY AS MEMBERS OF THE BOARD OF TRUSTEES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 481 – Senators DeGrange, Astle, Currie, Dyson, Jones, Klausmeier, Kramer, McFadden, Munson, Peters, Robey, and Zirkin

AN ACT concerning

Disabled Law Enforcement Officers and Rescue Workers – Property Tax Credit

SB0481/849338/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 481
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "a certain definition" and substitute "certain definitions".

AMENDMENT NO. 2

On page 2, in line 6, after "**OFFICER**" insert "**OR A CORRECTIONAL OFFICER**"; and in line 20, after "officer" insert "**OR A CORRECTIONAL OFFICER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 539 – Senator Pipkin

AN ACT concerning

Cecil County – Public Facilities Bonds

SB0539/499937/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 539
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Pipkin" and substitute "Senators Pipkin and Jacobs".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 741 – Senators Miller and Dyson

AN ACT concerning

Calvert County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 754 – Senator Edwards

AN ACT concerning

Garrett County – Public Facilities Bonds

SB0754/999733/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 754
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "$10,000,000" and substitute "$21,000,000"; and in line 14, after "bonds;" insert "authorizing the County to enter into certain agreements; providing a certain exemption from taxation for certain bonds;".

AMENDMENT NO. 2

On page 2, in line 10, strike "$10,000,000" and substitute "$21,000,000".

AMENDMENT NO. 3

On page 1, in line 27, after the second "the" insert "Garrett County Board of Education, Garrett College, the".

AMENDMENT NO. 4

On page 2, in lines 15 and 16, strike "economic development".

On page 3, in lines 17 and 18, strike "economic development"; and in lines 19 and 39, in each instance, strike "economic development".

AMENDMENT NO. 5

On page 2, in line 38, strike the second "and"; and in line 39, after "thereof" insert ", and implementation of the authority herein provided".

AMENDMENT NO. 6

On page 2, in line 46, after "bonds." insert "In addition, the County may enter into loan, grant, or similar or related agreements in connection with financing the projects, all as may be determined and presented in the aforesaid resolution.".

AMENDMENT NO. 7

On page 3, in lines 13 and 14, strike "the Treasurer of Garrett County or such other" and substitute "such"; and in line 39, after "projects" insert "and".

AMENDMENT NO. 8

On page 4, in line 27, strike "nothing" and substitute "any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing"; in line 28, strike "bonds:" and substitute "bonds on which the interest is not excludable from gross income for federal income tax purposes."; and strike in their entirety lines 29 through 32, inclusive.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

SB0780/839735/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 780

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "amount;" insert "prohibiting the County from financing certain costs associated with a certain building, subject to a certain contingency;".

AMENDMENT NO. 2

On page 2, after line 25, insert:

"SECTION 2A. AND BE IT FURTHER ENACTED, That the County may not finance the acquisition of land, construction, improvement, or development of a Criminal Justice Building.".

AMENDMENT NO. 3

On page 6, strike beginning with "this" in line 13 down through "2008." in line 14 and substitute "Section 2A of this Act shall take effect June 1, 2008, contingent on the failure of S.B. 659/H.B. 1135 during the 2008 Session of the General Assembly. If S.B. 659/H.B. 1135 is enacted, Section 2A of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 784 – Senators King, Currie, DeGrange, Garagiola, Kasemeyer, and Middleton

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

Senator King moved, duly seconded, to make the Bill and Report a Special Order for March 19, 2008.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 859 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 256 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 467 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 447)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 155 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 448)

The Bill was then sent to the House of Delegates.

Senate Bill 287 – Senators Stoltzfus, Brinkley, Conway, Currie, DeGrange, Dyson, Edwards, Exum, Frosh, Garagiola, Gladden, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

State Designations – Smith Island Cake – State Dessert

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 449)

The Bill was then sent to the House of Delegates.

Senate Bill 375 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Retirement and Pension System – Imposition of Administrative Fees on Employers

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 450)

The Bill was then sent to the House of Delegates.

Senate Bill 504 – Senators Brinkley, Currie, Glassman, Haines, Jacobs, King, Kittleman, Kramer, Middleton, Munson, Robey, Stoltzfus, and Stone

AN ACT concerning

Criminal Law – Theft of Rental Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 41 Negative – 4 (See Roll Call No. 451)

The Bill was then sent to the House of Delegates.

Senate Bill 531 – Senators Muse and Forehand

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 452)

The Bill was then sent to the House of Delegates.

Senate Bill 563 – ~~Senator Raskin~~ Senators Raskin, Forehand, Gladden, and Muse

AN ACT concerning

Lilly Ledbetter Fair Pay Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative – 29 Negative – 17 (See Roll Call No. 453)

The Bill was then sent to the House of Delegates.

Senate Bill 577 – ~~Senator Forehand~~ Senators Forehand, Brochin, Frosh, Gladden, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Individuals with Disabilities – Service Animals

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 454)

The Bill was then sent to the House of Delegates.

Senate Bill 699 – Senator Gladden

AN ACT concerning

Task Force to Study the Development of Environmentally Friendly Communities in Urban Areas

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 455)

The Bill was then sent to the House of Delegates.

Senate Bill 822 – Carroll County Senators

AN ACT concerning

Carroll County – Distribution of Tobacco Products to Minors – Prohibition and Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 456)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 2 – Senators Rosapepe, Peters, and Pinsky

A Senate Joint Resolution concerning

Henry A. Wallace Beltsville Agricultural Research Center and the National Agricultural Library

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 457)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 173 – Senators Astle, Brinkley, and Robey

AN ACT concerning

Income Tax – Credit for Installation of Fire Suppression Systems

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the House of Delegates.

Senate Bill 239 – Senators Kasemeyer, Astle, Brinkley, Conway, Currie, DeGrange, Della, Edwards, Frosh, Garagiola, Jones, Kittleman, Klausmeier, Middleton, Munson, Peters, Robey, Stoltzfus, ~~and Stone~~ Stone, Colburn, Dyson, Glassman, Harris, Kelley, Pipkin, and Simonaire

EMERGENCY BILL

AN ACT concerning

Homestead Property Tax Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 459)

The Bill was then sent to the House of Delegates.

Senate Bill 270 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, ~~and Stone~~ Stone, Astle, Exum, Garagiola, Haines, and Klausmeier

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 460)

The Bill was then sent to the House of Delegates.

Senate Bill 297 – Senators King, Astle, Currie, DeGrange, Edwards, Garagiola, Klausmeier, Madaleno, Munson, Peters, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Tax Credit for Employer Established Work–Based Learning Programs for Students

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 461)

The Bill was then sent to the House of Delegates.

Senate Bill 310 – Senators Brinkley and Mooney

AN ACT concerning

~~**Frederick County –**~~ **Annual Financial** ~~**Report**~~ **and Audit Reports – Filing Date**

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 462)

The Bill was then sent to the House of Delegates.

Senate Bill 326 – Senator Miller

AN ACT concerning

Calvert County – Sheriff – Pensions

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 463)

The Bill was then sent to the House of Delegates.

Senate Bill 340 – Senators Peters, Brinkley, Currie, DeGrange, Edwards, Kasemeyer, King, Kramer, Madaleno, Munson, Robey, and Stoltzfus

AN ACT concerning

Task Force on Reducing State Budget Expenditures for Record Management and Retention

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 464)

The Bill was then sent to the House of Delegates.

Senate Bill 488 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Police Retirement System – Survivor Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the House of Delegates.

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, ~~and Raskin~~ Raskin, Conway, Harrington, Klausmeier, Lenett, and Rosapepe

SECOND PRINTING

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 466)

The Bill was then sent to the House of Delegates.

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 467)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 468)

ADJOURNMENT

At 9:44 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 18, 2008.

Annapolis, Maryland
Tuesday, March 18, 2008
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer by The Reverend John Odean, Vineyard Community Church, guest of Senator Greenip.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 17, 2008 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Conway be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 470)

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 471)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #38

Senate Bill 215 – Chair, Judicial Proceedings Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland False Health Claims Act

Read the third time and failed for want of a constitutional majority:

Affirmative – 21 Negative – 25 (See Roll Call No. 472)

Senate Bill 566 – ~~Senator Garagiola~~ Senators Garagiola and Kelley

AN ACT concerning

Health Care Facility Visitation and Medical Decisions – Domestic Partners

Read the third time and passed by yeas and nays as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 473)

The Bill was then sent to the House of Delegates.

Senate Bill 590 – Senators Pinsky, Brochin, Frosh, Lenett, Raskin, and Rosapepe

AN ACT concerning

Environment – Statute of Limitations

Read the third time and passed by yeas and nays as follows:

Affirmative – 35 Negative – 12 (See Roll Call No. 474)

The Bill was then sent to the House of Delegates.

Senate Bill 959 – Senators Middleton, Miller, Astle, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Haines, Harrington, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

~~Statewide Phase–Out of Electronic Gaming Devices~~
Slot Machines – Definition

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 475)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 2 – Senator Lenett

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

STATUS OF BILL: QUESTION IS ON THE MOTION TO RECONSIDER THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR DELLA.

The motion was adopted by roll call vote as follows:

Affirmative – 27 Negative – 20 (See Roll Call No.476)

FLOOR AMENDMENT

SB0002/483929/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB002/568775/2) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, strike "Wireless Communication" and substitute "Text Messaging"; strike beginning with "driver" in line 4 down through "circumstances" in line 10 and substitute "person from using a text messaging device to write, send, or read a text message while operating a motor vehicle"; strike beginning with "authorizing" in line 10 down through "terms;" in line 13; in line 14, strike "wireless communication" and substitute "text messaging"; strike in their entirety lines 16 through 20, inclusive; and after line 25, insert:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 2 through 29, inclusive.

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 24 on page 4 and substitute:

"**A PERSON MAY NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE.**

27–101.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than $500.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 25 (See Roll Call No. 477)

FLOOR AMENDMENT

SB0002/233121/1

BY: Senator Astle

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after "Communication" insert "or Global Positioning"; and in lines 13 and 15, in each instance, after "devices" insert "or global positioning devices".

On page 1 of the Judicial Proceedings Committee Amendments (SB0002/568775/2), in line 1 of Amendment No. 1, before "providing" insert "prohibiting a person from using a global positioning satellite–based navigation device while operating a motor vehicle;".

AMENDMENT NO. 2

On page 3 of the bill, in line 16, after "**DEVICE**" insert "**OR GLOBAL POSITIONING SATELLITE–BASED NAVIGATION DEVICE**".

On page 4 of the bill, after line 6, insert:

"**(E) A PERSON MAY NOT USE A GLOBAL POSITIONING SATELLITE–BASED NAVIGATION DEVICE WHILE OPERATING A MOTOR VEHICLE.**";

and in line 7, strike "**(E)**" and substitute "**(F)**".

On page 4 of the Judicial Proceedings Committee Amendments, in line 5 of Amendment No. 4, strike "**(F)**" and substitute "**(G)**"; and in lines 2 and 3 of Amendment No. 5, strike "**(G)**" and "**(F)**", respectively, and substitute "**(H)**" and "**(G)**", respectively.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 37 (See Roll Call No. 478)

FLOOR AMENDMENT

SB0002/293329/2

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 2, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 13, after "driving;" insert "exempting certain counties from the provisions of this Act;".

AMENDMENT NO. 2

On page 3 of the bill, in line 7, after "**(B)**" insert "**THIS SECTION DOES NOT APPLY IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**

(C)";

and in line 21, strike "**(C)**" and substitute "**(D)**".

On page 4 of the bill, in lines 1, 2, and 7, strike "**(D)**", "**(C)**", and "**(E)**", respectively, and substitute "**(E)**", "**(D)**", and "**(F)**", respectively.

On page 4 of the Judicial Proceedings Committee Amendments (SB0002/568775/2), in line 5 of Amendment No. 4, strike "**(F)**" and substitute "**(G)**"; and in lines 2 and 3 of Amendment No. 5, strike "**(G)**" and "**(F)**", respectively, and substitute "**(H)**" and "**(G)**", respectively.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 21 Negative – 25 (See Roll Call No. 479)

Read the second time and ordered prepared for Third Reading.

Senate Bill 328 – Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

STATUS OF BILL: QUESTION IS ON THE MOTION TO RECONSIDER THE VOTE BY WHICH THE BILL FAILED THIRD READING.

The motion was adopted by roll call vote as follows:

Affirmative – 27 Negative – 20 (See Roll Call No. 480)

Read the third time and passed by yeas and nays as follows:

Affirmative – 25 Negative – 22 (See Roll Call No. 481)

The Bill was then sent to the House of Delegates.

Senate Bill 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Read the third time and passed by yeas and nays as follows:

Affirmative – 26 Negative – 21 (See Roll Call No. 482)

The Bill was then sent to the House of Delegates.

Senate Bill 630 – Senator Jacobs

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0630/678973/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 630
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "subpoenas" in line 3 down through "circumstances" in line 5 and substitute "a subpoena for the production of certain records or documents for a certain purpose"; in line 6, after "specifying" insert "the manner of service of a subpoena,"; in the same line, after "subpoena" insert a comma; in line 9, after "subpoena" insert "to a certain circuit court"; and in the same line, after "grant" insert "certain".

AMENDMENT NO. 2

On page 1, strike beginning with "**MAY**" in line 22 down through the second "**AND**" in line 23.

The preceding 2 amendments were 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:

Senate Bill 208 – The President (By Request – Administration) and Senators Madaleno, King, Brochin, Forehand, Frosh, Garagiola, Lenett, Pinsky, and Rosapepe

AN ACT concerning

High Performance Buildings Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0208/419139/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 208
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Currie, DeGrange, Edwards, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Zirkin".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0208/423826/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 208
(First Reading File Bill)

On page 7, in line 18, strike "**2009**" and substitute "**2008**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 6 Negative – 39 (See Roll Call No. 483)

Read the second time and ordered prepared for Third Reading.

LETTER OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 689 – ~~Delegate Barnes~~ Delegates Barnes, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Access to Public Records – Permissible Denials – Public Institutions of Higher Education

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #14

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 286 – Senator Gladden

AN ACT concerning

Public Health – Antibiotic–Resistant Infection Prevention Campaign

SB0286/864038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 286
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "agencies," insert "subject to the availability and appropriation of certain funding,"; and in line 7, after the first "Act;" insert "requiring certain agencies and subdivisions to provide certain aid and information to the Secretary under certain circumstances;".

AMENDMENT NO. 2

On page 1, in line 19, strike "**THE**" and substitute "**SUBJECT TO THE AVAILABILITY AND APPROPRIATION OF FUNDING, THE**".

On page 2, in line 21, after "**SECRETARY**" insert "**MAY**"; in line 22, strike "**ON REQUEST, SHALL RECEIVE**" and substitute "**REQUEST**"; in line 23, strike "**THIS**" and substitute "**THE**"; in line 24, strike "**MAY REQUEST**" and substitute "**REQUEST**"; in line 26, strike "**MAY CONTRACT**" and substitute "**CONTRACT**"; and after line 26, insert:

"**(C) AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION THAT IS REQUESTED TO PROVIDE AID OR INFORMATION UNDER SUBSECTION (B)(1) OF THIS SECTION SHALL PROVIDE THE REQUESTED AID OR INFORMATION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 368 – Senator Conway

AN ACT concerning

Procurement – Preferences – Employment Works Program

SB0368/564930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 368
(First Reading File Bill)

On page 2, in line 22, strike "**IS APPROVED**" and substitute "**IS ACCREDITED BY THE DIVISION OF REHABILITATION SERVICES OF THE STATE DEPARTMENT OF EDUCATION**"; and strike beginning with "**BY**" in line 23 down through "**EDUCATION**" in line 24.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 502 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 511 – Senators Middleton and Conway

AN ACT concerning

Health Occupations – Dental Hygiene Students – Exception From Licensure Requirements While Participating in Approved Educational 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 with amendments:

Senate Bill 546 – Senators Forehand and Miller

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day

SB0546/344733/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 546
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Day" insert "and Annapolis Charter Day"; and in line 4, after "Day;" insert "requiring the Governor annually to proclaim a certain day as Annapolis Charter Day;".

On page 1, in line 7, after "13–406" insert "and 13–407".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"WHEREAS, The first settlement in the area of what is now Annapolis was established in 1649; and

WHEREAS, On December 17, 1708, the General Assembly adopted the Annapolis Charter; and";

in line 3, after "Maryland" insert "and the Annapolis Charter"; after line 10, insert:

"**13–407.**

THE GOVERNOR ANNUALLY SHALL PROCLAIM DECEMBER 17 AS ANNAPOLIS CHARTER DAY.";

and in line 12, 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 with amendments:

Senate Bill 612 – Senators Lenett, Dyson, and Middleton

AN ACT concerning

Procurement – Preference Procurement Program for Sheltered Workshops – Individual With Disability Owned Businesses

SB0612/614039/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 612
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, in each instance, strike "entity" and substitute "business"; in line 7, after "program;" insert "requiring the State or certain State aided or controlled entities to buy certain supplies and services from certain businesses under certain circumstances;"; in line 10, strike "entities" and substitute "certain sheltered workshops and businesses"; and in lines 23 and 24, strike "**AN ENTITY**" and substitute "**A BUSINESS**".

AMENDMENT NO. 2

On page 2, in line 4, strike beginning with "**CERTIFIED**" through "**DISABILITY**" and substitute "**DETERMINED**"; and in line 5, after "**EDUCATION**" insert "**TO HAVE A DISABILITY, AS DEFINED BY TITLE 21, SUBTITLE 3 OF THE EDUCATION ARTICLE**".

AMENDMENT NO. 3

On page 3, in line 16, strike "or"; in lines 17 and 18, strike "**OR INDIVIDUAL WITH DISABILITY OWNED BUSINESSES**"; in lines 19 and 20, strike "**OR AN INDIVIDUAL WITH DISABILITY OWNED BUSINESS**"; in line 24, after "government" insert "**; OR**

(4) INDIVIDUAL WITH DISABILITY OWNED BUSINESSES IF:

(I) AN INDIVIDUAL WITH DISABILITY OWNED BUSINESS PROVIDES THE SUPPLIES OR SERVICES;

(II) NEITHER MARYLAND CORRECTIONAL ENTERPRISES, BLIND INDUSTRIES AND SERVICES OF MARYLAND, NOR A SHELTERED WORKSHOP PROVIDES THE SUPPLIES OR SERVICES; AND

(III) THE STATE OR A STATE AIDED OR CONTROLLED ENTITY IS NOT REQUIRED BY LAW TO BUY THE SUPPLIES OR SERVICES FROM ANY OTHER UNIT OF THE STATE GOVERNMENT".

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 and Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 649 – Senator Conway

AN ACT concerning

Athletics – Mixed Martial Arts – Regulation by State Athletic Commission – Boxing and Wrestling Tax

SB0649/764031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 649
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4, 6, 8, 11, 13, 14, 17, 19, and 21, in each instance, strike "artist" and substitute "arts contestant"; in line 6, after "Commission;" insert "exempting certain amateur mixed martial arts from the requirements of this Act under certain circumstances;"; strike beginning with "and" in line 21 down through "circumstances" in line 22 and substitute "; repealing certain requirements that a boxer or kick boxer wear certain gloves under certain circumstances"; in line 23, strike "artists" and substitute "arts contestants"; in line 25, after "contests;" insert "altering the penalty for failure to pay a certain tax;"; in line 27, strike "of mixed martial artists and the"; in line 28, strike "of mixed martial arts"; and in the same line, after "contests" insert "under the State Athletic Commission".

AMENDMENT NO. 2

On page 2, in line 24, after "(d)" insert "**(1)**"; in the same line, strike the brackets; strike beginning with "**, OR**" in line 24 down through "**ARTS**" in line 25; in lines 26, 27, 28, 29, and 30, strike "(1)", "(2)", "(3)", "(4)", and "(5)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", and "**(V)**", respectively; and after line 30, insert:

"**(2) "CONTEST" INCLUDES A MIXED MARTIAL ARTS:**

(I) COMPETITION;

(II) MATCH;

(III) PERFORMANCE; OR

(IV) SHOW.

(3) "CONTEST" DOES NOT INCLUDE A MIXED MARTIAL ARTS EXHIBITION.".

On page 3, strike in their entirety lines 1 through 3, inclusive; after line 3, insert:

"**(E) "MIXED MARTIAL ARTS" MEANS A COMPETITION IN WHICH CONTESTANTS USE INTERDISCIPLINARY FORMS OF FIGHTING, INCLUDING VARIOUS FORMS OF MARTIAL ARTS, INVOLVING:**

(1) STRIKING WITH THE HANDS, FEET, KNEES, OR ELBOWS; AND

(2) GRAPPLING BY TAKE-DOWNS, THROWS, SUBMISSIONS, OR CHOKE HOLDS.

(F) "MIXED MARTIAL ARTS EXHIBITION" MEANS MIXED MARTIAL ARTS WHERE:

(1) CONTACT TO THE BODY IS PERMITTED IN ONLY A RESTRAINED MANNER;

(2) CONTACT TO THE HEAD IS NOT PERMITTED; AND

(3) NO CONTACT IS PERMITTED THAT MAY RESULT, OR IS INTENDED TO RESULT, IN PHYSICAL HARM TO AN OPPONENT.";

in lines 11 and 14, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**"; in line 26, strike the brackets; and in the same line, strike "**, OR MIXED MARTIAL ARTS**".

AMENDMENT NO. 3

On page 4, in line 2, strike "**A NATIONALLY RECOGNIZED**" and substitute "**AN**"; in line 3, strike "**OR BOTH**" and substitute "**THAT:**

(I) HAS BEEN REVIEWED BY THE COMMISSION ON A BASIS THAT IS NEITHER ARBITRARY NOR CAPRICIOUS;

(II) HAS BEEN APPROVED BY THE COMMISSION;

(III) ADMINISTERS AND ENFORCES AMATEUR MIXED MARTIAL ARTS REGULATIONS ADOPTED BY THE COMMISSION; AND

(IV) DOES NOT HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN:

1. A MIXED MARTIAL ARTS CONTESTANT; OR

2. THE PROMOTION OF A MIXED MARTIAL ARTS CONTEST";

in the same line, strike "**; OR**" and substitute a semicolon; in line 8, after "opponent" insert "**; OR**

(5) A MIXED MARTIAL ARTS EXHIBITION";

and in lines 13 and 22, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**".

AMENDMENT NO. 4

On page 5, in lines 2, 16, and 19, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**".

On page 6, in lines 1, 2, and 4, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**".

On page 7, in lines 6, 8, 13, and 15, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**"; and in line 30, strike "$500" and substitute "**$5,000**".

AMENDMENT NO. 5

On page 8, in lines 4, 18, 21, 22, 24, and 26, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**"; and strike beginning with "Each" in line 29 down through "(d)" in line 31.

On page 9, in lines 2, 12, and 17, in each instance, strike "**ARTIST**" and substitute "**ARTS CONTESTANT**".

The preceding 5 amendments were read only.

Senator Brochin 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:

Senate Bill 745 – Senators Colburn, Dyson, Klausmeier, and McFadden

AN ACT concerning

Alcoholic Beverages – Definitions – Beer

Favorable report adopted by a roll call vote as follows:

Affirmative – 34 Negative – 9 (See Roll Call No. 484)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #15

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 264 – Senators Pugh, Conway, Currie, Della, Garagiola, Glassman, Kasemeyer, Lenett, Madaleno, McFadden, Rosapepe, and Stone

AN ACT concerning

High School Dropouts – Alternative Education Programs and GED Requirements

SB0264/984336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 264
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Harrington"; in line 4, after "requiring" insert ", to the extent possible,"; and in line 8, after "attend" insert "or intend to leave".

AMENDMENT NO. 2

On page 1, in line 18, strike "**THE**" and substitute "**TO THE EXTENT POSSIBLE, THE**"; and in line 19, after "**ATTENDS**" insert "**, IS KNOWN TO BE PREPARING TO LEAVE, OR HAS PARTICIPATED IN AN EXIT INTERVIEW AT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 419 – Senator Glassman

AN ACT concerning

Agriculture – Seed and Nursery Stock for Native Plants – Funding

SB0419/744937/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 419
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Seed and Nursery Stock for Native Plants – Funding" and substitute "Wild Pollinators Program"; in line 3, strike "Native Plants" and substitute "Wild Pollinators"; in the same line, after "establishing" insert ", subject to funding in the State budget,"; in line 4, after "awareness" insert "and availability"; in line 5, strike "native plants" and substitute "noninvasive plants that are pollinator friendly"; strike beginning with "requiring" in line 5 down through "years;" in line 7; strike beginning with "the" in line 7 down through "plants" in line 8 and substitute "awareness of wild pollinators and availability of noninvasive plants that are pollinator friendly"; in lines 11 and 12, strike "Native Plants" and substitute "Wild Pollinators"; in line 19, strike the first "native" and substitute "noninvasive"; in the same line, after "plants" insert "that are pollinator friendly"; and in lines 19 and 20, strike "native plants" and substitute "noninvasive plants that are pollinator friendly; providing for the termination of this Act".

AMENDMENT NO. 2

On page 2, in lines 1, 3 and 4, and 5, in each instance, strike "**NATIVE PLANTS**" and substitute "**WILD POLLINATORS**"; in line 5, strike "**THERE**" and substitute "**SUBJECT TO FUNDING IN THE STATE BUDGET, THERE**"; strike beginning with the third "**THE**" in line 6 down through "**NATIVE**" in line 7 and substitute "**AWARENESS OF WILD POLLINATORS AND THE AVAILABILITY OF NONINVASIVE**"; in lines 11 and 13, in each instance, strike "**NATIVE PLANTS**" and substitute "**NONINVASIVE PLANTS THAT ARE POLLINATOR FRIENDLY**"; and strike in their entirety lines 14 through 16, inclusive.

AMENDMENT NO. 3

On page 2, in line 18, after "2008." insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 657 – Senators Conway, Pinsky, Rosapepe, Colburn, Dyson, Greenip, Klausmeier, Lenett, and Raskin

AN ACT concerning

College Textbook Competition and Affordability Act of 2008

SB0657/864132/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 657
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Harrington"; strike beginning with "requiring" in line 3 down through "circumstances;" in line 19 and substitute "requiring certain public institutions of postsecondary education to develop and implement certain campaigns, certain textbook adoption processes, certain best practices processes, and certain procedures relating to certain disclosures and certain affirmations; requiring certain textbook publishers to disclose certain prices, variances in prices, content revisions, and textbook-related information; requiring certain publishers and certain bookstores to provide and sell certain textbooks and certain supplemental materials in a certain manner; requiring certain textbooks and certain supplemental materials to be available in certain packages; requiring certain institutions to provide certain information to certain bookstores under certain circumstances; requiring certain institutions to make certain information available by posting it on certain websites on or before a certain time; requiring certain institutions to allow certain bookstores to advertise and have certain access to certain students under certain circumstances; providing for a certain exception to the provisions of this Act; providing for the construction of this Act;"; and strike beginning with "requiring" in line 24 down through "date;" in line 26 and substitute "requiring certain institutions to report regarding certain policies developed in accordance with this Act; requiring the Commission, in consultation with certain stakeholders, to conduct certain feasibility studies on or before a certain date; requiring the University System of Maryland to conduct a certain study regarding certain business models and report the results of the study to the Board of Regents and the General Assembly;".

AMENDMENT NO. 2

On page 2, after line 28, insert:

"**(2) (I) "BOOKSTORE" MEANS ANY ENTITY THAT OFFERS BOOKS OR OTHER COURSE MATERIALS FOR SALE.**

(II) "BOOKSTORE" INCLUDES CAMPUS BOOKSTORES AND ONLINE VENDORS.";

in line 29, strike "**(2)**" and substitute "**(3)**"; in line 32, after "**SINGLE**" insert "**, CUSTOM, OR INTEGRATED**"; and after line 32, insert:

"**(4) "CAMPUS BOOKSTORE" MEANS A BOOKSTORE UNDER THE JURISDICTION OF A PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION.**

(5) (I) "CUSTOM TEXTBOOK" MEANS A TEXTBOOK THAT IS COMPILED AT THE DIRECTION OF A FACULTY MEMBER AND MAY INCLUDE ORIGINAL INSTRUCTOR MATERIAL, PREVIOUSLY COPYRIGHTED MATERIAL, OR COPYRIGHTED THIRD-PARTY MATERIAL.

(II) "CUSTOM TEXTBOOK" DOES NOT MEAN A TEXTBOOK THAT DIFFERS ONLY ON AN AESTHETIC BASIS FROM OTHER TEXTBOOKS WITH THE SAME SUBSTANTIVE MATERIAL.

(6) "INTEGRATED TEXTBOOK" MEANS A COLLEGE TEXTBOOK THAT IS:

(I) COMBINED WITH MATERIALS DEVELOPED BY A THIRD PARTY AND THAT, BY THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE MATERIALS ARE COMBINED; OR

(II) FUNCTIONALLY INTERDEPENDENT WITH SUPPLEMENTAL COURSE MATERIALS DESIGNED TO BE USED SOLELY AS A SINGLE UNIT AND WHOSE SEPARATION WOULD SUBSTANTIALLY DEGRADE THE ACADEMIC CONTENT SO THAT ITS COMPETITORS WOULD NOT BE USEFUL TO THE STUDENTS.".

On page 3, in line 1, strike "**(3)**" and substitute "**(7)**"; and after line 3, insert:

"**(8) "SUBSTANTIAL CONTENT" MEANS A PART OF A COLLEGE TEXTBOOK, SUCH AS NEW CHAPTERS, ADDITIONAL ERAS OF TIME, NEW THEMES, OR NEW SUBJECT MATTER.**

(9) (I) "SUPPLEMENTAL MATERIAL" MEANS EDUCATIONAL MATERIAL DEVELOPED TO ACCOMPANY A TEXTBOOK AND INCLUDES PRINTED MATERIALS AND ELECTRONIC MATERIALS INCLUDING COMPUTER DISKS AND WEB ACCESS CODES.

(II) "SUPPLEMENTAL MATERIAL" DOES NOT MEAN MATERIAL THAT IS BOUND BY THIRD-PARTY CONTRACTUAL AGREEMENT TO BE SOLD AS PART OF AN INTEGRATED TEXTBOOK.".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 4 on page 3 down through line 10 on page 4, inclusive.

On page 4, after line 10, insert:

"**(B) THIS SECTION DOES NOT APPLY TO THE OVERSEAS PROGRAMS OF THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE.**

(C) EACH PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION IN THE STATE SHALL DEVELOP AND IMPLEMENT:

(1) A CAMPAIGN TO ASSIST FACULTY AND MAKE THEM AWARE OF TEXTBOOK-RELATED ISSUES, INCLUDING:

(I) WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF ANY, OF TEXTBOOKS;

(II) VARIANCES IN WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF ANY, OF BUNDLED AND UNBUNDLED MATERIALS;

(III) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN A CURRENT EDITION OF A TEXTBOOK AND A PREVIOUS EDITION OF A TEXTBOOK

AS REPORTED TO THE INSTITUTION UNDER SUBSECTION (D) OF THIS SECTION; AND

(IV) THE FISCAL IMPACT TO STUDENTS OF THE HIGH COST OF TEXTBOOKS;

(2) A TEXTBOOK ADOPTION PROCESS THAT INCLUDES THE PROVISION OF INFORMATION TO INSTITUTIONS AND CAMPUS BOOKSTORES REGARDING THE AVAILABILITY AND SUGGESTED RETAIL PRICES OF CURRENT AND USED VERSIONS OF PARTICULAR TEXTBOOKS;

(3) A PROCEDURE BY WHICH BOOKSTORES AND STUDENTS ARE MADE AWARE OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER SUBSECTION (G) OF THIS SECTION;

(4) A BEST-PRACTICES PROCESS FOR FACULTY IN SELECTING TEXTBOOKS AND RELATED COURSE MATERIALS THAT:

(I) ENSURES EARLY ADOPTION OF TEXTBOOK AND OTHER COURSE MATERIALS;

(II) ENCOURAGES THE MAXIMUM USAGE OF USED TEXTBOOKS AND PREVIOUS EDITIONS OF TEXTBOOKS, WHEN POSSIBLE;

(III) FOR UNDERGRADUATE TEXTBOOKS, ENSURES THAT THE MAJORITY OF THE ASSIGNED MATERIAL WILL BE USED IN THE COURSE UNLESS IT WOULD BE IN THE STUDENT'S FINANCIAL INTEREST TO PURCHASE SEPARATE MATERIALS; AND

(IV) ENSURES THAT FACULTY ARE AWARE OF VARIOUS OUTLETS FOR THE SUPPLY OF TEXTBOOKS AND OTHER COURSE MATERIALS; AND

(5) A PROCEDURE BY WHICH FACULTY AFFIRM THAT USE OF A CURRENT EDITION OF A TEXTBOOK IS JUSTIFIED DUE TO A MATERIAL CHANGE IN SUBSTANTIAL CONTENT.

(D) EACH COMMERCIAL TEXTBOOK PUBLISHER THAT SELLS TEXTBOOKS AND OTHER MATERIALS TO A PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION SHALL DISCLOSE TO THE INSTITUTION:

(1) THE WHOLESALE PRICE AND SUGGESTED RETAIL PRICE, IF ANY, AT WHICH THE PUBLISHER INTENDS TO MAKE THE TEXTBOOK AVAILABLE TO A BOOKSTORE;

(2) VARIANCES IN WHOLESALE PRICE AND SUGGESTED RETAIL PRICES, IF ANY, BETWEEN BUNDLED AND UNBUNDLED MATERIALS;

(3) SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN THE CURRENT EDITION OF A TEXTBOOK AND A PREVIOUS EDITION OF A TEXTBOOK EXPRESSED AS AN ITEMIZED LIST; AND

(4) THE TITLE, AUTHOR, PUBLISHER, EDITION, COPYRIGHT DATE, PUBLICATION DATE WHEN AVAILABLE, AND ISBN OF TEXTBOOKS AND OTHER SUPPLEMENTAL MATERIALS, BOTH AS BUNDLED AND UNBUNDLED ITEMS.

(E) (1) A PUBLISHER AND A CAMPUS BOOKSTORE SHALL PROVIDE AND SELL TEXTBOOKS AND SUPPLEMENTAL MATERIALS IN THE SAME MANNER AS SELECTED AND ORDERED BY FACULTY.

(2) (I) IF A TEXTBOOK OR SUPPLEMENTAL MATERIAL IS UNAVAILABLE AS ORDERED, THE PUBLISHER AND THE CAMPUS BOOKSTORE SHALL WORK WITH THE FACULTY MEMBER TO FIND ALTERNATIVES.

(II) A PUBLISHER COLLABORATING WITH A CAMPUS BOOKSTORE AND A FACULTY MEMBER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL PROVIDE WHOLESALE PRICES AND SUGGESTED RETAIL PRICES, IF ANY, FOR ALTERNATIVES.

(3) A PUBLISHER THAT SELLS A TEXTBOOK AND ANY SUPPLEMENTAL MATERIALS ACCOMPANYING THE TEXTBOOK IN A BUNDLE

SHALL MAKE THE TEXTBOOK AND THE SUPPLEMENTAL MATERIALS AVAILABLE AS SEPARATE AND UNBUNDLED ITEMS, EACH SEPARATELY PRICED.".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 11 through 17, inclusive; after line 17, insert:

"**(F) (1) ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF POSTSECONDARY EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO A BOOKSTORE AS SOON AS A FACULTY MEMBER IDENTIFIES A TEXTBOOK AND TRANSMITS THE SELECTION TO A CAMPUS BOOKSTORE OR TO ANY OTHER BOOKSTORE UNDER THE JURISDICTION OF THE INSTITUTION.**";

in line 18, strike "**POSTED**" and substitute "**PROVIDED**"; in line 24, after "**THE**" insert "**COPYRIGHT DATE AND**"; in the same line, after "**DATE**" insert "**WHEN AVAILABLE**"; in the same line, strike "**AND**"; and in line 25, after "**ISBN**" insert "**; AND**

(VII) THE ANTICIPATED ENROLLMENT FOR THE COURSE.

(3) (I) AN INSTITUTION OF POSTSECONDARY EDUCATION SHALL MAKE THE INFORMATION LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AVAILABLE TO STUDENTS AND THE REST OF THE PUBLIC BY POSTING ON ITS WEBSITE BY THE EARLIER OF:

1. ONE WEEK FOLLOWING THE PROVISION OF INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

2. WHEN A CAMPUS BOOKSTORE OR OTHER BOOKSTORE UNDER THE JURISDICTION OF AN INSTITUTION PLACES A FINAL ORDER FOR A TEXTBOOK.

(II) IN ADDITION TO THE INFORMATION POSTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INSTITUTION SHALL POST ON ITS WEBSITE:

1. WHETHER SUPPLEMENTAL MATERIALS ARE REQUIRED OR ONLY SUGGESTED BY FACULTY; AND

2. WHETHER AN EARLIER EDITION OF AN ASSIGNED TEXTBOOK WILL SUFFICE".

AMENDMENT NO. 5

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 6 on page 5, inclusive.

On page 5, after line 6, insert:

"**(G) ON THE REQUEST OF A BOOKSTORE, IF A PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION ALLOWS A CAMPUS BOOKSTORE TO:**

(1) ADVERTISE OR SUBMIT ADVERTISING FOR INCLUSION IN ORIENTATION PACKETS, IN OTHER PRINT MATERIAL, OR ON THE WEBSITE OF THE INSTITUTION, THEN THE INSTITUTION SHALL ALLOW OTHER BOOKSTORES TO ADVERTISE OR SUBMIT ADVERTISING FOR THE SAME INCLUSION; AND

(2) ACCESS STUDENTS AS PART OF A PRESENTATION OR TOUR FOR A STUDENT GROUP OR A GROUP OF POTENTIAL STUDENTS, THEN THE INSTITUTION SHALL ALLOW OTHER BOOKSTORES TO HAVE THE SAME ACCESS TO STUDENTS.

(H) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE THE INSTITUTIONAL AUTONOMY OR ACADEMIC FREEDOM OF FACULTY INVOLVED IN THE SELECTION OF TEXTBOOKS AND SUPPLEMENTAL MATERIALS.";

in lines 8 and 14, in each instance, strike "2008" and substitute "2009"; strike beginning with "each" in line 8 down through "State" in line 9 and substitute "the University System of Maryland, St. Mary's College of Maryland, Morgan State University, and the Maryland Association of Community Colleges"; in line 10, strike "that institution" and substitute "the constituent or member institutions, as appropriate"; in line 11, strike "its" and substitute "their"; in line 19, after "each" insert "public"; strike beginning with "develop" in line 19 down through "students" in

line 20 and substitute "report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, regarding the "best-practices" policy developed under § 15–111(c)(4) of the Education Article, as enacted by Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2010, the Maryland Higher Education Commission, in consultation with the University System of Maryland, St. Mary's College of Maryland, Morgan State University, the Maryland Association of Community Colleges, and the Maryland Independent College and University Association, shall conduct a feasibility study regarding:

(1) the establishment of one or more textbook rental programs in Maryland that would allow students to lease textbooks on a per book, per credit hour, or per course basis, including an analysis of start-up costs and funding options such as private sector donations and grants; and

(2) the establishment of a statewide digital marketplace for textbooks and supplemental course materials including:

(i) an analysis of the infrastructure, technology, and support services necessary to allow institutions, students, faculty, bookstores, publishers, and other stakeholders to interact efficiently; and

(ii) a consideration of digital rights management capabilities and transactional processes needed for both fee-based and no-cost content.

(b) On or before December 31, 2010, the Maryland Higher Education Commission shall submit the results of the feasibility studies conducted under paragraph (a) of this section and make recommendations regarding textbook rental programs and the establishment of a digital marketplace including cost estimates to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, based on information gathered under subsection (a) of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The University System of Maryland, under the direction of the Board of Regents, shall conduct a study of changes that the University System of Maryland and

its constituent institutions can make to their business models regarding textbook assignments and textbook purchasing in order to reduce the cost of textbooks to students while preserving and enhancing the quality of educational materials available to students. Principles underlying this review shall include:

(1) the protection of academic freedom;

(2) the promotion of competition among publishers, bookstores, and other textbook vendors;

(3) the empowerment of faculty and students to access information about options which will strengthen their market power; and

(4) the exploration of:

(i) alternative approaches used in other universities, states, and countries;

(ii) new technologies; and

(iii) legal structures.

(b) The study conducted under subsection (a) of this section shall include, but not be limited to, an exploration of:

(1) using the market power of faculty and students to drive down prices;

(2) strategies to increase the use of used textbooks;

(3) the creation of textbook rental programs;

(4) increasing faculty awareness of textbook costs and options for reducing textbook costs;

(5) minimizing the impact of publishers' "planned obsolescence" marketing strategies; and

(6) cost-effective substitution of content-licensing for textbook purchasing.

(c) On or before December 1, 2009, the University System of Maryland shall submit to the Board of Regents and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, the results of the study required under subsection (a) of this section.

(d) Nothing contained in this section bars the University System of Maryland from implementing changes consistent with its intent before December 1, 2009";

and in line 21, strike "4" and substitute "6".

The preceding 5 amendments were read only.

Senator King moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 674 – Senator Brinkley

AN ACT concerning

Water Resources – Groundwater Appropriation or Use – Priority Funding Areas

SB0674/134236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 674
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the second "a"; in line 6, strike "area" and substitute "areas in certain counties"; in the same line, after "State" insert "under certain

circumstances"; in the same line, after the semicolon insert "authorizing the Department to adopt certain regulations;".

AMENDMENT NO. 2

On page 1, in line 23, after "**(B)**" insert "**(1)**"; in the same line, strike "**WHEN**" and substitute "**IN ACCORDANCE WITH THE POLICY DECLARED IN THIS SECTION, AND PROVIDED THAT IT WILL NOT JEOPARDIZE THE STATE'S NATURAL RESOURCES, WHEN**"; in the same line, strike "**OR USING**"; in the same line, after "**STATE**" insert "**IN CARROLL, FREDERICK, OR WASHINGTON COUNTIES**"; and in line 25, strike "**A**" and substitute "**:**

(I) A MUNICIPAL CORPORATION, NOT INCLUDING THOSE AREAS ANNEXED AFTER JANUARY 1, 2000; OR

(II) A".

On page 2, in line 1, strike "**1997**" and substitute "**2000**"; in the same line, strike "**§ 5–7B–03**" and substitute "**§ 5–7B–02(7)**"; and after line 2, insert:

"**(2) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.**".

The preceding 2 amendments were read only.

Senator Della 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:

Senate Bill 710 – Senator Lenett

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

Favorable report adopted by a roll call vote as follows:

Affirmative – 26 Negative – 19 (See Roll Call No. 485)

FLOOR AMENDMENT

SB0710/983929/1

BY: Senator Frosh

AMENDMENTS TO SENATE BILL 710
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "altering" and substitute "authorizing the Secretary of the Environment to extend"; and in line 5, after "phosphorus" insert "if a certain person pays to a certain fund certain costs; providing that the Secretary is solely responsible for making certain determinations".

AMENDMENT NO. 2

On page 2, in line 30, after "(c)" insert "**(1)**"; in the same line, strike "After" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER**"; in the same line, strike the brackets; in the same line, strike "**JULY 1, 2010**"; and after line 33, insert:

"**(2) (I) THE SECRETARY MAY EXTEND UNTIL JULY 1, 2010, THE PERIOD FOR THE MANUFACTURE, DISTRIBUTION, SALE, AND USE OF A DETERGENT FOR USE IN A HOUSEHOLD DISHWASHING MACHINE THAT CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT IF THE MANUFACTURER OF THE DETERGENT PAYS TO THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER § 8–2A–01 OF THE NATURAL RESOURCES ARTICLE:**

1. THE COST OF REMEDIATING THE IMPACT OF THE PHOSPHORUS IN THAT DETERGENT THAT EXCEEDS 0.5 PERCENT, DURING THE PERIOD OF THE EXTENSION, ON THE CHESAPEAKE BAY, AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

2. THE COST INCURRED BY THE DEPARTMENT IN MAKING THE DETERMINATION OF THE IMPACT ON THE CHESAPEAKE BAY UNDER SUBPARAGRAPH (II) 1 OF THIS PARAGRAPH.

(II) IN ESTABLISHING THE AMOUNT OF A PAYMENT BY A MANUFACTURER TO THE CHESAPEAKE BAY 2010 TRUST FUND, THE SECRETARY SHALL BE SOLELY RESPONSIBLE FOR DETERMINING:

1. THE COST OF REMEDIATING THE IMPACT OF THE PHOSPHORUS IN A DETERGENT THAT EXCEEDS 0.5 PERCENT ON THE CHESAPEAKE BAY; AND

2. THE COST TO THE DEPARTMENT IN MAKING THE DETERMINATION UNDER ITEM 1 OF THIS SUBPARAGRAPH.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 486)

FLOOR AMENDMENT

SB0710/533028/1

BY: Senator Frosh

AMENDMENT TO SENATE BILL 710
(First Reading File Bill)

On page 1, in line 2, strike "Environment – Phosphorus – Dishwashing Detergent" and substitute "Procter & Gamble Relief Act of 2008".

The preceding amendment was read only.

Senator Frosh moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 757 – Senator Colburn

AN ACT concerning

Wetlands – Construction of Structure on Pier – Dorchester County

SB0757/874238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 757
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Dorchester County" and substitute "Exception"; in line 3, strike beginning with "exempting" through "limiting" and substitute "authorizing the Board of Public Works to issue a license for"; in line 5, strike "or private"; in the same line, strike "in Dorchester County" and substitute "under certain circumstances; authorizing the Secretary of the Environment to issue a license for the construction of a dwelling unit or other non-water dependent structure on a pier located on State wetlands under certain circumstances"; in line 19, strike "**DORCHESTER AND**"; in the same line, strike the brackets; in the same line, strike "**COUNTIES**"; in line 20, strike "and" and substitute a comma; and in the same line, after "(3)" insert ", and (4)".

AMENDMENT NO. 2

On page 2, after line 4, insert:

"**(3) THE BOARD OF PUBLIC WORKS MAY ISSUE A LICENSE FOR A PROJECT INVOLVING THE CONSTRUCTION OF A NON-WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON STATE WETLANDS IF:**

(I) THE PROJECT IS LOCATED IN A MARINA OWNED BY THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION;

(II) THE PROJECT WILL ENHANCE MARITIME TRANSPORTATION, THE PRESERVATION OF HISTORIC LIGHTHOUSES, OR THE CONSTRUCTION OF HISTORICALLY ACCURATE REPLICAS;

(III) THE PROJECT IS APPROVED BY LOCAL PLANNING AND ZONING AUTHORITIES;

(IV) THE PROJECT IS LOCATED IN A PRIORITY FUNDING AREA AS DESIGNATED UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(V) THE PROJECT IS LOCATED IN AN AREA THAT HAS BEEN EXCLUDED FROM A LOCAL CRITICAL AREA PROGRAM ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS UNDER § 8–1807(C)(1)(I)1 OF THE NATURAL RESOURCES ARTICLE.";

in lines 5 and 29, strike "(3)" and "(4)", respectively, and substitute "**(4)**" and "**(5)**", respectively.

On page 3, in line 8, strike "paragraph" and substitute "**PARAGRAPHS**"; in the same line, after "(2)" insert "**AND (3)**"; after line 11, insert:

"**(2) THE SECRETARY MAY ISSUE A LICENSE FOR A PROJECT INVOLVING THE CONSTRUCTION OF A NON-WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON PRIVATE WETLANDS IF:**

(I) THE PROJECT IS LOCATED IN A MARINA OWNED BY THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION;

(II) THE PROJECT WILL ENHANCE MARITIME TRANSPORTATION, THE PRESERVATION OF HISTORIC LIGHTHOUSES, OR THE CONSTRUCTION OF HISTORICALLY ACCURATE REPLICAS;

(III) THE PROJECT IS APPROVED BY LOCAL PLANNING AND ZONING AUTHORITIES;

(IV) THE PROJECT IS LOCATED IN A PRIORITY FUNDING AREA AS DESIGNATED UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(V) THE PROJECT IS LOCATED IN AN AREA THAT HAS BEEN EXCLUDED FROM A LOCAL CRITICAL AREA PROGRAM ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS UNDER § 8–1807(C)(1)(I)1 OF THE NATURAL RESOURCES ARTICLE.";

in line 12, strike "(2)" and substitute "**(3)**"; and in line 37, 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 with amendments:

Senate Bill 860 – Senator Glassman

AN ACT concerning

Forest and Park Wardens – Responsibilities

SB0860/814934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 860
(First Reading File Bill)

On page 1, in line 4, after "fire;" insert "requiring a forest or park warden to take certain actions under certain circumstances;"; and in line 22, before "**THE**" insert "**OR IS REQUESTED BY A FIRE COMPANY TO ASSIST WITH A FIRE PLOW OR PROVIDE INCIDENT COMMAND EXPERTISE AT THE SCENE,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #16

CONSENT CALENDAR #7

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 128 – Senators Exum, Currie, and Peters

AN ACT concerning

Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business

SB0128/934733/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 128
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "that" insert ", in"; and in line 5, strike "does" and substitute ", the court may".

AMENDMENT NO. 2

On page 2, in line 7, strike "**AN**" and substitute "**IN AN**"; and in line 8, strike "**DOES**" and substitute "**, THE COURT MAY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 584 – Senators Della, Gladden, and McFadden

AN ACT concerning

Baltimore City – Alcoholic Beverages Act of 2008

SB0584/544438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 584
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "the current" and substitute "a certain"; in line 14, after "Board;" insert "specifying that the chairman and other members of the Board are eligible to receive certain health benefits;"; in line 19, after "Board;" insert "providing for a registration fee; prohibiting the Board from accepting a renewal of a registration without a hearing under certain circumstances;"; and in line 26, strike "and 8–403.1(d)(1)".

On page 2, in line 2, strike beginning with "5–101(a)(1)" through "5–401(a)(1),"; in line 3, strike the second comma and substitute "and"; in the same line, strike "and (4)(i), 6–301(a)(1)"; in line 4, strike "8–203(d)(1), 8–403.1(a),"; in the same line, strike "11–503(b)(2)(iii),"; in line 10, strike beginning with "5–101(d)" through "5–401(d),"; in line 11, strike the second comma and substitute "and"; in the same line, strike "and (4)(ii), 6–301(d),"; in line 12, strike "8–203(d)(7), 8–403.1(d)(1),"; in line 13, strike "11–503(b)(2)(i) and (ii), 15–109(d)(1)" and substitute "15–109(d)"; and in line 19, strike "8–403.1(d)(1),".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 19 on page 3, inclusive.

On page 4, in line 13, strike "**$1,320**" and substitute "**:**

1. $1,320 FOR A LICENSED ESTABLISHMENT WITH A SEATING CAPACITY OF 200 OR FEWER; AND

2. $1,800 FOR A LICENSED ESTABLISHMENT WITH A SEATING CAPACITY OF MORE THAN 200";

in line 15, strike "**$6,600**" and substitute "**$6,500**"; strike in their entirety lines 18 through 23, inclusive; strike beginning with "**DISK**" in line 29 down through "**, OR**" in line 30; and in line 30, strike "**; OR**" and substitute "**; AND**".

On page 5, strike in their entirety lines 1 through 7, inclusive; and strike in their entirety lines 16 through 26, inclusive.

On page 6, strike beginning with "**CURRENT**" in line 9 down through "**PLAN**" in line 10 and substitute "**LEGISLATIVE DISTRICTS IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002**".

On page 7, in line 24, strike "**PARAGRAPHS (2) AND (3)**" and substitute "**PARAGRAPH (2)**".

On pages 7 and 8, strike in their entirety the lines beginning with line 29 on page 7 through line 4 on page 8, inclusive.

On page 8, in lines 16 and 24, in each instance, strike "**70**" and substitute "**75**"; in line 16, strike "**$750,000**" and substitute "**$700,000**"; in line 24, strike "**$600,000**" and substitute "**$700,000**"; and in line 32, after "**TRANSFERRED**" insert "**TO ANOTHER LOCATION**".

On page 10, strike in their entirety lines 10 through 28, inclusive; in line 29, strike "**(H)**" and substitute "**(G)**"; and strike beginning with "**EXCEPT**" in line 29 down through "**ANY**" in line 31 and substitute "**A**".

On page 11, in line 1, strike "**LICENSES**" and substitute "**LICENSE MAY NOT BE ISSUED WITHIN OR TRANSFERRED**"; strike in their entirety lines 7 through 12, inclusive; and in line 30, after "wine;" insert "**AND**".

On pages 11 and 12, strike beginning with "; and" in line 31 on page 11 down through "Plan" in line 5 on page 12.

On page 12, in line 22, strike "**THE COUNTY**" and substitute "**BALTIMORE CITY**".

On page 13, in line 31, strike "**$60**" and substitute "**$75**".

AMENDMENT NO. 3

On page 14, strike in their entirety lines 1 through 11, inclusive; and after line 16, insert:

"**(2) THE CHAIRMAN AND THE OTHER MEMBERS OF THE BOARD ARE ELIGIBLE TO RECEIVE THE SAME HEALTH BENEFITS THAT FULL-TIME LIQUOR INSPECTORS OF THE BOARD RECEIVE.**

[(2)**] (3)** The Board shall appoint an executive secretary and a deputy executive secretary whose salaries shall be fixed by the Board, subject to approval by the State Comptroller.

[(3)**] (4)** The executive secretary and the deputy executive secretary shall be residents of Baltimore City and of high character and integrity.

[(4)**] (5)** The executive secretary and the deputy executive secretary shall be appointed upon the basis of their executive skill and ability and once appointed shall hold office during good behavior regardless of changes in members constituting the Board. They shall be removed only for incompetency or immorality upon charges furnished in writing by the Board setting forth the grounds for dismissal and after opportunity for hearing.

[(5)**] (6)** Either the executive secretary or the deputy executive secretary shall be a member of the Bar of this State.";

in line 24, strike "$1,200" and substitute "**$3,600**"; and in line 30, strike "**ADMINISTRATIVE**" and substitute "**ASSISTANT**".

On page 15, in line 13, strike "**088**" and substitute "**093**"; in line 16, strike "**095**" and substitute "**099**"; in line 17, strike "**093**" and substitute "**097**"; and in line 18, strike "**095**" and substitute "**099**".

On page 16, in lines 8 and 9, in each instance, strike the bracket; in line 9, strike "**HAVE THE ESTABLISHMENT REGISTERED BY**"; in line 10, after "City" insert "**AND PAY THE APPLICATION FEE THAT THE BOARD SETS**"; in line 16, strike "**THE BOARD**" and substitute "**BALTIMORE CITY**"; after line 19, insert:

"**(II) BEFORE THE BOARD MAY APPROVE AN APPLICATION AND ACCEPT THE REGISTRATION, THE APPLICANT SHALL PROVIDE COPIES OF ALL INSPECTIONS BY THE APPROPRIATE AGENCIES, A TRADER'S LICENSE, A SALES AND USE TAX LICENSE, AND A USE AND OCCUPANCY PERMIT.**";

in line 20, strike "**(II)**" and substitute "**(III)**"; in the same line, strike "**AFTER**" and substitute "**AT**"; in line 22, strike "**§ 10–202(A)(2)**" and substitute "**§ 10-202(A)(2)(II)**"; and after line 22, insert:

"**(IV) 1. A REGISTRATION OF A BOTTLE CLUB UNDER THIS SUBSECTION REMAINS IN EFFECT FOR 1 YEAR.**

2. SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, A REGISTRATION THAT IS ACCEPTED BY THE BOARD MAY BE RENEWED EACH YEAR IN ACCORDANCE WITH THE SAME RENEWAL PROCEDURES USED FOR LIQUOR LICENSES.

3. A PERSON THAT SEEKS TO RENEW A REGISTRATION SHALL PAY THE RENEWAL FEE THAT THE BOARD ESTABLISHES.

(V) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE BOARD MAY NOT ACCEPT A RENEWAL OF A REGISTRATION WITHOUT A HEARING IF A PROTEST HAS BEEN FILED AGAINST THE RENEWAL AT LEAST 30 DAYS BEFORE THE EXPIRATION OF THE REGISTRATION.

2. A PROTEST SHALL BE:

A. INSTITUTED BY THE BOARD; OR

B. SIGNED BY AT LEAST 10 RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR ANY LICENSE ISSUED UNDER THIS ARTICLE, OR REAL ESTATE OWNERS IN THE IMMEDIATE VICINITY IN WHICH THE BOTTLE CLUB IS LOCATED.

(VI) THE BOARD MAY REVOKE OR REFUSE TO RENEW A REGISTRATION.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 626 – Senator Muse

EMERGENCY BILL

AN ACT concerning

Prince George's County – Alcoholic Beverages – Convention Center License

SB0626/314135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 626
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Muse" and substitute "Senators Muse and Peters".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 496 – Senator Della

AN ACT concerning

Baltimore City – Alcoholic Beverages Licenses – Restaurants in Business Planned Unit Development

SB0496/354539/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 496
(First Reading File Bill)

On page 2, in line 34, strike "**$600,000**" and substitute "**$700,000**"; and in the same line, strike "**70**" and substitute "**75**".

On page 3, in line 4, strike the brackets; strike beginning with "**EXCEPT**" in line 4 down through "**WARD**" in line 5; and in line 9, strike "Ward" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (1)(III)5 OF THIS SUBSECTION, WARD**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0496/303127/1

BY: Senator Della

AMENDMENT TO SENATE BILL 496
(First Reading File Bill)

On page 3, in line 9, strike "47th" and substitute "46th".

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 46 Members present.

(See Roll Call No. 487)

ADJOURNMENT

At 1:08 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 19, 2008.