JOURNAL

of

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of the

SENATE

of

MARYLAND

REGULAR SESSION, 2008

VOLUME III

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Annapolis, Maryland
Wednesday, March 19, 2008
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Reverend Dr. Washington Johnson, II. Serves as Chaplain in the U. S. Naval Reserve, assigned to Naval District Washington D. C., guest of Senator Munson.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 18, 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. 489)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Staff Sergeant Joseph Michael Scott McCauley	Senator David R. Brinkley	370

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 490)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #21

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

Senate Bill 252 – Senator Astle

AN ACT concerning

Anne Arundel County – Prospective Employees – Criminal History Records Checks

SB0252/978874/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 252
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Prospective" insert "or Current"; in the same line, after "Employees" insert "or Volunteers"; in lines 4, 7, and 10, in each instance, strike "Director of Administration" and substitute "Personnel Officer"; in lines 7, 9, 10, and 17, in each instance, after "prospective" insert "or current"; in lines 7 and 10, in each instance, after "employee" insert "or volunteer"; in line 9, after "employee's" insert "or volunteer's"; in line 13, strike "employment" and substitute "personnel–related"; in line 15, strike "authorizing" and substitute "requiring"; and in line 17, after "employees" insert "or volunteers".

AMENDMENT NO. 2

On page 2, in lines 5, 13, and 26, strike "Director of Administration", "**DIRECTOR OF ADMINISTRATION**", and "**DIRECTOR OF ADMINISTRATION**", respectively, and substitute "**PERSONNEL OFFICER**", respectively; in line 6, strike the brackets; in the same line, strike "**SHALL APPLY TO**" and substitute "**FROM**"; in the same line, strike "**FOR**"; in line 7, strike the second set of brackets; and in the same line, strike "**EACH**"; in line 8, strike "employee" and substitute "**OR CURRENT EMPLOYEE OR VOLUNTEER**"; in lines 16 and 27, in each instance, strike "**EMPLOYEE'S**" and substitute "**OR CURRENT EMPLOYEE'S OR VOLUNTEER'S**"; in line 26, strike "**EMPLOYEE**" and substitute "**OR CURRENT EMPLOYEE OR VOLUNTEER**"; in line 33, strike "**THE EMPLOYMENT**" and substitute "**A PERSONNEL-RELATED**"; and in the same line, after "**PURPOSE**" insert "**CONCERNING A PROSPECTIVE OR CURRENT EMPLOYEE OR VOLUNTEER OF THE COUNTY AS**".

On page 3, in line 5, strike "**MAY**" and substitute "**SHALL**".

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 659 – Carroll County Senators

EMERGENCY BILL

AN ACT concerning

Carroll County – Local Ordinance Creating a County Police Department – Submission to Local Referendum

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 685 – Senators Rosapepe and Peters

AN ACT concerning

Prince George's County – Roadside Advertising or Solicitation of Money or Donations – Prohibition

SB0685/168575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 685
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Advertising or"; strike beginning with the second "or" in line 5 down through "message" in line 6; in lines 8 and 11, in each instance,

strike "or to advertise any message"; in line 12, after "violation;" insert "providing for the issuance of a certain warning to a first–time offender; providing a certain penalty for subsequent offenses;"; and in line 14, strike "advertising or".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 11 down through "**SOLICIT**" in line 12 and substitute "**SOLICIT**"; and strike beginning with the semicolon in line 13 down through "**MESSAGE**" in line 14.

AMENDMENT NO. 3

On page 2, after line 33, insert:

"**(4) THIS SUBSECTION SHALL BE ENFORCED:**

(I) BY THE ISSUANCE OF A WARNING THAT INFORMS THE OFFENDER OF THE REQUIREMENTS OF THIS SUBSECTION IF IT IS THE OFFENDER'S FIRST VIOLATION; AND

(II) UNDER § 27–101 OF THIS ARTICLE IF IT IS THE OFFENDER'S SECOND OR SUBSEQUENT VIOLATION.".

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 732 – Harford County Senators

AN ACT concerning

Harford County – Gaming

Senator Currie moved, duly seconded, that the bill be re–referred to the Committee on Budget and Taxation.

The motion was adopted.

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

Senate Bill 798 – Senator Dyson

AN ACT concerning

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

SB0798/578173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 798
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the semicolon insert "requiring a copy of a certain notice of termination to be sent to the County Commissioners if the use of land of a park in St. Mary's County is changed;"; and in line 13, after "Section" insert "8A–202(c)(3) and".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"8A–202.

(c) (3) **(I)** If the use of land is changed, all residents shall be entitled to a 1–year prior written notice of termination notwithstanding the provisions of a longer term in a rental agreement.

(II) IN ST. MARY'S COUNTY, IF THE USE OF LAND IS CHANGED, THE PARK OWNER SHALL SEND TO THE COUNTY COMMISSIONERS A COPY OF THE WRITTEN NOTICE OF TERMINATION SENT TO THE RESIDENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #22

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

Senate Bill 392 – Senators Forehand, Conway, Garagiola, Jones, Kelley, King, Madaleno, Pinsky, and Raskin

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

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 516 – Senators Raskin, Astle, Brochin, Colburn, Conway, Currie, Forehand, Garagiola, Jacobs, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Muse, Peters, Pinsky, Pugh, Robey, Rosapepe, Stoltzfus, and Stone

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

SB0516/298677/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 516
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Greenip".

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 607 – Senators Pugh and McFadden (By Request – Baltimore City Administration) and Senators Gladden and Jones

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

SB0607/288576/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 607
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 7 down through "circumstances;" in line 13; and in line 20, strike "defining a certain term;" and substitute "providing for the termination of this Act;".

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 3 on page 2, inclusive.

AMENDMENT NO. 2

On page 3 in lines 5 and 34, on page 5 in line 19, on page 7 in lines 24 and 25, and on page 8 in lines 5 and 6 and 26 and 27, in each instance, strike "**AS HAVING COMMITTED A DELINQUENT**" and substitute "**DELINQUENT FOR AN**".

AMENDMENT NO. 3

On pages 5 through 7, strike in their entirety the lines beginning with line 31 on page 5 through line 8 on page 7, inclusive.

On page 9, in line 13, after "2008." insert "It shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 10 of the Acts of the General Assembly of 2006, as amended by Section 1 of this Act. If that

termination provision takes effect, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 615 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Stalking and Domestic Violence – Cruelty Toward a Pet or Service Animal

SB0615/168474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 615
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Stalking and"; strike beginning with "altering" in line 3 down through "cruelty;" in line 5; in line 13, strike "amending a certain definition;"; in line 14, strike "stalking and"; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 16 on page 2 through line 25 on page 3, inclusive.

The preceding 2 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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 632 – Senators Jacobs, Forehand, Jones, Kelley, Kittleman, Kramer, McFadden, Munson, Muse, Pugh, Raskin, and Stone

AN ACT concerning

Social Services Administration – Children Subject to Threatened Injury – Identification and Notice

SB0632/368570/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 632
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Threatened Injury" and substitute "Substantial Risk of Abuse or Neglect"; in lines 4 and 5, strike "allow the disclosure of certain birth records data" and substitute "provide certain birth record information"; strike beginning with "use" in line 7 down through "term" in line 13 and substitute "provide certain information regarding certain individuals to the Secretary; requiring the Executive Director to take certain action following the receipt of certain information from the Secretary; providing a certain exception to the confidentiality of certain vital records"; in line 14, strike "threatened injury" and substitute "substantial risk of abuse or neglect"; and after line 19 insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–224
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 9, inclusive, and substitute:

"**4–222.**

THE SECRETARY SHALL PROVIDE TO THE EXECUTIVE DIRECTOR OF THE SOCIAL SERVICES ADMINISTRATION IN THE DEPARTMENT OF HUMAN RESOURCES BIRTH RECORD INFORMATION FOR A CHILD BORN TO AN INDIVIDUAL WHOSE IDENTIFYING INFORMATION HAS BEEN PROVIDED TO THE SECRETARY BY THE EXECUTIVE DIRECTOR UNDER § 5–715 OF THE FAMILY LAW ARTICLE.

4–224.

To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, a person may not, except as authorized in § 4–217, § 4–220, [or] § 4–221**, OR § 4–222** of this subtitle or § 9–1015 of the State Government Article or by the rules and regulations of the Department:

(1) Permit inspection of or disclose any information contained in a vital record; or

(2) Copy or issue a copy of all or part of any vital record.".

On pages 2 and 3, strike in their entirety the lines beginning with line 11 on page 2 through line 2 on page 3, inclusive, and substitute:

"**5–715.**

(A) THE EXECUTIVE DIRECTOR OF THE ADMINISTRATION SHALL PROVIDE THE SECRETARY OF HEALTH AND MENTAL HYGIENE WITH IDENTIFYING INFORMATION REGARDING INDIVIDUALS WHO HAVE HAD THEIR PARENTAL RIGHTS TERMINATED.

(B) IF IN ACCORDANCE WITH § 4–222 OF THE HEALTH – GENERAL ARTICLE, THE SECRETARY PROVIDES TO THE EXECUTIVE DIRECTOR BIRTH RECORD INFORMATION FOR A CHILD BORN TO AN INDIVIDUAL WHOSE IDENTIFYING INFORMATION HAS BEEN PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL:

(1) IDENTIFY THE CHILD AS SUBJECT TO SUBSTANTIAL RISK OF ABUSE OR NEGLECT;

(2) VERIFY THE IDENTITY OF THE BIRTH PARENT; AND

(3) IMMEDIATELY NOTIFY THE LOCAL DEPARTMENT OF THE COUNTY IN WHICH THE CHILD RESIDES THAT THERE IS A NEWBORN RESIDING IN THE COUNTY WHO IS SUBJECT TO SUBSTANTIAL RISK OF ABUSE OR NEGLECT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #23

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

Senate Bill 578 – Senator Forehand

AN ACT concerning

Vehicle Laws – Medical Advisory Board – Confidentiality

SB0578/858079/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 578
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Confidentiality" and substitute "Use of Confidential Records and Reports"; strike beginning with "Medical" in line 3 down through "purposes" in line 4 and substitute "Motor Vehicle Administration to use certain information in certain confidential reports and records for driver safety research"; in line 5, after the semicolon insert "authorizing the Administration to contract with third parties to assist with driver safety research;"; and strike beginning with

"disclosure" in line 5 down through "Board" in line 6 and substitute "use of certain confidential reports and records".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 13 through 17, inclusive, and substitute:

"**(2) THE ADMINISTRATION MAY USE INFORMATION IN ITS RECORDS FOR THE PURPOSE OF DRIVER SAFETY RESEARCH, PROVIDED THAT PERSONAL INFORMATION IS NOT PUBLISHED OR DISCLOSED.**

(3) THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES TO ASSIST WITH DRIVER SAFETY RESEARCH.";

and in line 18, strike "**(3)**" and substitute "**(4)**".

On page 3, strike in their entirety lines 11 through 15, inclusive, and substitute:

"**(2) THE ADMINISTRATION MAY USE INFORMATION IN THE REPORTS IT RECEIVES FOR THE PURPOSE OF DRIVER SAFETY RESEARCH, PROVIDED THAT PERSONAL INFORMATION IS NOT PUBLISHED OR DISCLOSED.**

(3) THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES TO ASSIST WITH DRIVER SAFETY RESEARCH.";

and in line 16, strike "**(3)**" and substitute "**(4)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 712 – Senators Haines, Astle, Brinkley, Colburn, DeGrange, Della, Exum, Garagiola, Glassman, Kramer, Munson, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Failure to Yield Right–of–Way – Penalties for Death or Serious Bodily Injury

SB0712/368572/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 712
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Jacobs, Mooney, and Simonaire".

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 789 – Senator Forehand

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

Senator Kelley moved, duly seconded, to make the Bill and Report a Special Order for March 20, 2008.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #24

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

Senate Bill 441 – Senators Frosh, Brochin, and Garagiola

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

SB0441/928170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 441
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Garagiola" and substitute "Garagiola, Forehand, Jacobs, Mooney, Raskin, Simonaire, and Stone"; in line 19, after the semicolon insert "requiring that the form of certain petitions and pleadings and the procedures to be followed by a court under certain circumstances be specified in the Maryland Rules; requiring that certain allegations be proven by clear and convincing evidence before a certain determination is made;".

AMENDMENT NO. 2

On page 6, after line 26, insert:

"**(3) THE FORM OF PETITIONS AND ALL OTHER PLEADINGS UNDER THIS SUBSECTION AND, EXCEPT AS OTHERWISE PROVIDED UNDER TITLE 3 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE, THE PROCEDURES TO BE FOLLOWED BY THE COURT UNDER THIS SUBSECTION SHALL BE SPECIFIED IN THE MARYLAND RULES.**

(4) BEFORE A DETERMINATION IS MADE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE ALLEGATIONS REGARDING RISK OF COMMITTING A FUTURE SEXUAL OFFENSE SHALL BE PROVED BY CLEAR AND CONVINCING EVIDENCE.".

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 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

Favorable report adopted.

FLOOR AMENDMENT

SB0914/763125/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 914
(First Reading File Bill)

On page 2, in line 10, strike "**AN**" and substitute "**A MARYLAND**".

The preceding amendment was read only.

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

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #25

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

Senate Bill 274 – Senators Stone and Della

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors – Notice of Vehicle Acquisition

SB0274/598375/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 274
(First Reading File Bill)

On page 2, in line 30, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 276 – Senators Stone, Colburn, Conway, Dyson, Haines, Klausmeier, Kramer, McFadden, Munson, Peters, and Raskin

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

SB0276/478075/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 276
(First Reading File Bill)

On page 3, in line 12, after "study" insert ":

(i)";

in the same line, after the semicolon insert "and

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

in line 26, after "concerning" insert ":

(i)";

and in line 28, before the period insert "; and

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

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 572 – Senators Klausmeier and Stone

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Baltimore County

SB0572/668277/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 572
(First Reading File Bill)

On page 3, in line 14, strike "Budget" and substitute "**BUDGET, OR THE BUDGET OF THE COUNTY IN WHICH THE COURT IS LOCATED,**".

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 #14

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 305 – Senator Middleton

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date Extension and Modifications

SB0305/397773/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 305
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "workers;" insert "repealing a requirement that the Commission assess certain measures of quality and certain other rate system issues;"; strike beginning with "requiring" in line 13 down through "providers;" in line 14; strike beginning with the second "requiring" in line 15 down through "data" in line 18 and substitute "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"; and strike beginning with "requiring" in line 20 down through "recommendations;" in line 21.

AMENDMENT NO. 2

On page 4, in line 21, strike "Measures of quality and how" and substitute "**HOW**"; in line 22, after "methodology;" insert "**AND**"; and strike beginning with the semicolon in line 26 down through "appropriate" in line 30.

On page 5, strike beginning with the colon in line 5 down through "Review" in line 6 and substitute "**, REVIEW**"; strike in their entirety lines 9 through 12, inclusive; and strike beginning with "With" in line 13 down through "(4)" in line 26.

On page 7, in line 2, strike the brackets; and strike beginning with the semicolon in line 5 down through "**SERVICES**" in line 7.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 344 – Senators Garagiola, Astle, Exum, Kelley, Klausmeier, and Pugh

AN ACT concerning

The Flexible Leave Act

Senator Greenip moved, duly seconded, to make the Bill and Report a Special Order for March 20, 2008.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 510 – Senator Middleton

AN ACT concerning

Mile Thoroughbred Racing – Racing Days – Additional License

SB0510/507772/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 510
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Racing" and substitute "Live Racing"; in line 5, after "of" insert "live"; in the same line, after "conditions;" insert "providing a certain exception;"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–510
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, after line 23, insert:

"11–510.

(a) Except as provided in subsection (b) of this section **AND § 11–511(C) OF THIS SUBTITLE**, the Commission may not issue a license, or award racing days, for racing at a mile track.

(b) The Commission may issue a license and award racing days only to:

(1) the Maryland Jockey Club of Baltimore City, Inc.;

(2) the Laurel Racing Assoc., Inc.; and

(3) one other racing association for racing at a track located in Allegany County that is owned and operated by the racing association.".

AMENDMENT NO. 3

On page 2, in line 1, after "**OF**" insert "**LIVE**"; in line 2, after "**AWARDS**" insert "**LIVE**"; and in line 6, after "**MANY**" insert "**LIVE**".

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 682 – Senator Middleton

AN ACT concerning

Medical Assistance Program – Long–Term Care Eligibility – Consolidation Plan

SB0682/787076/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 682
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 25, strike "and".

On page 2, in line 2, after "services" insert ", including considering whether the face–to–face interview required under § 10.09.24.04 of the Code of Maryland Regulations should be eliminated for long–term care eligibility determinations; and

(iv) consider creating a financial and technical resource center for assisting caseworkers in determining long–term care eligibility".

AMENDMENT NO. 2

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 852 – Senators Kasemeyer, Kittleman, and Robey

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

SB0852/357178/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 852
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "law;" insert "requiring a public–private health care program to disapprove an application under certain circumstances;".

On page 2, in line 1, strike "14–709" and substitute "14–710".

AMENDMENT NO. 2

On page 2, in line 23, strike "**AND**"; after line 23, insert:

"**(2) IS NOT COVERED UNDER A HEALTH BENEFIT PLAN ISSUED UNDER TITLE 15, SUBTITLE 12 OF THIS ARTICLE; AND**";

and in line 24, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 3

On page 4, in line 17, strike "**AND**"; in line 19, after "**PARTICIPANTS;**" insert "**AND**

5. THE PROCEDURES TO BE USED TO MONITOR APPLICATIONS FOR ENROLLMENT TO DETERMINE WHETHER AN INDIVIDUAL HAS VOLUNTARILY TERMINATED COVERAGE UNDER A HEALTH BENEFIT PLAN ISSUED UNDER TITLE 15, SUBTITLE 12 OF THIS ARTICLE;".

AMENDMENT NO. 4

On page 5, after line 22, insert:

"**A PUBLIC–PRIVATE HEALTH CARE PROGRAM MAY NOT APPROVE AN APPLICATION FOR ENROLLMENT IF IT IS DETERMINED THAT THE INDIVIDUAL FOR WHOM THE APPLICATION WAS SUBMITTED WAS COVERED BY A HEALTH BENEFIT PLAN ISSUED UNDER TITLE 15, SUBTITLE 12 OF THIS ARTICLE THAT WAS VOLUNTARILY TERMINATED BY THE INDIVIDUAL WITHIN 6 MONTHS PRECEDING THE DATE OF THE APPLICATION.**

14–707.".

AMENDMENT NO. 5

On page 6, in lines 24 and 31, strike "**14–707.**" and "**14–708.**", respectively, and substitute "**14–708.**" and "**14–709.**", respectively.

On page 8, in line 6, strike "**14–709.**" and substitute "**14–710.**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 872 – Senator Peters

AN ACT concerning

Veterans of Afghanistan and Iraq Mental Health Pilot Program

SB0872/757470/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 872
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Peters" and substitute "Senators Peters, Astle, Della, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Pugh"; in line 8, strike "requiring" and substitute "authorizing"; in line 9, after "year" insert "under certain circumstances; prohibiting the Department of Health and Mental Hygiene from providing any funds to the Pilot Program unless the Department and Montgomery County General Hospital enter into a certain agreement"; in line 11, after "date;" insert "defining certain terms;"; and in line 16, strike "10–1604" and substitute "10–1605".

AMENDMENT NO. 2

On page 1, after line 25, insert:

"**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) "PILOT PROGRAM" MEANS THE VETERANS OF AFGHANISTAN AND IRAQ MENTAL HEALTH PILOT PROGRAM.

(C) "UNIFORMED SERVICES" HAS THE MEANING STATED IN 10 U.S.C. § 101.

(D) "VETERAN" MEANS A MARYLAND RESIDENT WHO:

(1) SERVED ON ACTIVE DUTY IN THE UNIFORMED SERVICES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE; AND

(2) (I) SERVED IN AFGHANISTAN OR CONTIGUOUS AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER OCTOBER 24, 2001, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED STATES SECRETARY OF DEFENSE; OR

(II) SERVED IN IRAQ OR CONTIGUOUS WATERS OR AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER MARCH 19, 2003, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED STATES SECRETARY OF DEFENSE.

10–1602.".

AMENDMENT NO. 3

On page 2, in line 4, strike "**10–1602.**" and substitute "**10–1603.**"; in line 7, strike "**AN INDIVIDUAL**" and substitute "**A VETERAN**"; strike beginning with the colon in line 7 down through "**INDIVIDUAL'S**" in line 11 and substitute "**, AS A RESULT OF THE VETERAN'S**"; in line 13, strike "**AN INDIVIDUAL**" and substitute "**A VETERAN**"; in line 20, strike "**10–1603.**" and substitute "**10–1604.**"; in line 21, strike "**IN**" and substitute "**(A) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, IN**"; in the same line, strike "**SHALL**" and substitute "**MAY**"; in line 22, strike "**AT LEAST**"; after line 23, insert:

"**(B) THE DEPARTMENT MAY NOT PROVIDE ANY FUNDS TO THE PILOT PROGRAM UNTIL THE DEPARTMENT AND MONTGOMERY COUNTY GENERAL**

HOSPITAL ENTER INTO A WRITTEN AGREEMENT UNDER WHICH THE HOSPITAL AGREES TO MATCH ANY FUNDS PROVIDED BY THE DEPARTMENT TO THE PILOT PROGRAM.";

and in line 24, strike "**10–1604.**" and substitute "**10–1605.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0872/613928/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 872, AS AMENDED

On page 1 of the Finance Committee Amendments (SB0872/757470/1), in line 3 of Amendment No. 1, strike "and Pugh" and substitute "Pugh, and Colburn".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 946 – Senator Middleton

AN ACT concerning

Hospital Regulation and Financing – Maryland Hospital Bond Program and User Fees of the Health Services Cost Review Commission

SB0946/837578/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 946
(First Reading File Bill)

On page 3, in lines 16 and 30, in each instance, strike "**BODY**".

On page 6, in line 6, after "**IN**" insert "**TITLE 10, SUBTITLE 3,**".

The preceding amendment was 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 141 – Charles County Delegation

AN ACT concerning

Charles County – Test Borings and Soil Tests – Entry on Private Land

FOR the purpose of authorizing an agent, employee, or assistant of Charles County to enter on private land under certain circumstances to make certain tests, and seek certain information to determine the possibility of public use of the property; authorizing Charles County to apply to a certain law court for an order directing that Charles County's agent, employee, or assistant be permitted to enter and remain on the land for certain purposes, subject to certain conditions; and generally relating to expanding the right of entry on private land to make test borings and soil tests to Charles County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 12–111(f)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 167 – Howard County Delegation

AN ACT concerning

Howard County – Installation of Multiuse ~~Septic~~ Sewerage Systems
Ho. Co. 11–08

FOR the purpose of authorizing the governing body of Howard County to enact local laws governing the installation and use of multiuse ~~septic~~ sewerage systems; and generally relating to multiuse ~~septic~~ sewerage systems in Howard County.

BY adding to
Article – Environment
Section 9–1106
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 180 – Allegany County Delegation

AN ACT concerning

Allegany County Planning Commission – Membership

FOR the purpose of increasing the number of members of the Allegany County Planning Commission to nine; and generally relating to the Allegany County Planning Commission.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 14.01
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 261 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Deputy Sheriffs – Repeal of Residency Requirement

FOR the purpose of repealing the requirement for deputy sheriffs in St. Mary's County to establish legal residence in the county before receiving permanent status; and generally relating to deputy sheriffs in St. Mary's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 120–2 C.
Article 19 – 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 305 – Howard County Delegation

AN ACT concerning

Howard County – Enabling Legislation – ~~Septic~~ Sewerage System Performance Bond
Ho. Co. 12–08

FOR the purpose of authorizing the Howard County governing body to require the recipient of a permit to install a multiuse ~~septic~~ sewerage system to post a performance bond before installing the multiuse ~~septic~~ sewerage system; and generally relating to performance bonds and multiuse ~~septic~~ sewerage systems.

BY adding to
Article – Environment
Section ~~9–519~~ 9–1106
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 330 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Assistant Sheriff

FOR the purpose of replacing the rank of Captain with that of Assistant Sheriff in the Sheriff's Office of St. Mary's County; and generally relating to the Sheriff's Office of St. Mary's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 120–2 A.(1) and B.
Article 19 – 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 335 – Cecil County Delegation

AN ACT concerning

Cecil County – Waste Disposal – Northeast Maryland Waste Disposal Authority

FOR the purpose of authorizing Cecil County to become a participating county in the Northeast Waste Disposal Authority by the Board of County Commissioners filing a resolution of participation with the Secretary of State and the Department of Legislative Services; and generally relating to Cecil County and the Northeast Waste Disposal Authority.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–903(a)
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 359 – Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

FOR the purpose of providing that ~~a local correctional facility that is responsible for payment for~~ liability for payment to a health care provider for certain health care expenses of certain inmates ~~is only responsible for payment at~~ may not exceed the lower of certain rates; providing that a county may ~~enter into an agreement with a health care provider for the provision of health care services at amounts that are higher or lower than a certain rate~~ 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; defining certain terms; providing for the application of this Act; and generally relating to payment rates for health care services provided to inmates ~~confined in~~ committed to local correctional facilities.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–203
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY adding to
Article – Correctional Services
Section 11–205
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 589 – Delegates Oaks, Costa, Frush, Glenn, Hubbard, and Malone

AN ACT concerning

Lead Poisoning Prevention Act of 2008

FOR the purpose of requiring a certain application form for a contractor license to require a certain lead paint abatement accreditation number and accreditation expiration date if the applicant provides certain lead paint abatement services; requiring a certain licensee applying for a license renewal to submit to the Maryland Home Improvement Commission a certain lead paint abatement accreditation number and expiration date if the licensee performs certain lead paint abatement services; prohibiting a certain licensee from violating certain lead paint abatement accreditation requirements; requiring an owner of a certain property who fails to comply with certain standards, on written request of a tenant, under certain circumstances to release a tenant from a certain lease and pay to the tenant certain relocation expenses not to exceed a certain amount; providing that an owner may provide certain information to a tenant in response to a certain request; providing a tenant with a certain action in district court under certain circumstances; providing that certain actions, inaction, or findings may not be construed to have any effect on any civil action or any administrative proceeding brought under certain provision of law; altering certain definitions; and generally relating to eliminating lead risk in housing.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–301, 8–303(a), and 8–620
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–303(b), 8–308, and 8–611
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–801(m)

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

BY adding to
Article – Real Property
Section 8–215
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 628 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Grants and Loans – Small, Minority, and Women's Business Enterprises

FOR the purpose of requiring applicants for certain financial assistance from certain funds to demonstrate that certain steps were taken to include certain small, minority, and women's business enterprises; authorizing the Department of the Environment to withhold certain financial assistance under certain circumstances; requiring certain agreements for grants from a certain fund to require grantees to demonstrate that certain steps were taken to include certain small business enterprises, minority business enterprises, and women's business enterprises; and generally relating to the small business enterprise, minority business enterprise, and women's business enterprise participation in environmental financial assistance programs.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–345, 9–421, and 9–1605.2
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 633 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages

FOR the purpose of altering certain alcoholic beverages license fees in Calvert County; ~~imposing certain requirements for restaurants in the county for which certain~~

~~Class B licenses have been issued;~~ creating a special beer and wine tasting license in the county; providing for an annual fee, application procedures, and certain requirements for the license; specifying certain conditions under which a protest to a renewal of an alcoholic beverages license in the county may occur; altering the time during which a penalty may be imposed for late renewal of an alcoholic beverages license in the county; imposing a certain fine for the sale of alcoholic beverages to an underage individual in the county; altering the salaries for the chairman, members, and alternate member of the Calvert County Board of License Commissioners; making certain stylistic changes; and generally relating to alcoholic beverages in Calvert County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 3–401(a), 5–101(a), 5–201(a)(1) and (f), 6–101(a)(1), 6–201(a)(1), 6–401(a)(1), 10–301(n)(1), and 12–108(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–401(f), 5–101(f), ~~5–201(f),~~ 6–101(f), 6–201(f), 6–401(f), 10–301(a)(1)(iii) and (n)(2), 12–108(a)(3)(i), and 15–109(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–404.1A
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 637 – Washington County Delegation

AN ACT concerning

Washington County – County Clerk

FOR the purpose of altering the duties of the County Clerk of Washington County; repealing a provision requiring the County Clerk to receive from the Tax Collector of Washington County certain interest coupons on the bonded indebtedness of the county and certain bonds due and redeemed by the Tax Collector; repealing a requirement that the County Clerk cancel certain coupons and bonds; repealing a requirement that the County Clerk make a certain report to the County Commissioners of Washington County; repealing a

provision requiring the bond of the Tax Collector to be responsible for certain money paid by the Tax Collector to the County Clerk; repealing a provision requiring the Tax Collector to pay out certain money in a certain manner; and generally relating to the duties of the County Clerk of Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–202
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 638 – Allegany County Delegation

AN ACT concerning

Western Maryland Code Counties – Junkyard Abatement – Liens on Property

FOR the purpose of providing that, in a county in the Western Maryland class that has adopted code home rule, any unpaid ~~fees charged to~~ charges imposed on an owner of property as a result of the county abating a violation of certain rules or regulations relating to junkyards ~~are~~ shall be a lien against the real property where ~~a certain~~ the violation occurred ~~and shall~~; requiring a certain lien to be recorded in the office of the clerk for the county where a certain violation occurred; making stylistic changes; and generally relating to the abatement of junkyard violations.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 122A(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 122A(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 685 – Delegates Rosenberg, Anderson, Barnes, Cane, Carter, Conaway, Dumais, Lee, Levi, Ramirez, Valderrama, and Vallario

AN ACT concerning

Police and Court Records – Nuisance Crimes – Expungement

FOR the purpose of authorizing a person convicted of a certain crime who completed the sentence imposed for the conviction, including probation, to petition for the expungement of certain records maintained by the State pertaining to the conviction; prohibiting the petition from being filed during a certain time; providing that a person is not entitled to an expungement under certain circumstances; clarifying that a person who is not entitled to an expungement for a certain conviction is not entitled to an expungement of any other conviction; and generally relating to the expungement of police records, court records, and other records maintained by the State.

BY renumbering
Article – Criminal Procedure
Section 10–105(c)(6)
to be Section 10–105(c)(7)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(a) and (e)(4) and 10–107(b)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–105(c)(6)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 739 – Delegate Heller (Chair, Joint Committee on Federal Relations) and Delegates Burns, Haddaway, Hubbard, Kaiser, Ramirez, and Weldon

AN ACT concerning

Washington Metropolitan Area Transit Commission – Appointment of Virginia Member

FOR the purpose of altering the agency of the Commonwealth of Virginia from which the Governor of Virginia is required to appoint the Virginia member of the Washington Metropolitan Area Transit Commission; making this Act subject to

a certain contingency; and generally relating to the appointment of the Virginia member of the Washington Metropolitan Area Transit Commission.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 10–203 Title I Article I and Article II
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 10–203 Title I Article III Section 1(a)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 754 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Inflatable Amusement Attractions – Inspections

FOR the purpose of requiring the annual inspection of inflatable amusement attractions; defining a certain term; exempting inflatable amusement attractions from certain inspections; providing that a certificate of inspection for an inflatable amusement attraction is valid for not more than a certain period of time; and generally relating to the inspection of amusement attractions.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3–101 and 3–402
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 766 – Delegate Malone

AN ACT concerning

Vehicle Laws – Medical Advisory Board – Confidentiality

FOR the purpose of authorizing the ~~Medical Advisory Board appointed by the Motor Vehicle Administrator to disclose~~ Motor Vehicle Administration to use, whether

unilaterally or in certain collaboration, certain information of the Medical Advisory Board for certain purposes subject to a certain restriction; and generally relating to the ~~disclosure~~ use of information of the Medical Advisory Board by the ~~Medical Advisory Board~~ Motor Vehicle Administration.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–118 and 16–119
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 859 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Property and Casualty Insurance Policies – Coverage for Additional Living Expenses

FOR the purpose of prohibiting certain language limiting coverage for additional living expenses incurred by an insured as a result of a covered loss in a policy of homeowner's, fire, farmowner's, or dwelling insurance; specifying that certain language in a policy of homeowner's, fire, farmowner's, or dwelling insurance is void; specifying that certain actions by an insurer are not prohibited under this Act; authorizing the Maryland Insurance Commissioner to require an insurer to provide coverage for additional living expenses under a certain policy for up to a certain time under certain circumstances; and generally relating to policies of homeowner's, fire, farmowner's, and dwelling 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 Finance.

House Bill 866 – Delegate Beidle

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

FOR the purpose of authorizing the Commissioner of Labor and Industry to initiate certain investigations and investigate certain complaints relating to alleged

violations of certain bonding requirements by certain employment agencies; requiring the Commissioner to provide a certain notice; authorizing the Commissioner to impose certain penalties under certain circumstances; and generally relating to bonding requirements for employment agencies.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 9–101, 9–102, 9–201, and 9–401
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9–301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

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

AN ACT concerning

Motor Vehicle Administration – Required Security – Suspension of Registration for Violation

FOR the purpose of altering the conditions under which the Motor Vehicle Administration will suspend the registration of a vehicle for a lapse of required security; specifying when the suspension may take effect; and generally relating to required security for vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17–106(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 975 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Authorization for Sales of State–Funded ~~Loan Sales~~ Mortgages or Other Obligations – Servicing Rights ~~for State and Bond–Funded Loans~~

FOR the purpose of ~~requiring~~ authorizing the Department of Housing and Community Development to sell certain ~~loans~~ mortgages or other obligations at a public or private sale, under certain circumstances; authorizing the Department and the Community Development Administration to retain servicing rights for certain ~~loans~~ mortgages or other obligations after they are sold and to charge a certain fee for servicing the ~~loans~~ mortgages or other obligations; and generally relating to the sale and servicing of ~~loans~~ mortgages or other obligations by the Department of Housing and Community Development and the Community Development Administration.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 2–102, 4–226(c), and 4–235(g)
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 1119 – Delegates Ali and ~~Malone~~ Sossi

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

FOR the purpose of altering the requirements for the procedures that must be followed and the equipment that must be used when one vehicle tows another vehicle in certain circumstances; clarifying certain requirements; providing certain exceptions; authorizing the Motor Vehicle Administration to adopt certain regulations; defining certain terms; providing a certain penalty; making a stylistic change; and generally relating to procedures and equipment for towing and towed vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 27–101(bb)
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1138 – Delegates Braveboy, Cane, Feldman, Griffith, Hecht, Holmes, Manno, Miller, and Pena–Melnyk

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 Finance.

House Bill 1168 – Delegates Kramer, Aumann, Bromwell, Dwyer, Frank, Kach, Kelly, Kullen, McComas, McConkey, Myers, O'Donnell, Olszewski, Shank, Simmons, Smigiel, Sossi, and Stull

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

FOR the purpose of authorizing the use of certain auxiliary lighting on a motorcycle; and generally relating to motorcycle lighting.

BY ~~repealing and reenacting, with amendments,~~ adding to
Article – Transportation
Section ~~22–224.1~~ 22–221(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1177 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

FOR the purpose of requiring certain secondhand precious metal object dealers and pawnbrokers to submit certain records to certain law enforcement units in a certain manner and at a certain time; providing for the construction of this Act; providing for a certain report to certain committees of the General Assembly on or before a certain date; exempting certain antique dealers from the reporting requirement; and generally relating to the records of secondhand precious metal object dealers and pawnbrokers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–304
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1492 – The Speaker (By Request – Administration) and Delegates Hammen, Beitzel, Benson, Bromwell, Busch, Costa, Donoghue, Eckardt, Elliott, Hubbard, Kach, Kaiser, Kipke, Kullen, Manno, McDonough, McIntosh, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Rudolph, Tarrant, V. Turner, and Weldon

AN ACT concerning

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

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; extending the termination date of the Senior Prescription Drug Assistance Program; 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)

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

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

QUORUM CALL

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

(See Roll Call No. 491)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #39

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 492)

The Bill was then sent to the House of Delegates.

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~~ Stone, and Forehand

EMERGENCY BILL

AN ACT concerning

Real Property – Recordation of Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property

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

Affirmative – 45 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the House of Delegates.

Senate Bill 217 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, and Stone

EMERGENCY BILL

AN ACT concerning

Real Property – Maryland Mortgage Fraud Protection Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 494)

The Bill was then sent to the House of Delegates.

Senate Bill 218 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, ~~and Stone~~ Stone, Frosh, Brochin, Forehand, Haines, Jacobs, Mooney, and Simonaire

EMERGENCY BILL

AN ACT concerning

Protection of Homeowners in Foreclosure – Prohibition on Foreclosure Rescue Transactions – Enforcement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 495)

The Bill was then sent to the House of Delegates.

Senate Bill 313 – Senators Stone, Haines, Colburn, Conway, Miller, and Muse

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

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

Affirmative – 28 Negative – 18 (See Roll Call No. 496)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 497)

The Bill was then sent to the House of Delegates.

Senate Bill 565 – Senators Garagiola, Brochin, Edwards, Forehand, Middleton, Peters, Raskin, and Rosapepe

AN ACT concerning

Income Tax Credit – Bio–Heating Oil

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

Affirmative – 46 Negative – 0 (See Roll Call No. 498)

The Bill was then sent to the House of Delegates.

Senate Bill 793 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Special Taxing Districts – Creation

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

Affirmative – 39 Negative – 4 (See Roll Call No. 499)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #40

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 500)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the House of Delegates.

Senate Bill 539 – ~~Senator Pipkin~~ Senators Pipkin and Jacobs

AN ACT concerning

Cecil County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the House of Delegates.

Senate Bill 741 – Senators Miller and Dyson

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the House of Delegates.

Senate Bill 754 – Senator Edwards

AN ACT concerning

Garrett County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the House of Delegates.

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the House of Delegates.

Senate Bill 859 – Senator Kasemeyer

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 506)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 256 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 507)

The Bill was then sent to the House of Delegates.

House Bill 467 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 508)

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 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 FAVORABLE REPORT, AS AMENDED.

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

Affirmative - 28 Negative - 18 (See Roll Call No. 509)

FLOOR AMENDMENT

SB0309/573024/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 8 of the bill, strike in their entirety lines 1 and 2.

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 22 of Amendment No. 4, strike "**GREENHOUSE GAS**"; and in line 23, strike "**REQUIRED UNDER THIS SECTION**".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 4, strike "**(10)**"; in the same line, strike "**(11)**" and substitute "**(10)**"; and in line 2, strike "**(12)**" and "**(13)**" and substitute "**(11)**" and "**(12)**", respectively.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/833520/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "prohibiting all" and substitute "altering the circumstances under which certain"; and in lines 5 and 6, strike "from reverting or being transferred to" and substitute "must be deposited to".

AMENDMENT NO. 2

On page 3, in lines 26 and 28, in each instance, strike the bracket; in line 26, strike "When" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN**"; in line 26, strike "$750,000" and substitute "**$2,000,000**"; and strike beginning with "**MONEYS**" in line 28 down through "**STATE.**" in line 29 and substitute:

"**(II) IF THE SECRETARY MAKES A DETERMINATION THAT ADDITIONAL MONEY IS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF SUBTITLE 12 OF THIS TITLE, ADDITIONAL MONEY MAY BE RETURNED IN THE FUND UP TO A MAXIMUM LIMIT OF $5,000,000 SOLELY FOR PURPOSES OF IMPLEMENTING SUBTITLE 12 OF THIS TITLE.**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/113429/2

BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, after "certain" insert "proposed"; and in lines 10 and 11, strike "these measures".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 8 of Amendment No. 1, strike "report" and substitute "provide certain reports"; and in the same line, strike "on the status of implementing".

AMENDMENT NO. 2

On page 6 of the bill, in lines 19 and 26, in each instance, after "**A**" insert "**PROPOSED**"; after line 20, insert:

"**(2) ON OR BEFORE DECEMBER 1, 2008, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**

(3) ON OR AFTER MAY 1, 2009, THE DEPARTMENT SHALL IMPLEMENT THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.";

in lines 21 and 28, in each instance, strike "**(2)**" and substitute "**(4)**"; and after line 27, insert:

"**(2) ON OR BEFORE DECEMBER 1, 2009, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE II IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**

(3) ON OR AFTER MAY 1, 2010, THE DEPARTMENT SHALL IMPLEMENT THE PHASE II IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.".

On page 7 of the bill, in lines 1 and 3, in each instance, after "**A**" insert "**PROPOSED**"; after line 5, insert:

"**(2) ON OR BEFORE DECEMBER 1, 2010, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES AND THE FINAL PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(3) ON OR AFTER MAY 1, 2011, THE DEPARTMENT SHALL IMPLEMENT THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES AND THE FINAL PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.";

and in line 6, strike "**(2)**" and substitute "**(4)**".

The preceding 2 amendments were read only.

Senator Exum moved, duly seconded, to make the Bill and Amendments a Special Order for March 20, 2008.

The motion was adopted.

Senate Bill 784 – Senators King, Currie, DeGrange, Garagiola, Kasemeyer, and Middleton

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

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

Favorable report adopted.

FLOOR AMENDMENT

SB0784/773324/2

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 784
(First Reading File Bill)

On page 2, in line 22, strike "The" and substitute "**SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE**"; in line 24, strike the comma and substitute "**AND**"; strike beginning with "and" in line 25 down through "location" in line 26 and substitute "**OF WHICH:**

(I) 70% SHALL BE ALLOCATED FOR PURSES AT ROSECROFT RACEWAY IF AT LEAST 100 DAYS OF LIVE RACING WERE HELD AT ROSECROFT RACEWAY IN THE PREVIOUS CALENDAR YEAR, UNLESS THE COMMISSION APPROVES A SMALLER NUMBER OF DAYS; AND

(II) 30% SHALL BE ALLOCATED FOR PURSES AT OCEAN DOWNS RACE COURSE";

and after line 27, insert:

"**(F) IF THE RACING DAYS REQUIREMENT IN SUBSECTION (E)(1)(I) IS NOT MET, THE COMMISSION SHALL DETERMINE THE ALLOCATION TO STANDARDBRED PURSES AND THE STANDARDBRED RACE FUND.**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #8

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

Senate Bill 150 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007

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 150 – THE CAPITAL BUDGET

(See Exhibit I of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 150 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

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

The motion was adopted.

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

Senate Bill 795 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

SB0795/859632/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 795
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "names of certain grantees" and substitute "grantees under certain projects"; in line 9, strike "a requirement" and substitute "certain requirements"; in lines 9, 10, and 12, in each instance, strike "a certain grantee" and substitute "certain grantees"; and after line 22, insert:

"BY repealing and reenacting, without amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of

the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007
Section 1(1)

BY adding to
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007
Section 1(6)

BY repealing and reenacting, with amendments,
Chapter 162 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 163 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 175 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 326 of the Acts of the General Assembly of 2001, as amended by Chapter 30 of the Acts of the General Assembly of 2003 and Chapter 188 of the Acts of the General Assembly of 2005
Section 1".

On page 2, after line 13, insert:

"BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004, and Chapter 608 of the Acts of the General Assembly of 2006
Section 13(3)(i) Item (AM)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 176 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(B)";

in line 19, after "(R)," insert "(V),"; in the same line, after "(AC)," insert "(AD),"; in the same line, after "(AZ)," insert "(BB),"; in the same line, strike "and (CK)" and substitute "(CA), (CK), and (CP)"; in line 20, strike "and (AC)" and substitute ", (AC), (AD), (AZ), and (BU)"; in line 23, after "ZA00(B)" insert "and (S)"; in the same line, strike "ZA01(AV) and (Z)," and substitute "ZA01(Z), (AV), (BD), and (BV),"; and in line 24, strike "and (CC)" and substitute "(BT), (CC), and (CE)".

AMENDMENT NO. 2

On page 4, after line 7, insert:

"Chapter 317 of the Acts of 2000, as amended by Chapter 168 of the Acts of 2002, Chapter 149 of the Acts of 2004, and Chapter 76 of the Acts of 2007

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore County – Arbutus Community Facility Loan of 2000 in a total principal amount equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 162 of the Acts of 2001

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the St. Mary's County – St. Clement's Island Lighthouse Memorial Loan of 2001 in a total principal amount equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of St. Clement's Hundred, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, and construction of a memorial structure that replicates the outline of the former St. Clement's Island Lighthouse in size and shape, to be located near the original site at St. Clement's Island State Park.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either

directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property or funds expended prior to the effective date of this Act. The fund may consist of in kind contributions. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, 2003, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 163 of the Acts of 2001

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore City – Ivy Family Support Center Loan of 2001 in a total principal amount equal to the lesser of (i) $225,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the Epsilon Omega Foundation, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, construction, renovation, and capital equipping of the Ivy Family Support Center, to be located at 3515 Dolfield Avenue in Baltimore, Maryland.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. The fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, 2003, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER

JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 175 of the Acts of 2001

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Calvert County – Chesapeake Beach Railway Trail Loan of 2001 in a total principal amount of $250,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Mayor and Town Council of the Town of Chesapeake Beach (referred to hereafter in this Act as "the grantee") for the planning, design, and construction of facilities for the Chesapeake Beach Railway Trail, a recreational trail that will include paved trails, timber walkways, and bridges.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2011, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 326 of the Acts of 2001, as amended by Chapter 30 of the Acts of 2003 and Chapter 188 of the Acts of 2005

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Prince George's County – Kettering Largo Boys & Girls Club Storage Facility Loan of 2001 in a total principal amount equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of Kettering Largo Boys & Girls Club (referred to hereafter in this Act as "the grantee") for the planning,

design, construction, and capital equipping of a storage facility for the Kettering Largo Boys & Girls Club.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of funds expended prior to the effective date of this Act. The fund may consist of real property or in kind contributions. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, **[**2007**] 2010**, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.".

On page 7, after line 34, insert:

"Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 608 of the Acts of 2006

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (i) $15,200,000 for the following projects initially approved by the Senate:

(AM)	[Kensington Recreation Center.] **WARNER MANOR.** Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Montgomery County for the [acquisition,] planning, [and] design**, RENOVATION, AND DEMOLITION** of the [Kensington Recreation Center,] **WARNER MANOR,** located in Kensington. Notwithstanding Section 13(5) of this Act, the matching fund may consist of real property and the grantee must present evidence that a matching fund will be provided by June 1, [2008] **2010** (Montgomery County)	100,000

Chapter 204 of the Acts of 2003, as amended by Chapter 176 of the Acts of 2005

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(B) Baltimore Zoo Redevelopment Projects. Provide a grant to the Maryland Zoological Society to assist in the construction of redevelopment projects at the Baltimore Zoo, subject to the requirement that the grantee provide an equal and matching fund for this purpose. The grantee may provide the matching fund and the Board of Public Works may certify the matching fund in installments during the period beginning with the effective date of this Act and ending on June 1, **[**2008**]** **2012**. Each installment of the matching fund that the grantee provides shall be at least **[**$1,000,000**]** **$250,000**. Except as specifically provided herein, the matching fund shall be subject to Section 1(5) of this Act (Baltimore City) 3,500,000".

On page 9, after line 34, insert:

"(V) Gay Street One/Madison Square. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the East Baltimore Community Corporation for the acquisition, planning, design, construction, repair, renovation, **[**reconstruction**]** **RECONSTRUCTION,** and capital equipping of vacant and boarded housing properties, located in the Gay Street One/Madison Square area of Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) 125,000".

On page 10, after line 4, insert:

"(AD) The Powerhouse. Provide a grant equal to the lesser of

(i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The East Harbor Community Development Corporation for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City)..... 125,000";

strike beginning with the first "County" in line 7 down through "County" in line 8 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**"; after line 14, insert:

"(BB) **[**Circle**] WARNER** Manor. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the **[**Mayor and Town Council of the Town of Kensington and**]** the County Executive and County Council of Montgomery County for the **[**acquisition**] PLANNING, DESIGN, RENOVATION, AND DEMOLITION** of **[**Circle**] WARNER** Manor, located in Kensington, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of **REAL PROPERTY AND** funds expended prior to the effective date of this Act**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) ..... 150,000";

after line 19, insert:

"(CA) New Revival Center [for] **OF** Renewal. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the [County Executive and County Council of Prince George's County] **BOARD OF DIRECTORS OF NEW REVIVAL CENTER OF RENEWAL, INC.** for the acquisition of [land] **PROPERTY** for the New Revival Center [for] **OF** Renewal, located in [Capitol Heights] **WALDORF. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 100,000";

and after line 31, insert:

"(CP) Our House Youth Home. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 175,000".

On page 11, after line 17, insert:

"(AD) The Powerhouse. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The East Harbor Community Development Corporation for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the

Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City).... 125,000

(AZ) Our House Youth Home. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 250,000

(BU) New Revival Center of Renewal. Provide a grant equal to the lesser of (i) $80,000 or (ii) the amount of the matching fund provided, to the **[**County Executive and County Council of Prince George's County**] BOARD OF DIRECTORS OF NEW REVIVAL CENTER OF RENEWAL, INC.** for the acquisition of **[**land**] PROPERTY** for the New Revival Center of Renewal, located in **[**Capitol Heights**] WALDORF. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 80,000".

On page 12, after line 10, insert:

"(S) **[**Slave Church.**] CHERRY HILL CHURCH.** Provide a

grant of $300,000 to the Board of Directors of [the Friends of Benjamin Banneker Historical Park and Museum, Inc.] **THE FRIENDS OF CHERRY HILL AUMP, INC.** for the acquisition, planning, design, construction, reconstruction, renovation, **RESTORATION,** and capital equipping of [a slave church] **THE CHERRY HILL CHURCH**, located in Randallstown (Baltimore County)..... 300,000";

and after line 28, insert:

"(BD) Reid Community Business Development Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Reid Community Development Corporation for the acquisition, planning, construction, and capital equipping of the Reid Community Business Development Center, located in [Bowie] **PRINCE GEORGE'S COUNTY** (Prince George's County)..... 100,000

(BV) Delmarva Discovery Center on the Pocomoke River. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke Marketing Partnership, Inc. for the planning, design, construction, renovation, and capital equipping of [a steamboat exhibit] **EXHIBITS** at the Delmarva Discovery Center on the Pocomoke River, located in Pocomoke City (Worcester County) ..... 100,000".

On page 13, after line 15, insert:

"(BT) Reid Community Business Development Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Reid Community Development Corporation for the acquisition, planning, construction, and capital equipping of the Reid Community Business Development Center, located in [Bowie] **PRINCE GEORGE'S COUNTY** (Prince

George's County)..... 200,000";

and after line 26, insert:

"(CE) Delmarva Discovery Center on the Pocomoke River. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke Marketing Partnership, Inc. for the planning, design, construction, renovation, and capital equipping of [a steamboat exhibit] **EXHIBITS** at the Delmarva Discovery Center on the Pocomoke River, located in Pocomoke City (Worcester County) 50,000".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #17

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

Senate Bill 433 – Senators Pugh, Currie, Exum, Forehand, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Raskin, Robey, Rosapepe, and Peters

AN ACT concerning

Pharmacy Permit Holders – Signs for Reporting Incorrectly Filled Prescriptions

SB0433/214734/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 433

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "inform" in line 5 down through "font" in line 6 and substitute "include certain information regarding the process for resolving incorrectly filled prescriptions in accordance with certain regulations".

AMENDMENT NO. 2

On page 2, strike beginning with "**INFORMS**" in line 15 down through "**TYPE**" in line 17 and substitute "**INCLUDES INFORMATION REGARDING THE PROCESS FOR RESOLVING INCORRECTLY FILLED PRESCRIPTIONS IN ACCORDANCE WITH EXISTING REGULATIONS**"; and in line 18, strike "**(III)**" and substitute "**(II)**".

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 463 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 762 – Senator Conway

AN ACT concerning

Real Estate Brokers – Record Keeping

SB0762/324635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 762
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Brokers" and substitute "Licensees"; in lines 3, 4, and 5, in each instance, strike "broker" and substitute "licensee"; in line 3, strike "retain" and substitute "keep"; in line 4, after "to" insert "keep and"; in the same line, after "store" insert "certain"; in line 6, after "Commission" insert "in a certain manner under certain circumstances"; in line 7, strike "brokers" and substitute "licensees"; and in line 10, after "(d)," insert "(k),".

AMENDMENT NO. 2

On page 1, after line 23, insert:

"(k) "Licensee" means a licensed real estate broker, a licensed associate real estate broker, or a licensed real estate salesperson.".

On page 2, in lines 6 and 20, in each instance, strike "**REAL ESTATE BROKER**" and substitute "**LICENSEE**".

On page 2 in lines 12, 15, and 26, and on page 3 in lines 11 and 15, in each instance, strike "**BROKER**" and substitute "**LICENSEE**".

On page 2 in lines 24 and 26, and on page 3 in lines 13 and 15, in each instance, strike "**BROKER'S**" and substitute "**LICENSEE'S**".

AMENDMENT NO. 3

On page 2, in line 6, strike "**RETAIN**" and substitute "**KEEP**"; in line 7, after "**LISTINGS;**" insert "**AND**"; strike beginning with "**DEPOSIT**" in line 8 down through "**(V)**" in line 11; strike beginning with "**FOR**" in line 12 down through "**REQUIRED**" in line 13 and substitute "**INVOLVING THE PROVISION OF REAL ESTATE BROKERAGE SERVICES**"; in line 15, after "**(2)**" insert "**(I)**"; in lines 16 and 17, in each instance, strike "**3**" and substitute "**5**"; after line 18, insert:

"**(II) A LICENSEE PROVIDING PROPERTY MANAGEMENT SERVICES SHALL KEEP THE RECORDS REQUIRED BY THIS SECTION FOR 5 YEARS AFTER THE TERMINATION OF THE MANAGEMENT AGREEMENT.**";

in line 19, strike "**STORED**" and substitute "**KEPT**"; in the same line, strike "**SUBSECTION**" and substitute "**SUBSECTIONS (A) AND**"; and in line 20, strike "**RETAIN**" and substitute "**KEEP AND STORE**".

AMENDMENT NO. 4

On page 3, in line 14, strike "**MAINTAINED**" and substitute "**KEPT**"; in the same line, after "**UNDER**" insert "**SUBSECTION (B) OF**"; and after line 16, insert:

"**(3) A LICENSEE SHALL DISPLAY TO THE COMMISSION ON DEMAND ALL RECORDS, BOOKS, AND ACCOUNTS OF ANY MONEY HELD IN TRUST.**".

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 767 – Senator Conway

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

SB0767/154639/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 767
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "authorizing" and substitute "requiring the Board of Pharmacy to adopt regulations to authorize"; in line 7, after "of," insert "bar coding, transaction records, dispensation records, labeling,"; in line 8, after "systems;" insert "requiring certain pharmacists to have certain access to certain systems under certain circumstances;"; in line 9, strike "before" and substitute "after"; in line 10, strike "placed" and substitute "entered"; in line 14, after "programs;" insert "requiring certain pharmacists to limit certain access to certain systems by requiring individual security codes for certain functions; requiring certain records to be kept; requiring certain pharmacists to maintain certain logs and repair records; requiring certain pharmacists to ensure a certain back–up power source and that only certain individuals have access to certain systems under certain circumstances;"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–307(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–307(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"12–307.

(b) Except as otherwise provided in this section, a pharmacist may engage in dispensing or distributing only from a pharmacy holding a pharmacy permit issued by the Board.

(c) **(1)** Pursuant to regulations adopted by the Board, a licensed pharmacist may engage in dispensing or distributing from a setting not holding a pharmacy permit only upon receiving the prior approval of the Board.

(2) THE BOARD SHALL ADOPT REGULATIONS THAT AUTHORIZE A PHARMACIST TO DISPENSE OR DISTRIBUTE FROM A REMOTE LOCATION FOR THE BENEFIT OF A HEALTH CARE FACILITY THAT USES A REMOTE AUTOMATED MEDICATION SYSTEM IN ACCORDANCE WITH § 12–605 OF THIS TITLE.";

strike beginning with "**A**" in line 16 down through "**OR**" in line 17; strike in their entirety lines 26 through 29, inclusive; in line 30, strike "**(C)**" and substitute "**(B) (1)**"; in line 31, after "**CONTROL,**" insert "**BAR CODING, TRANSACTION RECORDS, DISPENSATION RECORDS, LABELING,**".

On page 3, after line 2, insert:

"**(2) IF A PHARMACIST IS NOT PHYSICALLY PRESENT WHERE THE REMOTE AUTOMATED MEDICATION SYSTEM IS LOCATED IN A HEALTH CARE FACILITY, THE PHARMACIST SHALL HAVE ACCESS TO THE SYSTEM BY ELECTRONIC AND VISUAL MEANS IN ORDER TO ENSURE THE SAFE AND EFFICIENT DISPENSING, REPACKAGING, DELIVERY, CONTROL, BAR CODING, TRANSACTION RECORDS, DISPENSATION RECORDS, LABELING, AND ACCOUNTABILITY FOR ALL MEDICATIONS IN THE SYSTEM.**".

AMENDMENT NO. 3

On page 3, in lines 3 and 7, strike "**(D)**" and "**(E)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 5, strike "**BEFORE**" and substitute "**AFTER**"; in line 8, strike "**COMPANY**" and substitute "**PHARMACY PERMIT HOLDER**"; in line 14, strike "**A**" and substitute "**IF THE STARTER DOSE IS REVIEWED BY A PHARMACIST WITHIN 24 HOURS OF DELIVERY FROM A SYSTEM, A**"; in line 17, after "**ENTITIES**" insert "**IF CONTAINED WITHIN A PATIENT–SPECIFIC PACKAGE**"; in line 26, after "**PATIENT**" insert "**BY AN INDIVIDUAL AUTHORIZED TO ADMINISTER MEDICATION UNDER THIS ARTICLE**"; strike beginning with "**A**" in line 27 down through "**2.**" in line 29; and in line 29, after "**MEDICATION**" insert "**IF AVAILABLE; OR**

2. IF A PICTURE IS NOT AVAILABLE, A WRITTEN REPORT THAT DESCRIBES THE MEDICATION".

AMENDMENT NO. 4

On page 4, in line 6, strike "**(F)**" and substitute "**(E)**"; in line 7, strike "**A COMPANY**" and substitute "**THE PHARMACY PERMIT HOLDER**"; in line 10, strike

"**(F)**" and substitute "**(E)**"; in line 13, strike "**THIS SUBSECTION**" and substitute "**REGULATIONS ADOPTED BY THE BOARD**"; in line 25, strike the second "**AND**"; in line 27, after "**MEDICATIONS**" insert "**; AND**

(VII) ANY OTHER REQUIREMENTS DETERMINED BY THE BOARD AND SET FORTH IN REGULATIONS.

(F) (1) A PHARMACIST THAT OPERATES A REMOTE AUTOMATED MEDICATION SYSTEM SHALL LIMIT ACCESS TO THE SYSTEM TO INDIVIDUALS AUTHORIZED TO ACCESS THE SYSTEM BY REQUIRING INDIVIDUAL SECURITY CODES FOR ALL FUNCTIONS.

(2) A RECORD SHALL BE KEPT OF EACH TRANSACTION CONTAINING USER IDENTIFICATION INFORMATION.

(G) (1) A PHARMACIST WHO OPERATES A REMOTE AUTOMATED MEDICATION SYSTEM SHALL MAINTAIN MAINTENANCE LOGS AND REPAIR RECORDS FOR THE SYSTEM.

(2) IN AN EMERGENCY OR OTHERWISE UNFORESEEN SITUATION, A PHARMACIST SHALL ENSURE THAT:

(I) A BACK–UP POWER SOURCE FOR THE SYSTEM IS AVAILABLE BY A CONNECTION WITH THE HEALTH CARE FACILITY'S GENERATOR; AND

(II) ONLY A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE HAS ACCESS TO THE MEDICATIONS CONTAINED WITHIN THE SYSTEM";

and in line 29, strike "October" and substitute "June".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 817 – Senators Conway, Colburn, Della, Garagiola, Lenett, and Pugh

AN ACT concerning

Maryland Individual Tax Preparers Act

SB0817/844736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 817
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pugh" and substitute "Pugh, and Haines".

On page 2, in line 4, after "terms;" insert "requiring the Board, in conjunction with relevant trade associations, to develop and implement a certain public awareness campaign;".

AMENDMENT NO. 2

On page 3, in line 23, strike the second comma; in the same line, after "**OF**" insert "**, OR ASSUME FINAL RESPONSIBILITY FOR ANOTHER PERSON'S PREPARATION OF**"; in line 24, strike "**PERSONAL**".

AMENDMENT NO. 3

On page 4, in line 4, after "**ACCOUNTANCY**" insert "**OR A LICENSING AUTHORITY IN ANOTHER STATE**"; in line 6, after "**STATE**" insert "**OR IN ANOTHER STATE**"; in line 10, after "**230**" insert "**; AND**

(5) AN INDIVIDUAL SERVING AS AN EMPLOYEE OF OR ASSISTANT TO AN INDIVIDUAL TAX PREPARER OR AN INDIVIDUAL EXEMPTED UNDER THIS SUBSECTION IN THE PERFORMANCE OF OFFICIAL DUTIES FOR THE INDIVIDUAL TAX PREPARER OR THE INDIVIDUAL EXEMPTED UNDER THIS SUBSECTION".

AMENDMENT NO. 4

On page 7, in line 7, after "**PREPARERS**" insert "**REGISTERED BY THE BOARD**".

On page 11, after line 17, insert:

"**(D) (1) THE BOARD SHALL GIVE THE EXAMINATION PREPARED BY THE INTERNAL REVENUE SERVICE OR AN EQUIVALENT EXAMINATION BY AN INDEPENDENT NATIONAL OR STATE REGULATORY AUTHORITY AS DETERMINED BY THE BOARD.**

(2) THE EXAMINATION GIVEN UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE LESS STRINGENT THAN THE INDIVIDUALS SECTION OF THE SPECIAL ENROLLMENT EXAMINATION FOR ENROLLED AGENTS.";

and in lines 18 and 20, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

AMENDMENT NO. 5

On page 18, strike in their entirety lines 3 and 4 and substitute:

"**(II) THAT THE INDIVIDUAL TAX PREPARER IS NOT A CERTIFIED PUBLIC ACCOUNTANT, AN ENROLLED AGENT, OR A TAX ATTORNEY;**";

and strike in their entirety lines 7 and 8 and substitute:

"**(IV) THE INDIVIDUAL TAX PREPARER'S EDUCATION AND TRAINING, INCLUDING EXAMINATIONS TAKEN AND SUCCESSFULLY PASSED;**".

AMENDMENT NO. 6

On page 20, in line 12, strike "an" and substitute ":

(a) An";

after line 15, insert:

"(b) The State Board of Individual Tax Preparers, in conjunction with relevant trade associations, shall develop and implement a public awareness campaign to inform the public and relevant professionals of the registration requirements of this Act.";

in line 16, strike "Board" and substitute "State Board of Individual Tax Preparers"; and in line 18, strike "10" and substitute "15".

The preceding 6 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 818 – Senators Middleton, Astle, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Simonaire

AN ACT concerning

Public Health Dental Hygiene Act

SB0818/704038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 818
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Simonaire" and substitute "Simonaire, Harrington, and Lenett"; in line 11, strike "a"; and in the same line, strike "term" and substitute "terms".

AMENDMENT NO. 2

On page 5, in line 1, strike the comma; after line 6, insert:

"**(III) "FACILITY" INCLUDES A PROGRAM OPERATED WITHIN A FACILITY THAT IS SPECIFIED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION.**

(IV) "FEDERALLY QUALIFIED HEALTH CENTER" HAS THE MEANING STATED IN 42 U.S.C. § 25B(A).

(V) "FEDERALLY QUALIFIED HEALTH CENTER LOOK–ALIKE" HAS THE MEANING STATED IN 42 U.S.C. § 1396D(L)(2)(B).";

and in line 7, strike "**(III)**" and substitute "**(VI)**".

AMENDMENT NO. 3

On page 6, in line 3, strike "**HEALTH**"; in the same line, after "**FACILITY**" insert "**IN WHICH A PROGRAM**"; in line 4, after "**DEPARTMENT**" insert "**IS OPERATING**"; after line 4, insert:

"**4. A FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF JUVENILE SERVICES;**";

in lines 5, 8, and 10, strike "**4.**", "**5.**", and "**6.**", respectively, and substitute "**5.**", "**6.**", and "**7.**", respectively; and in line 9, after "**CENTER**" insert "**OR A FEDERALLY QUALIFIED HEALTH CENTER LOOK–ALIKE**".

On page 7, in line 13, strike "**IS**".

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 828 – Senator Conway

AN ACT concerning

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

SB0828/314539/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 828
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "number" in line 8 down through "from" in line 9 and substitute "period of time after".

AMENDMENT NO. 2

On page 3, in line 11, strike "**10 DAYS OF**" and substitute "**1 MONTH AFTER**".

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 840 – Senator Colburn

AN ACT concerning

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

SB0840/504135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 840
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "circumstances;" insert "defining a certain term;"; after line 10, insert:

"BY renumbering
Article – Public Safety
Section 12–901(l)
to be Section 12–901(m)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 12–901(l)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)";

and in line 17, after "That" insert "Section(s) 12–901(l) of Article – Public Safety of the Annotated Code of Maryland be renumbered to be Section(s) 12–901(m).

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

AMENDMENT NO. 2
On page 1, after line 18, insert:

"12–901.

(L) "PRIVATE INSPECTOR" MEANS AN INDIVIDUAL WHO:

(1) HAS A LEVEL II OR LEVEL III CERTIFICATION FROM THE AMERICAN SOCIETY FOR NONDESTRUCTIVE TESTING (ASNT); AND

(2) IS COMMISSIONED BY THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS.".

On page 6, in line 13, strike "2." and substitute "3.".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 848 – Senator Conway

AN ACT concerning

State Board of Social Work Examiners – Membership – Qualifications

SB0848/114330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 848
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "altering the number of members on the State Board of Social Work Examiners;"; in the same line, strike "State"; strike beginning with the third "of" in line 3 down through "Examiners" in line 4; and in line 5, after "program" insert "and be nominated from a certain list of names, subject to a certain exception".

AMENDMENT NO. 2

On page 1, in lines 15, 16, and 17, strike "11", "11", and "9", respectively, and substitute "12", "12", and "10", respectively.

On page 2, in line 7, after "**6.**" insert "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**"; in line 9, after "**PROGRAM**" insert "**AND IS NOMINATED FROM A LIST OF NAMES SUBMITTED BY THE MARYLAND HIGHER EDUCATION COMMISSION**"; in line 12, strike "or"; and in the same line, after "worker–clinical" insert "**, OR A LICENSED SOCIAL WORKER**".

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 #15

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 799 – Senators Exum, Garagiola, and Gladden

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

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 900 – Senator Klausmeier

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

SB0900/837372/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 900
(First Reading File Bill)

On page 2, in line 24, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 903 – Senator Kelley

AN ACT concerning

Traumatic Brain Injury Advisory Board – Sunset – Repeal

Favorable report 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 649 – Senator Conway

AN ACT concerning

Athletics – Mixed Martial Arts – Regulation by State Athletic Commission – Boxing and Wrestling Tax

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

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 and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0649/103123/2

BY: Senators Brochin, Jacobs, and Muse

AMENDMENT TO SENATE BILL 649, AS AMENDED
(First Reading File Bill)

On page 1 of the bill, in line 26, strike "a certain term" and substitute "certain terms".

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0649/764031/1), in line 5 of Amendment No. 2, after "**(E)**" insert "**(1)**"; in lines 8 and 9, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 10, insert:

"**(2) "MIXED MARTIAL ARTS" DOES NOT INCLUDE A CONTEST KNOWN AS "ULTIMATE FIGHTING" IN WHICH:**

(I) ANY PART OF THE BODY OF A CONTESTANT MAY BE USED AS A WEAPON; AND

(II) ANY MEANS OF FIGHTING MAY BE USED WITH THE SPECIFIC PURPOSE TO INTENTIONALLY INJURE ANOTHER CONTESTANT IN SUCH A MANNER THAT THE OTHER CONTESTANT BECOMES DEFENSELESS.".

The preceding amendment was read only.

Senator Brochin moved, duly seconded, to make the Bill and Amendments a Special Order for March 20, 2008.

The motion was adopted.

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

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 and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0657/523620/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 657, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0657/864132/1), in lines 1 and 2 of Amendment No. 1, strike "and Harrington" and substitute "Harrington, and Middleton".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 674 – Senator Brinkley

AN ACT concerning

Water Resources – Groundwater Appropriation or Use – Priority Funding Areas

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

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 and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 710 – Senator Lenett

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

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

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 and rejected.

FLOOR AMENDMENT

SB0710/983929/4

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; establishing a cap on the total amount required to be paid to a certain fund by a manufacturer".

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.

(III) THE TOTAL AMOUNT REQUIRED TO BE PAID TO THE CHESAPEAKE BAY 2010 TRUST FUND MAY NOT EXCEED $1,000,000 PER MANUFACTURER.".

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

Affirmative – 23 Negative – 22 (See Roll Call No. 510)

Read the second time and ordered prepared for Third Reading.

MOTION

Senator Pinsky moved, duly seconded, to reconsider the vote by which **Senate Bill 657** passed Second Reading.

The motion was adopted.

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

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

FLOOR AMENDMENT

SB0657/303629/1

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 657, AS AMENDED

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0657/864132/1), in line 4 of Amendment No. 2, strike "**COMPETITORS**" and substitute "**COMPONENTS**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 840 – Senator Colburn

AN ACT concerning

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0840/504135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 840
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "circumstances;" insert "defining a certain term;"; after line 10, insert:

"BY renumbering
Article – Public Safety
Section 12–901(l)
to be Section 12–901(m)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 12–901(l)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)";

and in line 17, after "That" insert "Section(s) 12–901(l) of Article – Public Safety of the Annotated Code of Maryland be renumbered to be Section(s) 12–901(m).

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

AMENDMENT NO. 2

On page 1, after line 18, insert:

"12–901.

(L) "PRIVATE INSPECTOR" MEANS AN INDIVIDUAL WHO:

(1) HAS A LEVEL II OR LEVEL III CERTIFICATION FROM THE AMERICAN SOCIETY FOR NONDESTRUCTIVE TESTING (ASNT); AND

(2) IS COMMISSIONED BY THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS.".

On page 6, in line 13, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0840/373924/1

BY: Senator Colburn

AMENDMENT TO SENATE BILL 840
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Colburn" and substitute "Senators Colburn and Haines".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0840/993723/1

BY: Senator Colburn

AMENDMENT TO SENATE BILL 840
(First Reading File Bill)

On page 6, in line 14, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 511)

ADJOURNMENT

At 1:12 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:00 A.M. on Thursday, March 20, 2008.

Annapolis, Maryland
Thursday, March 20, 2008
9:00 A.M. Session

The Senate met at 9:24 A.M.

Prayer by Reverend Dr. Walter Middlebrooks, Asbury United Methodist Church, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

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

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

QUORUM CALL

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

(See Roll Call No. 514)

LAID OVER BILLS

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

Senate Bill 615 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Stalking and Domestic Violence – Cruelty Toward a Pet or Service Animal

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0615/168474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 615

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Stalking and"; strike beginning with "altering" in line 3 down through "cruelty;" in line 5; in line 13, strike "amending a certain definition;"; in line 14, strike "stalking and"; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 16 on page 2 through line 25 on page 3, inclusive.

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 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

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

FLOOR AMENDMENT

SB0914/763125/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 914
(First Reading File Bill)

On page 2, in line 10, strike "**AN**" and substitute "**A MARYLAND**".

The preceding amendment was read only.

Senator Frosh 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 150 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007

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 150 – THE CAPITAL BUDGET

(See Exhibit I of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 150 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (41) AND THE FAVORABLE REPORT.

Committee amendments 1 and 41 were read and adopted.

Committee amendments 2 through 7 were read and adopted.

Committee amendments 8 through 11 were read and adopted.

Committee amendments 12 through 17 were read and adopted.

Committee amendments 18 through 20 were read and adopted.

Committee amendments 21 through 30 were read and adopted.

Committee amendment 31 through 33 were read and adopted.

Committee amendment 34 through 40 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0150/803823/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 150
(First Reading File Bill)

On page 3, in line 9, strike "$872,099,000" and substitute "$886,070,000".

The preceding amendment was read and adopted.

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

The motion was adopted.

Senate Bill 795 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0795/859632/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 795
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "names of certain grantees" and substitute "grantees under certain projects"; in line 9, strike "a requirement" and substitute "certain requirements"; in lines 9, 10, and 12, in each instance, strike "a certain grantee" and substitute "certain grantees"; and after line 22, insert:

"BY repealing and reenacting, without amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of

the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007

Section 1(1)

BY adding to

Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007

Section 1(6)

BY repealing and reenacting, with amendments,

Chapter 162 of the Acts of the General Assembly of 2001

Section 1

BY repealing and reenacting, with amendments,

Chapter 163 of the Acts of the General Assembly of 2001

Section 1

BY repealing and reenacting, with amendments,

Chapter 175 of the Acts of the General Assembly of 2001

Section 1

BY repealing and reenacting, with amendments,

Chapter 326 of the Acts of the General Assembly of 2001, as amended by Chapter 30 of the Acts of the General Assembly of 2003 and Chapter 188 of the Acts of the General Assembly of 2005

Section 1".

On page 2, after line 13, insert:

"BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004, and Chapter 608 of the Acts of the General Assembly of 2006

Section 13(3)(i) Item (AM)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 176 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(B)";

in line 19, after "(R)," insert "(V),"; in the same line, after "(AC)," insert "(AD),"; in the same line, after "(AZ)," insert "(BB),"; in the same line, strike "and (CK)" and substitute "(CA), (CK), and (CP)"; in line 20, strike "and (AC)" and substitute ", (AC), (AD), (AZ), and (BU)"; in line 23, after "ZA00(B)" insert "and (S)"; in the same line, strike "ZA01(AV) and (Z)," and substitute "ZA01(Z), (AV), (BD), and (BV),"; and in line 24, strike "and (CC)" and substitute "(BT), (CC), and (CE)".

AMENDMENT NO. 2

On page 4, after line 7, insert:

"Chapter 317 of the Acts of 2000, as amended by Chapter 168 of the Acts of 2002, Chapter 149 of the Acts of 2004, and Chapter 76 of the Acts of 2007

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore County – Arbutus Community Facility Loan of 2000 in a total principal amount equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 162 of the Acts of 2001

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the St. Mary's County – St. Clement's Island Lighthouse Memorial Loan of 2001 in a total principal amount equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of St. Clement's Hundred, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, and construction of a memorial structure that replicates the outline of the former St. Clement's Island Lighthouse in size and shape, to be located near the original site at St. Clement's Island State Park.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either

directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property or funds expended prior to the effective date of this Act. The fund may consist of in kind contributions. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, 2003, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 163 of the Acts of 2001

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore City – Ivy Family Support Center Loan of 2001 in a total principal amount equal to the lesser of (i) $225,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the Epsilon Omega Foundation, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, construction, renovation, and capital equipping of the Ivy Family Support Center, to be located at 3515 Dolfield Avenue in Baltimore, Maryland.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. The fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, 2003, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER

JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 175 of the Acts of 2001

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Calvert County – Chesapeake Beach Railway Trail Loan of 2001 in a total principal amount of $250,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Mayor and Town Council of the Town of Chesapeake Beach (referred to hereafter in this Act as "the grantee") for the planning, design, and construction of facilities for the Chesapeake Beach Railway Trail, a recreational trail that will include paved trails, timber walkways, and bridges.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2011, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Chapter 326 of the Acts of 2001, as amended by Chapter 30 of the Acts of 2003 and Chapter 188 of the Acts of 2005

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Prince George's County – Kettering Largo Boys & Girls Club Storage Facility Loan of 2001 in a total principal amount equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of Kettering Largo Boys & Girls Club (referred to hereafter in this Act as "the grantee") for the planning,

design, construction, and capital equipping of a storage facility for the Kettering Largo Boys & Girls Club.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of funds expended prior to the effective date of this Act. The fund may consist of real property or in kind contributions. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, **[**2007**] 2010**, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2010. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2010, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.".

On page 7, after line 34, insert:

"Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 608 of the Acts of 2006

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (i) $15,200,000 for the following projects initially approved by the Senate:

(AM) [Kensington Recreation Center.] **WARNER MANOR.** Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Montgomery County for the [acquisition,] planning, [and] design**, RENOVATION, AND DEMOLITION** of the [Kensington Recreation Center,] **WARNER MANOR,** located in Kensington. Notwithstanding Section 13(5) of this Act, the matching fund may consist of real property and the grantee must present evidence that a matching fund will be provided by June 1, [2008] **2010** (Montgomery County) 100,000

Chapter 204 of the Acts of 2003, as amended by Chapter 176 of the Acts of 2005

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(B) Baltimore Zoo Redevelopment Projects. Provide a grant to the Maryland Zoological Society to assist in the construction of redevelopment projects at the Baltimore Zoo, subject to the requirement that the grantee provide an equal and matching fund for this purpose. The grantee may provide the matching fund and the Board of Public Works may certify the matching fund in installments during the period beginning with the effective date of this Act and ending on June 1, [2008] **2012**. Each installment of the matching fund that the grantee provides shall be at least [$1,000,000] **$250,000**.

Except as specifically provided herein, the matching fund shall be subject to Section 1(5) of this Act (Baltimore City) 3,500,000".

On page 9, after line 34, insert:

"(V) Gay Street One/Madison Square. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the East Baltimore Community Corporation for the acquisition, planning, design, construction, repair, renovation, [reconstruction] **RECONSTRUCTION,** and capital equipping of vacant and boarded housing properties, located in the Gay Street One/Madison Square area of Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) 125,000".

On page 10, after line 4, insert:

"(AD) The Powerhouse. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The East Harbor Community Development Corporation for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL**

BE PROVIDED (Baltimore City)..... 125,000";

strike beginning with the first "County" in line 7 down through "County" in line 8 and substitute "**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**"; after line 14, insert:

"(BB) [Circle] **WARNER** Manor. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the [Mayor and Town Council of the Town of Kensington and] the County Executive and County Council of Montgomery County for the [acquisition] **PLANNING, DESIGN, RENOVATION, AND DEMOLITION** of [Circle] **WARNER** Manor, located in Kensington, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of **REAL PROPERTY AND** funds expended prior to the effective date of this Act**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) ..... 150,000";

after line 19, insert:

"(CA) New Revival Center [for] **OF** Renewal. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the [County Executive and County Council of Prince George's County] **BOARD OF DIRECTORS OF NEW REVIVAL CENTER OF RENEWAL, INC.** for the acquisition of [land] **PROPERTY** for the New Revival Center [for] **OF** Renewal, located in [Capitol Heights] **WALDORF. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 100,000";

and after line 31, insert:

"(CP) Our House Youth Home. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 175,000".

On page 11, after line 17, insert:

"(AD) The Powerhouse. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The East Harbor Community Development Corporation for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2010, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City).... 125,000

(AZ) Our House Youth Home. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital

equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 250,000

(BU) New Revival Center of Renewal. Provide a grant equal to the lesser of (i) $80,000 or (ii) the amount of the matching fund provided, to the [County Executive and County Council of Prince George's County] **BOARD OF DIRECTORS OF NEW REVIVAL CENTER OF RENEWAL, INC.** for the acquisition of [land] **PROPERTY** for the New Revival Center of Renewal, located in [Capitol Heights] **WALDORF. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2009, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 80,000".

On page 12, after line 10, insert:

"(S) [Slave Church.] **CHERRY HILL CHURCH.** Provide a grant of $300,000 to the Board of Directors of [the Friends of Benjamin Banneker Historical Park and Museum, Inc.] **THE FRIENDS OF CHERRY HILL AUMP, INC.** for the acquisition, planning, design, construction, reconstruction, renovation, **RESTORATION,** and capital equipping of [a slave church] **THE CHERRY HILL CHURCH**, located in Randallstown (Baltimore County)..... 300,000";

and after line 28, insert:

"(BD) Reid Community Business Development Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the

amount of the matching fund provided, to the Board of Directors of the Reid Community Development Corporation for the acquisition, planning, construction, and capital equipping of the Reid Community Business Development Center, located in [Bowie] **PRINCE GEORGE'S COUNTY** (Prince George's County)..... 100,000

(BV) Delmarva Discovery Center on the Pocomoke River. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke Marketing Partnership, Inc. for the planning, design, construction, renovation, and capital equipping of [a steamboat exhibit] **EXHIBITS** at the Delmarva Discovery Center on the Pocomoke River, located in Pocomoke City (Worcester County) ..... 100,000".

On page 13, after line 15, insert:

"(BT) Reid Community Business Development Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Reid Community Development Corporation for the acquisition, planning, construction, and capital equipping of the Reid Community Business Development Center, located in [Bowie] **PRINCE GEORGE'S COUNTY** (Prince George's County)..... 200,000";

and after line 26, insert:

"(CE) Delmarva Discovery Center on the Pocomoke River. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke Marketing Partnership, Inc. for the planning, design, construction, renovation, and capital equipping of [a steamboat exhibit] **EXHIBITS** at the Delmarva Discovery Center on the Pocomoke River, located in Pocomoke City (Worcester County) 50,000".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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.

THE COMMITTEE ON EXECUTIVE NOMINATIONS REPORT # 8

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 #8
March 20, 2008

Budget for the Workers' Compensation Commission, Advisory Committee on the

1. Michael G. Comeau
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Advisory Committee on the Budget of the Workers' Compensation Commission; appointed to serve a term of three years from July 1, 2007

Legal Services Corporation Board of Directors

2. Nathaniel E. Jones, Jr., Esquire
4203 North Charles Street
Baltimore, MD 21218

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2005

Nursing Home Administrators, State Board of Examiners of

3. Arthur N. Rogers, III
712 East Seminary Avenue
Towson, MD 21286

Member of the State Board of Examiners of Nursing Home Administrators; reappointed to serve a term of four years from April 22, 2008

Seafood Marketing Advisory Commission

4. Thomas R. Zinn
12925 Spring Cove Drive
Lusby, MD 20657

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2006

Social Work Examiners, State Board of

5. Lillye McNeill Dumas-Wells
3662 Forest Hill Road
Baltimore, MD 21207

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2008

6. Annie D. Peak
9909 Old Indian Head Road
Upper Marlboro, MD 20772

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2008

St. Mary's College Board of Trustees

7. Arthur Birney, Jr.
848 Coach Way
Annapolis, MD 21401

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

8. C. Richard D'Amato
6 East Lake Drive
Annapolis, MD 21403

Member of the St. Mary's College Board of Trustees; appointed to serve a term of six years from June 1, 2007

Stadium Authority, Maryland

9. John Morton, III
10 Waveland Farm
Annapolis, MD 21409

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2008

Technology Development Corporation Board of Directors, Maryland

10. Paula L. Jagemann
4703 Briggswood Court
Frederick, MD 21703

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a four year term to expire June 30, 2008 and a term of four years from July 1, 2008

Tourism Development Board, Maryland

11. Deborah L. Dodson
5513 Cedar Grove Road
East New Market, MD 21631

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2008

12. Christopher Schardt
2918 Hudson Street
Baltimore, MD 21224

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2008

Transportation Authority, Maryland

13. Mary Beyer Halsey
207 Smith Road
Rising Sun, MD 21911

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

University System of Maryland Board of Regents

14. Frank M. Reid, III, Ph.D.
8950 Harkate Way
Randallstown, MD 21133

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2008

Women, Maryland Commission for

15. The Honorable Helen L. Holton
830 North Chapelgate Lane
Baltimore, MD 21229

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2006

16. The Honorable Classie Gillis Hoyle
2089 Forest Drive
Annapolis, MD 21401

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2006

17. Erum Malik
3886 Whitebrook Lane
Ellicott City, MD 21042

Member of the Maryland Commission for Women; appointed to serve remainder of a four year term to expire July 1, 2008 and a term of four years from July 2, 2008

18. Melissa Techentin
1601 Dundalk Avenue
Baltimore, MD 21222

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2005

Youth Camp Safety, Advisory Council on

19. Linda E. Mouzon
6945 Scarlet Oak Drive
Elkridge, MD 21075

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2008

20. Joy Peters
19013 Queens Cross Lane
Germantown, MD 20876

Member of the Advisory Council on Youth Camp Safety; reappointed 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.

Seafood Marketing Advisory Commission

S-1. Joseph N. Brooks
1202 Hambrooke Boulevard
Cambridge, MD 21613

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2008

S-2. Cynthia W. Paul
3278 Golden Hill Road
Church Creek, MD 21622

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2008

Social Work Examiners, State Board of

S-3. Daniel L. Buccino
2109 Kentucky Avenue
Baltimore, MD 21218

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2008

Stadium Authority, Maryland

S-4. Thomas B. Corey
9500 Sidebrook Road
Owings Mills, MD 21117

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2008

Technology Development Corporation Board of Directors, Maryland

S-5. Charles J. Morton, Jr.
300 Cedarcroft Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2008

Tourism Development Board, Maryland

S-6. Helene M. Maher
6187 Kara's Walk
Elkridge, MD 21075

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2008

S-7. William O. Ripken
900 Mount Soma Court
Fallston, MD 21047

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2008

Transportation Authority, Maryland

S-8. William C. Calhoun, Sr.
932 North Central Avenue
Baltimore, MD 21202

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

S-9. Isaac H. Marks, Sr., Esquire
9255 Three Oaks Drive
Silver Spring, MD 20901

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

S-10. Michael J. Whitson
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

University System of Maryland Board of Regents

S-11. Norman Augustine
9826 Sorrel Road
Potomac, MD 20854

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2008

Venture Capital Trust Board of Trustees, Maryland

S-12. Robert W. Schaefer
5903 Meadowood Road
Baltimore, MD 21212

Member of the Maryland Venture Capital Trust Board of Trustees; reappointed to serve a term of four years from July 1, 2008

Veterans Home Commission, Maryland

S-13. Andrew H. Anderson
29995 Bolingbroke Lane
Trappe, MD 21673

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2008

S-14. Robert M. Johnson
P.O. Box 1967
La Plata, MD 20646

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2008

S-15. Toni Rae King
12401 Rockledge Drive
Bowie, MD 20715

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2008

Well Drillers, State Board of

S-16. Larry Dale Brenneman
312 Main Street Extended
Accident, MD 21520

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S-17. C. Wayne Caswell
3515 North Furnance Road
Jarrettsville, MD 21084

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S-18. Hahns S. Hairston
625 Jasper Street
Baltimore, MD 21201

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S-19. David B. Hartman
307 Woodshadows Court
Millersville, MD 21118

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S-20. John T. Shannahan, Sr.
P.O. Box 730
Easton, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S-21. Travis E. Sterner
8726 Reynolds Mill Road
Seven Valleys, PA 17360

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S-22. Darlene Vivian Wells
17433 Wesley Chapel Road
Monkton, MD 21111

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Allegany Community College Board of Trustees

L-1. Joyce K. Lapp
11800 Knob Road
Cumberland, MD 21502

Member of the Allegany Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

L-2. John J. McMullen, Esquire
818 Buckingham Road
Cumberland, MD 21502

Member of the Allegany Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Anne Arundel Community College Board of Trustees

L-3. Jerome W. Klasmeier
1077 Overcast Drive
Crownsville, MD 21032

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2006

L-4. Diane Renee Dixon Proctor
127 Fox Trap Drive
Glen Burnie, MD 21601

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2008

L-5. Bushra Raza
616 219th Street
Pasadena, MD 21122

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2008

Cecil Community College Board of Trustees

L-6. S. Dell Foxx
19 Hammer Drive
North East, MD 21901

Member of the Cecil Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Community College Trustees for Baltimore County

L-7. Linda C. Goldberg
7917 Stevenson Road
Baltimore, MD 21208

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2008

L-8. Charles E. Kountz, Jr., Esquire
4367 Hollins Ferry Road, Suite 2C
Baltimore, MD 21227

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2008

L-9. Richard W. McJilton
7260 Meadow Lane
Baltimore, MD 21222

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2007

L-10. Cecile V. Myric
1326 Gooseneck Road
Baltimore, MD 21220

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2007

Hagerstown Community College Board of Trustees

L-11. Austin S. Abraham
11800 Indian Lane
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; appointed to serve a term of six years from July 1, 2008

Howard Community College Board of Trustees

L-12. Roberta E. Dillow
10610 High Beam Court
Columbia, MD 21044

Member of the Howard Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Montgomery Community College Board of Trustees

L-13. Jong-on Hahm, Ph.D
11733 Ambleside Drive
Potomac, MD 20854

Member of the Montgomery Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Prince George's County Board of Election Supervisors

L-14. Lester W. Jones
11605 Hickory Drive
Fort Washington, MD 20744

Member of the Prince George's County Board of Election Supervisors; appointed to serve a term of four years from June 4, 2007

L-15. Theresa Bournes Roebuck
6601 Oak Street
Cheverly, MD 20785

Member of the Prince George's County Board of Election Supervisors; appointed to serve a term of four years from June 4, 2007

Prince George's County Board of License Commissioners

L-16. Armando Camacho
6403 McCahill Drive
Laurel, MD 20707

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from July 1, 2008

L-17. Franklin D. Jackson, Esquire
12610 Pleasant Prospect
Mitchellville, MD 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2008

Southern Maryland, Board of Trustees of the College of

L-18. Austin Joseph Slater, Jr.
23073 Silk Oak Way
California, MD 20619

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2008

L-19. Dorthea Holt Smith
3365 Forest Road
Waldorf, MD 20601

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2008

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 21, 2008.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 789 – Senator Forehand

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

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

Favorable report rejected by a roll call vote as follows:

Affirmative – 23 Negative – 23 (See Roll Call No. 515)

Senate Bill 344 – Senators Garagiola, Astle, Exum, Kelley, Klausmeier, and Pugh

AN ACT concerning

The Flexible Leave Act

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

Favorable report adopted.

FLOOR AMENDMENT

SB0344/283920/1

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 344
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "Act;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, in line 3, after "**(B)**" insert "**(1)**"; in lines 5 and 6, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 6, insert:

"**(2) THIS SECTION DOES NOT APPLY TO AN EMPLOYEE OF A COMMUNITY–BASED MENTAL HEALTH PROGRAM.**".

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

Affirmative – 22 Negative – 23 (See Roll Call No. 516)

FLOOR AMENDMENT

SB0344/743829/2

BY: Senator Kasemeyer

AMENDMENT TO SENATE BILL 344
(First Reading File Bill)

On page 2, in line 20, after "**PERSON**" insert "**THAT EMPLOYS 15 OR MORE INDIVIDUALS AND IS**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0344/283025/1

BY: Senator DeGrange

AMENDMENTS TO SENATE BILL 344
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "the employee's immediate family" and substitute "certain children of the employee"; and in line 16, strike "immediate family" and substitute "children".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 25 and 26, inclusive; and in line 27, strike "**(4)**" and substitute "**(3)**".

On page 3, in line 8, strike "**IMMEDIATE FAMILY**" and substitute "**CHILD IF THE CHILD IS:**

(1) UNDER THE AGE OF 18 YEARS; OR

(2) AT LEAST 18 YEARS OLD AND INCAPABLE OF SELF–CARE DUE TO A MENTAL OR PHYSICAL DISABILITY".

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

Affirmative – 24 Negative – 22 (See Roll Call No. 517)

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 AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR GARAGIOLA.

FLOOR AMENDMENT

SB0309/113429/2

BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, after "certain" insert "proposed"; and in lines 10 and 11, strike "these measures".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 8 of Amendment No. 1, strike "report" and substitute "provide certain reports"; and in the same line, strike "on the status of implementing".

AMENDMENT NO. 2

On page 6 of the bill, in lines 19 and 26, in each instance, after "**A**" insert "**PROPOSED**"; after line 20, insert:

"**(2)** **ON OR BEFORE DECEMBER 1, 2008, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**

(3) **ON OR AFTER MAY 1, 2009, THE DEPARTMENT SHALL IMPLEMENT THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**";

in lines 21 and 28, in each instance, strike "**(2)**" and substitute "**(4)**"; and after line 27, insert:

"**(2)** **ON OR BEFORE DECEMBER 1, 2009, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE II IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**

(3) **ON OR AFTER MAY 1, 2010, THE DEPARTMENT SHALL IMPLEMENT THE PHASE II IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**".

On page 7 of the bill, in lines 1 and 3, in each instance, after "**A**" insert "**PROPOSED**"; after line 5, insert:

"**(2)** **ON OR BEFORE DECEMBER 1, 2010, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES AND THE FINAL PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(3) **ON OR AFTER MAY 1, 2011, THE DEPARTMENT SHALL IMPLEMENT THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES AND THE FINAL PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**";

and in line 6, strike "**(2)**" and substitute "**(4)**".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0309/113429/3

BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, after "certain" insert "proposed"; and in lines 10 and 11, strike "these measures".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 8 of Amendment No. 1, strike "report" and substitute "provide certain reports"; and in the same line, strike "on the status of implementing".

AMENDMENT NO. 2

On page 6 of the bill, in lines 19 and 26, in each instance, after "**A**" insert "**PROPOSED**"; after line 20, insert:

"**(2) ON OR BEFORE DECEMBER 1, 2008, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**

(3) ON OR AFTER MAY 1, 2009, THE DEPARTMENT SHALL IMPLEMENT THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.";

in lines 21 and 28, in each instance, strike "**(2)**" and substitute "**(4)**"; and after line 27, insert:

"**(2) ON OR BEFORE DECEMBER 1, 2009, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE II INTERMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.**

(3) ON OR AFTER MAY 1, 2010, THE DEPARTMENT SHALL IMPLEMENT THE PHASE II INTERMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES.".

On page 7 of the bill, in lines 1 and 3, in each instance, after "**A**" insert "**PROPOSED**"; after line 5, insert:

"**(2) ON OR BEFORE DECEMBER 1, 2010, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, WHICH OUTLINES THE PLAN FOR IMPLEMENTATION OF THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES AND THE FINAL PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(3) ON OR AFTER MAY 1, 2011, THE DEPARTMENT SHALL IMPLEMENT THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES AND THE FINAL PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.";

and in line 6, strike "**(2)**" and substitute "**(4)**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/443024/1

BY: Senator Raskin

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "reductions;" insert "providing that any provision of federal law that conflicts with certain provisions of this Act shall prevail to the extent that the federal law is stricter than the provisions of this Act;"; and in line 25, after "system;" insert "requiring the Department to take certain actions if a federal law is enacted that creates a national cap and trade system for the reduction of greenhouse gas emissions;".

AMENDMENT NO. 2

On page 9, after line 29, insert:

"**(K) ANY PROVISION OF FEDERAL LAW THAT CONFLICTS WITH A PROVISION OF THIS SECTION SHALL PREVAIL OVER THE PROVISION OF THIS SECTION TO THE EXTENT IT IS STRICTER THAN THE PROVISION OF THIS SECTION.**".

On page 11, after line 5, insert:

"**(D) IF A FEDERAL LAW IS ENACTED THAT CREATES A NATIONAL CAP AND TRADE SYSTEM FOR THE REDUCTION OF GREENHOUSE GAS EMISSIONS, THE DEPARTMENT SHALL:**

(1) REPEAL THE REGULATIONS REQUIRED TO BE ADOPTED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) COMPLY WITH THE FEDERAL LAW TO PARTICIPATE IN THE NATIONAL CAP AND TRADE SYSTEM.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/453526/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 26, strike "authorizing" and substitute "requiring".

AMENDMENT NO. 2

On page 11, in line 7, strike "**MAY**" and substitute "**SHALL**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/993121/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 309
(First Reading File Bill)

On page 6, in line 15, strike "**A MINIMUM OF**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0309/763928/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 8 of the bill, in line 6, after "**TO**" insert "**ENSURE ELECTRIC RELIABILITY AND**".

AMENDMENT NO. 2

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 13 of Amendment No. 5, strike "**AND**".

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in line 7 of Amendment No. 5, after "**MARYLAND**", insert "**; AND**

(5) **ENSURE ELECTRIC RELIABILITY**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/573426/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "authorizing" in line 3 down through "Fund;" in line 4.

On page 2 of the bill, strike beginning with "authorizing" in line 1 down through "Fund;" in line 6.

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 21 of Amendment No. 1, strike "fees" and substitute "revenues".

AMENDMENT NO. 2

On page 2 of the bill, in line 29, strike "**(1)**"; and strike lines 33 and 34 in their entirety.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 1, strike "**2–1207**".

On page 13 of the bill, strike beginning with "**(A)(1)**" in line 2 down through "**AUCTION**" in line 3 and substitute "**AUCTION**"; and strike in their entirety lines 6 through 20, inclusive.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 6, strike "**GREENHOUSE GAS**".

On page 8, of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 8, strike beginning with "and" in line 12 down through "Act," in line 14.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/767971/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

On page 7, in line 13, after "**LOW-INCOME**" insert "**, LOW- TO MODERATE-INCOME,**"; and in line 14, after "**COMMUNITIES**" insert "**OR ANY OTHER PARTICULAR CLASS OF RATEPAYERS**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0309/673121/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 9, after "circumstances;" insert "authorizing the Governor to extend the date under which a specified mandate has to be achieved under certain circumstances;".

AMENDMENT NO. 2

On page 15, after line 28, insert:

"**(C) (1) THE GOVERNOR MAY ADJUST THE DEADLINES FOR THE ADOPTION OF INDIVIDUAL REGULATIONS UNDER THIS SUBTITLE IF THE GOVERNOR DETERMINES THE IMPLEMENTATION OF THE PHASE I, II, OR III EMISSIONS REDUCTION MEASURES WOULD:**

(I) RESULT IN SIGNIFICANT INCREASES IN ELECTRIC RATES FOR RESIDENTS AND BUSINESSES IN THE STATE, OR FOR A PARTICULAR CLASS OF RATEPAYERS, THAT WOULD NOT BE OFFSET BY RATE RELIEF FUNDS OR SAVINGS FROM ENERGY EFFICIENCY AND CONSERVATION MEASURES AND SERVICES;

(II) RESULT IN THE LOSS OF A SIGNIFICANT NUMBER OF MANUFACTURING JOBS IN THE STATE TO MARKETS THAT ARE NOT REQUIRED TO ADHERE TO GREENHOUSE GAS EMISSIONS REDUCTION REQUIREMENTS;

(III) SIGNIFICANTLY AND ADVERSELY AFFECT THE ADEQUACY OF THE ENERGY SUPPLY IN THE STATE; OR

(IV) CAUSE A SEVERE DISRUPTION OF THE STATE ECONOMY.

(2) A DEADLINE ADJUSTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 1 CALENDAR YEAR.";

in line 29, strike "**(C)**" and substitute "**(D)**"; in line 30, strike "**AND (B)**" and substitute "**, (B), AND (C)**"; and after line 32, insert:

"**(E) (1) AFTER ADJUSTING THE DEADLINES FOR INDIVIDUAL REGULATIONS UNDER SUBSECTION (A), (B), OR (C) OF THIS SECTION, THE GOVERNOR MAY EXTEND THE DATE BY WHICH THE MANDATE UNDER § 2-1203(A) OF THIS SUBTITLE HAS TO BE ACHIEVED IF:**

(I) THE GOVERNOR REQUIRES THE DEPARTMENT OR THE PUBLIC SERVICE COMMISSION, AS APPROPRIATE, TO HOLD HEARINGS ON THE IMPACT A SITUATION DESCRIBED UNDER SUBSECTION (A), (B), OR (C) OF THIS SECTION HAS HAD OR WOULD HAVE ON ACHIEVING THE MANDATE UNDER § 2-1203(A) OF THIS SUBTITLE; AND

(II) BASED ON RECOMMENDATIONS OF THE DEPARTMENT OR THE PUBLIC SERVICE COMMISSION, AS APPROPRIATE, THE GOVERNOR DETERMINES THAT EXTENDING THE DATE BY WHICH THE MANDATE UNDER § 2-1203(A) HAS TO BE ACHIEVED IS NECESSARY TO PROTECT THE OVERALL INTERESTS OF THE STATE.

(2) IF THE GOVERNOR EXTENDS THE DATE BY WHICH THE MANDATE UNDER § 2-1203(A) OF THE SUBTITLE HAS TO BE ACHIEVED, THE DEPARTMENT MAY ESTABLISH A NEW DATE BY REGULATION.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0309/933525/1

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 309, AS AMENDED

In Senator Pinsky's Floor Amendment (SB0309/833520/1), in line 8 of Amendment No. 2, strike "**RETURNED**" and substitute "**RETAINED**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0309/383723/1

BY: Senator Exum

AMENDMENTS TO SENATE BILL 309, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 11, before "requiring" insert "prohibiting the Department from proceeding with the implementation of certain greenhouse gas emissions reduction measures before the General Assembly receives certain reports and passes certain legislation; providing for the construction of certain provisions;".

AMENDMENT NO. 2

On page 1 of Senator Garagiola's Amendment (SB0309/113429/3), in line 8 of Amendment No. 2, strike "**ON**" and substitute "**(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON**"; and after line 10, insert:

"**(II) 1. THE DEPARTMENT MAY NOT BEGIN IMPLEMENTING THE PHASE I IMMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES UNTIL THE GENERAL ASSEMBLY:**

A. RECEIVES THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

B. ENACTS LEGISLATION SPECIFICALLY AUTHORIZING THE IMPLEMENTATION OF THE MEASURES.

2. THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF THE DEPARTMENT TO IMPLEMENT PROGRAMS OR ADOPT REGULATIONS FOR:

A. THE REGIONAL GREENHOUSE GAS INITIATIVE UNDER § 2–1002 OF THIS TITLE;

B. THE LOW EMISSIONS VEHICLE PROGRAM UNDER § 2–1102 OF THIS TITLE; OR

C. ANY OTHER PROGRAM INVOLVING VOLUNTARY MEASURES TO REDUCE GREENHOUSE GAS EMISSIONS.".

On page 2 of Senator Garagiola's Amendment, in lines 6 and 17 of Amendment No. 2, in each instance, strike "**ON**" and substitute "**(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON**"; after line 8, insert:

"**(II) 1. THE DEPARTMENT MAY NOT BEGIN IMPLEMENTING THE PHASE II INTERMEDIATE ACTION GREENHOUSE GAS EMISSIONS REDUCTION MEASURES UNTIL THE GENERAL ASSEMBLY:**

A. RECEIVES THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

B. ENACTS LEGISLATION SPECIFICALLY AUTHORIZING THE IMPLEMENTATION OF THE MEASURES.

2. THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF THE DEPARTMENT TO IMPLEMENT PROGRAMS OR ADOPT REGULATIONS FOR:

A. THE REGIONAL GREENHOUSE GAS INITIATIVE UNDER § 2–1002 OF THIS TITLE;

B. THE LOW EMISSIONS VEHICLE PROGRAM UNDER § 2–1102 OF THIS TITLE; OR

C. ANY OTHER PROGRAM INVOLVING VOLUNTARY MEASURES TO REDUCE GREENHOUSE GAS EMISSIONS.";

and after line 20, insert:

"**(II) 1. THE DEPARTMENT MAY NOT BEGIN IMPLEMENTING THE PHASE III GREENHOUSE GAS EMISSIONS REDUCTION MEASURES UNTIL THE GENERAL ASSEMBLY:**

A. RECEIVES THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

B. ENACTS LEGISLATION SPECIFICALLY AUTHORIZING THE IMPLEMENTATION OF THE MEASURES.

2. THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF THE DEPARTMENT TO IMPLEMENT PROGRAMS OR ADOPT REGULATIONS FOR:

A. THE REGIONAL GREENHOUSE GAS INITIATIVE UNDER § 2–1002 OF THIS TITLE;

B. THE LOW EMISSIONS VEHICLE PROGRAM UNDER § 2–1102 OF THIS TITLE; OR

C. ANY OTHER PROGRAM INVOLVING VOLUNTARY MEASURES TO REDUCE GREENHOUSE GAS EMISSIONS.".

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

Affirmative – 27 Negative – 20 (See Roll Call No. 518)

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

The motion was adopted.

Senate Bill 649 – Senator Conway

AN ACT concerning

Athletics – Mixed Martial Arts – Regulation by State Athletic Commission – Boxing and Wrestling Tax

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

FLOOR AMENDMENT

SB0649/103123/2

BY: Senators Brochin, Jacobs, and Muse

AMENDMENT TO SENATE BILL 649, AS AMENDED
(First Reading File Bill)

On page 1 of the bill, in line 26, strike "a certain term" and substitute "certain terms".

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0649/764031/1), in line 5 of Amendment No. 2, after "**(E)**" insert "**(1)**"; in lines 8 and 9, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 10, insert:

"**(2) "MIXED MARTIAL ARTS" DOES NOT INCLUDE A CONTEST KNOWN AS "ULTIMATE FIGHTING" IN WHICH:**

(I) ANY PART OF THE BODY OF A CONTESTANT MAY BE USED AS A WEAPON; AND

(II) ANY MEANS OF FIGHTING MAY BE USED WITH THE SPECIFIC PURPOSE TO INTENTIONALLY INJURE ANOTHER CONTESTANT IN SUCH A MANNER THAT THE OTHER CONTESTANT BECOMES DEFENSELESS.".

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

Affirmative – 7 Negative – 40 (See Roll Call No. 519)

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

Senate Bill 150 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007

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

FLOOR AMENDMENT

SB0150/713822/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 6, in Committee Amendment No. 8, strike beginning with ", repair," in line 26 down through "reconstruction" in line 27 and substitute "and repair"; in line 28, after "the" insert "parking lot at the"; strike beginning with ", repair," in line 36 down through "equipping" in line 37 and substitute "and repair"; and in line 37, after "the" insert "parking lot at the".

On page 7, in Committee Amendment No. 8, strike beginning with ", repair," in line 6 down through "equipping" in line 7 and substitute "and repair"; in line 7, after "the" insert "parking lot at the"; strike beginning with ", repair," in line 14 down through "equipping" in line 15 and substitute "and repair"; and in line 15, after "the" insert "parking lot at the".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

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

FLOOR AMENDMENT

SB0914/763125/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 914

(First Reading File Bill)

On page 2, in line 10, strike "**AN**" and substitute "**A MARYLAND**".

The preceding amendment was withdrawn.

FLOOR AMENDMENT

SB0914/383520/1

BY: Senator Frosh

AMENDMENT TO SENATE BILL 914
(First Reading File Bill)

On page 1, in line 18, strike "and"; and in line 20, after "Senate" insert "; and

(iii) all shall be Maryland residents".

The preceding amendment was read and adopted.

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: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0309/173523/1

BY: Senators Jacobs and Stone

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, before "requiring" insert "providing that the provisions of this Act do not apply to certain facilities;".

AMENDMENT NO. 2

On page 6, after line 12, insert:

"**2–1202.1.**

A FACILITY LOCATED IN SPARROWS POINT IS EXEMPT FROM THE PROVISIONS OF THIS SUBTITLE AND ANY PLAN DEVELOPED, REGULATION ADOPTED, OR PROGRAM IMPLEMENTED UNDER THIS SUBTITLE.".

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

Affirmative – 21 Negative – 26 (See Roll Call No. 520)

FLOOR AMENDMENT

SB0309/733021/1

BY: Senator Stone

AMENDMENT TO SENATE BILL 309, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0309/994239/1), in line 1 of Amendment No. 1, strike "Stone,".

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 47 Members present.

(See Roll Call No. 521)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #41

Senate Bill 286 – Senator Gladden

AN ACT concerning

Public Health – Antibiotic–Resistant Infection Prevention Campaign

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

Affirmative – 47 Negative – 0 (See Roll Call No. 522)

The Bill was then sent to the House of Delegates.

Senate Bill 368 – Senator Conway

AN ACT concerning

Procurement – Preferences – Employment Works Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 523)

The Bill was then sent to the House of Delegates.

Senate Bill 502 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 525)

The Bill was then sent to the House of Delegates.

Senate Bill 546 – Senators Forehand and Miller

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day and Annapolis Charter Day

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

Affirmative – 47 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the House of Delegates.

Senate Bill 612 – Senators Lenett, Dyson, and Middleton

AN ACT concerning

Procurement – Preference Procurement Program for Sheltered Workshops – Individual With Disability Owned Businesses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the House of Delegates.

Senate Bill 745 – Senators Colburn, Dyson, Klausmeier, and McFadden

AN ACT concerning

Alcoholic Beverages – Definitions – Beer

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

Affirmative – 36 Negative – 10 (See Roll Call No. 528)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #42

Senate Bill 2 – Senator Lenett

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

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

Affirmative – 26 Negative – 21 (See Roll Call No. 529)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Madaleno 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 1012 – Senator Madaleno

AN ACT concerning

Local Government – Street Lighting Equipment

FOR the purpose of providing for the price that a local government shall pay to a certain electric company for certain overhead fed street lighting equipment that is at least a certain number of years old under certain circumstances; altering the calculation of a purchase price that a local government shall pay to a certain electric company for certain street lighting equipment under certain circumstances; and generally relating to the purchase of street lighting equipment by a local government from an electric company.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 5–101
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 47 Members present.

(See Roll Call No. 530)

RECESS

At 12:47 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 5:00 P.M. on Thursday, March 20, 2008.

AFTER RECESS
Annapolis, Maryland
Thursday, March 20, 2008
5:00 P.M. Session

At 5:26 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 532)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #42

Senate Bill 208 – The President (By Request – Administration) and Senators Madaleno, King, Brochin, Forehand, Frosh, Garagiola, Lenett, Pinsky, ~~and Rosapepe~~ Rosapepe, Currie, DeGrange, Edwards, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Zirkin

AN ACT concerning

High Performance Buildings Act

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

The motion was adopted.

Senate Bill 264 – Senators Pugh, Conway, Currie, Della, Garagiola, Glassman, Kasemeyer, Lenett, Madaleno, McFadden, Rosapepe, ~~and Stone~~ Stone, and Harrington

AN ACT concerning

High School Dropouts – Alternative Education Programs and GED Requirements

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

Affirmative – 41 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the House of Delegates.

Senate Bill 419 – Senator Glassman

AN ACT concerning

Agriculture – ~~Seed and Nursery Stock for Native Plants – Funding~~ Wild Pollinators Program

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

Affirmative – 44 Negative – 0 (See Roll Call No. 534)

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

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

Affirmative – 43 Negative – 1 (See Roll Call No. 535)

The Bill was then sent to the House of Delegates.

Senate Bill 757 – Senator Colburn

AN ACT concerning

Wetlands – Construction of Structure on Pier – ~~Dorchester County~~ Exception

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

Affirmative – 44 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the House of Delegates.

Senate Bill 860 – Senator Glassman

AN ACT concerning

Forest and Park Wardens – Responsibilities

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

Affirmative – 44 Negative – 0 (See Roll Call No. 537)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #43
CONSENT CALENDAR #2

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 128	Sen. Exum	Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business	EHE
SB 496	Sen. Della	Baltimore City – Alcoholic Beverages Licenses – Restaurants in Business Planned Unit Development	EHE
SB 584	Sen. Della	Baltimore City – Alcoholic Beverages Act of 2008	EHE
SB 626 (Emergency Bill)	Sen. Muse	Prince George's County – Alcoholic Beverages – Convention Center License	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 2 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 538)

The Bills were then sent to the House of Delegates.

MOTION

Senator DeGrange moved, duly seconded, to put **Senate Bill 150** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 539)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **Senate Bill 150** on Third Reading and Final Passage.

THIRD READING CALENDAR (SENATE BILLS) #47

Senate Bill 150 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 540)

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 208 – The President (By Request – Administration) and Senators Madaleno, King, Brochin, Forehand, Frosh, Garagiola, Lenett, Pinsky, ~~and Rosapepe~~ Rosapepe, Currie, DeGrange, Edwards, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Zirkin

AN ACT concerning

High Performance Buildings Act

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 40 Negative – 5 (See Roll Call No. 541)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #18

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

Senate Bill 49 – Senators Conway, Britt, Currie, Exum, Gladden, Jones, Kelley, Madaleno, McFadden, Muse, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for April 1, 2008.

The motion was adopted.

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

Senate Bill 436 – Senators Pugh, McFadden, Conway, Currie, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Lenett, Madaleno, Muse, Peters, Raskin, and Robey

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

SB0436/444235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 436
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "changes;" insert "requiring the Comptroller to report certain information to the Department of Legislative Services on or before a certain date each year; requiring this Act to be implemented on a certain date; providing that this Act is null and void as of a certain date under certain circumstances; making this Act subject to certain contingencies;".

AMENDMENT NO. 2

On page 1, in line 20, strike "**18**" and substitute "**17**".

On page 2, in line 28, strike "Except" and substitute "**BEGINNING WITH THE 2009 – 2010 SCHOOL YEAR, EXCEPT**"; and in line 29, strike "**18**" and substitute "**17**".

On page 3, in line 14, strike "**18**" and substitute "**17**".

On page 4, in line 10, strike "**18**" and substitute "**17**".

AMENDMENT NO. 3

On page 5, strike beginning with "but" in line 11 down through "2009," in line 12 and substitute "until reaching the age of 18 years old,"; and strike in their entirety lines 16 through 19, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If Chapter ___ (S.B. 998/H.B. 613) of the Acts of the General Assembly of 2008 takes effect, then, on or before April 2, 2009, and each year thereafter, the Comptroller shall report to the Department of Legislative Services on the amount of money in the Maryland Education Fund established under Chapter ____.

(b) This Act shall be implemented on July 1 of the year in which a report is made to the Department of Legislative Services under subsection (a) of this section stating that at least $50,000,000 is in the Maryland Education Fund.

(c) If, in any year following the implementation of this Act, a report is made to the Department of Legislatives Services under subsection (a) of this section stating that less than $50,000,000 is in the Maryland Education Fund, then, as of July 1 of the year in which the report is made, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2008, contingent on the taking effect of Chapter ___ (S.B. 998/H.B. 613) of the Acts of the General Assembly of 2008, and the establishment of the Maryland Education Fund under Chapter ___, and if Chapter ___

does not take effect or if the Fund is not established, this Act shall be null and void without the necessity of further action by the General Assembly.".

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

Senate Bill 438 – Senators Jones, Conway, Currie, Gladden, King, McFadden, Muse, Pugh, and Raskin

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

SB0438/584834/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 438
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after the first "the" insert "diversity"; and in line 23, after "year;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, in line 27, strike "**THE**" and substitute "**:**

1. THE";

in line 29, after "**CAMPUSES**" insert "**; AND**

2. WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT BODY";

and in line 31, after "**(A)**" insert "**IN THIS SECTION, "CULTURAL DIVERSITY" MEANS THE VARIETY OF CHARACTERISTICS AND EXPERIENCES THAT DEFINE AN INDIVIDUAL, INCLUDING THE PRIMARY DIMENSIONS OF RACE, ETHNICITY, GENDER, AGE, RELIGION, DISABILITY, AND SEXUAL ORIENTATION AND THE SECONDARY DIMENSIONS OF COMMUNICATION STYLE, WORK STYLE, ORGANIZATIONAL ROLE AND LEVEL, ECONOMIC STATUS, AND GEOGRAPHIC ORIGIN.**

(B)".

AMENDMENT NO. 3

On page 3, in line 15, strike "**RESPONDING TO**" and substitute "**REPORTING CAMPUS–BASED**"; strike beginning with "**AND**" in line 15 down through "**CAMPUS**" in line 16 and substitute "**, AS DEFINED UNDER TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND CONSISTENT WITH FEDERAL REQUIREMENTS UNDER 20 U.S.C. 1092(F), KNOWN AS THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT**"; in line 22, after "**TRAINING**" insert "**OF THE STUDENT BODY, FACULTY, AND STAFF**"; in lines 24 and 31, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 28, after "**(2)**" insert "**(I)**"; after line 30, insert:

"**(II) THE PROGRESS REPORT SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT BODY.**";

and in line 33, after the first "**THE**" insert "**DIVERSITY**".

AMENDMENT NO. 4

On page 4, in line 3, after "**THE**" insert "**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE**"; and in line 6, after the second "**THE**" insert "**DIVERSITY**".

The preceding 4 amendments were read only.

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

The motion was adopted.

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

Senate Bill 473 – Senators Garagiola, Forehand, Lenett, Madaleno, Pinsky, Pugh, and Robey

AN ACT concerning

Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

SB0473/284736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 473
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "forms;" insert "requiring certain forms to be part of a certain card that requests certain information in certain years;".

AMENDMENT NO. 2

On page 2, in line 19, strike "explains" and substitute "**:**

1. NOTIFIES THE PARENT THAT:

A. THE SURVEY IS CONFIDENTIAL;

B. THE ANSWERS WILL BE KEPT PRIVATE;

C. THE STUDENT'S NAME WILL NOT BE REQUIRED ON THE SURVEY RESPONSE SHEET; AND

D. THE SURVEY IS DESIGNED TO IDENTIFY RISK BEHAVIORS THAT MAY INCLUDE SAFETY BEHAVIORS SUCH AS USE OF HELMETS AND SEAT BELTS, DEPRESSION AND MENTAL HEALTH, USE OF TOBACCO, ALCOHOL, OR OTHER DRUGS, NUTRITION AND PHYSICAL ACTIVITY, AND SEXUAL BEHAVIOR; AND

2. EXPLAINS".

AMENDMENT NO. 3

On page 2, after line 24, insert:

"**(D) FOR THE YEAR DURING WHICH THE SURVEY WILL BE CONDUCTED, THE DENIAL OF PERMISSION FORM SHALL BE A PART OF THE CARD REQUESTING EMERGENCY CONTACT INFORMATION THAT IS DISTRIBUTED BY THE PUBLIC SCHOOL TO EACH STUDENT OR PARENT OR GUARDIAN OF THE STUDENT.**".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 773 – Senators Pugh and McFadden

AN ACT concerning

State Department of Education – Adult Education and Family Literacy Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #20

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

Senate Bill 9 – Senator Rosapepe

AN ACT concerning

Alcoholic Beverages – Beer Keg Sales – Registration Form

SB0009/894330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 9
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Alcoholic" insert "Prince George's County –"; strike beginning with "requiring" in line 3 down through "transferred" in line 5 and substitute "requiring a person who sells beer in kegs at retail in Prince George's County to complete certain registration forms with certain information about the purchaser of the beer kegs and to record on the copy of the registration form retained by the keg licensee the purchaser's identification number and the date the purchaser's identification number was issued;"; in line 6, after "change;" insert "defining a certain term;"; in the same line, after "the" insert "registration forms that accompany the"; in the same line, after "kegs" insert "in Prince George's County"; and after line 6, insert:

"BY renumbering
Article 2B – Alcoholic Beverages
Section 21–106(c), (d), (e), and (f), respectively
to be Section 21–106(d), (e), (f), and (g), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

after line 16, insert:

"BY adding to
Article 2B – Alcoholic Beverages
Section 21–106(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

in line 18, strike "the Laws of Maryland read as follows:" and substitute "Section(s) 21–106(c), (d), (e), and (f), respectively, of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 21–106(d), (e), (f),and (g), respectively.

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

AMENDMENT NO. 2

On page 2, in line 9, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**"; in line 13 strike the brackets; strike in their entirety lines 14 through 18, inclusive; in line 19, strike the brackets; in the same line, strike "**(4)**"; and after line 20, insert:

"**(C) (1) IN THIS SUBSECTION, "IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER:**

(I) ON THE PURCHASER'S DRIVER'S LICENSE;

(II) IF THE PURCHASER IS A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD AS PROVIDED FOR IN THE TRANSPORTATION ARTICLE;

(III) IF THE PURCHASER IS NOT A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD THAT IS ISSUED BY THE PURCHASER'S HOME STATE OR JURISDICTION; OR

(IV) THE IDENTIFICATION NUMBER ON A UNITED STATES MILITARY IDENTIFICATION CARD.

(2) IN PRINCE GEORGE'S COUNTY:

(I) THE KEG LICENSEE SHALL COMPLETE A REGISTRATION FORM WITH:

1. THE PURCHASER'S NAME;

2. THE DATE OF PURCHASE; AND

3. THE ADDRESS OF THE PURCHASER AS SHOWN ON THE IDENTIFICATION PRODUCED OR, IF THE PERSON PROVIDES A UNITED STATES MILITARY IDENTIFICATION CARD AS IDENTIFICATION, THE ADDRESS THAT THE PURCHASER PROVIDES;

(II) THE PURCHASER SHALL SIGN THE COMPLETED REGISTRATION FORM; AND

(III) THE KEG LICENSEE SHALL RECORD ON THE COPY OF THE REGISTRATION FORM RETAINED BY THE KEG LICENSEE THE PURCHASER'S IDENTIFICATION NUMBER AND THE DATE THAT THE PURCHASER'S IDENTIFICATION WAS ISSUED.".

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 431 – Senators Pinsky, Raskin, Brochin, Conway, Dyson, Frosh, Garagiola, Madaleno, and Rosapepe

AN ACT concerning

Natural Resources – Forest Conservation Act – No Net Loss of Forest

SB0431/604831/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 431
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Task Force to Study a No Net Loss of Forest Policy"; strike beginning with "requiring" in line 3 down through "Act" in line 6 and substitute "requesting that the Governor establish a Task Force to Study a No Net Loss of Forest Policy; requiring the Task Force to develop a certain plan and draft legislation; requiring the Task Force to submit the plan and draft legislation to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the conservation of forested lands in the State".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 7 through 11; in line 13, strike "the Laws of Maryland read as follows".

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 4 on page 2, inclusive, and substitute:

"(a) The Governor is requested to establish a Task Force to Study a No Net Loss of Forest Policy to develop:

(1) a specific plan, including programs and other necessary actions, to achieve and maintain a policy of no net loss of forests; and

(2) draft legislation for the 2009 legislative session of the General Assembly to ensure that there is a process to achieve a no net loss of forest in the State beginning in 2010.

(b) The Task Force shall consist of representatives from:

(1) the Department of Natural Resources;

(2) the Department of Agriculture;

(3) the Department of Planning; and

(4) organizations representing:

(i) forest landowners;

(ii) local governments;

(iii) the development community;

(iv) the forest products industry;

(v) the agricultural community;

(vi) the forest conservancy district boards; and

(vii) forest conservation.

(c) The Department of Natural Resources shall provide staff support for the Task Force.

(d) On or before December 1, 2008, the Task Force shall submit the specific plan and draft legislation developed under subsection (a) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On page 2, in line 6, strike "July" and substitute "June"; and in the same line, after "2008." insert "It shall remain effective for a period of 1 year and, at the end of May 31, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 506 – Senators Rosapepe, Colburn, Kelley, Lenett, and Madaleno

AN ACT concerning

Task Force on the Preservation of Heritage Language Skills in Maryland

SB0506/494036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 506
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "requiring the election" and substitute "providing for the selection".

AMENDMENT NO. 2

On page 3, after line 13, insert:

"(7) the Executive Director of the Governor's Office of Community Initiatives, or the Executive Director's designee;";

in lines 14, 21, and 27, strike "(7)", "(8)", and "(9)", respectively, and substitute "(8)", "(9)", and "(10)", respectively; and strike in its entirety line 29 and substitute:

"(c) The President of the Senate and the Speaker of the House shall jointly select the chair of the Task Force from among its members.".

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 883 – Senator Stone

AN ACT concerning

Voluntary Cleanup Program – Enforcement and Oversight – Requirements

SB0883/244534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 883
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "include" insert "anticipated"; strike beginning with "requiring" in line 4 down through "meeting;" in line 8; in line 10, strike "that the response action plan"; in the same line, after "achieving" insert "certain"; in line 11, strike the first "the"; strike beginning with "requiring" in line 11 down through "property;" in line 12; and in line 16, strike "7–506 and 7–512" and substitute "7–506(a)".

AMENDMENT NO. 2

On page 2, in line 26, after "**AND**" insert "**ANTICIPATED**".

On pages 3 through 6, strike in their entirety the lines beginning with line 4 on page 3 through line 10 on page 6, inclusive.

AMENDMENT NO. 3

On page 6, in line 16, strike "**RESPONSE ACTION PLAN**" and substitute "**PARTICIPANT**"; in line 17, after "**CRITERIA**" insert "**SELECTED UNDER § 7–508(B) OF THIS SUBTITLE AND SPECIFIED IN THE RESPONSE ACTION PLAN**".

AMENDMENT NO. 4

On pages 6 and 7, strike in their entirety the lines beginning with line 18 on page 6 through line 32 on page 7, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #9

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

Senate Bill 455 – Harford County Senators

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

SB0455/699334/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 455
(First Reading File Bill)

In line 16, before "Notwithstanding" insert "**(A)**"; in the same line, strike "**A COUNTY OR**"; and after line 19, insert:

"**(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A COUNTY MAY PAY A CLAIM FOR A REFUND OF PERSONAL PROPERTY TAX WITHOUT INTEREST WITHIN 180 DAYS AFTER THE REFUND CLAIM IS APPROVED IF THE DEPARTMENT DETERMINES THAT THE REFUND IS A RESULT OF A FAILURE TO FILE A REPORT WHEN DUE OR OTHER TAXPAYER ERROR.**".

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 456 – Senator Astle

AN ACT concerning

Sales and Use Tax – Energy Star Product Exemptions – Boilers

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 564 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Munson, and Robey

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

SB0564/529637/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 564
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, and Colburn"; in line 3, after "of" insert "exempting from a certain offset of a retirement allowance retired judges who are members of the Employees' Retirement System or the Employees' Pension System;"; after line 23, insert:

"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)";

and in line 26, strike "22–406(c)(1) and (9) and 23–407(c)(1) and (9)" and substitute "22–406(c)(1), (4)(vii) and (viii), and (9) and 23–407(c)(1), (4)(v) and (vi), and (9)".

On page 2, in line 3, strike "22–407 and 23–408" and substitute "22–406(c)(4)(ix), 22–407, 23–407(c)(4)(vii), and 23–408".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"(b) Except as provided in subsection (m) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if:

(1) the individual immediately notifies the Board of Trustees of the individual's intention to accept this employment; and

(2) the individual specifies the compensation to be received.";

and after line 24, insert:

"(2) The reduction required under paragraph (1) of this subsection shall equal:

(i) the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

(ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(3) A reduction of an early service retirement allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(vii) a former employee of the Domestic Relations Division of Anne Arundel County Circuit Court who transfers into the State Employees' Personnel System under § 2–510 of the Courts Article; **[**or**]**

(viii) a retiree of the Employees' Retirement System who is reemployed on a contractual basis for not more than 4 years by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1–301 of the Health Occupations Article, in:

1. a State residential center as defined in § 7–101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10–101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article**; OR**

(IX) A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM AND THE JUDGES' RETIREMENT SYSTEM WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.".

AMENDMENT NO. 3

On page 5, after line 32, insert:

"(b) Except as provided in subsection (m) of this section, an individual who is receiving a service retirement allowance or a vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if:

(1) the individual immediately notifies the Board of Trustees of the individual's intention to accept this employment; and

(2) the individual specifies the compensation to be received.".

On page 6, after line 16, insert:

"(2) The reduction required under paragraph (1) of this subsection shall equal:

(i) the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

(ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(3) A reduction of an early service retirement allowance or an early vested allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(v) a retiree of the Teachers' Pension System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection; [or]

(vi) a retiree of the Employees' Pension System who is reemployed on a contractual basis for not more than 4 years by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1–301 of the Health Occupations Article in:

1. a State residential center as defined in § 7–101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10–101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article**; OR**

(VII) A RETIREE OF THE EMPLOYEES' PENSION SYSTEM AND THE JUDGES' RETIREMENT SYSTEM WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.".

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 823 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

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 984 – Senator DeGrange

AN ACT concerning

Board of Public Works – Notification – Capital Leases

SB0984/699034/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 984
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator DeGrange" and substitute "Senators DeGrange and Jones"; strike beginning with "determination" in line 4 down through "leases;" in line 7 and substitute "certification by the Capital Debt Affordability Committee or approval of the General Assembly in the budget;".

AMENDMENT NO. 2

On page 2, in line 28, strike "**(I)**".

On page 3, strike in their entirety lines 1 through 12, inclusive, and substitute:

"**(I) THE CAPITAL DEBT AFFORDABILITY COMMITTEE HAS CERTIFIED TO THE GOVERNOR AND THE GENERAL ASSEMBLY THAT THE TOTAL AMOUNT OF NEW STATE DEBT TO BE INCURRED BY THE LEASE MAY PRUDENTLY BE AUTHORIZED; OR**

(II) THE GENERAL ASSEMBLY HAS APPROVED THE LEASE IN THE BUDGET FOR THE REQUESTING UNIT.".

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 #10

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

Senate Bill 383 – Senators Currie and McFadden

AN ACT concerning

Tobacco Tax – Moist Snuff and Little Cigars

SB0383/939430/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 383

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Little Cigars"; strike beginning with "altering" in line 3 down through "amount;" in line 4; in line 5, after "cavity;" insert "requiring that certain tobacco tax revenues be distributed to the Cigarette Restitution Fund for certain purposes; requiring certain revenues to be appropriated for certain activities aimed at cancer research;"; strike beginning with "providing" in line 5 down through "cigars;" in line 8; in line 9, strike "requiring that little cigars be sold in a certain manner;"; in line 10, strike "and packaging"; after line 11, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–317(b) and (g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

in line 14, after "Section" insert "2–1602.1 and"; in the same line, strike "and (b–2)"; and in line 19, strike "12–101(c), 12–201, 12–202, and 12–302(a)" and substitute "2–1603 and 12–202".

On page 2, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 2

On page 2, after line 8, insert:

"Article – State Finance and Procurement

7–317.

(b) (1) The Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of this subtitle.

(2) There shall be credited to the Fund all revenues consisting of funds received by the State from any source resulting, directly or indirectly, from any judgment against or settlement with tobacco product manufacturers, tobacco research associations, or any other person in the tobacco industry relating to litigation, administrative proceedings, or any other claims made or prosecuted by the State to recover damages for violations of State law.

(3) There shall be credited to the Fund all moneys collected under § 24–508 of the Health – General Article or § 5–608 of the Labor and Employment Article.

(4) THERE SHALL BE CREDITED TO THE FUND ALL MONEYS DISTRIBUTED TO THE FUND UNDER § 2–1602.1 OF THE TAX – GENERAL ARTICLE.

(g) (1) Amounts may only be expended from the Fund through appropriations in the State budget bill as provided in this subsection.

(2) The Governor shall include in the annual budget bill appropriations from the Fund equivalent to the lesser of $100,000,000 or 90% of the funds estimated to be available to the Fund in the fiscal year for which the appropriations are made.

(3) For each fiscal year for which appropriations are made, at least 50% of the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii), and (iii)1 through 9 of this section subject to the requirement of subsection (e)(2) of this section.

(4) For each fiscal year for which appropriations are made, at least 30% of the appropriations shall be made for the purposes of the Maryland Medical Assistance Program.

(5) For each fiscal year for which appropriations are made, 0.15% of the Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of the Business Regulation Article.

(6) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE MADE, THE TOBACCO TAX REVENUE COLLECTED FROM MOIST SNUFF DISTRIBUTED TO THE FUND SHALL BE APPROPRIATED FOR ACTIVITIES AIMED AT CANCER RESEARCH.

[(6)**](7)** Any additional appropriations, not subject to paragraph (3), paragraph (4), **[**or**]** paragraph (5)**, OR PARAGRAPH (6)** of this subsection, may be made for any lawful purpose.”;

and after line 9, insert:

"**2–1602.1.**

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–1601 AND 2–1602 OF THIS SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE THE REVENUE COLLECTED FROM THE TOBACCO TAX IMPOSED ON MOIST SNUFF UNDER § 12–105(B)(2) OF THIS ARTICLE TO THE CIGARETTE RESTITUTION FUND FOR THE PURPOSES SPECIFIED UNDER § 7–317(G)(6) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

2–1603.

After making the distributions required under §§ 2–1601 **[**and 2–1602**]** **THROUGH 2–1602.1** of this subtitle, the Comptroller shall distribute the remaining tobacco tax revenue to the General Fund of the State.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 11 through 22, inclusive; and in line 23, strike "**(B–2)**" and substitute "**(B–1)**".

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 6 on page 3, inclusive.

On page 3, in line 8, strike "**AND LITTLE CIGARS**"; strike beginning with "**OR**" in line 9 down through "**CIGARS**" in line 10; in lines 12, 14, and 16, in each instance, strike "**OR LITTLE CIGARS**"; in line 17, strike "**LITTLE CIGARS AND**"; in line 20, strike "**54**" and substitute "**39**"; and in the same line, strike "**PER**" and substitute "**FOR UP TO ONE**".

On pages 3 and 4, strike in their entirety the lines beginning with line 24 on page 3 through line 2 on page 4, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 19 on page 4 through line 20 on page 6, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 444 – Senators King, Currie, DeGrange, Edwards, Forehand, Garagiola, Jones, Kasemeyer, Kramer, Madaleno, Munson, Peters, Raskin, Robey, and Stoltzfus

AN ACT concerning

Corporate Income Tax – Reporting

SB0444/769730/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 444
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Reporting" insert "and Study"; in line 3, after the first "of" insert "altering the membership of a certain business tax study commission; limiting to certain taxable years a requirement for certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; altering the circumstances under which an individual is required to attach to an income tax return or otherwise file with the Comptroller a copy of the individual's federal income tax return;"; in the same line, strike "certain definitions" and substitute "a certain definition and repealing certain definitions"; strike beginning with "prohibiting" in line 6 down through "officials;" in line 7; in line 9, strike "a"; in line 10, strike "report" and substitute "reports"; in line 14, strike "corporations" and substitute "persons"; and in line 17, after "Section" insert "10–110(c), 10–402(c)(2)(vi) and (vii), 10–804(e)(3)(ii), and".

AMENDMENT NO. 2

On page 2, after line 1, insert:

"10–110.

(c) The Commission shall be composed of **[**17**] 19** members, as follows:

(1) a chair, appointed by the Governor;

(2) three members of the Senate Budget and Taxation Committee, appointed by the President of the Senate;

(3) three members of the House Committee on Ways and Means, appointed by the Speaker of the House;

(4) the Comptroller of the Treasury, or the Comptroller's designee;

(5) the Secretary of Business and Economic Development, or the Secretary's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee;

(7) the Director of the State Department of Assessments and Taxation, or the Director's designee;

(8) a representative of the Maryland Association of Counties;

(9) a representative of the Maryland Municipal League;

(10) a representative of the Maryland Chamber of Commerce; [and]

(11) A REPRESENTATIVE OF THE GREATER BALTIMORE COMMITTEE;

(12) A REPRESENTATIVE OF AN ORGANIZATION THAT REPRESENTS MARYLAND MANUFACTURERS, APPOINTED BY THE GOVERNOR; AND

[(11)**] (13)** three members of the public, each of whom shall be an attorney at law or an accountant knowledgeable about the State's business tax structure, appointed by the Governor.".

AMENDMENT NO. 3

On page 2, before line 2, insert:

"10–402.

(c) (2) (vi) As part of its tax return for a taxable year beginning after December 31, 2005, **BUT BEFORE JANUARY 1, 2011,** each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax owed using the 3–factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before **[**December 1, 2008**]** **MARCH 1, 2009**, and **[**December**]** **MARCH** 1 of each year thereafter, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the **SECOND** preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.".

On page 8, in lines 25 and 26, strike "**DECEMBER OF** 2008 **AND**".

AMENDMENT NO. 4

On page 2, in line 2, strike "10–804.1." and substitute:

"10–804.

(e) Each person required under this subtitle to file an income tax return or estimated income tax declaration or return shall:

(3) attach to an income tax return or otherwise file with the Comptroller any records or statements that the Comptroller requires, including:

(ii) a copy of the federal income tax return:

1. for a corporation; **AND**

2. **[**for an individual who reports income or loss from a sole proprietorship (Schedule C of Form 1040) or income or loss from rental real estate and royalties, partnerships and S corporations, estates and trusts, or real estate mortgage investment conduits (Schedule E of Form 1040); and

3.**]** if the Comptroller requests, for an individual **[**other than one described in item 2 of this item**]**;

10–804.1.".

AMENDMENT NO. 5

On page 2, in line 3, strike "(1)"; strike beginning with the first "the" in line 3 down through "Corporate" in line 4 and substitute "**:**

(1) **CORPORATE**";

in lines 5, 7, 8, and 9, in each instance, strike the brackets; in lines 5, 7, 8, and 9, strike "**1.**", "**2.**", "**A.**" and "**B.**", respectively; in line 13, after "group" insert "**; AND**"; and in line 14, strike "**CORPORATE**" and substitute "**CORPORATE**".

On pages 2 and 3, strike in their entirety the lines beginning with line 17 on page 2 through line 17 on page 3, inclusive.

On page 3, in line 19, strike the bracket.

On pages 3 through 6, strike in their entirety the lines beginning with line 20 on page 3 through line 10 on page 6, inclusive.

On page 6, in line 11, strike "**(I)**" and substitute "**(1)**"; in the same line, strike "**PROVIDE A COPY OF A**" and substitute "**A PRO FORMA**"; in line 12, strike "**REPORT CALCULATION**" and substitute "**CORPORATE INCOME TAX RETURN**"; strike beginning with "**ANOTHER**" in line 12 down through "**TAX**" in line 18 and substitute "**REGULATIONS ADOPTED BY THE COMPTROLLER; AND**

(2) IN A FORMAT SPECIFIED BY THE COMPTROLLER:

(I) THE SALES FACTOR THAT WOULD BE CALCULATED FOR THIS STATE AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO INCLUDE IN THE NUMERATOR OF THE SALES FACTOR FOR PURPOSES OF APPORTIONING INCOME TO THE STATE ALL SALES OF PROPERTY SHIPPED FROM AN OFFICE, STORE, WAREHOUSE, FACTORY, OR OTHER PLACE OF STORAGE IN THIS STATE WHERE:

1. THE PURCHASER IS THE FEDERAL GOVERNMENT; OR

2. THE PROPERTY IS SHIPPED OR DELIVERED TO A CUSTOMER IN A STATE IN WHICH THE SELLING CORPORATION IS NOT SUBJECT TO A STATE CORPORATE INCOME TAX OR STATE FRANCHISE TAX MEASURED BY NET INCOME AND COULD NOT BE SUBJECTED TO SUCH A TAX IF THE STATE WERE TO IMPOSE IT; AND

(II) FOR ANY INCOME THAT THE TAXPAYER HAS IDENTIFIED, ON THE INCOME TAX RETURN FILED UNDER THIS TITLE OR ON AN INCOME TAX RETURN FILED IN ANY STATE, AS INCOME THAT IS NONOPERATIONAL AND THEREFORE NOT APPORTIONABLE:

1. THE AMOUNT AND SOURCE OF THAT NONOPERATIONAL INCOME; AND

2. IF THE COMMERCIAL DOMICILE OF THE CORPORATION IS IN THIS STATE, THE DIFFERENCE IN TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO ALLOCATE 100% OF THE NONOPERATIONAL INCOME TO MARYLAND TO THE FULLEST EXTENT ALLOWED UNDER THE UNITED STATES CONSTITUTION".

On page 6, in line 19, strike "(d)" and substitute "**(C)**"; in the same line, strike "subsections (b) and (c)" and substitute "**SUBSECTION (B)**"; and strike in their entirety lines 32 through 34, inclusive.

On page 7, strike in their entirety lines 1 through 4, inclusive; in line 5, strike "**(4)**" and substitute "**(2)**"; strike beginning with "doing" in line 6 down through "title," in line 7; in line 13, strike "(5)" and substitute "**(3)**"; in lines 16 and 26, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively.

On page 8, in line 16, strike "(g)" and substitute "**(F)**".

AMENDMENT NO. 6

On page 2, in line 14, after "**INCLUDE**" insert "**:**

1.";

and in line 16, after "**TAX**" insert "**;**

2. AN INSURER AS DEFINED IN § 1–101 OF THE INSURANCE ARTICLE; OR

3. A REGULATED INVESTMENT COMPANY, AS DEFINED IN § 851(A) OF THE INTERNAL REVENUE CODE".

The preceding 6 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 Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 465 – Senators Peters, Currie, DeGrange, Edwards, Kasemeyer, King, Kramer, McFadden, Pugh, Robey, Simonaire, Stoltzfus, and Zirkin

AN ACT concerning

Property Tax Assessment Appeals

SB0465/409934/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 465
(First Reading File Bill)

On page 2, in line 1, strike "The" and substitute "**UNLESS EXTENDED BY THE COURT AT THE REQUEST OF A PARTY, THE**"; in line 2, after "before" insert "**:**

1. FOR AN APPEAL OTHER THAN AN APPEAL OF A DETERMINATION REGARDING AN ASSESSMENT FOR RESIDENTIAL PROPERTY,";

in the same line, strike the brackets; in the same line, strike "**60**"; in line 3, strike beginning with ", unless" through "party" and substitute "**; AND**

2. FOR AN APPEAL OF A DETERMINATION REGARDING AN ASSESSMENT FOR RESIDENTIAL PROPERTY, 90 DAYS FROM THE DATE THE APPEAL IS ENTERED";

in line 5, strike the brackets; and in the same line, strike "**60**" and substitute "**OR 90**".

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 597 – Senators Kramer, Currie, Della, Forehand, Frosh, Jones, King, Madaleno, Middleton, Munson, Pinsky, Robey, Rosapepe, and Zirkin

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Domestic Partners

SB0597/539735/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 597
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Munson,"; and in line 7, after "terms;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 3, in line 17, after the semicolon insert "**OR**"; and strike beginning with "**; OR**" in line 18 down through "**JURISDICTION**" in line 21.

AMENDMENT NO. 3

On page 5, after line 20, insert:

"SECTION 2. 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 21, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

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

SB0854/959135/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 854
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pugh" and substitute "Pugh, and Della"; in line 6, after "amount;" insert "requiring a collector to send a certain notice to a certain person within a certain time after a property is sold at a tax sale;"; in line 8, after "circumstances;" insert "providing that certain sums expended to conserve or stabilize a property become part of the redemption amount; altering how certain tax sale laws should be construed; prohibiting a holder of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; requiring the holder of a certificate of sale to send a second notice within a certain time after sending the first notice; prohibiting certain assignees of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; providing that certain notice provisions shall be deemed satisfied if the holder of a certificate of sale, or the attorney of the holder of a certificate of sale, files a certain affidavit; making stylistic changes; providing that the holder of a certificate of sale may be reimbursed for certain expenses under certain circumstances;"; in line 9, strike "is entitled to" and substitute "may"; in line 10, after "circumstances;" insert

"providing for the application of this Act;"; in line 14, after "14–828(a)," insert "14–830, 14–832, 14–833(a),"; and after line 16, insert:

"BY adding to
Article – Tax – Property
Section 14–817.1 and 14–833(a–1)
Annotated Code of Maryland
(2007 Replacement Volume)".

AMENDMENT NO. 2
On page 1, after line 23, insert:

"**14–817.1.**

(A) WITHIN 60 DAYS AFTER A PROPERTY IS SOLD AT A TAX SALE, THE COLLECTOR SHALL SEND TO THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL, AT THE LAST ADDRESS SHOWN ON THE TAX ROLL, A NOTICE THAT INCLUDES:

(1) A STATEMENT THAT THE PROPERTY HAS BEEN SOLD TO SATISFY UNPAID TAXES;

(2) THE DATE OF THE TAX SALE;

(3) THE AMOUNT OF THE HIGHEST BID;

(4) THE LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE;

(5) A STATEMENT THAT THE OWNER HAS THE RIGHT TO REDEEM THE PROPERTY UNTIL A COURT FORECLOSES THAT RIGHT;

(6) A STATEMENT THAT THE PURCHASER OF THE PROPERTY MAY INSTITUTE AN ACTION TO FORECLOSE THE PROPERTY:

(I) AS EARLY AS 6 MONTHS FROM THE DATE OF THE SALE; OR

(II) IF A GOVERNMENT AGENCY CERTIFIES THAT THE PROPERTY REQUIRES, OR SHALL REQUIRE, SUBSTANTIAL REPAIR TO COMPLY WITH APPLICABLE BUILDING CODES, AS EARLY AS 60 DAYS FROM THE DATE OF THE SALE;

(7) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

(I) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(II) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE; AND

(III) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE;

(8) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE HOLDER OF THE CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED $250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500;

(9) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

(I) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(II) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

(III) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

(IV) ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14–843(A)(4) AND (5) OF THIS SUBTITLE; AND

(10) THE PROVISIONS OF § 14–843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE.

(B) THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE SENT BY FIRST–CLASS MAIL.".

AMENDMENT NO. 3

On page 2, in line 2, strike "price" and substitute "**LIEN AMOUNT**"; after line 16, insert:

"14–830.

(A) The owner of any property sold under the provisions of this subtitle shall have the right, during the period of redemption, to continue in possession of, and to exercise all rights of ownership over the property until the right of redemption has been finally foreclosed under the provisions of this subtitle**[**, provided that any**]**.

(B) THE holder of any certificate of sale may apply to the circuit court for the county in which the property is located for the appointment of a receiver of the property covered by the certificate, in accordance with the usual provisions of the laws and of rules and practice of the circuit courts that relate to receivers.

(C) If any certificate of sale is held by the governing body of the county or any other taxing agency, the governing body or taxing agency may make application by complaint, to the circuit court for the county for the appointment of a receiver of the property covered by the certificate of sale.

(D) The defendant, in the action brought by the governing body of the county or any other taxing agency **UNDER SUBSECTION (C) OF THIS SECTION** for the appointment of a receiver shall be the owner of the property whose name last appears as the owner on the collector's tax roll.

(E) **[**However**]HOWEVER,** except as to property actually occupied by the owner if a certificate of sale is held by the Mayor and City Council of Baltimore City or the governing body of a county, then the Mayor and City Council of Baltimore City or the governing body of the county has the right of immediate possession of the property represented by the certificate of sale**[**,**]** and to the rents accruing from the property from the date of sale, without the necessity of receivership proceedings**[**, provided that the**].**

(F) **THE** Mayor and City Council of Baltimore City or the governing body of the county shall make a strict accounting of any and all rents collected to the owner on redemption of the property, and on the redemption, shall remit the rents, less all expenses required for the property maintenance and upkeep of the property.

(G) **ANY REASONABLE SUMS CAUSED TO BE EXPENDED TO CONSERVE OR STABILIZE THE PROPERTY SHALL BECOME PART OF THE REDEMPTION AMOUNT, PROVIDED THE SUMS EXPENDED AND THE NECESSITY FOR MAKING THE REPAIRS ARE APPROVED BY THE COURT.**

14–832.

The provisions of §§ 14–832.1 through 14–854 of this subtitle shall be **[**liberally**]** construed **[**as remedial legislation to encourage the foreclosure of rights of redemption by suits in the circuit courts and for the decreeing of marketable titles to property sold by the collector**] TO ENSURE A BALANCE BETWEEN:**

(1) **THE DUE PROCESS AND REDEMPTION RIGHTS OF PERSONS THAT OWN OR HAVE AN INTEREST IN PROPERTY SOLD AT A TAX SALE; AND**

(2) **THE PUBLIC POLICY OF PROVIDING MARKETABLE TITLE TO PROPERTY THAT IS SOLD AT A TAX SALE THROUGH THE FORECLOSURE OF THE RIGHT OF REDEMPTION**.

14–833.

(a) Except as provided in subsections **[**(e)**](A–1), (E),** and (f) of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(A–1) (1) THE HOLDER OF A CERTIFICATE OF SALE MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER SENDING THE FIRST OF TWO NOTICES REQUIRED UNDER THIS SUBSECTION TO:

(I) THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL; AND

(II) 1. THE CURRENT MORTGAGEE OF THE PROPERTY, ASSIGNEE OF A MORTGAGEE OF RECORD, OR SERVICER OF THE CURRENT MORTGAGE; OR

2. THE CURRENT HOLDER OF A BENEFICIAL INTEREST IN A DEED OF TRUST RECORDED AGAINST THE PROPERTY.

(2) THE HOLDER OF A CERTIFICATE OF SALE IS NOT REQUIRED TO PROVIDE THE NOTICES UNDER THIS SUBSECTION IF SUBSECTION (E) OR (F) OF THIS SECTION APPLIES TO THE PROPERTY.

(3) THE NOTICES REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST THE FOLLOWING:

(I) A STATEMENT OF THE FACT OF THE ISSUANCE OF A CERTIFICATE OF SALE;

(II) A COPY OF THE CERTIFICATE OF SALE, IF THE HOLDER OF THE CERTIFICATE OF SALE RECEIVED THE CERTIFICATE OF SALE BEFORE THE NOTICE WAS SENT UNDER THIS PARAGRAPH;

(III) A STATEMENT THAT THE OWNER, A MORTGAGE HOLDER, OR ANY OTHER PERSON THAT HAS AN ESTATE OR INTEREST IN THE PROPERTY MAY REDEEM THE PROPERTY AT ANY TIME UNTIL THE RIGHT OF REDEMPTION HAS BEEN FINALLY FORECLOSED UNDER THE PROVISIONS OF THIS SUBTITLE;

(IV) A STATEMENT THAT THE HOLDER OF THE CERTIFICATE OF SALE MAY FILE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION AT ANY TIME AFTER 2 MONTHS FROM THE DATE OF THE FIRST NOTICE;

(V) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. THE FOLLOWING EXPENSES INCURRED BY THE HOLDER OF THE CERTIFICATE OF SALE:

A. ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

B. A TITLE SEARCH FEE, NOT TO EXCEED $250; AND

C. REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500;

(VI) A STATEMENT THAT IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14–843(A)(4) AND (5) OF THIS SUBTITLE;

(VII) THE PROVISIONS OF § 14–843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE;

(VIII) A STATEMENT THAT, IN BALTIMORE CITY ONLY, THE HOLDER OF THE CERTIFICATE OF SALE IS ENTITLED TO TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH § 14–843(C) OF THIS SUBTITLE AND INTEREST AT THE RATE OF REDEMPTION UNDER § 14–820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION; AND

(IX) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:

1. THE HOLDER OF THE CERTIFICATE OF SALE, OR THE HOLDER'S AGENT OR ATTORNEY; AND

2. THE COLLECTOR WHO MADE THE SALE.

(4) (I) THE FIRST OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION MAY NOT BE SENT UNTIL 4 MONTHS AFTER THE DATE OF SALE.

(II) THE SECOND OF THE TWO NOTICES REQUIRED UNDER THIS SECTION SHALL BE SENT:

1. TO THE PERSONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

2. NO EARLIER THAN 1 WEEK AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT.

(5) IF A CERTIFICATE OF SALE IS ASSIGNED AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE ASSIGNEE:

(I) AT ANY TIME AFTER THE ASSIGNMENT, SHALL SEND ONE ADDITIONAL NOTICE UNDER THIS SUBSECTION REFLECTING THE NEW HOLDER OF THE CERTIFICATE; AND

(II) MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER THE ADDITIONAL NOTICE HAS BEEN SENT.

(6) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT:

(I) BY FIRST–CLASS MAIL; AND

(II) IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF DELINQUENT PROPERTY TAX".

(7) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT TO EACH PERSON AT THE PERSON'S LAST ADDRESS KNOWN TO THE HOLDER OF THE CERTIFICATE OF SALE, AS OBTAINED FROM:

(I) THE LAST DEED OR MORTGAGE RELATING TO THE PROPERTY RECORDED AMONG THE LAND RECORDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

(II) THE TAX ROLLS OF THE COLLECTOR WHO MADE THE SALE, AS TO THE PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE; AND

(III) WITH RESPECT TO THE ADDRESS OF THE RESIDENT AGENT AND THE PRINCIPAL OFFICE OF THE CURRENT MORTGAGEE OF RECORD, THE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(8) IN A PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION, IF THE HOLDER OF A CERTIFICATE OF SALE, THE HOLDER'S AGENT, OR THE ATTORNEY OF THE HOLDER OF A CERTIFICATE OF SALE, FILES AN AFFIDAVIT, BEFORE THE COURT ENTERS A FINAL JUDGMENT FORECLOSING THE RIGHT OF REDEMPTION, ATTESTING TO THE FACT THAT THE AFFIANT HAS COMPLIED WITH THE NOTICE PROVISIONS OF THIS SUBSECTION, THEN:

(I) THE NOTICE PROVISIONS OF THIS SUBSECTION SHALL BE DEEMED SATISFIED; AND

(II) THE FAILURE OF THE OWNER, MORTGAGEE, OR BENEFICIARY OF A DEED OF TRUST TO RECEIVE THE REQUIRED NOTICE DOES NOT INVALIDATE THE PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION OR THE FINAL JUDGMENT OF THE COURT.".

AMENDMENT NO. 4

On page 2, in line 19, strike "is entitled to" and substitute "**MAY**";

in line 32, in each instance, strike the bracket; in the same line, strike "**EXCEPT AS PROVIDED IN THIS SECTION, THE**"; and in line 33, after "expenses" insert "**OR ATTORNEY'S FEES**".

On pages 2 through 4, strike in their entirety the lines beginning with line 35 on page 2 through line 8 on page 4, inclusive, and substitute:

"**(3) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS NOT BEEN FILED, AND THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, THE HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED:**

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED $250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500.

(4) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) ATTORNEY'S FEES IN THE AMOUNT OF:

1. $1,300 IF AN AFFIDAVIT OF COMPLIANCE HAS NOT BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION; OR

2. $1,500 IF AN AFFIDAVIT OF COMPLIANCE HAS BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION;

(II) IN EXCEPTIONAL CIRCUMSTANCES, OTHER REASONABLE ATTORNEY'S FEES INCURRED AND SPECIFICALLY REQUESTED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE AND APPROVED BY THE COURT, ON A CASE BY CASE BASIS; AND

(III) IF THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE PROVIDES A SIGNED AFFIDAVIT ATTESTING TO THE FACT THAT THE EXPENSES WERE ACTUALLY INCURRED, THE FOLLOWING EXPENSES ACTUALLY INCURRED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE:

1. FILING FEE CHARGED BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

2. SERVICE OF PROCESS FEE, INCLUDING FEES INCURRED ATTEMPTING TO SERVE PROCESS;

3. A TITLE SEARCH FEE, NOT TO EXCEED $250;

4. IF A SECOND TITLE SEARCH IS CONDUCTED MORE THAN 6 MONTHS AFTER THE INITIAL TITLE SEARCH, A TITLE SEARCH UPDATE FEE, NOT TO EXCEED $75;

5. PUBLICATION FEE CHARGED BY A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

6. POSTING FEE;

7. POSTAGE AND CERTIFIED MAIL;

8. SUBSTANTIAL REPAIR ORDER FEE, NOT TO EXCEED THE FEE CHARGED BY THE GOVERNMENT AGENCY ISSUING THE CERTIFICATE OF SUBSTANTIAL REPAIR; AND

9. ANY COURT APPROVED EXPENSE FOR STABILIZATION OR CONVERSION OF THE PROPERTY UNDER § 14–830 OF THIS SUBTITLE OR IN ACCORDANCE WITH AN ACTION TAKEN AGAINST THE PROPERTY BY THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN ACCORDANCE WITH THE APPLICABLE BUILDING, FIRE, HEALTH, OR SAFETY CODES.

(5) IN ADDITION TO THE EXPENSES AND ATTORNEY'S FEES UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) TAXES PAID AT THE TAX SALE, TOGETHER WITH REDEMPTION INTEREST, ARISING AFTER THE DATE OF SALE TO THE DATE OF REDEMPTION;

(II) THE HIGH BID PREMIUM PAID AT THE TAX SALE, IF APPLICABLE; AND

(III) IN BALTIMORE CITY ONLY, TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND INTEREST AT THE RATE OF REDEMPTION PROVIDED IN § 14–820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION.".

On page 4, in line 12, after "Kent County," insert "**MONTGOMERY COUNTY,**"; in line 15, strike "is" and substitute "**MAY**"; and in the same line, strike "entitled to".

AMENDMENT NO. 5

On page 4, after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale held before the effective date of this Act or any proceeding that relates to a tax sale held before the effective date of this Act.";

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

The preceding 5 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 924 – Senator Peters

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – Residual Value

SB0924/949136/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 924

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "Senator Peters" and substitute "Senators Peters, DeGrange, Currie, Kasemeyer, McFadden, Kramer, Brinkley, Robey, Munson, King, Jones, Madaleno, Edwards, and Zirkin"; in line 2, strike "Residual Value" and substitute "Application of Trade–In Value"; strike beginning with "prohibiting" in line 3 down through "vehicles" in line 9 and substitute "altering the definition of "total purchase price" for the purposes of the vehicle excise tax to exclude from the computation of the tax as part of the consideration for the sale of a vehicle; requiring the Motor Vehicle Administration to adopt certain regulations; providing for the retroactive application of this Act; requiring the Administration to notify certain persons of certain rebates under certain circumstances; making this Act an emergency measure; defining certain terms; and generally relating to the motor vehicle excise tax"; after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(a)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

and in line 12, strike "13–809.1" and substitute "13–809(f)".

AMENDMENT NO. 2

On page 1, in line 18, strike "**13–809.1.**" and substitute "13–809.".

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 16 on page 2, inclusive, and substitute:

"(a) (3) **(I)** [**"**Total**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, "TOTAL** purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade–in but with no allowance for other nonmonetary consideration.

(II) AS TO A PERSON TRADING IN A NONLEASED VEHICLE TO ENTER INTO A LEASE FOR A PERIOD OF MORE THAN 180 CONSECUTIVE DAYS, "TOTAL PURCHASE PRICE" MEANS THE RETAIL VALUE OF THE VEHICLE AS CERTIFIED BY THE DEALER, INCLUDING ANY DEALER PROCESSING CHARGE,

LESS AN ALLOWANCE FOR THE TRADE–IN OF THE NONLEASED VEHICLE BUT WITH NO ALLOWANCE FOR OTHER NONMONETARY CONSIDERATION.

(F) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 17 and 18 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply retroactively to affect the "total purchase price" resulting from a sale or lease transaction of a vehicle, as defined in § 13–809(a)(3)(ii) of the Transportation Article, for the purposes of computing the motor vehicle excise tax imposed on a vehicle that is leased under a lease agreement entered into on or after January 1, 2008.

SECTION 3. AND BE IT FURTHER ENACTED, That, for any individual or business entity that entered into a lease agreement for a vehicle for a period of more than 180 days on or after January 1, 2008, but before the effective date of this Act, the Motor Vehicle Administration, in consultation with the appropriate licensed dealer, shall notify the individual or business entity of any rebate owed to the individual or business entity as a result of this Act.

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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #16

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 720 – Senators Klausmeier and Della

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics Committee

SB0720/797175/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 720
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Della" and substitute ", Della, Exum, Garagiola, and Pugh"; in line 2, strike "Committee" and substitute "Committees"; in line 3, strike "members of"; in line 4, after "manager;" insert "requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has certain policies and procedures; requiring a pharmacy benefits manager to disclose information about the composition of its pharmacy and therapeutics committee to a certain person under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacist to participate on its pharmacy and therapeutics committee; authorizing the Maryland Insurance Commissioner to adopt certain regulations;"; and in line 10, after "15–1601" insert "and 15–1602".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 22 on page 3, inclusive, and substitute:

"**15–1601.**

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

(B) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.

(C) "ERISA" HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(D) "FORMULARY" MEANS A LIST OF PRESCRIPTION DRUGS USED BY A PURCHASER.

(E) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.

(F) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE

ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

(G) "PHARMACY BENEFITS MANAGER" MEANS A PERSON THAT PERFORMS PHARMACY BENEFITS MANAGEMENT SERVICES.

(H) "PHARMACY AND THERAPEUTICS COMMITTEE" MEANS A COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER TO:

(1) OBJECTIVELY APPRAISE AND EVALUATE PRESCRIPTION DRUGS; AND

(2) MAKE RECOMMENDATIONS TO A PURCHASER REGARDING THE SELECTION OF DRUGS FOR THE PURCHASER'S FORMULARY.

(I) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS

THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ARRANGEMENT AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.

15–1602.

(A) A PHARMACY AND THERAPEUTICS COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) (1) A PHARMACY AND THERAPEUTICS COMMITTEE SHALL:

(I) INCLUDE CLINICAL SPECIALISTS THAT REPRESENT THE NEEDS OF A PURCHASER'S BENEFICIARIES; AND

(II) INCLUDE AT LEAST ONE PRACTICING PHARMACIST AND ONE PRACTICING PHYSICIAN WHO ARE INDEPENDENT OF ANY DEVELOPER OR MANUFACTURER OF PRESCRIPTION DRUGS.

(2) EACH MEMBER OF A PHARMACY AND THERAPEUTICS COMMITTEE SHALL SIGN A CONFLICT OF INTEREST STATEMENT UPDATED AT LEAST ANNUALLY DISCLOSING ANY ECONOMIC INTEREST OR RELATIONSHIP THAT COULD INFLUENCE THE PHARMACY AND THERAPEUTICS COMMITTEE'S DECISIONS.

(3) A MAJORITY OF THE MEMBERS OF A PHARMACY AND THERAPEUTICS COMMITTEE SHALL BE PRACTICING PHYSICIANS OR PRACTICING PHARMACISTS.

(C) A PHARMACY BENEFITS MANAGER SHALL ENSURE THAT ITS PHARMACY AND THERAPEUTICS COMMITTEE HAS:

(1) POLICIES AND PROCEDURES, INCLUDING DISCLOSURE REQUIREMENTS, TO ADDRESS POTENTIAL CONFLICTS OF INTEREST THAT MEMBERS OF THE PHARMACY AND THERAPEUTICS COMMITTEE MAY HAVE WITH DEVELOPERS OR MANUFACTURERS OF PRESCRIPTION DRUGS;

(2) A PROCESS TO EVALUATE MEDICAL AND SCIENTIFIC EVIDENCE CONCERNING THE SAFETY AND EFFECTIVENESS OF PRESCRIPTION DRUGS, INCLUDING AVAILABLE COMPARATIVE INFORMATION ON CLINICALLY SIMILAR PRESCRIPTION DRUGS, WHEN DECIDING WHAT PRESCRIPTION DRUGS TO RECOMMEND TO INCLUDE ON A FORMULARY;

(3) A PROCESS TO EVALUATE MEDICAL AND SCIENTIFIC EVIDENCE CONCERNING THE SAFETY AND EFFECTIVENESS OF PRESCRIPTION DRUGS WHEN RECOMMENDING UTILIZATION REVIEW REQUIREMENTS, DOSE RESTRICTIONS, AND STEP THERAPY REQUIREMENTS; AND

(4) A PROCESS TO ENABLE THE PHARMACY AND THERAPEUTICS COMMITTEE TO CONSIDER THE NEED TO RECOMMEND A FORMULARY CHANGE TO A PURCHASER IN A TIMELY MANNER BUT AT LEAST ANNUALLY.

(D) THE COMMISSIONER MAY CONSIDER A PHARMACY AND THERAPEUTICS COMMITTEE OF A PHARMACY BENEFITS MANAGER AS HAVING MET THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION IF THE PHARMACY BENEFITS MANAGER HAS OBTAINED ACCREDITATION FROM AN ACCREDITING ORGANIZATION APPROVED BY THE COMMISSIONER.

(E) ON REQUEST OF A PURCHASER FOR WHICH THE PHARMACY AND THERAPEUTICS COMMITTEE MAKES RECOMMENDATIONS, A PHARMACY BENEFITS MANAGER SHALL DISCLOSE INFORMATION ABOUT THE COMPOSITION OF ITS PHARMACY AND THERAPEUTICS COMMITTEE TO THE PURCHASER.

(F) A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE A PHARMACIST TO PARTICIPATE ON ITS PHARMACY AND THERAPEUTICS COMMITTEE.".

On page 3, in line 23, strike "**ON OR BEFORE APRIL 1, 2009, THE**" and substitute "**THE**"; in the same line, strike "**SHALL**" and substitute "**MAY**"; and strike in their entirety lines 25 and 26.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 797 – Senators Astle and Kittleman

AN ACT concerning

Labor and Employment – Wage Payment on Termination of Employment – Accrued Leave

SB0797/987376/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 4, after "of" insert "requiring that employers give certain notice of certain leave benefits to employees;"; in line 6, after "circumstances;" insert "providing for the payment of accrued leave to an employee whose employment terminated during a certain time period; providing for the application of this Act; making this Act an emergency measure;"; and in line 10, strike "3–505" and substitute "3–504 and 3–505".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"3–504.

(a) An employer shall give to each employee:

(1) at the time of hiring, notice of:

(i) the rate of pay of the employee; **[**and**]**

(ii) the regular paydays that the employer sets**; AND**

(III) LEAVE BENEFITS;

(2) for each pay period, a statement of the gross earnings of the employee and deductions from those gross earnings; and

(3) at least 1 pay period in advance, notice of any change in a payday or wage.

(b) This section does not prohibit an employer from increasing a wage without advance notice.".

AMENDMENT NO. 3

On page 1, strike beginning with "**IF**" in line 22 down through "**THE**" in line 25 and substitute "**AN**".

On page 2, in line 1, after "**IF**" insert:

"**(1) THE EMPLOYER HAS A WRITTEN POLICY THAT LIMITS THE COMPENSATION OF ACCRUED LEAVE TO EMPLOYEES;**

(2) THE EMPLOYER NOTIFIED THE EMPLOYEE OF THE EMPLOYER'S LEAVE BENEFITS IN ACCORDANCE WITH § 3–504(A)(1) OF THIS SUBTITLE; AND

(3)".

AMENDMENT NO. 4

On page 2, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, for an employee whose employment terminated on or after November 1, 2007, and before the effective date of this Act, if the employer of the employee had a written policy regarding the payment of accrued leave and, before termination of the employee's employment, communicated that policy to the employee, the employer is required to pay accrued leave to the employee only if the employee is entitled to the payment under the terms of the employer's written policy.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be applied to any case for which a final judgment has been rendered and for which all judicial appeals have been exhausted prior to the effective date of this Act.";

in line 3, strike "2." and substitute "4."; and strike beginning with "shall" in line 3 down through "2008" in line 4 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 815 – Senators Exum and Kelley

AN ACT concerning

Health Care Facilities – Individuals with Mental Disorders – Patient Rights

SB0815/997178/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 815
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 4 down through "fees;" in line 6.

AMENDMENT NO. 2

On page 3, in line 7, strike "**EACH**" and substitute "**SUBJECT TO APPLICABLE STATE AND FEDERAL REGULATORY STANDARDS, AND CONSISTENT WITH THE NEED TO MAINTAIN A THERAPEUTIC ENVIRONMENT, EACH**"; and in line 24, after "**INDIVIDUAL**" insert "**IN ACCORDANCE WITH THE INDIVIDUAL'S PLAN OF CARE,**".

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 28 on page 4 down through line 6 on page 5, inclusive.

On page 5, in lines 7, 12, 19, and 21, strike "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively, and substitute "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively.

On page 6, in line 12, strike "**(J)**" and substitute "**(I)**"; and in line 18, strike "**(K)**" and substitute "**(J)**".

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 841 – Senator Middleton

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

SB0841/527176/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 841
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "resource;" in line 4; strike beginning with "authorizing" in line 10 down through "circumstances" in line 12; and in line 22, strike "and (h)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 8 through 13, inclusive; and in line 14, strike "**(D)**" and substitute "**(C)**".

On page 7, strike in their entirety lines 3 through 12, 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 918 – Senator Forehand

AN ACT concerning

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

SB0918/377374/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 918
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Discrimination" in line 2 down through "Prohibited" in line 3 and substitute "Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services"; strike beginning with "repealing" in line 4 down through "insurance" in line 9 and substitute "prohibiting a carrier or insurance producer of a carrier that provides long–term care insurance from requesting or requiring a genetic test or from using a genetic test, the results of a genetic test, genetic information, or a request for genetic services to take certain actions with regard to long–term care insurance; providing for a certain exception; defining certain terms; and generally relating to prohibited acts relating to genetic tests, genetic information, and genetic services with regard to long–term care insurance"; after line 9, insert:

"BY repealing and reenacting, without amendments,
Article – Insurance
Section 18–101(a) and (d)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

and in line 12, strike "27–909" and substitute "18–120".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"18–101.

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

(d) "Carrier" means an insurer, nonprofit health service plan, health maintenance organization, or preferred provider organization.".

AMENDMENT NO. 3

On pages 1 through 3, strike in their entirety the lines beginning with line 18 on page 1 through line 16 on page 3, inclusive, and substitute:

"18–120.

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

(2) (I) "GENETIC INFORMATION" MEANS INFORMATION DERIVED FROM A GENETIC TEST:

1. ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A FAMILY MEMBER;

2. NOT OBTAINED FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES; AND

3. OBTAINED AT A TIME WHEN THE INDIVIDUAL TO WHOM THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT TO WHICH THE INFORMATION RELATES.

(II) "GENETIC INFORMATION" DOES NOT INCLUDE INFORMATION:

1. RELATING TO A DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT IS OR HAS BEEN MANIFESTED OR FOR WHICH THE INDIVIDUAL IS OR HAS BEEN SYMPTOMATIC; OR

2. DERIVED FROM:

A. ROUTINE PHYSICAL MEASUREMENTS;

B. CHEMICAL, BLOOD, AND URINE ANALYSES;

C. TESTS FOR THE USE OF DRUGS;

D. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR

E. TESTS FOR THE PURPOSE OF DIAGNOSING A MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT.

(3) "GENETIC SERVICES" MEANS HEALTH SERVICES THAT ARE PROVIDED TO OBTAIN, ASSESS, OR INTERPRET GENETIC INFORMATION OR THE RESULTS OF GENETIC TESTS.

(4) (I) "GENETIC TEST" MEANS AN ANALYSIS OF HUMAN DNA, RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.

(II) "GENETIC TEST" DOES NOT INCLUDE:

1. ROUTINE PHYSICAL MEASUREMENTS;

2. CHEMICAL, BLOOD, AND URINE ANALYSES;

3. TESTS FOR THE USE OF DRUGS;

4. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR

5. TESTS THAT ARE DIRECTLY RELATED TO A MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT COULD REASONABLY BE DETECTED BY A HEALTH CARE PROFESSIONAL WITH APPROPRIATE TRAINING AND EXPERTISE IN THE FIELD OF MEDICINE INVOLVED.

(B) In addition to the other practices prohibited under this article, a carrier or insurance producer of a carrier that provides long–term care insurance may not:

(1) employ a method of marketing that induces or tends to induce the purchase of long–term care insurance through undue pressure;

(2) use a method of marketing that fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance, and that contact will be made by an insurance producer or carrier; **[**or**]**

(3) knowingly make a misleading representation or an incomplete or fraudulent comparison of policies or carriers to induce a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert a policy or take out a policy with another carrier**[**.**]; (4) REQUEST OR REQUIRE A GENETIC TEST TO:**

(I) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG–TERM CARE INSURANCE COVERAGE AVAILABLE TO AN INDIVIDUAL; OR

(II) CHARGE A DIFFERENT RATE FOR THE SAME LONG–TERM CARE INSURANCE COVERAGE; OR

(5) USE A GENETIC TEST, THE RESULTS OF A GENETIC TEST, GENETIC INFORMATION, OR A REQUEST FOR GENETIC SERVICES TO:

(I) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG–TERM CARE INSURANCE COVERAGE AVAILABLE TO AN INDIVIDUAL; OR

(II) CHARGE A DIFFERENT RATE FOR THE SAME LONG–TERM CARE INSURANCE.

(C) NOTWITHSTANDING SUBSECTION (B)(5) OF THIS SECTION, IF THE USE IS BASED ON SOUND ACTUARIAL PRINCIPLES, THE RESULTS OF A GENETIC TEST OR GENETIC INFORMATION MAY BE USED TO:

(1) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG–TERM CARE INSURANCE COVERAGE MADE AVAILABLE TO AN INDIVIDUAL; OR

(2) CHARGE A DIFFERENT RATE FOR THE SAME LONG–TERM CARE INSURANCE.".

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 980 – Senator Robey

AN ACT concerning

Uniform Commercial Code – Financing Statements – Termination by Government Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

RECONSIDERATION

Senator Middleton moved, duly seconded, to reconsider the favorable report on **Senate Bill 789**.

The motion was adopted by a roll call vote as follows:

Affirmative – 30 Negative – 16 (See Roll Call No. 542)

Senate Bill 789 – Senator Forehand

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

Favorable report adopted.

FLOOR AMENDMENT

SB0789/153221/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 789
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "expanding" in line 3 down through "Rico;" in line 6; in line 8, strike "age" and substitute "weight"; in line 9, strike "weight" and substitute "age"; strike beginning with "repealing" in line 9 down through "changes;" in line 13; and in line 17, after "22–412.2" insert "(d)".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 23 on page 1 through line 9 on page 4, inclusive, and substitute:

"22–412.2.

(d) A person transporting a child in a motor vehicle registered in the State shall secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions if the child**[**:

(1) Is under the age of 6 years, regardless of the child's weight; or

(2) Weighs 40**]WEIGHS 50** pounds or less**[**, regardless of the child's age**]**.".

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

Affirmative – 26 Negative – 19 (See Roll Call No. 543)

FLOOR AMENDMENT

SB0789/513926/1

BY: Senator Forehand

AMENDMENTS TO SENATE BILL 789
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 8 down through "requirement" in line 9 and substitute ", subject to a certain exception".

AMENDMENT NO. 2

On page 2, in line 26, after "(d)" insert "**(1)**"; and in the same line, strike "A" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**".

On page 3, after line 6, insert:

"**(2) IF THE CHILD WEIGHS MORE THAN 65 POUNDS, THE REQUIREMENT TO SECURE THE CHILD IN A CHILD SAFETY SEAT UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY.**".

The preceding 2 amendments were read only.

The preceding 2 amendments were ruled out of order by the President.

Senator Stone moved, duly seconded, to make the Bill and Amendments a Special Order for March 21, 2008.

The motion was adopted by a roll call vote as follows:

Affirmative – 27 Negative – 13 (See Roll Call No. 544)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1 – ~~Delegate Hubbard~~ Delegates Hubbard and Montgomery

AN ACT concerning

Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether – Prohibition

FOR the purpose of prohibiting, on or after a certain date, the manufacturing, processing, selling, or distributing of certain products that contain a certain amount of decabrominated diphenyl ether; providing that the prohibition does not apply to certain processing of certain recyclables ~~or~~, certain manufacturer replacement service parts or other products, certain vehicles, or certain products, parts, or replacement parts for use in certain vehicles; defining a term; providing for a delayed effective date; and generally relating to the use of brominated flame retardants.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–1201 and 6–1202
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 29 – ~~Delegate Manno~~ Delegates Manno, Riley, Pena–Melnyk, Montgomery, Kipke, Morhaim, Reznik, V. Turner, Kullen, and Pendergrass

AN ACT concerning

Long–Term Care Insurance – ~~Discrimination Based on Genetic Information or Tests – Prohibited~~ Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services

FOR the purpose of prohibiting ~~insurers, nonprofit health service plans, health maintenance organizations, and preferred provider organizations from discriminating against an applicant or insured based on genetic information or the results of a genetic test in the issuance or renewal of long–term care insurance; providing that this Act does not prohibit the use of genetic information or the results of a genetic test under certain circumstances; defining certain terms; and generally relating to discrimination based on genetic information or genetic tests in issuing or renewing long–term care insurance~~ a carrier or insurance producer of a carrier that provides long–term care insurance from requesting or requiring a genetic test or from using a genetic test, the results of a genetic test, genetic information, or a request for

genetic services to take certain actions with regard to long–term care insurance; providing for a certain exception; defining certain terms; and generally relating to prohibited acts relating to genetic tests, genetic information, and genetic services with regard to long–term care insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 18–101(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Insurance
Section ~~18–105.1~~ 18–120
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 41 – ~~Delegate Ramirez~~ Delegates Ramirez, Ali, Taylor, and Vaughn

AN ACT concerning

Crimes – Hate Crimes – ~~Hanging or Placing of a Noose~~ Use of a Noose or Swastika to Threaten or Intimidate

FOR the purpose of ~~expanding the scope of the prohibition against defacement of certain property and damage to certain buildings to include the hanging or placing of a noose on the real or personal property of a person or group or on the real or personal property connected to a certain building because of the race, color, religious beliefs, sexual orientation, or national origin of a certain person or group~~ prohibiting a person from affixing, erecting, or placing a noose or swastika on a certain building or real property, without the express permission of the owner of the building or property or the owner's agent, with the intent to threaten or intimidate any person or group of persons; establishing that a certain penalty applies to a violation of this Act; and generally relating to ~~hate crimes~~ the use of a noose or swastika to threaten or intimidate a person or group of persons.

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Law~~
~~Section 10–304 and 10–305~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

BY adding to
Article – Criminal Law

Section 10–305.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 83 – Delegates Branch, Barve, and Proctor

AN ACT concerning

State Holiday – American Indian Heritage Day

FOR the purpose of making a certain date a legal State holiday named American Indian Heritage Day; providing that a certain paid holiday for State employees is for American Indian Heritage Day; and generally relating to making American Indian Heritage Day a holiday in the State.

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 27
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 9–201
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 182 – Delegates Dumais, Barve, Bobo, Doory, Eckardt, Feldman, Frick, Glenn, Gutierrez, Healey, Hecht, Hixson, Jones, Krebs, Krysiak, Kullen, Lee, Love, McComas, McIntosh, Mizeur, Montgomery, Pendergrass, Shank, Stein, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Domestic Violence – Permanent Protective Order After Conviction and Imprisonment

FOR the purpose of ~~providing that a protective order is permanent if a respondent is convicted and sentenced to imprisonment for a certain act of abuse~~ requiring the court to issue a new final protective order against an individual under certain circumstances; limiting the relief that a court is authorized to grant in a final protective order issued under this Act; establishing that a final protective order issued under this Act is permanent unless terminated at the request of the victim; and generally relating to protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 241 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Health Department – License Fees for Food Establishments

FOR the purpose of requiring the Anne Arundel County Council to provide for a certain license fee schedule based on certain anticipated costs; adding Anne Arundel County to the list of counties that are exempt from limitations on the amount a county may charge for certain fees to obtain a license to operate a food establishment; and generally relating to certain license fees in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–308
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 296 – Delegates Stifler ~~and Norman~~, Norman, Cardin, Rice, Bartlett, Ivey, Ross, Frick, Stukes, and F. Turner

AN ACT concerning

Campaign Finance – Attribution, Receipt, and Deposit of Contributions

FOR the purpose of providing that certain contributions are attributable to a certain reporting period and election cycle; providing that, for certain purposes, a contribution by electronic transfer or internet transmission is deemed received and deposited when the contribution is issued by the contributor; and generally relating to the attribution, receipt, and deposit of certain contributions.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–232 and 13–235
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 343 – Delegates Kipke, Beitzel, Benson, Bromwell, Costa, Elliott, George, Hammen, Heller, Holmes, Hubbard, Kach, King, Kullen, Love, McDonough, Pena–Melnyk, Reznik, Riley, Robinson, Sophocleus, ~~and Weldon~~ Weldon, Donoghue, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, and Pendergrass

AN ACT concerning

Pharmacy Benefits Managers – ~~Prescription Drug Substitution~~ Therapeutic Interchanges

FOR the purpose of prohibiting a pharmacy benefits manager ~~from substituting one prescription drug for the drug originally prescribed~~ or its agent from requesting a therapeutic interchange unless certain conditions are met; ~~requiring a pharmacy benefits manager to disclose certain information to a purchaser if a drug substitution is made;~~ requiring a pharmacy benefits manager or its agent to obtain a certain authorization to make a ~~drug substitution~~ therapeutic interchange and to make certain disclosures to a prescriber; ~~providing for certain exceptions; prohibiting a pharmacy benefits manager from substituting a drug for a currently prescribed drug unless the pharmacy benefits manager provides a beneficiary or the beneficiary's representative with certain information~~ requiring a pharmacy benefits manager or its agent to disclose certain information to a beneficiary and include a certain insert and a certain telephone number with the prescription drug dispensed; requiring a pharmacy benefits manager or its agent to cancel and reverse a therapeutic interchange under certain circumstances; requiring a pharmacy benefits manager or its agent to take certain actions if a therapeutic interchange is reversed; requiring a pharmacy benefits manager to maintain a certain toll–free telephone number; requiring certain disclosures to comply with certain privacy standards; requiring a pharmacy benefits manager to establish certain policies and procedures; making certain provisions applicable to health maintenance

organizations; providing certain penalties; defining certain terms; and generally relating to regulation of pharmacy benefits managers.

BY adding to
Article – Insurance
Section 15–1601 and 15–1602 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)

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

House Bill 360 – The Speaker (By Request – Administration) and Delegates Niemann, Aumann, Barkley, Barnes, Barve, Benson, Bobo, Bohanan, Braveboy, Bronrott, Burns, G. Clagett, V. Clagett, Conway, Doory, Eckardt, Gaines, George, Griffith, Gutierrez, Guzzone, Haddaway, Healey, Hecht, Heller, Holmes, Howard, Hucker, Ivey, James, Jones, Kaiser, Krysiak, Lafferty, Lee, Levi, Love, Manno, Mathias, McIntosh, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Riley, Ross, Rudolph, Shewell, Sophocleus, Stein, Stukes, Tarrant, F. Turner, V. Turner, Vaughn, Waldstreicher, ~~and Walker~~ Walker, and Carr

EMERGENCY BILL

AN ACT concerning

Real Property – Maryland Mortgage Fraud Protection Act

FOR the purpose of prohibiting a person from committing mortgage fraud; authorizing the Attorney General or the Commissioner of Financial Regulation to seek an injunction to prohibit a violation of certain provisions of this Act; authorizing the Attorney General and the State's Attorney to conduct the criminal investigation and prosecution of mortgage fraud under certain provisions of this Act; authorizing a private right of action for a violation of certain provisions of this Act under certain circumstances; imposing certain penalties for a violation of certain provisions of this Act under certain circumstances; providing for the forfeiture of property used in a violation of certain provisions of this Act under certain circumstances; establishing procedures for the forfeiture of certain property; defining certain terms; making this Act an emergency measure; and generally relating to mortgage fraud.

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)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 11–501(k) ~~and (m)~~
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 7–401 through 7–409 to be under the new subtitle "Subtitle 4. Maryland Mortgage Fraud Protection Act"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 363 – The Speaker (By Request – Administration) and Delegates Aumann, Barkley, Barnes, Barve, Benson, Bobo, Bohanan, Braveboy, Bronrott, Burns, G. Clagett, V. Clagett, Conway, Doory, Eckardt, Frick, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Healey, Hecht, Heller, Holmes, Howard, Hucker, Ivey, James, Jones, Kaiser, Krysiak, Lafferty, Lee, Levi, Levy, Love, Manno, Mathias, McIntosh, Montgomery, Morhaim, Nathan–Pulliam, Niemann, Pena–Melnyk, Ramirez, Riley, Ross, Rudolph, Shewell, Sophocleus, Stein, Stukes, Tarrant, F. Turner, V. Turner, Vaughn, Waldstreicher, ~~and Walker~~ Walker, and Carr

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

FOR the purpose of prohibiting a lender from requiring or authorizing the imposition of a prepayment penalty, fee, premium, or other charge in connection with certain ~~subprime~~ mortgage loans; prohibiting certain lenders and credit grantors from making certain mortgage loans without giving due regard to the borrower's ability to repay the loans; repealing certain provisions of law that establish a certain presumption about a borrower's ability to repay a loan; requiring due regard to a borrower's ability to repay to include consideration of a certain debt to income ratio and verification of certain income and assets by review of certain written documentation; altering the threshold amount of a commercial loan on which prepayment charges or penalties may be charged; ~~providing that no prepayment charges may be imposed on consumer borrowers~~

~~in connection with certain open-end credit;~~ requiring a certain representation by a mortgage broker to be contained in a finder's fee agreement; authorizing the Commissioner of Financial Regulation to participate in the establishment and implementation of a multistate automated licensing system for mortgage lenders and mortgage originators and to adopt certain regulations to facilitate implementation of the system; requiring certain license applicants and licensees to have and maintain a certain net worth; requiring the Commissioner to deny an application for certain licenses filed by persons with certain felony convictions; requiring the Commissioner to set certain fees by regulation and to publish certain fee schedules; requiring certain licensees to file surety bonds in certain amounts; altering the procedures for renewing a certain license; altering certain examination requirements for a mortgage originator's license; ~~requiring mortgage originators to reside within 100 miles of the licensed office locations from which they work;~~ requiring the Commissioner to revoke the mortgage originator license of any licensee who, while licensed, has been convicted of certain felonies; requiring the Commissioner to conduct certain studies; requiring the Commissioner to report certain findings and recommendations on or before a certain date; defining certain terms; repealing ~~a certain definition~~ certain definitions; altering a certain definition; making certain conforming changes; providing for the application of this Act; providing that certain licensing, examination, and investigation fees shall remain in effect until the fees set by regulation by the Commissioner take effect; and generally relating to credit regulation, extensions of credit, mortgage lending, and mortgage origination.

BY renumbering
Article – Commercial Law
Section 12–105(a), (b), (c), and (d), respectively
to be Section 12–105(b), (c), (e), and (f), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 12–105(a) and (d), ~~12–905(g),~~ and 12–925
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–105(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Commercial Law

Section 12–127, 12–311, 12–409.1, 12–805, and 12–1029
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–105.1, ~~11–506(a) and (d)~~ 11–506(d), 11–507(b), 11–508, 11–511, 11–515(c), 11–603(c), 11–605(a) and (b), 11–606(b), 11–609(b), 11–613(b), and 11–615(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Financial Institutions
Section 11–503.1, 11–508.1, 11–612.1, and 11–615(f)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 11–507(a)(1) and 11–515(a)(1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 365 – The Speaker (By Request – Administration) and Delegates Niemann, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Burns, G. Clagett, V. Clagett, Conway, Doory, Eckardt, Frick, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Healey, Hecht, Heller, Holmes, Howard, Hucker, Ivey, James, Jones, Krysiak, Lafferty, Lee, Levi, Levy, Love, Manno, Mathias, McIntosh, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Ramirez, Riley, Ross, Rudolph, Shewell, Sophocleus, Stein, Stukes, Tarrant, F. Turner, V. Turner, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

Real Property – Recordation of Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property

FOR the purpose of ~~prohibiting~~ requiring a mortgage, deed of trust, or other instrument securing a mortgage loan ~~from being recorded unless it contains~~ on certain residential property to contain certain information relating to the mortgage loan originator and the mortgage lender when recorded in the land

records; requiring the Commissioner of Financial Regulation to adopt certain regulations to enforce certain provisions of this Act; prohibiting an action to foreclose a mortgage or deed of trust on certain residential property from being filed until after certain periods of time; authorizing a secured party to petition a circuit court for leave to immediately commence a foreclosure action under certain circumstances; requiring a certain notice of intent to foreclose to be sent to ~~a certain person~~ certain persons in a certain manner a certain period of time before the filing of an action to foreclose a mortgage or deed of trust on certain residential property; requiring the notice to be in a certain form and contain certain information; establishing certain requirements for an order to docket or a complaint to foreclose a mortgage or deed of trust on certain residential property; providing for service of an order to docket or a complaint to foreclose a mortgage or deed of trust on certain residential property; prohibiting a foreclosure sale of certain residential property from occurring until after a certain period of time; providing for publication of notice of a foreclosure sale; establishing that a mortgagor or grantor has the right to cure a default and reinstate the loan until a certain time; requiring the secured party or an authorized agent for the secured party to provide certain information to the mortgagor or grantor or the mortgagor's or grantor's attorney within a certain time; requiring that a certain action be brought within a certain period of time; making certain technical and stylistic changes; defining a certain term; providing for the application of certain provisions of this Act; making this Act an emergency measure; and generally relating to foreclosure actions and ~~prerequisites to~~ recording instruments in the land records.

BY adding to
Article – Real Property
Section ~~3–104(h)~~ 3–104.1 and 7–105.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 376 – The Speaker (By Request – Administration) and Delegates Morhaim, Bronrott, Barve, Conway, Hammen, Ali, Aumann, Barkley, Beitzel, Bobo, Bohanan, Branch, Bromwell, Cardin, Carr, G. Clagett, V. Clagett, Doory, Dumais, Eckardt, Elliott, Elmore, Feldman, Frank, Frick, Gaines, Gutierrez, Guzzone, Haddaway, Haynes, Healey, Hecht, Heller, Hixson, Howard, Hucker, Ivey, James, Jones, Kach, Kaiser, Krebs, Kullen, Lafferty, Lee, Levy, Love, Manno, Mathias, McHale, McIntosh, Miller, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Oaks,

Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Riley, Schuh, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Tarrant, Taylor, F. Turner, Vaughn, Waldstreicher, Walker, ~~and Weldon~~ Weldon, Pendergrass, Benson, Costa, Donoghue, Hubbard, Kipke, McDonough, and V. Turner

AN ACT concerning

High Performance Buildings Act

FOR the purpose of requiring certain buildings to be high performance buildings; requiring certain buildings that are renovated to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; providing for a certain waiver process from certain high performance building requirements; repealing certain provisions of law relating to high performance buildings; expressing a certain intent of the General Assembly; requiring certain new schools receiving State public school construction funds to be high performance buildings; requiring the Board of Public Works to establish a certain waiver process from certain high performance building requirements; requiring that a certain waiver process include a certain review and approval by the Interagency Committee on School Construction; requiring the State to pay a certain amount of certain local costs related to the construction of schools that are high performance buildings for certain fiscal years; requiring the Board of Public Works to adopt certain regulations; providing for the applicability of certain provisions of this Act; defining certain terms; and generally relating to high performance buildings.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–602(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 3–602.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–301(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education
Section 5–312
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 410 – Delegates G. Clagett, V. Clagett, Barve, Benson, Bobo, DeBoy, Elmore, Haddaway, Hecht, Heller, Kullen, Levy, McDonough, Montgomery, Robinson, Shewell, Sophocleus, Stifler, Stocksdale, ~~and Walkup~~ Ali, Dumais, and Shank

AN ACT concerning

Crimes – Child ~~Neglect – Penalties~~ Endangerment

FOR the purpose of prohibiting a ~~parent, guardian, or other person responsible for the care of a child from neglecting the child in a manner that results in the death of the child or causes serious physical injury to the child; prohibiting a parent, guardian, or other person responsible for the care of a child from neglecting the child in a manner that creates a substantial risk of serious physical injury to the child; providing penalties for a violation of this Act; defining certain terms; and generally relating to child neglect.~~ parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor from recklessly acting or failing to act in a certain manner with respect to the child; establishing the crime of child endangerment and specifying certain penalties for a violation of this Act; and generally relating to the crime of child endangerment.

BY adding to
Article – Criminal Law
Section ~~3–608 and 3–609~~ 3–602.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 422 – Delegates Kirk, Conway, DeBoy, Haddaway, Harrison, Haynes, Impallaria, Jameson, King, Krysiak, Lafferty, Levy, Love, Malone, Manno, Mathias, Minnick, Niemann, Stifler, Taylor, and Wood

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

FOR the purpose of altering the definition of dealer to mean an individual who arranges for the sale or delivery of a secondhand precious metal object on behalf of a person who does not hold a license to do business as a dealer; 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 generally relating to the regulation of secondhand precious metal object dealers and pawnbrokers.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 12–101(a), (e), and (i) and 12–201
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–101(b), (d), and (f)
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 424 – Delegates Shank and Dumais

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

FOR the purpose of authorizing the State Prosecutor to issue ~~subpoenas for the attendance of witnesses and the production of evidence when the State Prosecutor investigates or prosecutes a case under certain circumstances~~ a subpoena for the production of certain records or documents for a certain purpose; specifying the manner of service of a subpoena, the rights of a person served with a certain subpoena, and the requirements the State Prosecutor must meet when a subpoena is served; authorizing the State Prosecutor to report the failure of a person to obey a subpoena to a certain circuit court; authorizing a court to grant certain relief under certain circumstances; and generally relating to the State Prosecutor.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 14–110
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 432 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Unemployment Insurance Claims – Lower Appeals Division

FOR the purpose of establishing a Lower Appeals Division in the Department of Labor, Licensing, and Regulation for unemployment insurance claims; requiring the Secretary of Labor, Licensing, and Regulation to appoint a chief hearing examiner as head of the Lower Appeals Division; requiring the chief hearing examiner to be in a certain professional service in accordance with certain provisions of law; requiring the chief hearing examiner, subject to the approval of the Secretary, to appoint certain personnel; requiring the Secretary to have certain authority over certain personnel; requiring the Lower Appeals Division to hear and decide certain appeals; requiring the Secretary to adopt certain regulations under certain circumstances; authorizing certain hearing examiners to administer certain oaths, certify certain acts, and take certain depositions; authorizing certain hearing examiners to issue certain subpoenas for certain purposes; specifying that certain subpoenas must be served in a certain manner; authorizing certain courts to pass certain orders directing certain compliance with certain subpoenas; prohibiting certain persons from being excused from attending certain proceedings for certain grounds; prohibiting prosecution or certain penalties or certain forfeitures under certain circumstances; authorizing certain prosecutions and certain punishment for certain perjury; requiring certain hearing examiners to conduct certain hearings or appeals in a certain manner; specifying that certain hearing examiners are not bound by certain rules of evidence or certain rules of procedure; requiring certain hearing examiners to consider certain evidence; prohibiting certain hearing examiners from participating in certain proceedings; providing that the status of the Secretary as a party to a case may not constitute certain interest relating to certain hearing examiners; subjecting certain ex parte communications to certain provisions of law; providing for a certain exception to provisions of law relating to certain ex parte communications; authorizing certain hearing examiners to consolidate certain claims under certain circumstances; authorizing certain hearing officers who consolidate certain claims to make certain administrative and evidential determinations; requiring certain records to be kept; requiring certain testimony to be transcribed; authorizing certain compensation for certain witnesses; prohibiting the Lower Appeals Division from charging certain fees; requiring certain hearing examiners to give certain notice that includes certain information by certain methods; authorizing certain claimants to be represented by certain lawyers or certain agents; authorizing certain lawyers to charge and accept certain compensation; prohibiting certain

agents from charging or accepting certain compensation; authorizing certain employers to appear pro se or with certain representation; prohibiting the solicitation of certain appearances on behalf of certain claimants; authorizing certain appeals; authorizing the Secretary to be a party to certain appeals; requiring certain hearing examiners to give certain opportunity for a fair hearing to certain parties, make certain findings, and affirm, modify, or reverse certain determinations or redeterminations under certain circumstances; requiring certain hearing examiners to provide certain parties certain notice and certain copies of certain decisions; providing that certain decisions of certain hearing examiners are final unless further review is initiated under certain provisions of law; clarifying certain personnel appointed by the Board of Appeals; requiring the Board of Appeals to hear and decide certain appeals from the Lower Appeals Division; authorizing the chief hearing examiner of the Lower Appeals Division to extend the time for certain appeals; authorizing certain claimants to appeal to the Lower Appeals Division under certain circumstances; correcting certain cross–references; providing for the correction of certain references by the publishers of the Annotated Code; defining certain terms; and generally relating to the Lower Appeals Division of the Department of Labor, Licensing, and Regulation.

BY renumbering
Article – Labor and Employment
Section 8–101(t) through (y), respectively; and 8–501 through 8–503, 8–504 through 8–508, and 8–510 through 8–512, respectively, and the subtitle "Subtitle 5. Board of Appeals of Department of Labor, Licensing, and Regulation"
to be Section 8–101(u) through (z), respectively; and 8–5A–01 through 8–5A–03 and 8–5A–05 through 8–5A–12, respectively, and the subtitle "Subtitle 5A. Board of Appeals of the Department of Labor, Licensing, and Regulation"
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing
Article – Labor and Employment
Section 8–509
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 8–101(a) and (f)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment

Section 8–101(t); 8–501 through 8–508 to be under the new subtitle "Subtitle 5. Lower Appeals Division of the Department of Labor, Licensing, and Regulation"; and 8–5A–04
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–602(c)(4), 8–621(d), and 8–806
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 8–5A–01
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–5A–03(c)(1), 8–5A–05(a), 8–5A–07(a), (c), and (d), 8–5A–08, 8–5A–10(a) and (b), and 8–5A–11
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

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

House Bill 450 – Delegates Hammen ~~and Nathan–Pulliam~~, Nathan–Pulliam, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, McDonough, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Department of Health and Mental Hygiene – Behavioral Health and Disabilities

FOR the purpose of altering the number of deputy secretaries to be appointed by the Secretary of Health and Mental Hygiene with the approval of the Governor; providing for the titles of the deputy secretaries to be appointed by the Secretary; requiring the Secretary to transfer responsibility for certain administrations within the Department to a certain deputy secretary; ~~requiring the Secretary to develop a certain integrated services and planning process and to identify and implement certain standards for dual–diagnosis throughout the~~

~~State~~ requiring the Secretary to develop a certain system of services for certain individuals, to address systems change in a certain manner, and to identify and implement certain individualized treatment and supports; requiring the Secretary to make a certain report to the Governor and General Assembly on or before a certain date; and generally relating to the Department of Health and Mental Hygiene and behavioral health.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 459 – Chair, Health and Government Operations Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Professional Counselors and Therapists 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 number of members on the State Board of Professional Counselors and Therapists; requiring a certain number of members to be professional counselors, marriage and family therapists, and alcohol and drug counselors; repealing a requirement that certain licensed professional counselor board members be employed in certain areas; repealing the position of drug and alcohol counselor advisor to the Board; requiring a marriage and family therapist or an alcohol and drug counselor board member to vote before certain action is taken against certain professional counselors; prohibiting certain individuals from practicing clinical alcohol and drug counseling, marriage and family therapy, or professional counseling unless they are licensed by the Board; providing for certain exemptions from licensing requirements; establishing certain qualifications for the licensure of clinical alcohol and drug counselors, clinical marriage and family therapists, and clinical professional counselors; establishing certain requirements for applications for licensure, certification, and examination of applicants; authorizing the Board to waive certain requirements for licensure or certification under certain circumstances; establishing procedures for the issuance of licenses and certificates; requiring licenses and certificates to include certain information; authorizing the Board to replace certain licenses or certificates under certain circumstances; providing

for the scope of certain licenses and certificates; providing for the terms and renewal of certain licenses and certificates; requiring the Board to place certain licensees or certificate holders on inactive status under certain circumstances; prohibiting the Board from placing certain certificates on inactive status; authorizing the Board to reinstate certain licenses or certain certificates under certain circumstances; prohibiting the reinstatement of certain certificates; authorizing the Board to adopt certain regulations to allow certain individuals to practice under supervision as licensed graduate alcohol and drug counselors, marriage and family therapists, and professional counselors; establishing qualifications for licensed graduate alcohol and drug counselors, marriage and family therapists, and professional counselors; prohibiting the practice of licensed graduate professional counseling unless approved by the Board; requiring certain licensees and certificate holders to display a certain license or certificate in a certain manner; requiring certain licensees or certificate holders to furnish a certain professional disclosure statement that includes certain information; prohibiting the surrender of a certain license under certain circumstances and providing for a certain exception; authorizing the Board to deny, probate, reprimand, suspend, or revoke the license, certificate, or application of certain licensees, certificate holders, or applicants if an individual violates certain disciplinary grounds; establishing certain civil penalties under certain circumstances; requiring the Board to adopt certain regulations concerning the imposition of certain penalties; requiring the Board to pay certain money collected into the General Fund of the State; establishing certain hearing and appeal procedures; authorizing the Board to enjoin certain actions; authorizing the Board to reinstate a certain license or certificate, reduce a certain suspension or probation, or withdraw a reprimand under certain circumstances; establishing a counselor and therapist rehabilitation committee; establishing the purpose, function, and duties of the counselor and therapist rehabilitation committee; providing that certain committee records are not discoverable in certain proceedings; establishing civil immunity for members of the committee for actions taken within the scope of the committee's jurisdiction; requiring certain individuals to be certified before practicing alcohol and drug counseling, marriage and family therapy, and professional counseling, using certain titles, or representing certain certification; establishing qualifications for certification as a certified professional counselor–alcohol and drug, certified associate counselor–alcohol and drug, and certified supervised counselor–alcohol and drug; authorizing certain individuals to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling without a license or to practice alcohol and drug counseling, marriage and family therapy, or professional counseling without a certificate for a certain amount of time under certain circumstances as a trainee; prohibiting certain unlicensed individuals from making certain representations to the public and using certain titles or words with the intent to represent that the individual practices clinical counseling or therapy or licensed graduate counseling or therapy; prohibiting certain uncertified individuals from making certain representations to the public and using certain titles or words with the intent to represent that the individual practices certain counseling or

therapy; establishing certain penalties; establishing a certain short title; requiring the Board to waive certain requirements for certification as alcohol and drug counselors for certain individuals who have certain qualifications; requiring certain individuals applying for certification as alcohol and drug counselors under a certain waiver to apply for certification by a certain date; ~~providing for the termination of the term of a member of the Board;~~ providing for the appointment of certain members of the Board to serve certain terms until certain successors are appointed; providing that the term of a certain Board advisor terminate on a certain date; requiring the Board to submit a certain interim report including certain information to certain committees of the General Assembly on or before a certain date; defining certain terms; making certain technical changes; providing for the termination of certain provisions of this Act; and generally relating to the State Board of Professional Counselors and Therapists and the licensing and certification of counselors and therapists.

BY repealing
Article – Health Occupations
Section 17–301 through 17–317 and the subtitle "Subtitle 3. Certification"; 17–3A–01 through 17–3A–13 and the subtitle "Subtitle 3A. Licensing"; 17–401 and 17–402 and the subtitle "Subtitle 4. Prohibited Acts; Penalties"; and 17–501 and 17–502 and the subtitle "Subtitle 5. Short Title; Termination of Title"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–101, 17–102, 17–202, and 17–205
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 17–103, 17–201, 17–203, 17–204, and 17–206
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health Occupations
Section 17–104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 17–301 through 17–309 to be under the new subtitle "Subtitle 3. Licensing"; 17–401 through 17–405.1 and 17–406 to be under the new

subtitle "Subtitle 4. Certification"; 17–501 through 17–515 to be under the new subtitle "Subtitle 5. General Provisions; Disciplinary Actions"; 17–601 through 17–604 to be under the new subtitle "Subtitle 6. Prohibited Acts; Penalties"; and 17–701 and 17–702 to be under the new subtitle "Subtitle 7. Short Title; Termination of Title"

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)(16)
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 505 – Delegates Heller and Robinson

AN ACT concerning

~~Public Transportation – Drivers and Operators~~ Transit Service for Disabled Persons – Criminal History Records Check and Training for Persons Providing Service

FOR the purpose of requiring the ~~Public Service Commission to include certain requirements in the terms and conditions for a motor carrier permit; requiring a person employed or offered employment as a driver or operator of a motor vehicle for a common carrier to make application for a certain criminal history records check and to submit proof of having successfully completed a certain course of instruction; requiring the Maryland State Department of Education and the Department of Disabilities jointly to develop the course~~ Maryland Transit Administration and certain of the Administration's contractors to apply for certain criminal history records checks for certain persons who provide transit service to disabled persons; requiring the Administration to ensure that employees of the Administration and of the Administration's contractors who provide transit service to disabled persons successfully complete certain training; and generally relating to criminal history records and training for ~~drivers and operators for a common carrier~~ certain persons who provide transit service to disabled persons.

~~BY repealing and reenacting, without amendments,~~
~~Article – Public Utility Companies~~
~~Section 1–101(e)~~
~~Annotated Code of Maryland~~
~~(1998 Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Public Utility Companies~~
~~Section 9–203~~
~~Annotated Code of Maryland~~
~~(1998 Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–102.1(e)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 10–206.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 511 – Delegates Levy, Jameson, Murphy, Bohanan, and Wood

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

FOR the purpose of requiring the Motor Vehicle Administration to notify the parent, guardian, or other cosigner of a minor's driver's license application if a citation is issued to the minor charging the minor with a moving violation; requiring the Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, to establish procedures for notifying the Administration of each citation within the jurisdiction of the District Court that is issued to a minor licensed in the State charging that the minor committed a moving violation; requiring the notice provided by the Administration to contain certain information; providing for the construction and applicability of this Act; and generally relating to notifying a parent, guardian, or other cosigner of a minor's driver's license application that a citation alleging a moving violation was issued to the minor.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 1–605(d)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–808
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 525 – Delegates Kullen, Beitzel, Donoghue, Gilchrist, Kaiser, Mizeur, Pena–Melnyk, Pendergrass, Reznik, Stull, V. Turner, ~~and Weldon~~ Weldon, Benson, Elliott, Hammen, Kach, Kipke, McDonough, Montgomery, Oaks, and Riley

AN ACT concerning

~~Prescription Drug Monitoring Program~~
Advisory Council on Prescription Drug Monitoring – Study

~~FOR the purpose of requiring the Department of Health and Mental Hygiene to establish and maintain a certain Prescription Drug Monitoring Program within the Department; establishing the powers and duties of the Secretary of Health and Mental Hygiene under the Program; requiring prescription monitoring data to be destroyed after a certain time period unless a certain request for retention of certain information is submitted to the Department; creating a certain Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program; establishing the chair, the terms of the members, and the responsibilities of the Board; requiring the Secretary to appoint a multidisciplinary consultation team to assist in the interpretation of prescription monitoring data; requiring dispensers to submit electronically certain information to the Program except in certain circumstances; prohibiting the Board and the Secretary from charging a fee or imposing an assessment on certain persons for certain purposes; making prescription monitoring data confidential and privileged and not subject to certain means of legal compulsion except under certain circumstances; authorizing certain agencies and persons to obtain access to prescription monitoring data under certain circumstances; establishing immunity from liability for certain agencies and persons relating to the operation and use of the Program; providing for education and training relating to the Program; establishing penalties for violations of the requirements of the Program; defining certain terms; providing that implementation of the Program is contingent on the Board obtaining certain federal, State, or private funds; prohibiting the Program from collecting prescription monitoring data before a~~

~~certain date; and generally relating to the creation and operation of the Prescription Drug Monitoring Program.~~ FOR the purpose of establishing an Advisory Council on Prescription Drug Monitoring in the Department of Health and Mental Hygiene; establishing the membership and chair of the Council; requiring the Council to study the establishment of a certain prescription drug monitoring program; requiring the study to make recommendations to the Secretary of Health and Mental Hygiene for establishing a prescription drug monitoring program for certain purposes; requiring the Council to include certain items in its study and recommendations; requiring the Council to submit a certain interim report and a certain final report on or before certain dates; defining a certain term; providing for the termination of this Act; and generally relating to an Advisory Council on Prescription Drug Monitoring and a study of a prescription drug monitoring program.

BY adding to
Article – Health – General
Section 21–2A–01 ~~through 21–2A–09 to be under the new subtitle "Subtitle 2A. Prescription Drug Monitoring Program~~ to be under the new subtitle "Subtitle 2A. Advisory Council on Prescription Drug Monitoring"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 566 – Delegates McConkey, Eckardt, Haddaway, Krysiak, and McHale

AN ACT concerning

Real Estate Salespersons – Qualifications for Licensure – Education Requirements

FOR the purpose of including certain types of instruction as satisfying certain education requirements for licensure as a real estate salesperson; and generally relating to the education requirements for licensure as a real estate salesperson.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–303(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–303(d)
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 576 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Children, Youth, and Families – Local Coordinating Councils – Membership

FOR the purpose of altering the membership of local coordinating councils for services to children with special needs.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–405
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–406(a)
Annotated Code of Maryland
(2007 Volume)

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

House Bill 580 – Delegates Oaks, Costa, Davis, Elliott, Hammen, Hubbard, Kipke, ~~and Rudolph~~ Rudolph, Benson, Bromwell, Donoghue, Kach, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Riley, V. Turner, and Weldon

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics ~~Committee~~ Committees

FOR the purpose of establishing certain requirements for ~~members of~~ a pharmacy and therapeutics committee of a pharmacy benefits manager; requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has certain policies and procedures; requiring a pharmacy benefits manager to disclose information about the composition of its pharmacy and therapeutics committee to a certain person under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacist to participate on its pharmacy and therapeutics committee; making certain provisions of law

applicable to health maintenance organizations; defining certain terms; and generally relating to regulation of pharmacy benefits managers.

BY adding to
Article – Insurance
Section 15–1601 and 15–1602 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)

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

House Bill 594 – ~~Delegate Donoghue~~ Delegates Donoghue, Benson, Bromwell, Costa, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Carrier Credentialing – Reimbursement of Providers of Health Care Services

FOR the purpose of requiring certain carriers to reimburse ~~providers~~ a certain group practice at a certain rate during a certain time period for certain health care services provided ~~to enrollees on or after a certain date~~ by a certain provider under certain circumstances; requiring a carrier to reimburse a provider as a nonparticipating provider under certain circumstances; prohibiting a health maintenance organization from denying payment to a provider under certain circumstances; prohibiting a certain provider from holding an enrollee of a carrier liable for a certain cost with certain exceptions; authorizing a carrier to require a group practice to disclose certain information to an enrollee; defining certain terms; and generally relating to credentialing and reimbursement of providers of health care services.

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–112(d)~~ 15–112(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance
Section 15–112(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–112(q)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 630 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Nonnative Nuisance and Naturalized Organisms – Regulatory Management Authority

FOR the purpose of authorizing the Secretary of the Department of Natural Resources to adopt regulations to manage certain nonnative nuisance or naturalized organisms in the State, subject to certain exceptions; altering certain definitions; and generally relating to nonnative nuisance organisms.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–205.1(a) and (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 645 – Delegates Beidle, Cane, and Niemann

AN ACT concerning

Maryland Contract Lien Act – Foreclosure of Liens – Time Period

FOR the purpose of altering the period within which an action to foreclose a lien created under the Maryland Contract Lien Act shall be brought; and generally relating to an action to foreclose a lien.

BY repealing and reenacting, with amendments,
Article – Real Property

Section 14–204
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 646 – Delegates Beidle, Dumais, Bobo, Healey, Lafferty, McComas, McConkey, Norman, and Sophocleus

AN ACT concerning

Condominiums – Property Insurance Deductible – Unit Owner Responsibility

FOR the purpose of altering the maximum amount of the responsibility of certain condominium unit owners for the council of unit owners property insurance deductible under certain circumstances; altering the amount of the council of unit owners property insurance deductible that is a common expense; and generally relating to the responsibility of certain condominium unit owners for the council of unit owners' property insurance deductible.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–114(a) and (c)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–114(g)(2)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 647 – Delegates Minnick, Boteler, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Rudolph, Stifler, Taylor, Vaughn, Walkup, and Weir

AN ACT concerning

Real Property – Construction ~~Contacts~~ Contracts – Retention Proceeds

FOR the purpose of providing that certain retention proceeds may not exceed a certain percentage of certain contracts or certain payments under certain circumstances; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain owners reasonably determine that the

performance of certain contractors provides reasonable grounds for withholding certain amounts; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain contractors reasonably determine that the performance of certain subcontractors provides reasonable grounds for withholding certain amounts; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain subcontractors reasonably determine that the performance of certain other subcontractors provides reasonable grounds for withholding certain amounts; defining a certain term; providing for the construction and application of this Act; and generally relating to construction contracts and retention proceeds.

BY renumbering
Article – Real Property
Section 9–304
to be Section 9–305
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 9–304
Annotated Code of Maryland
(2003 Replacement Volume and 2007Supplement)

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

House Bill 651 – Chair, Ways and Means Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Department of Juvenile Services Educational Programs – Private Residential Rehabilitative Institutions – Repeal

FOR the purpose of repealing the requirement for private residential rehabilitative institutions to develop and implement a certain educational program; repealing the requirement that a certain educational program be approved by the State Department of Education before the program is implemented; repealing the operating requirements of a private residential rehabilitative institution; repealing a certain definition; and generally relating to private residential rehabilitative institutions.

BY repealing
Article – Human Services
Section 9–238
Annotated Code of Maryland
(2007 Volume)

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

House Bill 697 – Delegate Hubbard

AN ACT concerning

Health Occupations – State Board of Examiners of Nursing Home Administrators – Minimum Age Requirement

FOR the purpose of altering the minimum age for licensure as a nursing home administrator; and generally relating to the minimum age requirement for licensure as a nursing home administrator.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 9–302(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 9–302(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 700 – Delegates Schuler~~, Barnes,~~ and Manno and Delegates Barnes, McHale, and Krysiak

AN ACT concerning

Workers' Compensation – Permanent Partial Disability – Compensation

FOR the purpose of increasing, in a certain manner, the maximum weekly benefit by a certain amount for a permanent partial disability claim that is awarded to a covered employee for a period of less than a certain number of weeks; providing for the application of this Act; making certain conforming changes; providing for a delayed effective date; and generally relating to compensation for a permanent partial disability under workers' compensation law.

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 and 9–630(a)(1)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 721 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Job Creation Tax Credit – ~~Repeal of~~ Termination Provisions

FOR the purpose of ~~repealing~~ altering the termination provisions applicable to the job creation tax credit program; 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 job creation tax credit program.

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1103
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 6–309
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 Budget and Taxation.

House Bill 723 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Biotechnology Investment Incentive Act

FOR the purpose of altering certain eligibility criteria and requirements for claiming a certain State income tax credit for certain investments in certain technology businesses; limiting the aggregate credits that may be certified for investments in a single company for any fiscal year to a certain percentage of the total appropriations to a certain reserve fund for that fiscal year; altering the method of claiming the credit; providing for recapture of the credit under certain circumstances; defining certain terms; authorizing certain regulations; providing for the application of this Act; and generally relating to certain tax credits for investments in certain technology businesses in the State.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–725
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 728 – Delegates Feldman ~~and Hammen~~, Hammen, Krysiak, and McHale

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

FOR the purpose of altering the circumstances under which a stockholder of a Maryland corporation who objects to certain transactions may demand and receive the fair value of the stockholder's stock; authorizing a stockholder to demand the fair value of stock listed on a national securities exchange under certain circumstances; repealing obsolete references to certain securities quotations systems; altering the definition of "beneficial owner" under the Maryland Business Combination Act to exclude, under certain circumstances, a person that holds a revocable proxy from a stockholder; defining certain terms; making certain stylistic and conforming changes; and generally relating to rights of objecting stockholders.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 3–201, 3–202(c), and 3–601(d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Corporations and Associations
Section 3–202(d) and (e)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 3–601(a)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 743 – Delegate Feldman

AN ACT concerning

Maryland General Corporation Law – Altering and Updating Corporate Procedures and Miscellaneous Provisions

FOR the purpose of repealing a certain provision of law requiring a corporation to give certain written notice of the amount, time, and place of payment on subscriptions for stock to each subscriber; repealing a certain provision of law requiring that a call by the board of directors for payment on subscriptions be uniform as to all stock of the same class; clarifying that stockholders of a corporation formed on or after a certain date do not have certain preemptive rights unless the charter expressly grants the rights, and that stockholders of a corporation formed before that date have certain preemptive rights unless and until expressly changed or terminated by charter amendment; altering the circumstances under which a corporation is required to send certain information to a stockholder; requiring the information to be sent on request of a stockholder and without charge to the stockholder; authorizing a resignation of a director given in a certain manner to provide that it will be effective at a later time or on the occurrence of an event and that it is irrevocable under certain circumstances; authorizing the board of directors of a corporation to delegate to certain committees the power to recommend to stockholders the election of directors; altering the circumstances under which a committee of a board of directors may authorize or fix the terms of certain stock and the terms on which any stock may be issued; altering the definition of "director" as it relates to certain indemnification provisions to include certain directors of corporations who serve in certain capacities in connection with a limited liability company; limiting certain requirements imposed on making advance payments of expenses for indemnification of a director; authorizing a corporation to hold its annual meeting in the manner provided in its bylaws; requiring a corporation to give notice of an action taken by stockholders without a meeting to each stockholder who, if the action had been taken at a meeting, would have been entitled to notice of the meeting; providing that, for certain corporations, the presence of a certain number of votes at a meeting of stockholders constitutes a quorum under certain circumstances; authorizing articles of merger, consolidation, or share exchange to provide certain information relating to the directors, trustees, and officers of the successor, or of persons acting in similar

positions, if the persons in those positions will be changed in the merger, consolidation, or share exchange; making certain stylistic changes; and generally relating to corporations and altering and updating the Maryland General Corporation Law.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 2–202, 2–205, 2–210(c), 2–406, 2–411(a) and (b), 2–418(a)(3) and (f), 2–501(c), 2–505(b), and 2–506
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Corporations and Associations
Section 3–109(f)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 749 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Eligibility – Voluntary Quit to Follow a Spouse

FOR the purpose of providing that an individual who voluntarily quits employment to follow a spouse who is a member of the United States military ~~or an employee of a contractor of the United States military~~ under certain circumstances is eligible to receive unemployment insurance benefits; providing for the application of this Act; requiring the Department to provide a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to unemployment insurance law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–1001
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 765 – Delegates Barkley, Barnes, Bates, Conaway, Conway, DeBoy, Dumais, Frank, Kelly, Kramer, Lee, McConkey, Montgomery, Ramirez,

Robinson, Rosenberg, Shank, Simmons, Sophocleus, Valderrama, Vallario, and Waldstreicher

AN ACT concerning

Public Safety – Correctional Officers – Minimum Age

FOR the purpose of altering a provision of law to require the Secretary of Public Safety and Correctional Services to adopt regulations to govern the policies and management of correctional facilities in the Department of Public Safety and Correctional Services rather than the Division of Correction; requiring the Secretary to adopt certain regulations establishing a certain minimum age for a correctional officer hired on or after a certain date for employment in the Division of Pretrial Detention and Services or the Patuxent Institution, with a certain exception; and generally relating to correctional facilities.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–109
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 767 – Delegates Heller, Kramer, ~~and Manno~~ Manno, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Individuals With Disabilities and Parents of Minors with Disabilities – Service Animals

FOR the purpose of altering certain provisions of law establishing certain rights and privileges for individuals with certain disabilities to include all individuals with disabilities and the parents of a minor child with a disability; altering certain provisions of law relating to use of service animals by individuals with certain disabilities to include all individuals with disabilities and the parents of a minor child with a disability; altering certain provisions of law relating to access by service animal trainers to certain places; altering the scope of certain provisions of law; defining certain terms; altering a certain definition; and generally relating to individuals with disabilities, the parents of a minor child with a disability, and service animals.

BY repealing and reenacting, with amendments,
Article – Human Services

Section 7–701, 7–704, and 7–705
Annotated Code of Maryland
(2007 Volume)

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

House Bill 770 – Washington County Delegation

AN ACT concerning

Washington County – Purchasing Goods and Services – Public Bidding

FOR the purpose of raising the threshold amount at which the procurement of goods and services in Washington County requires a public bidding process; providing that a certain requirement is subject to certain exceptions; authorizing the County Commissioners of Washington County or an employee of Washington County to enter into certain contracts regardless of a certain threshold amount requiring a public bidding process if a contract meets certain conditions; establishing that a contract of purchase or other expenditure does not need to be awarded to a certain lowest bidder under certain circumstances; and generally relating to the purchasing of goods and services by the County Commissioners of Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–106(a) and (b)(2)
Article 22 – Public Local Laws of Maryland
(2007 Edition)

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

House Bill 786 – Delegate Dumais

AN ACT concerning

Maryland Uniform Interstate Family Support Act – Revision

FOR the purpose of revising the Maryland Uniform Interstate Family Support Act; clarifying that remedies provided under the Maryland Uniform Interstate Family Support Act do not affect the availability of remedies under certain other laws; establishing that this Act does not provide the exclusive method of establishing or enforcing a support order under the law of this State and does not grant a tribunal of this State certain jurisdiction; altering certain provisions concerning the authority of a tribunal of this State to exercise personal jurisdiction over a nonresident individual in a proceeding to establish, modify,

or enforce a child support order to determine parentage; altering certain provisions concerning certain proceedings involving two or more states; altering certain provisions concerning the priority of multiple support orders and the determination of the controlling support order; subjecting a support enforcement agency to sanctions if it fails to file a copy of a certain order under certain circumstances; extending certain evidentiary and discovery provisions to certain foreign support orders; specifying certain procedures for the issuance and modification of spousal support orders; altering certain provisions governing procedures for proceedings under this Act; altering the duties of a support enforcement agency under this Act; altering the duties of the Attorney General under this Act; requiring a tribunal to order payment of costs and reasonable attorney's fees under certain circumstances; altering certain rules of evidence and procedure; extending certain provisions of this Act to foreign countries and political subdivisions; requiring a tribunal of this State to direct certain payments, issue a certain order, and send a certain notice under certain circumstances; altering certain provisions governing the establishment of a support order; altering certain provisions governing the registration, enforcement, and modification of a support order; authorizing a tribunal of this State to assume jurisdiction to modify a child support order of a foreign country or political subdivision that is a state under certain circumstances; altering certain provisions governing proceedings to determine parentage; repealing certain obsolete provisions; making stylistic changes; defining certain terms; altering certain definitions; and generally relating to the revision of the Maryland Uniform Interstate Family Support Act.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 10–301(a) and 10–359
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–301(h), (o), (p), (q), (r), (s), (t), (u), (v), (w), and (x), 10–303 through 10–305, 10–308 through 10–313, 10–315, 10–316, 10–317(a) and (b)(1), 10–318 through 10–320, 10–322 through 10–324, 10–325(c), 10–326(a), 10–328(a), (b), (e), (f), (g), (h), 10–329, 10–331 through 10–333, 10–334(c)(2), 10–335, 10–338, 10–339(a); the part designation Part VI. "Enforcement and Modification of Support Order After Registration" immediately preceding Section 10–340; 10–340, 10–341(a), 10–343, 10–344, 10–345(a), 10–346(a), 10–349, 10–350, 10–351, 10–354, 10–356(a) and (b), and 10–357
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Family Law

Section 10–301(o) and (p), 10–312.1, 10–312.2, 10–317(f), 10–328(j), 10–341(d) and (e), and 10–353.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Family Law
The subpart designation "Subpart A. Extended Personal Jurisdiction" immediately preceding Section 10–304; the subpart designation "Subpart B. Proceedings Involving Two or More States" immediately preceding Section 10–308; and the subpart designation "Subpart C. Reconciliation of Multiple Orders" immediately preceding Section 10–310
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 790 – Delegates Montgomery, Ali, Barkley, Benson, Bronrott, Carr, Dumais, Feldman, Gutierrez, Haddaway, Hecht, Hubbard, Hucker, Kipke, Kullen, Lee, Mizeur, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and Simmons

AN ACT concerning

Department of Health and Mental Hygiene – Child Abuse Medical Providers Initiative

FOR the purpose of altering the name of a certain initiative in the Department of Health and Mental Hygiene; altering the duties of the Child Abuse Medical Providers (Maryland CHAMP) Faculty; authorizing Maryland CHAMP to receive certain information from and consult with the Department; altering the name of a certain initiative that the Governor is required to include funding for in the State budget in a certain fiscal year; altering the name of a certain initiative that the Governor is required to include certain amounts for in the annual budget bill in certain fiscal years; and generally relating to the Child Abuse Medical Providers (Maryland CHAMP) Initiative in the Department of Health and Mental Hygiene.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–2201, 13–2202, 13–2203, 13–2204, 13–2206, and 13–2207(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–2207(a) and (b)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 818 – Delegates Tarrant ~~and Hubbard~~, Nathan–Pulliam, Hubbard, Donoghue, Mizeur, Montgomery, Riley, and V. Turner

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Additional Duties

FOR the purpose of altering the charge to the Task Force on Health Care Access and Reimbursement to develop certain recommendations; and generally relating to the recommendations of the Task Force on Health Care Access and Reimbursement.

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

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

House Bill 836 – Delegates Hucker, Feldman, and Gutierrez

AN ACT concerning

Environment – Task Force to Study the Regulation of Swimming Pools

FOR the purpose of establishing the Task Force to Study the Regulation of Swimming Pools 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 the environmental regulation of swimming pools 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 the Regulation of Swimming Pools in the State.

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

House Bill 840 – Delegates Myers, Beitzel, Donoghue, Frank, Hecht, Kelly, McKee, Norman, O'Donnell, Stull, and Weldon

AN ACT concerning

Washington County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Washington County to hunt deer on certain Sundays on private property with a bow and arrow during certain months; and generally relating to hunting on private property on Sundays.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–410(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)(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 847 – Delegate Schuler

AN ACT concerning

Vehicle Laws – Falsifying Documents and Registration Plates – Arrest ~~and Penalties~~

FOR the purpose of authorizing a police officer to arrest an individual without a warrant for a violation of certain provisions of law related to falsifying certain vehicle–related documents and registration plates; ~~making a violation of certain provisions of law related to falsifying certain vehicle–related documents and registration plates a felony; altering a certain penalty;~~ and generally relating to ~~penalties~~ arrest for falsifying certain vehicle–related documents and registration plates.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 14–110
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation

Section 26–202(a)(3)(vii) and (viii) ~~and 27–101(c)~~
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 26–202(a)(3)(ix) ~~and 27–114~~
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 857 – Delegates Carr, Ali, Healey, Montgomery, and Shewell

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

FOR the purpose of providing that certain consent provisions and certain referendum provisions do not apply to a proposed annexation ~~into~~ by a municipal corporation of a parcel that is a certain acreage or less and is part of a lot that contains ~~a~~ certain ~~parcel and includes a municipal boundary~~ parcels under certain circumstances; prohibiting a municipal corporation from annexing a certain maximum number of acres under this Act; providing for the termination of this Act; and generally relating to annexations by municipal corporations.

BY repealing and reenacting, without amendments,
Article 23A – Corporations – Municipal
Section 19(a) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 23A – Corporations – Municipal
Section 19(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 869 – Delegates Carter and Vallario (By Request – Committee to Revise Article 27 – Crimes and Punishments) and Delegates Anderson, Barnes, Conaway, Frank, Lee, McComas, Oaks, Rosenberg, Shank, Simmons, and Smigiel

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

FOR the purpose of repealing a provision of law excluding a certain radio portion of certain telephone communications from a certain definition of "electronic communication"; prohibiting the admissibility of the contents of an intercepted electronic communication or information derived from an intercepted electronic communication as evidence in certain proceedings under certain circumstances; providing that an electronic communication that was intercepted in the violation of certain provisions of law may be admissible in certain proceedings under certain circumstances; and generally relating to the admissibility of evidence and intercepted electronic communications.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 10–401(11)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–405
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 882 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Release of Confidential Information

FOR the purpose of authorizing a certain law enforcement agency to release to the public certain information concerning a child who has escaped from a detention center for juveniles or a secure residential facility for juveniles for certain purposes; and generally relating to juvenile services.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 10 of the Acts of the General Assembly of 2006)

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

House Bill 901 – Delegate Beitzel

AN ACT concerning

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

FOR the purpose of providing that, in Garrett County, the interest provided in a mortgage or note secured by a deed of trust is payable for a certain period of time following a foreclosure sale or until the audit of the sale is ratified, whichever occurs first; and generally relating to when the interest provided in a mortgage or note secured by a deed of trust is payable after a foreclosure sale in Garrett County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 358 – Delegates Miller, Ali, Aumann, Barve, Bates, Beitzel, Bobo, Boteler, Carr, Conway, Costa, DeBoy, Dwyer, Eckardt, Elmore, Feldman, Frank, George, Guzzone, Haddaway, Jennings, Kelly, King, Kipke, Kramer, Krebs, Love, Manno, Mathias, McComas, McConkey, McDonough, McHale, McIntosh, McKee, Morhaim, O'Donnell, Riley, Rudolph, Schuh, Schuler, Shank, Smigiel, Sossi, Stocksdale, F. Turner, Weldon, and Wood

SECOND PRINTING

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

FOR the purpose of requiring the Department of Budget and Management to develop and operate a ~~specified~~ certain website that includes ~~specified~~ certain information for certain State ~~financial assistance and expenditures~~ payments; specifying certain parameters of the website; ~~authorizing the Secretary of Budget and Management to designate certain agencies to participate in the development, operation, or support of the website; authorizing the Secretary to~~

~~determine the best and most appropriate data sources for the website~~ requiring the Chief of Information Technology in the Department of Budget and Management to conduct a certain study on expanding or replacing a certain website; providing for the termination of certain provisions of this Act; defining certain terms; ~~providing that certain provisions of law may not be construed to require the disclosure of certain confidential information;~~ and generally relating to a searchable website to be developed and operated by the Department of Budget and Management to provide information to the public on State ~~financial assistance and expenditures~~ payments.

~~BY repealing and reenacting, without amendments,~~
~~Article – State Finance and Procurement~~
~~Section 3–101~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – State Finance and Procurement
Section ~~3–207~~ 3–414
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 907 – Delegates Hecht, Barkley, Beidle, Bobo, Cardin, V. Clagett, Frush, Howard, Kaiser, Lee, Manno, McComas, Mizeur, Morhaim, Niemann, Olszewski, Stein, F. Turner, Waldstreicher, and Weldon

AN ACT concerning

Sustainable Energy Task Force

FOR the purpose of establishing a Sustainable Energy Task Force; establishing 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, but authorizing certain reimbursement for certain expenses; requiring the Task Force to study and make recommendations regarding certain issues; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Sustainable Energy Task Force.

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

House Bill 910 – Delegates Reznik, Barkley, Burns, Dumais, Frick, Ivey, Kaiser, Robinson, and Sossi

AN ACT concerning

Health Care Providers – Disclosure of Medical Records – Children in Need of Assistance Proceedings

FOR the purpose of authorizing health care providers to disclose certain medical records without the authorization of persons in interest in accordance with a certain compulsory process in Children in Need of Assistance proceedings under certain circumstances; altering the content of a certain notice; and generally relating to the disclosure of medical records by health care providers in Children in Need of Assistance Proceedings.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–306
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 915 – Delegate Love

AN ACT concerning

Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties

FOR the purpose of providing that a surety insurer that is precluded or removed from a certain list by a circuit court due to failure to timely resolve or satisfy certain bail bond forfeitures shall be subject to certain penalties; requiring a clerk of a circuit court to notify the Maryland Insurance Commissioner of the names of certain surety insurers and certain bond forfeitures at a certain time; and generally relating to failure of a surety insurer to pay bail bond judgments.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 21–103
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 938 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Deer Hunting on Private Lands – Effective Date
MC 804–08

FOR the purpose of repealing the termination date for removing Montgomery County from the list of counties in which deer hunting on private lands on certain Sundays is prohibited; and generally relating to deer hunting on private lands on Sundays.

BY repealing and reenacting, with amendments,
Chapter 361 of the Acts of the General Assembly of 2006
Section 4

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

House Bill 941 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Minority Business Enterprise Utilization Program
PG/MC 110–08

FOR the purpose of extending through a certain date the authority of the Maryland–National Capital Park and Planning Commission to establish and administer a Minority Business Enterprise Utilization Program for the award of contracts for goods, services, and construction under certain circumstances; and generally relating to the Maryland–National Capital Park and Planning Commission and the Minority Business Enterprise Utilization Program.

BY repealing and reenacting, without amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 2–301 through 2–304
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 256 of the Acts of the General Assembly of 1995, as amended by Chapter 487 of the Acts of the General Assembly of 1997, Chapter 40 of the Acts of the General Assembly of 2001, and Chapter 425 of the Acts of the General Assembly of 2003
Section 2

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

House Bill 945 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Oakmont Special Taxing Area – Competitive Bidding MC 820–08

FOR the purpose of altering the threshold amount above which the Oakmont Citizens' Committee is required to advertise for bids for the purchase of materials or contract for work; providing for an exception to advertising for competitive bids under certain circumstances; making certain stylistic changes; and generally relating to competitive bidding by the Oakmont Citizens' Committee.

BY repealing and reenacting, with amendments,
The Public Local Laws of Montgomery County
Section 70–5
Article 16 – Public Local Laws of Maryland
(2004 Edition and December 2007 Supplement, as amended)

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

House Bill 976 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Program – Lot Releases

FOR the purpose of requiring a certain statement in certain lot releases; altering the size of lots that may be released from easement restrictions by the Maryland Agricultural Land Preservation Foundation under certain circumstances; providing for the application of this Act; and generally relating to releases from lot easement restrictions by the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–513(b)(2)(vi) and (6)(i)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 977 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Controlled Hazardous Substances – Discharge or Release – Reporting Requirements

FOR the purpose of requiring ~~a person who discharges or releases, participates in the discharge or release, or has~~ certain persons that possess certain evidence of a ~~discharge or~~ release of a hazardous substance under certain circumstances to report the ~~incident~~ finding immediately to the Department of the Environment; requiring the Department to consider certain factors in determining certain thresholds for reporting a release of a hazardous substance; ~~authorizing~~ requiring the Department to adopt certain regulations on or before a certain date; and generally relating to controlled hazardous substances.

BY repealing and reenacting, with amendments,
Article – Environment
Section 7–222
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 1038 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Master for Juvenile Causes – Authority
PG 303–08

FOR the purpose of repealing a certain restriction that ~~limits the authority of~~ prohibits judges of the Circuit Court for Prince George's County ~~to appoint or continue~~ from appointing or continuing the appointment of masters for juvenile causes ~~only to conduct~~ except for the purpose of conducting certain hearings; repealing a provision of law that prohibits a master in Prince George's County from conducting ~~an~~ a certain adjudicatory ~~or~~ hearing, a disposition hearing, or a peace order proceeding in a delinquency case; and generally relating to masters for juvenile causes in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–807
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1051 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Economic Development – Cross–References ~~and Corrections~~, Corrections, and Modifications

FOR the purpose of correcting certain cross–references to the Economic Development Article in the Annotated Code of Maryland; correcting certain cross–references, errors, and omissions in and relating to the Economic Development Article; clarifying the application of certain provisions; repealing certain obsolete and redundant provisions, including provisions relating to certain industrial development bonds, the dissolution of certain units, and compliance with certain requirements; altering certain reporting dates; providing for the removal of certain members of certain units in a certain manner; providing for the appointment of certain members of certain units in a certain manner; authorizing the Board of Directors of the Maryland Economic Development Corporation to determine certain matters; altering and repealing certain definitions; providing for the oversight of certain matters by the Secretary of the Environment; clarifying the authority of the governing bodies of certain political subdivisions over certain matters; making stylistic changes; providing for the termination of a certain provision of this Act, subject to a certain contingency; and generally relating to the Economic Development Article and cross–references ~~and corrections~~, corrections, and modifications to it.

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 25
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–202.1(j)(3)(iv) and (k)(2)(iv), 9–102(h–1)(1)(ii)2.D. and (2)(ii)2.D., and 9–102.1(b)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–521(a)(3) and (4) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development

Section 2–207(a), 4–205, 4–206, 4–603(b)(1)(i) through (iii), 5–103(c), 5–415(a), 5–432, 5–437(a), 5–603(b)(1), 5–1001(b), 10–107, 10–108, 10–109(c)(4), 10–111(c), 10–130(c)(1), 10–207(c) and (d), 10–211(c), 10–301(g)(1)(iv)2., 10–324(c)(1), 10–408(7)(iii), 10–620(d)(4)(iii), 10–643(f)(1)(i)3.B., 11–307, 12–109(a)(2)(i), 12–209(b)(2), 12–211(a), 12–308(b)(2), and 13–202
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY adding to
Article – Economic Development
Section 4–204(d)(4)
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing
Article – Economic Development
Section 10–201(k) and 10–433; 12–401 through 12–409 and the subtitle "Subtitle 4. Industrial Development Bonds"; and 13–417, 13–615, 13–715, 13–811, 13–911, and 13–1011
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203.1(a)(1), 16–302.1(a)(2), and 18–303.1(g)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 7–507
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 13–801(h)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1101(p), 19–222(g)(3)(iii), and 19–223
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 6–114 and 6–119
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–111
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 2–206(a)(3), 2–207(a)(4), 5–7B–01(c)(1)(iii), 5–7B–02(3), and 11–203(a)(1)(v)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1021(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1303, 4–103(a)(5), 4–104(e)(1), 8–201(b), 8–214, 8–220, 8–411, 10–207(v)(1), 10–702(a)(3) and (6), (b), (c), and (e)(1), 10–704.4, 10–714, 10–722(a)(8)(ii) and (iii), 11–102(b)(2), and 11–227(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–504.4(a), 9–103(a)(6) and (e)(3), 9–229(a)(3), (b)(1)(i), and (c)(2), 9–230(d)(2)(vii) and (viii), 9–240(a), 9–318(d)(2)(ii)3., 10–202(a)(3), 12–108(a)(2) and (aa), 13–403.1, and 14–902(a)(2)
Annotated Code of Maryland
(2007 Replacement Volume)

<u>BY repealing</u>
<u>The article designation "Article 45A – Industrial Development"</u>
<u>Annotated Code of Maryland</u>
<u>(2003 Replacement Volume and 2007 Supplement)</u>

<u>BY repealing</u>
<u>The article designation "Article 78D – Baltimore Metropolitan Council"</u>

Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
The article designation "Article 83A – Department of Business and Economic Development"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 41 – Governor – Executive and Administrative Departments
The title designation "Title 13. Miscellaneous Statewide Development and Assistance Programs"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1057 – Delegate King

AN ACT concerning

Commercial Law – Automotive Repair Facilities – Invoices

FOR the purpose of requiring an invoice from an automotive repair facility to state that while a customer's motor vehicle is on the premises of the automotive repair facility, the automotive repair facility ~~is not responsible for any damage to the customer's motor vehicle that is caused by an individual not employed by the automotive repair facility~~ may not be responsible for damage to the customer's motor vehicle under certain circumstances, and that the customer should ask a representative of the automotive repair facility about the extent of its responsibility; making a stylistic change; and generally relating to automotive repair facilities and invoices.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–1003
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1078 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Task Force to Study Locations in Prince George's County Best Suited for Use by State Agencies
PG 413–08

FOR the purpose of establishing a Task Force to Study Locations in Prince George's County Best Suited for Use by State Agencies; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Office of the County Executive for Prince George's County to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation, but authorizing certain reimbursement for certain expenses; 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 the termination of this Act; and generally relating to the Task Force to Study Locations in Prince George's County Best Suited for Use by State Agencies.

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

House Bill 1089 – Delegate Donoghue

AN ACT concerning

Direct Billing of Anatomic Pathology Services

FOR the purpose of requiring certain clinical laboratories ~~and physicians~~, physicians, or group practices that provide anatomic pathology services to certain patients to present or cause to be presented claims, bills, or demands for payment to certain individuals and entities subject to certain limitations; prohibiting certain health care practitioners from directly or indirectly charging, billing, or otherwise soliciting payment for ~~certain~~ anatomic pathology services unless the services are performed by or under the direct supervision of the health care ~~provider~~ practitioner and in accordance with the provisions of a certain federal act; providing that certain individuals and entities are not required to provide reimbursement under certain circumstances; providing that this Act does not prohibit a referring laboratory from billing for certain anatomic pathology services or histologic processing under certain circumstances; providing that this Act may not be construed to mandate the assignment of certain benefits for anatomic pathology services; defining certain terms; and generally relating to direct billing of anatomic pathology services.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–301(a), (d), (f), (h), and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 1–306
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–306
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 1176 – Delegates Pena–Melnyk, Nathan–Pulliam, Ali, Braveboy, Carr, Healey, Holmes, Ivey, Kaiser, Krysiak, Mizeur, O'Donnell, Oaks, Reznik, Ross, Shank, Tarrant, V. Turner, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, Montgomery, Morhaim, Riley, and Weldon

AN ACT concerning

Public Health – ~~Task Force~~ Committee on Childhood Obesity

FOR the purpose of establishing a ~~Task Force~~ Committee 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~~ Committee; requiring the ~~Task Force~~ Committee 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~~ Committee on Childhood Obesity.

BY adding to
Article – Health – General
Section ~~19–710.4~~ 13–2A–01 to be under the new subtitle "Subtitle 2A. Committee on Childhood Obesity"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1186 – Delegates Sophocleus, Beidle, V. Clagett, Love, and McConkey

AN ACT concerning

Office of the State's Attorney – Repeal of Obsolete Provisions

FOR the purpose of repealing certain obsolete provisions concerning the Office of the State's Attorney, including provisions requiring the State's Attorney to aid the Comptroller and State Treasurer in adjusting accounts of county office holders, order execution to be issued for the recovery of certain moneys, and submit certain information to certain judges for certification before receiving certain funds; and generally relating to the Office of the State's Attorney.

BY repealing
Article – Criminal Procedure
Section 15–103, 15–106, and 15–107
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 1187 – Delegates McDonough, Beitzel, Benson, Boteler, Costa, Hubbard, Kach, Kipke, Montgomery, Oaks, Riley, V. Turner, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Bromwell, Donoghue, Elliott, Kullen, Morhaim, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Persons Who Operate Nursing Homes – Licensure

FOR the purpose of requiring ~~a person to be licensed by the Secretary of Health and Mental Hygiene before operating a nursing home; establishing the qualifications for licensure; requiring the Secretary to evaluate the background and qualifications of certain persons~~ an applicant for licensure or relicensure of a nursing home to include certain information in the application; requiring applicants to provide the Secretary with certain information; ~~requiring the Secretary to issue licenses to applicants who meet certain requirements; authorizing licensees to renew licenses under certain circumstances~~ authorizing the Secretary of Health and Mental Hygiene to make certain approvals or denials of licensure applications after a certain review; requiring licensees to report to the Secretary certain changes in the financial condition of a nursing home; ~~authorizing the Secretary to verify certain financial conditions~~ requiring the Secretary to convene a certain workgroup to make certain recommendations; requiring the Secretary to review certain recommendations and to publish certain regulations on or before a certain date; making certain exceptions; ~~requiring the Secretary to adopt certain regulations; defining certain terms;~~ and generally relating to the licensure of persons who operate nursing homes.

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 19–1401~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – Health – General
Section 19–1401.1, 19–1401.2, and 19–1401.3 ~~19–1401.3, 19–1401.4, 19–1401.5, 19–1401.6, 19–1401.7, and 19–1401.8~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1238 – Delegates Hixson, Elmore, Gilchrist, Howard, Ivey, Kaiser, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Transportation – Public–Private Partnerships – Notice to the General Assembly

FOR the purpose of requiring the ~~Maryland Transportation Authority or the~~ State Department of Transportation to provide certain information to certain committees of the General Assembly and the Department of Legislative Services by a certain date prior to issuing a public notice of procurement related to a public–private partnership; requiring the ~~Authority or the~~ State Department of Transportation to provide certain information to certain committees of the General Assembly and the Department of Legislative Services by a certain date prior to entering into a public–private partnership; defining certain terms; ~~repealing certain redundant provisions of law relating to disclosure of certain public–private partnerships involving the Authority;~~ and generally relating to providing notice to the General Assembly of public–private partnerships involving the ~~Maryland Transportation Authority and the~~ State Department of Transportation.

BY adding to
Article – Transportation
Section 3.5–101 and 3.5–201 to be under the new title "Title 3.5. Public–Private Partnerships"
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 4–205(c)~~

~~Annotated Code of Maryland~~
~~(2001 Replacement Volume and 2007 Supplement)~~
~~(As enacted by Chapter 383 of the Acts of the General Assembly of 2007)~~

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

House Bill 1240 – Delegate Frush

AN ACT concerning

~~Juvenile Justice – Disposition on Petition~~ Education – Student Discipline – Alternative Education Program

FOR the purpose of authorizing a ~~certain~~ juvenile court to order a certain child to attend a certain ~~Juvenile Justice Alternative Education Program or similar type of school~~ juvenile justice alternative education program under certain circumstances ~~in making a disposition on a certain petition; and generally relating to a disposition on a petition against a juvenile~~; providing for the termination of this Act; and generally relating to student discipline.

BY ~~repealing and reenacting, with amendments,~~ adding to
Article – ~~Courts and Judicial Proceedings~~ Education
Section ~~3–8A–19(d)~~ 7–305.1
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 1265 – Delegates Frush and Vallario

AN ACT concerning

Criminal Law – Unauthorized Removal of Property – Elements of Crime

FOR the purpose of repealing the requirement that a person enter or be on the premises of another for a conviction of the crime of taking and carrying away from the premises or out of the custody of another or the use of the other, or the other's agent, or a governmental unit any property without the permission of the owner of the property; and generally relating to the unauthorized removal of property of another.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–203
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1350 – Delegates Stein and Kach

AN ACT concerning

Consumer Protection – Advertisement of Rebate for Consumer Goods

FOR the purpose of ~~prohibiting merchants from advertising rebates for consumer goods by displaying the net price of the consumer goods in the advertisement unless the amount of the rebate is provided to the consumer by the merchant at the time of the purchase of the consumer goods; providing that a merchant need not provide the amount of a rebate for consumer goods to a consumer if the advertisement for the consumer goods states that a rebate is available without displaying the net price of the consumer goods; defining a certain term~~ requiring a merchant that advertises a rebate for consumer goods that is only available if the consumer mails in a rebate form to include a certain statement in the advertisement; and generally relating to the advertisement of rebates for consumer goods by merchants.

BY adding to
Article – Commercial Law
Section 13–319
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1356 – Delegates Branch and Conway

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

FOR the purpose of repealing certain provisions prohibiting the payment of certain temporary cash assistance benefits as a result of the birth of certain children under certain circumstances; requiring the Department of Human Resources to submit a certain report; and generally relating to the receipt of temporary cash assistance benefits by Family Investment Program (FIP) recipients.

BY adding to
Article – Human Services
Section 5–312(g)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–313
Annotated Code of Maryland
(2007 Volume)

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

House Bill 1386 – Delegate Rudolph

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 Finance.

House Bill 1394 – Delegates Valderrama, V. Turner, and Walker

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

FOR the purpose of altering the time period within which a person may leave an unharmed newborn with a responsible adult and be immune from civil liability or criminal prosecution for the act; and generally relating to immunity from liability for leaving an unharmed newborn with a responsible adult.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–641(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 1435 – Chair, Appropriations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Employees – Veterans Seniority Points

FOR the purpose of altering the calculation, for purposes of a layoff, seniority points for State employees who are eligible veterans; defining a certain term; and generally relating to layoffs in the State Personnel Management System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 11–205
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1443 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

EMERGENCY BILL

AN ACT concerning

Department of Human Resources – Reorganization

FOR the purpose of repealing the Community Services Administration in the Department of Human Resources; repealing provisions of law relating to the Administration's purposes, personnel, powers, and duties; transferring the Office of Home Energy Programs and the Energy Assistance Program to the Family Investment Administration; placing the Commission on Responsible Fatherhood in the Department, rather than the Child Support Enforcement Administration, for certain purposes; making certain conforming changes; 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, and real and personal property; providing for certain corrections in cross–references and terminology; making this Act an

emergency measure; and generally relating to reorganizing the Department of Human Resources.

BY renumbering
Article – Human Services
Section 6–301 through 6–308, respectively, and the subtitle "Subtitle 3. Energy Assistance Program"
to be Section 5–5A–01 through 5–5A–08, respectively, and the subtitle "Subtitle 5A. Energy Assistance Program"
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 2–301, 5–205(a), 6–101, 6–412(a), 6–413(c) and (d), and 6–602
Annotated Code of Maryland
(2007 Volume)

BY repealing
Article – Human Services
Section 6–201 through 6–206 and the subtitle "Subtitle 2. Community Services Administration"
Annotated Code of Maryland
(2007 Volume)

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

House Bill 1464 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

State Personnel – Baltimore City Department of Social Services Legal Services Division – Transfer of Personnel

FOR the purpose of expanding the kinds of attorneys required to represent a local department of social services; transferring the contractual employees of the Baltimore City Department of Social Services, Legal Services Division, to the Department of Human Resources; requiring the creation of certain Position Identification Numbers for transferred employees; requiring each transferred employee to be placed in a certain classification in the State Personnel Management System; requiring each transferred employee to be placed in a comparable position classification without further examination or qualification and credited with a certain number of years of State service for purposes of seniority; and generally relating to the transfer of certain personnel to the Department of Human Resources.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 3–601(a)
Annotated Code of Maryland
(2007 Volume)

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

QUORUM CALL

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

(See Roll Call No. 545)

ADJOURNMENT

At 7:07 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:00 A.M. on Friday, March 21, 2008.

Annapolis, Maryland
Friday, March 21, 2008
9:00 A.M. Session

The Senate met at 9:11 A.M.

Prayer by Reverend John Crestwell, Davies Memorial Unitarian Universalist, guest of Senator Madaleno.

(For Prayer see Exhibit A of Appendix III)

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

QUORUM CALL

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

(See Roll Call No. 547)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #44

Senate Bill 252 – Senator Astle

AN ACT concerning

Anne Arundel County – Prospective or Current Employees or Volunteers – Criminal History Records Checks

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

Affirmative – 46 Negative – 0 (See Roll Call No. 548)

The Bill was then sent to the House of Delegates.

Senate Bill 392 – Senators Forehand, Conway, Garagiola, Jones, Kelley, King, Madaleno, Pinsky, and Raskin

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

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

Affirmative – 46 Negative – 0 (See Roll Call No. 549)

The Bill was then sent to the House of Delegates.

Senate Bill 516 – Senators Raskin, Astle, Brochin, Colburn, Conway, Currie, Forehand, Garagiola, Jacobs, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Muse, Peters, Pinsky, Pugh, Robey, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, and Greenip

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 550)

The Bill was then sent to the House of Delegates.

Senate Bill 607 – Senators Pugh and McFadden (By Request – Baltimore City Administration) and Senators Gladden and Jones

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

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

Affirmative – 45 Negative – 1 (See Roll Call No. 551)

The Bill was then sent to the House of Delegates.

Senate Bill 632 – Senators Jacobs, Forehand, Jones, Kelley, Kittleman, Kramer, McFadden, Munson, Muse, Pugh, Raskin, and Stone

AN ACT concerning

Social Services Administration – Children Subject to ~~Threatened Injury~~ Substantial Risk of Abuse or Neglect – Identification and Notice

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

Affirmative – 46 Negative – 0 (See Roll Call No. 552)

The Bill was then sent to the House of Delegates.

Senate Bill 657 – Senators Conway, Pinsky, Rosapepe, Colburn, Dyson, Greenip, Klausmeier, Lenett, ~~and Raskin~~ Raskin, ~~and Harrington~~ Harrington, and Middleton

AN ACT concerning

College Textbook Competition and Affordability Act of 2008

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

Affirmative – 46 Negative – 0 (See Roll Call No. 553)

The Bill was then sent to the House of Delegates.

Senate Bill 659 – Carroll County Senators

EMERGENCY BILL

AN ACT concerning

Carroll County – Local Ordinance Creating a County Police Department – Submission to Local Referendum

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

Affirmative – 45 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the House of Delegates.

Senate Bill 674 – Senator Brinkley

AN ACT concerning

Water Resources – Groundwater Appropriation or Use – Priority Funding Areas

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

Affirmative – 47 Negative – 0 (See Roll Call No. 555)

The Bill was then sent to the House of Delegates.

Senate Bill 685 – Senators Rosapepe and Peters

AN ACT concerning

Prince George's County – Roadside ~~Advertising or~~ Solicitation of Money or Donations – Prohibition

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

Affirmative – 44 Negative – 1 (See Roll Call No. 556)

The Bill was then sent to the House of Delegates.

Senate Bill 710 – Senator Lenett

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

Senator Colburn moved, duly seconded, to place **Senate Bill 710** back on second reading.

The motion was adopted by a roll call vote as follows:

Affirmative – 25 Negative – 22 (See Roll Call No. 557)

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

Senator Frosh moved, duly seconded, to reconsider the vote by which the floor amendments (983929/4) were adopted.

The motion was adopted by a roll call vote as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 558)

FLOOR AMENDMENT

SB0710/983929/4

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; establishing a cap on the total amount required to be paid to a certain fund by a manufacturer".

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.

(III) THE TOTAL AMOUNT REQUIRED TO BE PAID TO THE CHESAPEAKE BAY 2010 TRUST FUND MAY NOT EXCEED $1,000,000 PER MANUFACTURER.".

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

Affirmative – 23 Negative – 23 (See Roll Call No. 559)

Read the second time and ordered prepared for Third Reading.

Senate Bill 798 – Senator Dyson

AN ACT concerning

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 560)

The Bill was then sent to the House of Delegates.

Senate Bill 840 – ~~Senator Colburn~~ Senators Colburn and Haines

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 561)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #45

Senate Bill 274 – Senators Stone and Della

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors – Notice of Vehicle Acquisition

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

Affirmative – 47 Negative – 0 (See Roll Call No. 562)

The Bill was then sent to the House of Delegates.

Senate Bill 276 – Senators Stone, Colburn, Conway, Dyson, Haines, Klausmeier, Kramer, McFadden, Munson, Peters, and Raskin

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

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

Affirmative – 44 Negative – 3 (See Roll Call No. 563)

The Bill was then sent to the House of Delegates.

Senate Bill 305 – Senator Middleton

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date Extension and Modifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 564)

The Bill was then sent to the House of Delegates.

Senate Bill 441 – Senators Frosh, Brochin, ~~and Garagiola~~ Garagiola, Forehand, Jacobs, Mooney, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 565)

The Bill was then sent to the House of Delegates.

Senate Bill 510 – Senator Middleton

AN ACT concerning

Mile Thoroughbred Racing – ~~Racing~~ Live Racing Days – Additional License

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

Affirmative – 47 Negative – 0 (See Roll Call No. 566)

The Bill was then sent to the House of Delegates.

Senate Bill 572 – Senators Klausmeier and Stone

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Baltimore County

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

Affirmative – 47 Negative – 0 (See Roll Call No. 567)

The Bill was then sent to the House of Delegates.

Senate Bill 578 – Senator Forehand

AN ACT concerning

Vehicle Laws – Medical Advisory Board – ~~Confidentiality~~ Use of Confidential Records and Reports

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

Affirmative – 47 Negative – 0 (See Roll Call No. 568)

The Bill was then sent to the House of Delegates.

Senate Bill 682 – Senator Middleton

AN ACT concerning

Medical Assistance Program – Long–Term Care Eligibility – Consolidation Plan

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

Affirmative – 47 Negative – 0 (See Roll Call No. 569)

The Bill was then sent to the House of Delegates.

Senate Bill 712 – Senators Haines, Astle, Brinkley, Colburn, DeGrange, Della, Exum, Garagiola, Glassman, Kramer, Munson, Stoltzfus, ~~and Stone~~ Stone, Jacobs, Mooney, and Simonaire

AN ACT concerning

Vehicle Laws – Failure to Yield Right–of–Way – Penalties for Death or Serious Bodily Injury

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

Affirmative – 46 Negative – 0 (See Roll Call No. 570)

The Bill was then sent to the House of Delegates.

Senate Bill 852 – Senators Kasemeyer, Kittleman, and Robey

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the House of Delegates.

Senate Bill 872 – ~~Senator Peters~~ Senators Peters, Astle, Della, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, ~~and Pugh~~ Pugh, and Colburn

AN ACT concerning

Veterans of Afghanistan and Iraq Mental Health Pilot Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 572)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 41 Negative – 6 (See Roll Call No. 573)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #46

Senate Bill 433 – Senators Pugh, Currie, Exum, Forehand, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Raskin, Robey, Rosapepe, and Peters

AN ACT concerning

Pharmacy Permit Holders – Signs for Reporting Incorrectly Filled Prescriptions

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 463 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

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

Affirmative – 45 Negative – 2 (See Roll Call No. 575)

The Bill was then sent to the House of Delegates.

Senate Bill 762 – Senator Conway

AN ACT concerning

Real Estate ~~Brokers~~ Licensees – Record Keeping

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 767 – Senator Conway

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

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

Affirmative – 47 Negative – 0 (See Roll Call No. 577)

The Bill was then sent to the House of Delegates.

Senate Bill 784 – Senators King, Currie, DeGrange, Garagiola, Kasemeyer, and Middleton

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

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

Affirmative – 43 Negative – 4 (See Roll Call No. 578)

The Bill was then sent to the House of Delegates.

Senate Bill 799 – Senators Exum, Garagiola, and Gladden

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 579)

The Bill was then sent to the House of Delegates.

Senate Bill 817 – Senators Conway, Colburn, Della, Garagiola, Lenett, ~~and Pugh~~ Pugh, and Haines

AN ACT concerning

Maryland Individual Tax Preparers Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 580)

The Bill was then sent to the House of Delegates.

Senate Bill 818 – Senators Middleton, Astle, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, ~~and Simonaire~~ Simonaire, Harrington, and Lenett

AN ACT concerning

Public Health Dental Hygiene Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 581)

The Bill was then sent to the House of Delegates.

Senate Bill 828 – Senator Conway

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 582)

The Bill was then sent to the House of Delegates.

Senate Bill 848 – Senator Conway

AN ACT concerning

State Board of Social Work Examiners – Membership – Qualifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 583)

The Bill was then sent to the House of Delegates.

Senate Bill 900 – Senator Klausmeier

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

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

Affirmative – 47 Negative – 0 (See Roll Call No. 584)

The Bill was then sent to the House of Delegates.

Senate Bill 903 – Senator Kelley

AN ACT concerning

Traumatic Brain Injury Advisory Board – Sunset – Repeal

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

Affirmative – 44 Negative – 3 (See Roll Call No. 585)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #48

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

Senator Pinsky moved, duly seconded, to place **Senate Bill 309** back on second reading for the purpose of adding an amendment.

The motion was adopted by a roll call vote as follows:

Affirmative – 26 Negative – 21 (See Roll Call No. 586)

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

FLOOR AMENDMENT

SB0309/293722/3

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 309
(Bill as Printed for Third Reading)

On page 8, in line 11, strike "**OR**"; and in line 13, after "**EMISSIONS**" insert "**; OR**

D. ANY OTHER MEASURES FOR WHICH THE DEPARTMENT HAS AUTHORITY AS OF MAY 31, 2008".

On page 9, in line 11, strike "**OR**"; and in line 13, after "**EMISSIONS**" insert "**; OR**

D. ANY OTHER MEASURES FOR WHICH THE DEPARTMENT HAS AUTHORITY AS OF MAY 31, 2008".

On page 10, in line 20, strike "**OR**"; and in line 22, after "**EMISSIONS**" insert "**; OR**

D. ANY OTHER MEASURES FOR WHICH THE DEPARTMENT HAS AUTHORITY AS OF MAY 31, 2008".

The preceding amendment was read only.

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

The motion was adopted.

Senate Bill 344 – Senators Garagiola, Astle, Exum, Kelley, Klausmeier, and Pugh

AN ACT concerning

The Flexible Leave Act

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

Affirmative – 30 Negative – 17 (See Roll Call No. 587)

The Bill was then sent to the House of Delegates.

Senate Bill 615 – Senators Raskin, Forehand, and Stone

AN ACT concerning

~~Stalking and~~ Domestic Violence – Cruelty Toward a Pet or Service Animal

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

Affirmative – 42 Negative – 5 (See Roll Call No. 588)

The Bill was then sent to the House of Delegates.

Senate Bill 649 – Senator Conway

AN ACT concerning

Athletics – Mixed Martial Arts – Regulation by State Athletic Commission – Boxing and Wrestling Tax

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

Affirmative – 42 Negative – 5 (See Roll Call No. 589)

The Bill was then sent to the House of Delegates.

Senate Bill 795 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 590)

The Bill was then sent to the House of Delegates.

Senate Bill 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

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

Affirmative – 31 Negative – 15 (See Roll Call No. 591)

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 EXECUTIVE NOMINATIONS COMMITTEE REPORT #8

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 #8
March 20, 2008

Budget of State Workers' Compensation Commission, Advisory Committee on

1. Michael G. Comeau
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Advisory Committee on Budget of State Workers' Compensation Commission; appointed to serve a term of three years from July 1, 2007

Legal Services Corporation Board of Directors

2. Nathaniel E. Jones, Jr., Esquire
4203 North Charles Street
Baltimore, MD 21218

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2005

Nursing Home Administrators, State Board of Examiners of

3. Arthur N. Rogers, III
712 East Seminary Avenue
Towson, MD 21286

Member of the State Board of Examiners of Nursing Home Administrators; reappointed to serve a term of four years from April 22, 2008

Seafood Marketing Advisory Commission

4. Thomas R. Zinn
12925 Spring Cove Drive
Lusby, MD 20657

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2006

Social Work Examiners, State Board of

5. Lillye McNeill Dumas–Wells
3662 Forest Hill Road
Baltimore, MD 21207

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2008

6. Annie D. Peak
9909 Old Indian Head Road
Upper Marlboro, MD 20772

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2008

St. Mary's College Board of Trustees

7. Arthur Birney, Jr.
848 Coach Way
Annapolis, MD 21401

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

8. C. Richard D'Amato
6 East Lake Drive
Annapolis, MD 21403

Member of the St. Mary's College Board of Trustees; appointed to serve a term of six years from June 1, 2007

Stadium Authority, Maryland

9. John Morton, III
10 Waveland Farm
Annapolis, MD 21409

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2008

Technology Development Corporation Board of Directors, Maryland

10. Paula L. Jagemann
4703 Briggswood Court
Frederick, MD 21703

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a four year term to expire June 30, 2008 and a term of four years from July 1, 2008

Tourism Development Board, Maryland

11. Deborah L. Dodson
5513 Cedar Grove Road
East New Market, MD 21631

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2008

12. Christopher Schardt
2918 Hudson Street
Baltimore, MD 21224

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2008

Transportation Authority, Maryland

13. Mary Beyer Halsey
207 Smith Road
Rising Sun, MD 21911

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

University System of Maryland Board of Regents

14. Frank M. Reid, III, Ph.D.
8950 Harkate Way
Randallstown, MD 21133

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2008

Women, Maryland Commission for

15. The Honorable Helen L. Holton
830 North Chapelgate Lane
Baltimore, MD 21229

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2006

16. The Honorable Classie Gillis Hoyle
2089 Forest Drive
Annapolis, MD 21401

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2006

17. Erum Malik
3886 Whitebrook Lane
Ellicott City, MD 21042

Member of the Maryland Commission for Women; appointed to serve remainder of a four year term to expire July 1, 2008 and a term of four years from July 2, 2008

18. Melissa Techentin
1601 Dundalk Avenue
Baltimore, MD 21222

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2005

Youth Camp Safety, Advisory Council on

19. Linda E. Mouzon
6945 Scarlet Oak Drive
Elkridge, MD 21075

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2008

20. Joy Peters
19013 Queens Cross Lane
Germantown, MD 20876

Member of the Advisory Council on Youth Camp Safety; reappointed 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.

Seafood Marketing Advisory Commission

S–1. Joseph N. Brooks
1202 Hambrooke Boulevard
Cambridge, MD 21613

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2008

S–2. Cynthia W. Paul
3278 Golden Hill Road
Church Creek, MD 21622

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2008

Social Work Examiners, State Board of

S–3. Daniel L. Buccino
2109 Kentucky Avenue
Baltimore, MD 21218

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2008

Stadium Authority, Maryland

S–4. Thomas B. Corey
9500 Sidebrook Road
Owings Mills, MD 21117

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2008

Technology Development Corporation Board of Directors, Maryland

S–5. Charles J. Morton, Jr.
300 Cedarcroft Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2008

Tourism Development Board, Maryland

S–6. Helene M. Maher
6187 Kara's Walk
Elkridge, MD 21075

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2008

S–7. William O. Ripken
900 Mount Soma Court
Fallston, MD 21047

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2008

Transportation Authority, Maryland

S–8. William C. Calhoun, Sr.
932 North Central Avenue
Baltimore, MD 21202

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

S–9. Isaac H. Marks, Sr., Esquire
9255 Three Oaks Drive
Silver Spring, MD 20901

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

S–10. Michael J. Whitson
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

University System of Maryland Board of Regents

S–11. Norman Augustine
9826 Sorrel Road
Potomac, MD 20854

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2008

Venture Capital Trust Board of Trustees, Maryland

S–12. Robert W. Schaefer
5903 Meadowood Road
Baltimore, MD 21212

Member of the Maryland Venture Capital Trust Board of Trustees; reappointed to serve a term of four years from July 1, 2008

Veterans Home Commission, Maryland

S–13. Andrew H. Anderson
29995 Bolingbroke Lane
Trappe, MD 21673

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2008

S–14. Robert M. Johnson
P.O. Box 1967
La Plata, MD 20646

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2008

S–15. Toni Rae King
12401 Rockledge Drive
Bowie, MD 20715

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2008

Well Drillers, State Board of

S–16. Larry Dale Brenneman
312 Main Street Extended
Accident, MD 21520

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S–17. C. Wayne Caswell
3515 North Furnance Road
Jarrettsville, MD 21084

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S–18. Hahns S. Hairston
625 Jasper Street
Baltimore, MD 21201

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S–19. David B. Hartman
307 Woodshadows Court
Millersville, MD 21118

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S–20. John T. Shannahan, Sr.
P.O. Box 730
Easton, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S–21. Travis E. Sterner
8726 Reynolds Mill Road
Seven Valleys, PA 17360

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

S–22. Darlene Vivian Wells
17433 Wesley Chapel Road
Monkton, MD 21111

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2008

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Allegany Community College Board of Trustees

L–1. Joyce K. Lapp
11800 Knob Road
Cumberland, MD 21502

Member of the Allegany Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

L–2. John J. McMullen, Esquire
818 Buckingham Road
Cumberland, MD 21502

Member of the Allegany Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Anne Arundel Community College Board of Trustees

L–3. Jerome W. Klasmeier
1077 Overcast Drive
Crownsville, MD 21032

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2006

L–4. Diane Renee Dixon Proctor
127 Fox Trap Drive
Glen Burnie, MD 21601

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2008

L–5. Bushra Raza
616 219th Street
Pasadena, MD 21122

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2008

Cecil Community College Board of Trustees

L–6. S. Dell Foxx
19 Hammer Drive
North East, MD 21901

Member of the Cecil Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Community College Trustees for Baltimore County

L–7. Linda C. Goldberg
7917 Stevenson Road
Baltimore, MD 21208

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2008

L–8. Charles E. Kountz, Jr., Esquire
4367 Hollins Ferry Road, Suite 2C
Baltimore, MD 21227

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2008

L–9. Richard W. McJilton
7260 Meadow Lane
Baltimore, MD 21222

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2007

L–10. Cecile V. Myric
1326 Gooseneck Road
Baltimore, MD 21220

Member of the Community College Trustees for Baltimore County; reappointed to serve a term of five years from July 1, 2007

Hagerstown Community College Board of Trustees

L–11. Austin S. Abraham
11800 Indian Lane
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; appointed to serve a term of six years from July 1, 2008

Howard Community College Board of Trustees

L–12. Roberta E. Dillow
10610 High Beam Court
Columbia, MD 21044

Member of the Howard Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Montgomery Community College Board of Trustees

L–13. Jong–on Hahm, Ph.D.
11733 Ambleside Drive
Potomac, MD 20854

Member of the Montgomery Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Prince George's County Board of Election Supervisors

L–14. Lester W. Jones
11605 Hickory Drive
Fort Washington, MD 20744

Member of the Prince George's County Board of Election Supervisors; appointed to serve a term of four years from June 4, 2007

L–15. Theresa Bournes Roebuck
6601 Oak Street
Cheverly, MD 20785

Member of the Prince George's County Board of Election Supervisors; appointed to serve a term of four years from June 4, 2007

Prince George's County Board of License Commissioners

L–16. Armando Camacho
6403 McCahill Drive
Laurel, MD 20707

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from July 1, 2008

L–17. Franklin D. Jackson, Esquire
12610 Pleasant Prospect
Mitchellville, MD 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2008

Southern Maryland, Board of Trustees of the College of

L–18. Austin Joseph Slater, Jr.
23073 Silk Oak Way
California, MD 20619

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2008

L–19. Dorthea Holt Smith
3365 Forest Road
Waldorf, MD 20601

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five 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. 592)

Senate Bill 789 – Senator Forehand

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

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

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #8

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

Senate Bill 907 – Senator Pugh

AN ACT concerning

Public Safety – Demolition Work – Safety Provisions and Permitting

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 943 – Senator Forehand

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

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 1010 – Senators Pugh and Forehand

AN ACT concerning

International Marriage Brokers – Regulation

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 1011 – Senators Zirkin, Brinkley, DeGrange, Forehand, Kramer, and Mooney

AN ACT concerning

Sales and Use Tax – Computer Services

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 1012 – Senator Madaleno

AN ACT concerning

Local Government – Street Lighting Equipment

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 5 – Senator Conway

A Senate Joint Resolution concerning

Birth of Enoch Pratt – Bicentennial Celebration

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 754 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Inflatable Amusement Attractions – Inspections

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1 – ~~Delegate Hubbard~~ Delegates Hubbard and Montgomery

AN ACT concerning

Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether – Prohibition

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

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 102 – Delegates Rosenberg, Bronrott, Dumais, Haynes, Ivey, Rice, Ross, ~~and F. Turner~~ F. Turner, Frick, Gilchrist, Cardin, Doory, Olszewski, and Stukes

AN ACT concerning

Voter's Rights Protection Act of 2008

FOR the purpose of altering the circumstances under which an individual may be offered the opportunity to cast a provisional ballot; requiring the State Board of Elections to ensure that the program of instruction for election judges incorporates a thorough and detailed treatment of certain information; requiring a local board to extend the hours that a polling place shall be open under certain circumstances; prohibiting a vacancy in polling place staff from delaying the opening of the polling place; prohibiting an election judge from requiring a voter to present photo identification before voting, except as authorized by State or federal law; requiring certain election judges to document for further investigation any malfunction of the voting system and other issues that arise during the course of an election; regulating the activities of challengers or watchers at the polling place; prohibiting certain persons from distributing, disseminating, or publishing, or being responsible for such activities, with respect to any item of campaign material that contains certain fraudulent representations or implications; authorizing a court to impose a

certain civil penalty or issue a certain injunction only after making certain findings; authorizing the Attorney General or a registered voter to institute a court action for certain relief under certain circumstances; making technical changes; providing for the effective dates of this Act; and generally relating to voting procedures and requirements under the State election law.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–404, 10–206, 10–301, 10–305, 10–310, 10–311, and 16–201
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Election Law
Section 13–401.1
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 361 – The Speaker (By Request – Administration) and Delegates Niemann, Aumann, Barkley, Barnes, Barve, Benson, Bobo, Bohanan, Braveboy, Burns, G. Clagett, V. Clagett, Conway, Eckardt, Frick, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Healey, Hecht, Heller, Howard, Hucker, Ivey, James, Jones, Kaiser, Krysiak, Lafferty, Lee, Levi, Levy, Love, Manno, Mathias, McIntosh, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Ramirez, Riley, Ross, Shewell, Sophocleus, Stein, Stukes, Tarrant, F. Turner, V. Turner, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

Protection of Homeowners in Foreclosure – Prohibition on Foreclosure Rescue Transactions – Enforcement

FOR the purpose of altering the applicability of certain provisions relating to the protection of homeowners in foreclosure; altering the contents of a certain foreclosure consulting contract; prohibiting a foreclosure consultant from engaging in or arranging a foreclosure rescue transaction or receiving a commission or money under certain circumstances; requiring a foreclosure consultant to be licensed as a real estate broker and to provide certain research to a homeowner under certain circumstances; repealing certain provisions concerning foreclosure reconveyances; authorizing a homeowner to ~~cancel~~ rescind a contract for the sale or transfer of a residence in default under certain

circumstances; requiring a contract for the sale or transfer of a residence in default to contain certain notices and attachments under certain circumstances; imposing certain prohibitions on a purchaser of a residence in default; authorizing the Commissioner of Financial Regulation to enforce certain provisions concerning the protection of homeowners in foreclosure; making a violation of this Act an unfair or deceptive trade practice under the Maryland Consumer Protection Act; requiring the Attorney General or the State's Attorney to notify the Commissioner of certain convictions; altering and defining certain terms; making stylistic and conforming changes; making this Act an emergency measure; and generally relating to the protection of homeowners in foreclosure.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxiv)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–301 to be under the amended subtitle "Subtitle 3. Protection of Homeowners in Foreclosure Act", 7–302, 7–305, 7–306, and 7–307; and 7–310 to be under the amended part "Part III. Sales or Transfers of Residences in Default", 7–311, 7–314, 7–315, 7–319, and 7–320
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 7–308, 7–309, 7–310, 7–313, 7–318.1, and 7–322; and 7–325 to be under the new part "Part VI. Short Title"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–318 and 7–321
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 364 – The Speaker (By Request – Administration) and Delegates McIntosh, Barve, Bobo, Bronrott, Cane, G. Clagett, V. Clagett, Frush, Glenn, Howard, Hucker, Lafferty, Manno, Montgomery, Niemann, ~~and Stein~~ Stein, and Burns

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FOR the purpose of expanding to all counties and municipalities in the State the authority to use certain speed monitoring systems to enforce certain highway speed laws under certain standards and procedures; ~~altering the maximum fine for a violation of law enforced by means of a speed monitoring system;~~ prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval, provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations; requiring certain local ordinances or resolutions to provide for the issuance of warnings during a certain period for certain violations; increasing the maximum speed limit for the purpose of establishing residential highways on which speed laws may be enforced using speed monitoring systems; requiring a local jurisdiction to publish a certain notice before activating a certain speed monitoring system; requiring a certain speed monitoring system placed in a certain location to be calibrated to only record images of motor vehicles traveling at or above a certain speed; repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden; requiring the Chief Judge of the District Court to consult with certain agencies in adopting certain procedures; clarifying that certain fines for certain motor vehicle violations shall be paid to the District Court; expanding the pool of entities authorized to administer a speed monitoring program; authorizing the placement of certain work zone speed control systems on certain highways under certain circumstances; ~~providing that~~ requiring the Comptroller to distribute to the State Highway Administration the revenues from civil fines collected under this Act ~~shall first~~ in an amount to cover the costs of implementing and administering the work zone speed control system; limiting the issuance of citations to owners or drivers of vehicles that exceed certain speeds; requiring a work zone speed control system operator to complete certain training and follow certain procedures; requiring a work zone speed control system to undergo certain calibration; requiring the procurement of a work zone speed control system by a unit of State or local government to be conducted in a certain manner, subject to a certain exception; requiring the State Highway Administration to place a certain road sign within a ~~certain~~ reasonable distance of a highway work zone containing a speed monitoring system; providing that

certain owners or drivers of motor vehicles, recorded by a work zone speed control system while being operated in violation of certain speed limit laws, are subject to certain penalties; authorizing certain police departments to mail a certain citation to the owner of a motor vehicle; establishing certain civil penalties for a violation of certain provisions of this Act; requiring certain citations to include certain information; authorizing a police department to send a warning instead of a citation under certain circumstances; authorizing the police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and to indicate the amount of a certain civil penalty on the citation; establishing the standard of proof in a trial for certain violations of this Act; authorizing persons receiving certain citations to have the work zone speed control system operator be present and testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving certain citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited for violating certain provisions of this Act fails to pay the civil penalty or contest liability; prohibiting certain violations under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; clarifying certain language; prohibiting an insurer from considering a certain civil penalty for purposes of reclassifying an insured; prohibiting the custodian of recorded images produced by a work zone speed control system from allowing inspection of the recorded images, subject to certain exceptions; requiring the Department of State Police and the State Highway Administration jointly to adopt regulations establishing the standards and procedures for work zone speed control systems; <u>requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court;</u> providing that the fees of certain contractors may not be contingent on the number of citations issued or paid under this Act; requiring the issuance of warnings for a certain time period for certain violations; defining certain terms; repealing a certain definition; altering a certain definition; making certain stylistic changes; making a technical correction; restricting the use of certain revenues generated by this Act; providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; <u>providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County;</u> requiring certain local jurisdictions to issue a certain report by a certain date; and generally relating to the use of speed monitoring systems to enforce certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 4–401(13), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–301(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with 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 12–118(c), 21–809, 26–305(a), and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 21–810
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1337 – Delegates Stein, Hecht, Bronrott, Cardin, Carr, ~~and Morhaim~~ Morhaim, Burns, Feldman, Krysiak, Manno, Mathias, McHale, and Minnick

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"

(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.

LAID OVER BILLS

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

Senate Bill 436 – Senators Pugh, McFadden, Conway, Currie, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Lenett, Madaleno, Muse, Peters, Raskin, and Robey

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

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

SB0436/444235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 436
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "changes;" insert "requiring the Comptroller to report certain information to the Department of Legislative Services on or before a certain date each year; requiring this Act to be implemented on a certain date; providing that this Act is null and void as of a certain date under certain circumstances; making this Act subject to certain contingencies;".

AMENDMENT NO. 2

On page 1, in line 20, strike "**18**" and substitute "**17**".

On page 2, in line 28, strike "Except" and substitute "**BEGINNING WITH THE 2009 – 2010 SCHOOL YEAR, EXCEPT**"; and in line 29, strike "**18**" and substitute "**17**".

On page 3, in line 14, strike "**18**" and substitute "**17**".

On page 4, in line 10, strike "**18**" and substitute "**17**".

AMENDMENT NO. 3

On page 5, strike beginning with "but" in line 11 down through "2009," in line 12 and substitute "until reaching the age of 18 years old,"; and strike in their entirety lines 16 through 19, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If Chapter ___ (S.B. 998/H.B. 613) of the Acts of the General Assembly of 2008 takes effect, then, on or before April 2, 2009, and each year thereafter, the Comptroller shall report to the Department of Legislative Services on the amount of money in the Maryland Education Fund established under Chapter ____.

(b) This Act shall be implemented on July 1 of the year in which a report is made to the Department of Legislative Services under subsection (a) of this section stating that at least $50,000,000 is in the Maryland Education Fund.

(c) If, in any year following the implementation of this Act, a report is made to the Department of Legislatives Services under subsection (a) of this section stating that less than $50,000,000 is in the Maryland Education Fund, then, as of July 1 of the year in which the report is made, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2008, contingent on the taking effect of Chapter ___ (S.B. 998/H.B. 613) of the Acts of the General Assembly of 2008, and the establishment of the Maryland Education Fund under Chapter ___, and if Chapter ___ does not take effect or if the Fund is not established, this Act shall be null and void without the necessity of further action by the General Assembly.".

The preceding 3 amendments were read only.

Senator Currie 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 438 – Senators Jones, Conway, Currie, Gladden, King, McFadden, Muse, Pugh, and Raskin

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

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

SB0438/584834/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 438
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after the first "the" insert "diversity"; and in line 23, after "year;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, in line 27, strike "**THE**" and substitute "**:**

1. THE";

in line 29, after "**CAMPUSES**" insert "**; AND**

2. WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT BODY";

and in line 31, after "**(A)**" insert "**IN THIS SECTION, "CULTURAL DIVERSITY" MEANS THE VARIETY OF CHARACTERISTICS AND EXPERIENCES THAT DEFINE AN INDIVIDUAL, INCLUDING THE PRIMARY DIMENSIONS OF RACE, ETHNICITY, GENDER, AGE, RELIGION, DISABILITY, AND SEXUAL ORIENTATION AND THE SECONDARY DIMENSIONS OF COMMUNICATION STYLE, WORK STYLE, ORGANIZATIONAL ROLE AND LEVEL, ECONOMIC STATUS, AND GEOGRAPHIC ORIGIN.**

(B)".

AMENDMENT NO. 3

On page 3, in line 15, strike "**RESPONDING TO**" and substitute "**REPORTING CAMPUS–BASED**"; strike beginning with "**AND**" in line 15 down through "**CAMPUS**" in line 16 and substitute "**, AS DEFINED UNDER TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND CONSISTENT WITH FEDERAL REQUIREMENTS UNDER 20 U.S.C. 1092(F), KNOWN AS THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT**"; in line 22, after "**TRAINING**" insert "**OF THE STUDENT BODY, FACULTY, AND STAFF**"; in lines 24 and 31, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 28, after "**(2)**" insert "**(I)**"; after line 30, insert:

"**(II) THE PROGRESS REPORT SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT BODY.**";

and in line 33, after the first "**THE**" insert "**DIVERSITY**".

AMENDMENT NO. 4

On page 4, in line 3, after "**THE**" insert "**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE**"; and in line 6, after the second "**THE**" insert "**DIVERSITY**".

The preceding 4 amendments were read only.

Senator Jones 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 473 – Senators Garagiola, Forehand, Lenett, Madaleno, Pinsky, Pugh, and Robey

AN ACT concerning

Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

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

SB0473/284736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 473
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "forms;" insert "requiring certain forms to be part of a certain card that requests certain information in certain years;".

AMENDMENT NO. 2

On page 2, in line 19, strike "explains" and substitute "**:**

1. NOTIFIES THE PARENT THAT:

A. THE SURVEY IS CONFIDENTIAL;

B. THE ANSWERS WILL BE KEPT PRIVATE;

C. THE STUDENT'S NAME WILL NOT BE REQUIRED ON THE SURVEY RESPONSE SHEET; AND

D. THE SURVEY IS DESIGNED TO IDENTIFY RISK BEHAVIORS THAT MAY INCLUDE SAFETY BEHAVIORS SUCH AS USE OF HELMETS AND SEAT BELTS, DEPRESSION AND MENTAL HEALTH, USE OF TOBACCO, ALCOHOL, OR OTHER DRUGS, NUTRITION AND PHYSICAL ACTIVITY, AND SEXUAL BEHAVIOR; AND

2. EXPLAINS".

AMENDMENT NO. 3

On page 2, after line 24, insert:

"**(D) FOR THE YEAR DURING WHICH THE SURVEY WILL BE CONDUCTED, THE DENIAL OF PERMISSION FORM SHALL BE A PART OF THE CARD REQUESTING**

EMERGENCY CONTACT INFORMATION THAT IS DISTRIBUTED BY THE PUBLIC SCHOOL TO EACH STUDENT OR PARENT OR GUARDIAN OF THE STUDENT.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 444 – Senators King, Currie, DeGrange, Edwards, Forehand, Garagiola, Jones, Kasemeyer, Kramer, Madaleno, Munson, Peters, Raskin, Robey, and Stoltzfus

AN ACT concerning

Corporate Income Tax – Reporting

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0444/769730/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 444
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Reporting" insert "and Study"; in line 3, after the first "of" insert "altering the membership of a certain business tax study commission; limiting to certain taxable years a requirement for certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; altering the circumstances under which an individual is required to attach to an income tax return or otherwise file with the Comptroller a copy of the individual's federal income tax return;"; in the same line, strike "certain definitions" and substitute "a certain definition and repealing certain definitions"; strike beginning with "prohibiting" in line 6 down through "officials;" in line 7; in line 9, strike "a"; in line 10, strike "report" and substitute "reports"; in line 14, strike "corporations" and substitute "persons"; and in line 17, after "Section" insert "10–110(c), 10–402(c)(2)(vi) and (vii), 10–804(e)(3)(ii), and".

AMENDMENT NO. 2

On page 2, after line 1, insert:

"10–110.

(c) The Commission shall be composed of [17] **19** members, as follows:

(1) a chair, appointed by the Governor;

(2) three members of the Senate Budget and Taxation Committee, appointed by the President of the Senate;

(3) three members of the House Committee on Ways and Means, appointed by the Speaker of the House;

(4) the Comptroller of the Treasury, or the Comptroller's designee;

(5) the Secretary of Business and Economic Development, or the Secretary's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee;

(7) the Director of the State Department of Assessments and Taxation, or the Director's designee;

(8) a representative of the Maryland Association of Counties;

(9) a representative of the Maryland Municipal League;

(10) a representative of the Maryland Chamber of Commerce; [and]

(11) A REPRESENTATIVE OF THE GREATER BALTIMORE COMMITTEE;

(12) A REPRESENTATIVE OF AN ORGANIZATION THAT REPRESENTS MARYLAND MANUFACTURERS, APPOINTED BY THE GOVERNOR; AND

[(11)**] (13)** three members of the public, each of whom shall be an attorney at law or an accountant knowledgeable about the State's business tax structure, appointed by the Governor.".

AMENDMENT NO. 3

On page 2, before line 2, insert:

"10–402.

(c) (2) (vi) As part of its tax return for a taxable year beginning after December 31, 2005, **BUT BEFORE JANUARY 1, 2011,** each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax owed using the 3–factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before **[**December 1, 2008**] MARCH 1, 2009**, and **[**December**] MARCH** 1 of each year thereafter, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the **SECOND** preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.".

On page 8, in lines 25 and 26, strike "**DECEMBER OF** 2008 **AND**".

AMENDMENT NO. 4

On page 2, in line 2, strike "10–804.1." and substitute:

"10–804.

(e) Each person required under this subtitle to file an income tax return or estimated income tax declaration or return shall:

(3) attach to an income tax return or otherwise file with the Comptroller any records or statements that the Comptroller requires, including:

(ii) a copy of the federal income tax return:

1. for a corporation; **AND**

2. **[**for an individual who reports income or loss from a sole proprietorship (Schedule C of Form 1040) or income or loss from rental real estate and royalties, partnerships and S corporations, estates and trusts, or real estate mortgage investment conduits (Schedule E of Form 1040); and

3.**]** if the Comptroller requests, for an individual **[**other than one described in item 2 of this item**]**;

10–804.1.".

AMENDMENT NO. 5

On page 2, in line 3, strike "(1)"; strike beginning with the first "the" in line 3 down through "Corporate" in line 4 and substitute "**:**

(1) CORPORATE";

in lines 5, 7, 8, and 9, in each instance, strike the brackets; in lines 5, 7, 8, and 9, strike "**1.**", "**2.**", "**A.**" and "**B.**", respectively; in line 13, after "group" insert "**; AND**"; and in line 14, strike "**CORPORATE**" and substitute "**CORPORATE**".

On pages 2 and 3, strike in their entirety the lines beginning with line 17 on page 2 through line 17 on page 3, inclusive.

On page 3, in line 19, strike the bracket.

On pages 3 through 6, strike in their entirety the lines beginning with line 20 on page 3 through line 10 on page 6, inclusive.

On page 6, in line 11, strike "**(I)**" and substitute "**(1)**"; in the same line, strike "**PROVIDE A COPY OF A**" and substitute "**A PRO FORMA**"; in line 12, strike "**REPORT CALCULATION**" and substitute "**CORPORATE INCOME TAX RETURN**"; strike beginning with "**ANOTHER**" in line 12 down through "**TAX**" in line 18 and substitute "**REGULATIONS ADOPTED BY THE COMPTROLLER; AND**

(2) IN A FORMAT SPECIFIED BY THE COMPTROLLER:

(I) THE SALES FACTOR THAT WOULD BE CALCULATED FOR THIS STATE AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO INCLUDE IN THE NUMERATOR OF THE SALES FACTOR FOR PURPOSES OF APPORTIONING INCOME TO THE STATE ALL SALES OF PROPERTY SHIPPED FROM AN OFFICE, STORE, WAREHOUSE, FACTORY, OR OTHER PLACE OF STORAGE IN THIS STATE WHERE:

1. THE PURCHASER IS THE FEDERAL GOVERNMENT; OR

2. THE PROPERTY IS SHIPPED OR DELIVERED TO A CUSTOMER IN A STATE IN WHICH THE SELLING CORPORATION IS NOT SUBJECT

TO A STATE CORPORATE INCOME TAX OR STATE FRANCHISE TAX MEASURED BY NET INCOME AND COULD NOT BE SUBJECTED TO SUCH A TAX IF THE STATE WERE TO IMPOSE IT; AND

(II) FOR ANY INCOME THAT THE TAXPAYER HAS IDENTIFIED, ON THE INCOME TAX RETURN FILED UNDER THIS TITLE OR ON AN INCOME TAX RETURN FILED IN ANY STATE, AS INCOME THAT IS NONOPERATIONAL AND THEREFORE NOT APPORTIONABLE:

1. THE AMOUNT AND SOURCE OF THAT NONOPERATIONAL INCOME; AND

2. IF THE COMMERCIAL DOMICILE OF THE CORPORATION IS IN THIS STATE, THE DIFFERENCE IN TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO ALLOCATE 100% OF THE NONOPERATIONAL INCOME TO MARYLAND TO THE FULLEST EXTENT ALLOWED UNDER THE UNITED STATES CONSTITUTION".

On page 6, in line 19, strike "(d)" and substitute "**(C)**"; in the same line, strike "subsections (b) and (c)" and substitute "**SUBSECTION (B)**"; and strike in their entirety lines 32 through 34, inclusive.

On page 7, strike in their entirety lines 1 through 4, inclusive; in line 5, strike "**(4)**" and substitute "**(2)**"; strike beginning with "doing" in line 6 down through "title," in line 7; in line 13, strike "(5)" and substitute "**(3)**"; in lines 16 and 26, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively.

On page 8, in line 16, strike "(g)" and substitute "**(F)**".

AMENDMENT NO. 6

On page 2, in line 14, after "**INCLUDE**" insert "**:**

1.";

and in line 16, after "**TAX**" insert "**;**

2. AN INSURER AS DEFINED IN § 1–101 OF THE INSURANCE ARTICLE; OR

3. A REGULATED INVESTMENT COMPANY, AS DEFINED IN § 851(A) OF THE INTERNAL REVENUE CODE".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0444/579238/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 444, AS AMENDED
(First Reading File Bill)

On page 2 of the bill, in lines 13 and 14, strike ". **(II)**" and substitute:

"**(2)**".

On page 5 of the Budget and Taxation Committee Amendments (SB0444/769730/1), in line 3 of Amendment No. 5, strike "**CORPORATE**" and substitute "**"CORPORATE**".

On page 7 of the Budget and Taxation Committee Amendments, in lines 2, 4, and 6 of Amendment No. 6, strike "**1.**", "**2.**", and "**3.**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 597 – Senators Kramer, Currie, Della, Forehand, Frosh, Jones, King, Madaleno, Middleton, Munson, Pinsky, Robey, Rosapepe, and Zirkin

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Domestic Partners

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

SB0597/539735/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 597
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Munson,"; and in line 7, after "terms;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 3, in line 17, after the semicolon insert "**OR**"; and strike beginning with "**; OR**" in line 18 down through "**JURISDICTION**" in line 21.

AMENDMENT NO. 3

On page 5, after line 20, insert:

"SECTION 2. 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 21, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #21

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

Senate Bill 831 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses of Fund

SB0831/164737/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 831
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the third "to" in line 4 down through "to" in line 5 and substitute "or loans for certain costs related to certain community"; in the same line, after "circumstances;" insert "defining a certain term;"; after line 6, insert:

"BY renumbering
Article – Environment
Section 9–1601(i) through (ii), respectively
to be Section 9–1601(j) through (jj), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1601(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)";

in line 9, strike "(a), (f),"; and in the same line, strike ", and (i)".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–1601(i) through (ii), respectively, of Article –

Environment of the Annotated Code of Maryland be renumbered to be Sections(s) 9–1601(j) through (jj), respectively.";

in line 17, strike "1. BE IT" and substitute "2. AND BE IT FURTHER"; after line 19, insert:

"9–1601.

(I) "COMMUNITY SEWERAGE SYSTEM" MEANS A PUBLICLY OR PRIVATELY OWNED SEWERAGE SYSTEM THAT SERVES AT LEAST TWO LOTS.";

and strike in their entirety lines 21 through 23, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 22 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, in line 10, strike "or"; strike beginning with "or" in line 13 down through "**AND**" in line 19 and substitute "**; OR**

D. THE COST, UP TO THE SUM OF THE COSTS AUTHORIZED UNDER ITEM 1B OF THIS ITEM FOR EACH INDIVIDUAL SYSTEM, OF REPLACING MULTIPLE ON–SITE SEWAGE DISPOSAL SYSTEMS LOCATED IN THE SAME COMMUNITY WITH A NEW COMMUNITY SEWERAGE SYSTEM THAT IS OWNED BY A LOCAL GOVERNMENT AND THAT MEETS ENHANCED NUTRIENT REMOVAL STANDARDS.";

in line 20, strike the brackets; and in the same line, strike "**3.**".

AMENDMENT NO. 4

On page 5, in line 1, after "(3)" insert "**(I)**"; in lines 3, 5, 7, and 9, respectively, strike "(i)", "(ii)", "1.", and "2.", respectively, and substitute "**1.**", "**2.**", "**A.**", and "**B.**", respectively; after line 9, insert:

"**(II) FUNDING FOR THE COSTS IDENTIFIED IN PARAGRAPH (2)(I)1D OF THIS SUBSECTION MAY BE PROVIDED IF:**

1. THE ENVIRONMENTAL IMPACT OF THE ON–SITE SEWAGE DISPOSAL SYSTEM IS DOCUMENTED BY THE LOCAL GOVERNMENT AND CONFIRMED BY THE DEPARTMENT;

2. IT CAN BE DEMONSTRATED THAT:

A. THE REPLACEMENT OF THE ON–SITE SEWAGE DISPOSAL SYSTEM WITH A NEW COMMUNITY SEWERAGE SYSTEM IS MORE COST EFFECTIVE FOR NITROGEN REMOVAL THAN UPGRADING EACH INDIVIDUAL ON–SITE SEWAGE DISPOSAL SYSTEM; OR

B. THE INDIVIDUAL REPLACEMENT OF THE ON–SITE SEWAGE DISPOSAL SYSTEM IS NOT FEASIBLE; AND

3. THE NEW COMMUNITY SEWERAGE SYSTEM WILL ONLY SERVE LOTS THAT HAVE RECEIVED A CERTIFICATE OF OCCUPANCY, OR EQUIVALENT CERTIFICATE, ON OR BEFORE OCTOBER 1, 2008.".

On pages 5 through 7, strike in their entirety the lines beginning with line 19 on page 5 through line 25 on page 7, inclusive.

AMENDMENT NO. 5

On page 7, in line 28, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 878 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 926 – Senator Astle

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #19

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

Senate Bill 281 – Senator Dyson

AN ACT concerning

Affordable Housing Programs – Waiver or Modification of Fees and Charges – Enabling Authority for Counties and Municipalities

SB0281/704037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Dyson" and substitute "Senators Dyson and Harrington"; in line 7, after "housing" insert "units under certain circumstances; requiring the Department of Housing and Community Development to report to the General Assembly on or before a certain date; providing for the termination of this Act".

AMENDMENT NO. 2

On page 2, in line 3, after "**HOUSING**" insert "**UNITS BY A NONPROFIT ORGANIZATION THAT HAS BEEN EXEMPT FROM TAXATION UNDER § 503(C)(3) OF THE INTERNAL REVENUE CODE FOR A PERIOD OF AT LEAST 3 YEARS, IF:**

(I) THE NONPROFIT ORGANIZATION RECEIVES PUBLIC FUNDING WITH MORTGAGE RESTRICTIONS OR RECORDED COVENANTS RESTRICTING THE RENTAL OR SALE OF THE HOUSING UNITS TO LOWER INCOME RESIDENTS IN ACCORDANCE WITH SPECIFIC GOVERNMENT PROGRAM REQUIREMENTS; OR

(II) THE NONPROFIT ORGANIZATION REQUIRES THE HOMEBUYER TO PARTICIPATE IN THE CONSTRUCTION OR REHABILITATION OF THE HOUSING UNIT".

AMENDMENT NO. 3

On page 2, after line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Department of Housing and Community Development shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(1) The counties and municipalities that waived or modified impact building permit or development fees in accordance with this Act;

(2) The number and type of housing units for which the fees were waived or modified in accordance with this Act;

(3) The amount of impact building permit or development fees that a county or municipality waived for the construction of housing units in accordance with this Act; and

(4) The amount of impact building permit or development fees that a county or municipality collected for the construction of housing units in accordance with this Act.";

in line 11, strike "2." and substitute "3."; in line 12, 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 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 457 – Senator Astle

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

SB0457/754337/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 457
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "contingency;" insert "providing for the termination of this Act, subject to a certain contingency;".

AMENDMENT NO. 2

On page 27, in line 15, after the second "the" insert "Executive"; after line 16, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, if the Governor of the State of Maryland does not issue a proclamation under Section 2 of this Act on or before June 30, 2013, declaring this Act valid and effective, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.";

in line 17, strike "3." and substitute "4."; and in lines 17 and 18, strike "the provisions of Section 2" and substitute "Sections 2 and 3".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 459 – Senators Middleton, Colburn, Dyson, Edwards, Glassman, and Munson

AN ACT concerning

Task Force to Review Physician Shortages in Rural Areas

SB0459/784734/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 459
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Munson" and substitute "Munson, and Harris"; in line 13, after "recommendations;" insert "requiring the University of Maryland School of Medicine to develop a certain pilot program;".

AMENDMENT NO. 2

On page 2, after line 23, insert:

"(11) one primary care physician who practices in a rural area, selected and appointed by the Maryland Chapter of the American Academy of Family Practitioners;";

in lines 24, 26, and 29, strike "(11)", "(12)", and "(13)", respectively, and substitute "(12)", "(13)", and "(16)", respectively; in line 28, strike "and"; after line 28, insert:

"(14) one representative of a rural long–term care facility, selected and appointed by Lifespan;

(15) one representative from the Rural Maryland Council, selected and appointed by the Rural Maryland Council; and".

AMENDMENT NO. 3

On page 3, in line 3, strike "Department of Health and Mental Hygiene" and substitute "University of Maryland School of Medicine";

in line 19, strike "and" and substitute:

"(6) make recommendations regarding collaborative approaches to support and enhance the Rural Residency Track Pilot Program developed by the University of Maryland School of Medicine in accordance with this Act; and";

in line 20, strike "(6)" and substitute "(7)"; after line 26, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, in order to encourage and accelerate the practice of primary care physicians in rural, underserved areas of the State, the University of Maryland School of Medicine shall develop a Rural Residency Track Pilot Program to place at least two Family and Community medical residents in a rural residency track. The pilot program shall:

(1) recognize the need to develop partnerships with rural hospitals, local providers, Federally Qualified Health Centers, and local health departments;

(2) use the telemedicine infrastructure to support resident training and patient care;

(3) in conjunction with Area Health Education Centers, seek to create a pipeline to attract more qualified students from rural areas to pursue healthcare careers; and

(4) identify resources and incentives needed to support the pilot program.";

and in line 27, 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 602 – Senator Pinsky

AN ACT concerning

Direct Billing of Anatomic Pathology Services

SB0602/504237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 602
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "and physicians" and substitute ", physicians, or group practices"; in line 6, after "entities" insert "subject to certain limitations"; in line 7, strike "certain"; in line 9, strike "provider" and substitute "practitioner"; and in line 13, after "services" insert "or histologic processing".

AMENDMENT NO. 2

On page 3, in line 17, after "**THE**" insert "**MICROSCOPIC**"; and in line 19, after "**INCLUDES**" insert "**THE MICROSCOPIC EXAMINATION OF CELLS IN**".

AMENDMENT NO. 3

On page 4, in line 2, strike "**AND HISTOLOGIC PROCESSING**"; in line 6, strike "**PARTICULAR**"; strike beginning with "**REQUIRING**" in line 6 down through "**LABORATORY**" in line 8 and substitute "**TO ANOTHER CLINICAL LABORATORY FOR HISTOLOGIC PROCESSING OR ANATOMIC PATHOLOGY CONSULTATION**"; in line 11, after "**ORDERS**" insert "**, BUT DOES NOT PERFORM,**"; in the same line, strike "**A PATIENT**" and substitute "**PATIENTS**"; in line 12, strike "**MANDATE**" and substitute "**:**

(1) MANDATE";

in line 13, after "**SERVICES**" insert "**; OR**

(2) PROHIBIT A HEALTH CARE PRACTITIONER WHO PERFORMS OR SUPERVISES ANATOMIC PATHOLOGY SERVICES AND IS A MEMBER OF A GROUP PRACTICE, AS DEFINED UNDER § 1–301 OF THIS ARTICLE, FROM REASSIGNING THE RIGHT TO BILL FOR ANATOMIC PATHOLOGY SERVICES TO THE GROUP PRACTICE IF THE BILLING COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION";

in line 14, strike "**OR PHYSICIAN**" and substitute "**, A PHYSICIAN, OR A GROUP PRACTICE**"; and in line 18, strike "**THE**" and substitute "**SUBJECT TO THE LIMITATIONS OF § 19–710(P) OF THE HEALTH – GENERAL ARTICLE, THE**".

AMENDMENT NO. 4

On page 5, in line 3, strike "**SERVICES**" and substitute "**SERVICE**"; strike beginning with "**IF**" in line 5 down through "**SERVICES**" in line 6 and substitute "**OR HISTOLOGIC PROCESSING IF THE REFERRING LABORATORY MUST SEND A SPECIMEN TO ANOTHER CLINICAL LABORATORY FOR HISTOLOGIC PROCESSING OR ANATOMIC PATHOLOGY CONSULTATION**".

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 648 – Senators Peters, Astle, Dyson, and Munson

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

SB0648/304934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 648
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Munson" and substitute "Munson, Garagiola, Colburn, Conway, Lenett, and Rosapepe"; in lines 10, 12, 20 and 21, in each instance, strike "Governor's Office of Business Advocacy and Small Business Assistance" and substitute "Department of Business and Economic Development"; in line 21, strike "a"; and in the same line, strike "date" and substitute "dates; requiring the Department of Business and Economic Development to adopt certain regulations regarding the decertification of certain entities and to oversee and coordinate certain outreach programs and activities; requiring the Department of Business and Economic Development to use certain resources to implement a certain program".

AMENDMENT NO. 2

On page 2, in line 21, strike "**SERVICE DISABLED VETERAN–OWNED**"; strike beginning with "**HOLDS**" in line 21 down through "**AFFAIRS**" in line 23 and substitute "**IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS A SERVICE DISABLED VETERAN–OWNED BUSINESS**"; strike in their entirety lines 25 through 29, inclusive, and substitute:

"**(1) IS A VETERAN, AS DEFINED UNDER 38 U.S.C. § 101(2); AND**

(2) HAS A DISABILITY THAT IS SERVICE–CONNECTED, AS DEFINED UNDER 38 U.S.C. § 101(16).";

and strike in its entirety line 31, and substitute "**HAS THE MEANING STATED IN EXECUTIVE ORDER NO. 13360 ISSUED ON OCTOBER 21, 2004 BY THE PRESIDENT OF THE UNITED STATES.**".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 15, inclusive, and substitute:

"**(2) TO THE EXTENT NOT INCONSISTENT WITH FEDERAL LAW, "SERVICE DISABLED VETERAN BUSINESS ENTERPRISE"**"; in line 17, strike "**THAT IS MAJORITY–OWNED**" and substitute "**OWNED**"; in line 18, strike "**ONE OR MORE**"; strike beginning with "**OR**" in line 18 down through "**VETERANS**" in line 19; in line 22, strike "**THE VOTING STOCK**" and substitute "**EACH CLASS OF ISSUED AND**

OUTSTANDING STOCK OF THE PARENT COMPANY"; in line 25, strike "**EARNINGS**" and substitute "**PROFITS**"; in the same line, strike "**HELD**" and substitute "**OWNED**"; in line 26, strike "**AND**"; in line 27, strike "**THAT IS WHOLLY**" and substitute "**IN WHICH MAJORITY INTERESTS ARE**"; in line 28, after "**VETERANS**" insert "**WHO ARE MARYLAND RESIDENTS; AND**

(V) A CORPORATION IN WHICH THE MAJORITY OF EACH CLASS OF ISSUED AND OUTSTANDING STOCK IS OWNED BY ONE OR MORE SERVICE DISABLED VETERANS WHO ARE MARYLAND RESIDENTS";

and in line 30, after "**LAW**" insert "**CREATING SOME OTHER PREFERENCE OR PROGRAM**".

AMENDMENT NO. 4

On page 4, in line 1, after "**THE**" insert "**PROCUREMENT**"; in the same line, after "**GOAL**" insert "**OF 3% PRESCRIBED**"; in line 2, strike "**FEDERAL**" and substitute "**FEDERAL**"; after line 3, insert:

"**(C) ON OR BEFORE SEPTEMBER 30, 2013, THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS SHALL:**

(1) CONDUCT A STUDY OF THE IMPLEMENTATION OF THIS SUBTITLE OVER THE PERIOD COVERING FISCAL YEAR 2009 THROUGH FISCAL YEAR 2013; AND

(2) SUBMIT A REPORT OF ITS FINDINGS TO THE GOVERNOR, THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.";

in line 9, strike "**AND**"; in line 12, after "**GOALS**" insert "**; AND**

(3) AWARD THE CONTRACT TO A PRIME CONTRACTOR THAT IS QUALIFIED UNDER § 14–601 OF THIS SUBTITLE AND THAT FULFILLS THE PROCUREMENT PERCENTAGE REQUIREMENTS UNDER § 14–602 OF THIS SUBTITLE"; in line 20, after "**AFFAIRS**" insert "**OR HAS SEARCHED THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS DATABASE AT WWW.VIP.VETBIZ.GOV**"; and strike beginning with "**ONE**" in line 24 down through

"**VETERANS**" in line 25 and substitute "**FEDERAL BUSINESS OPPORTUNITIES (FBO)**".

AMENDMENT NO. 5

On page 5, strike beginning with "**GOVERNOR'S**" in line 1 down through "**ASSISTANCE**" in line 2 and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**"; in line 3, strike "**CERTIFY AND**"; in line 4, strike "**ENTERPRISES;**" and substitute "**ENTERPRISES THAT HAVE BEEN DECERTIFIED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR AS A RESULT OF VIOLATIONS OF ANY PROVISIONS OF THIS SUBTITLE;**"; and strike beginning with "**GOVERNOR'S**" in line 10 down through "**ASSISTANCE**" in line 11 and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**".

AMENDMENT NO. 6

On page 6, strike beginning with "**OFFICE**" in line 12 down through "**RESOURCES**" in line 13 and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**"; strike beginning with "**GOVERNOR'S**" in line 16 down through "**ASSISTANCE**" in line 17 and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**"; in line 20, strike the second "**THE**" and substitute "**EACH**"; strike beginning with "**GOVERNOR'S**" in line 23 down through "**ASSISTANCE**" in line 24 and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**"; and in line 30, after "**CONTRACTS**" insert "**FUNDED BY FEDERAL DOLLARS**".

AMENDMENT NO. 7

On page 7, in line 8, strike "**DECEMBER 31 OF EACH YEAR**" and substitute "**90 DAYS AFTER THE END OF EACH FISCAL YEAR**"; strike beginning with "**GOVERNOR'S**" in line 9 down through "**ASSISTANCE**" in line 10 and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**"; and in line 14, after "**SECTION**" insert "**FOR THE PRECEDING FISCAL YEAR**".

AMENDMENT NO. 8

On page 10, after line 26, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, the Department of Business and Economic Development shall use existing resources to implement the Service Disabled Veteran Business Enterprise Participation program established

under Title 14, Subtitle 6 of the State Finance and Procurement Article, as enacted by Section 1 of this Act."; and in line 27, strike "2." and substitute "3.".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 751 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Elections – Salary

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 755 – Senator Dyson

AN ACT concerning

Election Law – Slot Machine Gaming Referendum – Campaign Finance Reports by Corporations

Senator Mooney moved, duly seconded, to make the Bill and Report a Special Order for March 24, 2008.

The motion was adopted.

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

Senate Bill 772 – Senators Pugh and McFadden

AN ACT concerning

State Procurement – Structuring and Bundling of Procurements

SB0772/944239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 772
(First Reading File Bill)

On page 1, in line 5, after "entities" insert "under certain circumstances".

On page 2, in line 22, strike "**A**" and substitute "**EXCEPT FOR THE PURPOSE OF A UNIT'S PARTICIPATION IN THE SMALL BUSINESS RESERVE PROGRAM IN ACCORDANCE WITH TITLE 14, SUBTITLE 5 OF THIS ARTICLE, A**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 847 – Senators Conway and Gladden

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #26

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

Senate Bill 16 – Senators Simonaire, Mooney, Jacobs, Haines, Brochin, Stone, and Muse

AN ACT concerning

Crimes – Repeat Sexual Offenders – Enhanced Sentencing

SB0016/198071/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 16
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeat"; in the same line, strike "Enhanced"; strike beginning with "increasing" in line 3 down through the second "degree" in line 10 and substitute "clarifying that an adult who has been convicted for a second time of first degree rape or sexual offense involving a victim under the age of 13 years is subject to the mandatory minimum sentence provided for that crime"; in line 14, strike "3–304 and 3–306" and substitute "3–303 and 3–305".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 31 on page 3, inclusive, and substitute:

"3–303.

(a) A person may not:

(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates **SUBSECTIONS (A) AND (B) OF** this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3–305 of this subtitle.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3–305.

(a) A person may not:

(1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates **SUBSECTIONS (A) OR (B) OF** this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3–303 of this subtitle.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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 211 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Garagiola, Jones, Kasemeyer, King, Lenett, Madaleno, McFadden, Miller, Mooney, Munson, Robey, and Stone

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

SB0211/808175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Mooney,"; in the same line, strike "and Stone" and substitute "Stone, Forehand, Jacobs, and Simonaire"; in line 2, strike the comma and substitute "and"; in line 3, strike ", and Breaking and Entering a Motor Vehicle"; in line 4, strike "Arrest" and substitute "Charge – Postconviction DNA Testing"; in line 5, after the first "of" insert "adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; requiring a court to order a DNA data base search under certain circumstances; requiring the court to hold a hearing to review a certain sentence and order appropriate relief under

certain circumstances;"; in line 6, strike "arrested for or"; in line 7, after "regulations;" insert "requiring that a certain individual from whom a DNA sample is collected be given a certain notice;"; in line 8, after "processed" insert "or at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a certain search for a certain purpose"; in line 10, after the first "requiring" insert "a"; in the same line, strike "documentation" and substitute "notice"; in line 11, after "procedures;" insert "providing that a DNA record or sample that is required to be expunged by a certain provision of law may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly;"; in line 12, after "terms;" insert "requiring the Secretary of State Police to adopt certain regulations and procedures; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)";

in line 16, strike "and" and substitute "2–506,"; in the same line, after "2–511" insert ", and 2–512"; after line 18, insert:

"BY adding to
Article – Public Safety
Section 2–511.1, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–501, 2–504, and 2–511
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 2–511.1, 2–512, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the

records **AND ANY DNA SAMPLE AND DNA RECORD** relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article **AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE**.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) **(1)** Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

[(1)**] (I)** a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)**] (II)** the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DNA DATA BASE SEARCH IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DNA DATA BASE SEARCH HAS THE SCIENTIFIC POTENTIAL TO PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) IF THE RESULTS OF THE POSTCONVICTION DNA TESTING ARE FAVORABLE TO THE PETITIONER, THE COURT SHALL HOLD A HEARING, REVIEW THE EVIDENCE, AND ORDER APPROPRIATE RELIEF.".

AMENDMENT NO. 3

On page 2, in line 2, strike "**6–204, AND 6–205**" and substitute "**AND 6–204 OF THE CRIMINAL LAW ARTICLE**"; in line 10, after "**(E)**" insert:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**";

after line 11, insert:

"**(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.**";

in line 22, strike "**ARRESTED FOR OR**"; in line 25, after "**VIOLENCE;**" insert "**OR**"; strike in their entirety lines 27 and 28; and in line 30, strike "analysis" and substitute "**TESTING**".

On page 3, in line 18, after "**(3)**" insert "**(I)**"; in line 20, strike "**ARRESTED FOR OR**"; in line 21, strike "**(I)**" and substitute "**1.**"; in line 22, after "**VIOLENCE;**" insert "**OR**"; in line 23, strike "**(II)**" and substitute "**2.**"; strike beginning with "**; OR**" in line 23 down through "**ARTICLE**" in line 25; and after line 25, insert:

"**(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE DNA RECORD AND THE DNA SAMPLE MAY BE EXPUNGED IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE.**".

On page 4, after line 2, insert:

"**(2) AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;**";

in lines 3, 6, and 8, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; after line 13, insert:

"**(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE.**

(2) IF A CRIMINAL CHARGE IS DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.";

in line 14, strike "(d)" and substitute "**(E)**"; in line 17, strike "(e)" and substitute "**(F)**"; after line 19 insert:

"2–506.

(a) Each DNA record of identification characteristics that results from DNA testing **UNDER THIS SUBTITLE** shall be stored and maintained **ONLY** by the Crime Laboratory in the statewide DNA data base system**, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS**.

(b) Each DNA sample **OBTAINED UNDER THIS SUBTITLE** shall be stored securely and maintained **ONLY** by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH OF THE STATEWIDE DNA DATA BASE FOR THE PURPOSE OF IDENTIFICATION OF AN OFFENDER IN CONNECTION WITH A CRIME FOR WHICH THE OFFENDER MAY BE A BIOLOGICAL

RELATIVE OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.";

in line 21, strike "An" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SUBSECTION, AN**"; in line 23, strike "**ARREST**" and substitute "**CHARGE**"; in line 25, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; in line 26, after "(b)" insert "**(1)**"; in lines 26 and 27, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; and after line 27, insert:

"**(2) IF A CRIMINAL ACTION BEGUN AGAINST AN INDIVIDUAL FOR WHICH COLLECTION OF A DNA SAMPLE IS REQUIRED DOES NOT RESULT IN THE CONVICTION OF THE INDIVIDUAL OR PROBATION BEFORE JUDGMENT, A DNA SAMPLE COLLECTED AS REQUIRED UNDER § 2–504 OF THIS SUBTITLE SHALL BE DESTROYED AND A DNA RECORD GENERATED FROM THE SAMPLE SHALL BE EXPUNGED FROM THE STATE DNA DATA BASE.**".

AMENDMENT NO. 4

On page 5, after line 9, insert:

"**2–511.1.**

A DNA RECORD OR DNA SAMPLE THAT IS ORDERED TO BE EXPUNGED OR DESTROYED UNDER THIS SUBTITLE MAY NOT BE USED FOR ANY PURPOSE, INCLUDING THE ESTABLISHMENT OF PROBABLE CAUSE IN A SUBSEQUENT CIVIL OR CRIMINAL PROCEEDING.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST DNA FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

(D) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY A DNA SAMPLE FOR WHICH, UNDER THIS SUBTITLE:

(1) NOTIFICATION HAS BEEN SENT STATING THAT THE DNA SAMPLE HAS BEEN DESTROYED; OR

(2) EXPUNGEMENT HAS BEEN ORDERED.

[(c)**] (E)** A person who violates **SUBSECTION (A), (B), OR (C) OF** this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding **[**3**] 5** years or a fine not exceeding **[**$1,000**] $5,000** or both.

(F) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000.

2–513.

(A) (1) (I) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE STATEWIDE DNA DATA BASE SYSTEM AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(II) ON OR BEFORE SEPTEMBER 1, 2009, AND ANNUALLY THEREAFTER, LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM, SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

(I) INDIVIDUALS WHO HAVE BEEN ARRESTED FOR A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2–501 OF THIS SUBTITLE; AND

(II) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;

(4) THE NUMBER OF BIOLOGICAL SAMPLES COLLECTED FROM INDIVIDUALS;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

(I) THE NUMBER OF MATCHES;

(II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;

(III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;

(IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;

(V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;

(VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND

(VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2–514.

(A) (1) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE POLICE DEPARTMENT OR AN OFFICE OF THE SHERIFF, AS APPROPRIATE, OF EACH COUNTY AND THE POLICE DEPARTMENT OF BALTIMORE CITY SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN THEIR RESPECTIVE JURISDICTIONS.

(2) THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE, INCLUDING:

(I) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE ROUTINELY COLLECTED;

(II) THE APPROXIMATE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

(III) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE COLLECTION AND ANALYSIS;

(IV) THE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

(V) THE NUMBER OF CRIME SCENE DNA SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

(VI) THE NUMBER OF CRIME SCENE DNA SAMPLES, INCLUDING SEXUAL ASSAULT EVIDENCE, COLLECTED BY HOSPITALS IN THE COUNTY DURING THE PRECEDING YEAR.

(B) THE OFFICE OF LEGISLATIVE AUDITS SHALL COMPILE AND EVALUATE THE INFORMATION REPORTED BY THE POLICE DEPARTMENTS AND SHERIFF OFFICES UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT AN ANNUAL SUMMARY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.".

AMENDMENT NO. 5

On page 5, before line 10, insert:

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

Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records and any DNA sample and DNA record relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article and Title 2, Subtitle 5 of the Public Safety Article.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) (1) Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

(i) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

(ii) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A court shall order a DNA data base search if the court finds that a reasonable probability exists that the DNA data base search has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall hold a hearing, review the evidence, and order appropriate relief.

Article – Public Safety

2–501.

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

(b) "Burglary" includes the crimes enumerated in §§ 6–202, 6–203, and 6–204 of the Criminal Law Article.

(c) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.

(2) "CODIS" includes the national DNA index administered and operated by the Federal Bureau of Investigation.

(d) "Crime Laboratory" means the Forensic Sciences Division of the Department.

(e) (1) Except as provided in paragraph (2) of this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) "Crime of violence" does not include mayhem.

(f) "Director" means the Director of the Crime Laboratory or the Director's designee.

(g) "DNA" means deoxyribonucleic acid.

(h) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.

(2) "DNA record" includes the information commonly referred to as a DNA profile.

(i) "DNA sample" means a body fluid or tissue sample that is:

(1) provided by an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article;

(2) provided by an individual who [is] **WAS** charged **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** with:

(i) a crime of violence or an attempt to commit a crime of violence; or

(ii) burglary or an attempt to commit burglary; or

(3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.

(j) "Statewide DNA data base system" means the DNA record system administered by the Department for identification purposes.

(k) "Statewide DNA repository" means the State repository of DNA samples collected under this subtitle.

2–504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

[(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:

1. a crime of violence or an attempt to commit a crime of violence; or

2. burglary or an attempt to commit burglary.

(ii) At the time of collection of the DNA sample under this paragraph, the individual from whom the sample is collected shall be given notice that the DNA record and the DNA sample may be expunged in accordance with § 2–511 of this subtitle.**]**

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) **[**at the facility where the arrest of the individual is processed by:

(i) the arresting agency; or

(ii) the booking facility responsible for processing the arrest;

(2) at a facility specified by the Secretary, if the individual is charged but not arrested;

(3)**]** at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;

[(4)**] (2)** at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or

[(5)**] (3)** at a suitable location in a circuit court following the imposition of sentence.

(c) A DNA sample shall be collected by an individual who is:

(1) designated by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(d) (1) A DNA sample collected from an individual charged **ON OR BETWEEN JANUARY, 1, 2009 AND DECEMBER 31, 2013** with a crime **[**under subsection (a)(3) of this section**]** **OF VIOLENCE, AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE, BURGLARY, OR AN ATTEMPT TO COMMIT BURGLARY** may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date.

(2) If a criminal charge is determined to be unsupported by probable cause:

(i) the DNA sample shall be immediately destroyed; and

(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.

(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.

(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

2–506.

(a) Each DNA record of identification characteristics that results from DNA testing under this subtitle shall be stored and maintained only by the Crime Laboratory in the statewide DNA data base system, except as necessary to participate in CODIS.

(b) Each DNA sample obtained under this subtitle shall be stored securely and maintained only by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(d) A person may not perform a search of the statewide DNA data base for the purpose of identification of an offender in connection with a crime for which the

offender may be a biological relative of the individual from whom the DNA sample was acquired.

2–511.

(a) Except as provided in subsection (b) of this subsection, an individual whose DNA record or profile is included in the statewide DNA data base system and whose DNA sample is stored in the statewide DNA repository may request that information be expunged on the grounds that the charge or conviction that resulted in the inclusion meets the expungement criteria specified in Title 10, Subtitle 1 of the Criminal Procedure Article.

(b) (1) Expungement proceedings shall be conducted in accordance with Title 10, Subtitle 1 of the Criminal Procedure Article.

(2) If a criminal action begun **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** against an individual for which collection of a DNA sample is required does not result in the conviction of the individual or probation before judgment, a DNA sample collected **[**as required under § 2–504 of this subtitle**]** **BEFORE DECEMBER 31, 2013**, shall be destroyed and a DNA record generated from the sample shall be expunged from the State DNA data base.

(c) (1) On receiving an order of expungement for an individual whose DNA sample has been included in the Statewide DNA data base system, the DNA sample shall be expunged except that the order may not apply to other offenses committed by the individual who qualifies for inclusion in the statewide DNA data base system.

(2) A letter documenting expungement of the DNA sample and destruction of the DNA sample shall be sent by the director to the defendant and the defendant's attorney at the address specified by the court in the order of expungement.

(3) The Director shall adopt procedures to comply with this subsection.

2–511.1.

A DNA record or DNA sample that is ordered to be expunged or destroyed under this subtitle may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(c) A person may not willfully test DNA for information that does not relate to the identification of individuals as specified in this subtitle.

(d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:

(1) notification has been sent stating that the DNA sample has been destroyed; or

(2) expungement has been ordered.

(e) A person who violates subsection (a), (b), or (c) 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.

(f) A person who violates subsection (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000.

2–513.

(a) (1) (i) On or before December 31, 2009, and annually thereafter, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the status of the statewide DNA data base system as specified in subsection (b) of this section.

(ii) On or before September 1, 2009, and annually thereafter, local law enforcement agencies shall report to the Department with the information necessary for the Department to comply with the requirements of subsection (b) of this section.

(2) The annual report shall be posted on the Department website on or before December 31 of each year.

(b) The annual report shall include:

(1) total expenses incurred for the operation and management of the DNA data base and DNA testing program, specifying the actual and human resource costs of DNA collection and transport, DNA analyses, data base operation and oversight, and State laboratory personnel and maintenance;

(2) total funding provided by the State to each forensic crime laboratory in the preceding year;

(3) a statistical analysis of the racial demographics of:

(i) individuals who have been arrested for a crime of violence or burglary, or attempt to commit a crime of violence or burglary, as defined in § 2–501 of this subtitle; and

(ii) victims of crimes alleged to have been committed by those individuals, when known;

(4) the number of biological samples collected from individuals;

(5) the sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required under this subtitle; and

(6) a detailed analysis of the investigations aided by DNA profiles that includes:

(i) the number of matches;

(ii) the number of matches that resulted in investigation of the person identified;

(iii) the number of matches that resulted in formal charges;

(iv) the number of matches that resulted in convictions;

(v) the number of matches that resulted in exonerations;

(vi) the number of matches that resulted in convictions for persons not already incarcerated;

(vii) the prior offenses for which a person has been convicted where a match occurred.

2–514.

(a) (1) On or before December 31, 2009, and annually thereafter, the police department or an office of the Sheriff, as appropriate, of each county and the police department of Baltimore City shall report to the Office of Legislative Audits on the status of crime scene DNA collection and analysis in their respective jurisdictions.

(2) The Department shall report to the Office of Legislative Audits on the status of crime scene DNA collection statewide, including:

(i) the crimes for which crime scene DNA samples are routinely collected;

(ii) the approximate number of crime scene DNA samples collected during the preceding year for each category of crime;

(iii) the average time between crime scene DNA sample collection and analysis;

(iv) the number of crime scene DNA samples collected and not analyzed at the time of the study;

(v) the number of crime scene DNA samples submitted to the statewide DNA data base during the preceding year; and

(vi) the number of crime scene DNA samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

(b) The Office of Legislative Audits shall compile and evaluate the information reported by the police departments and sheriff offices under subsection (a) of this section and submit an annual summary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 6

On page 5, strike lines 10 and 11 in their entirety and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person from whom a DNA sample is required to be collected in compliance with this Act and who refuses to voluntarily submit to collection of the sample.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2009. It shall remain effective for a period of 5 years and, at the end of December 31, 2013, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of this Act. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect January 1, 2009.".

The preceding 6 amendments were read only.

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

The motion was adopted.

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

Senate Bill 613 – Senator Munson

AN ACT concerning

City of Hagerstown – Fire and Explosives Investigators – Authority

SB0613/438976/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 613
(First Reading File Bill)

On page 6, in line 20, after "**OFFICE**" insert "**AND IS A PAID EMPLOYEE**"; strike beginning with "**ATTAINED**" in line 21 down through "**AND**" in line 22 and substitute "**BEEN EMPLOYED BY THE CITY OF HAGERSTOWN FIRE DEPARTMENT AS A FIREFIGHTER FOR AT LEAST 5 YEARS;**"; and in line 26, after "**ARTICLE**" insert "**; AND**

(4) AT ALL TIMES MAINTAINS ACTIVE CERTIFICATION BY THE POLICE TRAINING COMMISSION".

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 614 – Senator Raskin

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

SB0614/478872/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 614
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin, Frosh, Gladden, Mooney, and Muse".

AMENDMENT NO. 2

On page 2, in line 3, after "**SENATE**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**"; in line 5, after "**HOUSE**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**"; and in line 16, after "**GOVERNOR**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**".

AMENDMENT NO. 3

On page 2, in line 14, strike "**RECOMMENDED**" and substitute "**DESIGNATED**"; in line 15, after "**ASSOCIATION**" insert "**AND WHO SUPPORTS THE DEATH PENALTY AND HAS PROSECUTED A DEATH PENALTY CASE**"; after line 18, insert:

"**(II) A REPRESENTATIVE OF THE MARYLAND STATE LODGE FRATERNAL ORDER OF POLICE;**";

in lines 19, 22, 24, and 26, strike "**(II)**", "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; and in line 24, strike "**ONE REPRESENTATIVE**" and substitute "**THREE REPRESENTATIVES**".

AMENDMENT NO. 4

On page 3, strike beginning with "**OF**" in line 2 down through "**MARYLAND**" in line 3 and substitute "**IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**"; in line 16, strike the colon; in line 17, strike "**(I)**"; in the same line, after "**CURRENTLY**" insert "**AND HISTORICALLY**"; and in line 18, strike the semicolon and substitute a period.

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.

AMENDMENT NO. 5

On page 4, in lines 11 and 12, strike "**TO GUARANTEE THAT**" and substitute "**CONCERNING**"; strike beginning with "**AND**" in line 13 down through "**PUNISHMENT**" in line 14 and substitute "**SO THAT THEY**"; in line 15, strike "**DESIGNED TO GUARANTEE**" and substitute "**ACHIEVE**"; strike beginning with "**EVOLVING**" in line 22 down through "**AND**" in line 23 and substitute "**A COMPARISON OF THE EFFECTS OF PROLONGED COURT CASES INVOLVING CAPITAL PUNISHMENT AND THOSE INVOLVING LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE;**"; in line 26, after "**PAROLE**" insert "**; AND**

7. THE IMPACT OF DNA EVIDENCE IN ASSURING FAIRNESS AND ACCURACY IN CAPITAL CASES";

and in line 27, after "**REPORT**" insert "**, AND IF APPLICABLE, A MINORITY REPORT,**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 695 – Senators Gladden, Frosh, and Muse

AN ACT concerning

Police and Court Records – Nuisance Crimes – Expungement

SB0695/628778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 695
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "time;" insert "providing that a person is not entitled to an expungement under certain circumstances; clarifying that a person who is not entitled to an expungement for a certain conviction is not entitled to an expungement of any other conviction;"; and in line 17, after "10–105(a)" insert "and (e)(4) and 10–107(b)".

AMENDMENT NO. 2

On page 3, strike line 6 in its entirety; in lines 7, 9, 10, and 11, strike "**(VI)**", "**(VII)**", "**(VIII)**", and "**(IX)**", respectively, and substitute "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively; and after line 18, insert:

"(e) (4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, **[**or**]** a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, **A CONVICTION FOR A CRIME SPECIFIED IN SUBSECTION (A)(9) OF THIS SECTION,** or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon **[**or**],** entry, **OR CONVICTION** has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.

10–107.

(b) (1) If a person is not entitled to expungement of one charge **OR CONVICTION** in a unit, the person is not entitled to expungement of any other charge **OR CONVICTION** in the unit.

(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge **OR CONVICTION** in the unit.".

AMENDMENT NO. 3

On page 3, in line 10, strike "**OR**"; in line 12, after "**PAYMENT**" insert a semicolon; strike beginning with "**ANY**" in line 12 down through the period in line 13 and substitute:

"**(IX) EXCEPT FOR CARRYING OR POSSESSING AN EXPLOSIVE, ACID, CONCEALED WEAPON, OR OTHER DANGEROUS ARTICLE AS PROVIDED IN § 7–705(B)(6) OF THE TRANSPORTATION ARTICLE, ANY OF THE ACTS SPECIFIED IN § 7–705 OF THE TRANSPORTATION ARTICLE.**".

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 #27

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

Senate Bill 403 – Senator Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

SB0403/198070/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 403
(First Reading File Bill)

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

The preceding amendment was read and adopted.

Senator Astle moved, duly seconded, to make the Bill and Report a Special Order for March 24, 2008.

The motion was adopted.

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

Senate Bill 404 – Senator Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

SB0404/198678/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 404
(First Reading File Bill)

On page 2, in lines 5 and 12, in each instance, strike "**$20,000**" and substitute "**$15,000**".

The preceding amendment was read only.

Senator Astle moved, duly seconded, to make the Bill and Amendments a Special Order for March 24, 2008.

The motion was adopted.

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

Senate Bill 413 – Senators Stone and Haines

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

SB0413/918779/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 413

(First Reading File Bill)

On page 3, in line 12, strike "**AUTOMOBILE**" and substitute "**MOTOR VEHICLE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0413/703622/1

BY: Senator DeGrange
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "insurer;" insert "requiring the Administration to report annually to the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 3, after line 24, insert:

"**(H) THE MOTOR VEHICLE ADMINISTRATION SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1 OF EACH YEAR, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:**

(1) THE TOTAL NUMBER OF SUBPOENAS, SUMMONSES, AND OTHER SERVICE OF PROCESS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;

(2) THE NUMBER OF INSTANCES IN WHICH THE MOTOR VEHICLE ADMINISTRATION FAILED TO REACH THE INDIVIDUAL BEING SERVED AND THE REASONS THAT THOSE ATTEMPTS FAILED;

(3) A BREAKDOWN OF ALL DIRECT AND INDIRECT COSTS INCURRED BY THE MOTOR VEHICLE ADMINISTRATION IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION; AND

(4) THE TOTAL FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION FROM PERSONS REQUESTING SERVICE OF PROCESS UNDER THIS SECTION.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0413/953624/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "circumstances;" insert "establishing certain conditions under which service of process on a nonresident is sufficient service;".

AMENDMENT NO. 2

On page 2, in line 23, after "**PROCESS**" insert "**UNDER THIS SECTION**"; after line 24, insert:

"**(1) THE PARTY SEEKING SERVICE FILES AN AFFIDAVIT, WITH THE CLERK OF THE COURT IN WHICH THE ACTION IS PENDING, THAT STATES:**

(I) THAT A GOOD FAITH EFFORT TO SERVE THE NONRESIDENT DRIVER PURSUANT TO MARYLAND RULE 2–121 WAS UNSUCCESSFUL;

(II) THE METHOD OF SERVICE ATTEMPTED PURSUANT TO MARYLAND RULE 2–121;

(III) THE OUTCOME OF THE ATTEMPTED SERVICE; AND

(IV) THE LAST KNOWN ADDRESS OF THE NONRESIDENT DRIVER;";

in lines 25 and 29, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; and strike beginning with "**CERTIFICATION**" in line 26 down through "**DRIVER**" in line 27 and substitute "**COPY OF THE AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

On page 3, in lines 1 and 5, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; and in line 2, after "**PROCESS**" insert "**AND THE AFFIDAVIT REQUIRED UNDER ITEM (1) OF THIS SUBSECTION**".

AMENDMENT NO. 3

On page 4, in line 20, strike "case filed" and substitute "cause of action arising on or".

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.

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

Senate Bill 568 – Senators Stone and Della

AN ACT concerning

Motor Vehicles – Certificates of Title – Rebuilt Salvage

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 796 – Senators Astle and Pipkin

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle Accident Reports – Access

SB0796/348170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 796
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Vehicle Laws –"; and strike beginning with "authorizing" in line 3 down through "changes" in line 10 and substitute "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".

AMENDMENT NO. 2

On page 1, in line 13, strike "and reenacting, with amendments,"; and after line 17, insert:

"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)".

AMENDMENT NO. 3

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 14 on page 4, inclusive.

AMENDMENT NO. 4

On page 4, after line 14, insert:

"Article – Business Occupations and Professions

10–604.

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

(2) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY THAT IS LISTED IN § 3–101(E) OF THE PUBLIC SAFETY ARTICLE.

(3) "MOTOR VEHICLE ACCIDENT" HAS THE MEANING STATED IN § 27–401 OF THE INSURANCE ARTICLE.

(4) "REPORT" MEANS A REPORT COMPLETED BY A POLICE OFFICER OF A LAW ENFORCEMENT AGENCY THAT:

(I) INDICATES THAT A MOTOR VEHICLE ACCIDENT OCCURRED; AND

(II) INCLUDES INFORMATION ABOUT A PERSON INVOLVED IN THE MOTOR VEHICLE ACCIDENT, INCLUDING THE PERSON'S NAME, TELEPHONE NUMBER, AND ADDRESS.

[(a)**] (B)** Without an existing relationship or interest in an issue:

(1) a person may not, for personal gain, solicit another person to sue or to retain a lawyer to represent the other person in a lawsuit;

(2) A PERSON MAY NOT, FOR PERSONAL GAIN, ACCESS A REPORT FOR THE PURPOSE OF SOLICITING ANOTHER PERSON TO SUE OR TO RETAIN A LAWYER TO REPRESENT THE OTHER PERSON; and

[(2)**] (3)** a lawyer, except as provided in the Rules of Professional Conduct, may not:

(i) for personal gain, solicit another person to sue or to retain the lawyer to represent the person in a lawsuit;

(ii) directly or indirectly employ or in any way compensate or agree to employ or compensate any person as an expert witness or otherwise for the purpose of having that person solicit or attempt to solicit clients for the lawyer;

(iii) knowingly represent a person who retained the lawyer as a result of solicitation prohibited under this section; or

(iv) cause a case to be instituted without the authority of a client.

[(b)**] (C)** Any solicitation involving acts described in this section is prima facie evidence that the person soliciting is acting for gain.

10–606.

(c) Except as provided in subsections (a) and (b) of this section, a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #17

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

Senate Bill 606 – Senators Pugh, Jones, Conway, Currie, Exum, Frosh, Gladden, Kelley, King, Madaleno, McFadden, Middleton, Muse, and Raskin

AN ACT concerning

State Government – Brokerage and Investment Banking Services – Use of Minority Business Enterprises

SB0606/187278/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 606
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Banking" and substitute "Management"; in lines 6, 8, 11, and 13, in each instance, strike "banking" and substitute "management services"; and in line 6, after "firms;" insert "specifying that brokerage and investment management services shall include services relating to certain asset classes under certain circumstances;".

AMENDMENT NO. 2

On page 4, in line 7, after "**(1)**" insert "**(I)**"; in line 9, after "**ARTICLE**" insert "**AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE FINANCIAL MANAGEMENT COMMITTEE**"; after line 12, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES.**";

in lines 12, 17, 23, 29, and 33, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; in line 13, after "**(2)**" insert "**(I)**"; in line 17, strike "**SERVICE**" and substitute "**SERVICES**"; after line 18, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE FINANCIAL MANAGEMENT COMMITTEE SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE FUND'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE FUND.**";

in lines 20 and 26, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; in line 21, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE FUND ACHIEVE**"; in lines 29 and 33, in each instance, before "**FIRMS**" insert "**SERVICES**"; and in line 30, before "**COMMITTEE**" insert "**FINANCIAL MANAGEMENT**".

On pages 4 and 5, strike in their entirety the lines beginning with line 34 on page 4 through line 2 on page 5, inclusive, and substitute:

"**(III) THE MEASURES THE FINANCIAL MANAGEMENT COMMITTEE UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.**" .

On page 5, in line 9, after "**(1)**" insert "**(I)**"; in line 11, after "**ARTICLE**" insert "**AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD**"; after line 13, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES.**";

in lines 13, 17, 22, 28, and 32, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; in line 14, after "**(2)**" insert "**(I)**"; in line 18, strike "**SERVICE**" and substitute "**SERVICES**"; after line 18, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE BOARD SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE BOARD'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE FUND.**";

in lines 20 and 24, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; in line 21, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE FUND ACHIEVE**"; and in lines 28 and 32, in each instance, before "**FIRMS**" insert "**SERVICES**".

On pages 5 and 6, strike in their entirety the lines beginning with line 33 on page 5 through line 3 on page 6, inclusive, and substitute:

"**(III) THE MEASURES THE BOARD UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.**".

On page 8, in line 8, after "**(1)**" insert "**(I)**"; in lines 8 and 9, strike "**NOTWITHSTANDING SUBSECTIONS (A) THROUGH (D) OF THIS SECTION, CONSISTENT**" and substitute "**CONSISTENT**"; in line 10, after "**ARTICLE**" insert "**AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE TREASURER**"; after line 13, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**";

in lines 13, 18, 23, 30, and 35, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; in line 14, after "**(2)**" insert "**(I)**"; in line 18, strike "**SERVICE**" and substitute "**SERVICES**"; after line 19, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE TREASURER SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE TREASURER'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE TREASURER.**";

in line 21 and lines 26 and 27, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; in line 22, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE TREASURER ACHIEVE**"; and in lines 30 and 35, in each instance, before "**FIRMS**" insert "**SERVICES**".

On page 9, strike in their entirety lines 1 through 6, inclusive, and substitute:

"(III) THE MEASURES THE TREASURER UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.";

in line 30, after "(1)" insert "(I)"; and in line 32, after "ARTICLE" insert "AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD OF TRUSTEES".

On page 10, in lines 3, 8, 14, 21, and 26, in each instance, strike "BANKING" and substitute "MANAGEMENT"; after line 3, insert:

"(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES.";

in line 4, after "(2)" insert "(I)"; in line 8, strike "SERVICE" and substitute "SERVICES"; after line 9, insert:

"(II) THE MEASURES UNDERTAKEN BY THE INVESTMENT COMMITTEE SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE STATE RETIREMENT AGENCY'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE STATE RETIREMENT AGENCY.";

in lines 11 and 18, in each instance, strike "BUSINESS DIVERSITY" and substitute "MINORITY AFFAIRS"; in line 13, strike "ACHIEVING" and substitute "IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE STATE RETIREMENT AGENCY ACHIEVE"; in lines 21 and 26, in each instance, before "FIRMS" insert "SERVICES"; and strike in their entirety lines 27 through 32, inclusive, and substitute:

"(III) THE MEASURES THE INVESTMENT COMMITTEE UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) UNDER THIS SUBSECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0606/313821/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 606
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, Peters, and Harrington".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 810 – Senator Pipkin

AN ACT concerning

Transportation – Maryland Emergency Medical System Operations Fund – Transport by Privately Owned Helicopter

SB0810/447975/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 810
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "treatment;" in line 6; in line 7, strike "privately owned helicopters" and substitute "private helicopter companies"; in line 8, after "transport" insert "under certain circumstances"; in the same line, after "the" insert "Maryland Emergency Medical System Operations"; in the same line, after "Fund;" insert "requiring the State

Emergency Medical Services Board to adopt certain regulations and protocols; making a certain stylistic change;".

AMENDMENT NO. 2

On page 2, in line 17, strike "Division" and substitute "**COMMAND**"; strike beginning with "**REIMBURSEMENT**" in line 25 down through "**TREATMENT**" in line 27 and substitute "**THE REIMBURSEMENT OF PRIVATE HELICOPTER COMPANIES FOR THE TRANSPORT OF PATIENTS FROM THE SCENE OF AN OUT OF HOSPITAL MEDICAL EMERGENCY TO A HEALTH CARE FACILITY WHEN DISPATCHED BY SYSTEM COMMUNICATIONS AT THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS**"; and strike beginning with "**AN**" in line 30 down through "**TREATMENT**" in line 32 and substitute "**THE STATE EMERGENCY MEDICAL SERVICES BOARD SHALL ADOPT REGULATIONS AND PROTOCOLS FOR THE DISPATCH AND REIMBURSEMENT OF PRIVATE HELICOPTER COMPANIES TO SUPPORT THE MEDICALLY–ORIENTED FUNCTIONS OF THE DEPARTMENT OF STATE POLICE, SPECIAL OPERATIONS BUREAU, AVIATION COMMAND**".

The preceding 2 amendments were read and adopted.

Senator Glassman moved, duly seconded, to make the Bill and Report a Special Order for March 24, 2008.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 885 – Senators Madaleno, Forehand, Garagiola, Jones, King, and Lenett

AN ACT concerning

The Jane E. Lawton Loan Program

SB0885/667475/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 885
(First Reading File Bill)

On page 7, strike beginning with the comma in line 23 down through "**FUND**" 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 916 – Senator Middleton

AN ACT concerning

Maryland Trauma Physician Services Fund – Reimbursement and Grants

SB0916/607975/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 916
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "repealing" and substitute "increasing"; in line 17, after "grants;" insert "altering the amount for a certain grant to subsidize the stand–by costs for certain out–of–state pediatric trauma centers;"; and after line 24, insert:

"BY repealing and reenacting, with amendments,
Chapter 484 of the Acts of the General Assembly of 2006
Section 2".

AMENDMENT NO. 2

On page 2, in line 12, after "**TITLE**" insert "**THAT IS AFFILIATED WITH A TRAUMA CENTER BY COMMON OWNERSHIP**".

AMENDMENT NO. 3

On page 6, in line 21, strike "and".

On page 7, in line 2, after "**RATE**" insert "**; AND**

(V) THE TOTAL REIMBURSEMENT TO EMERGENCY PHYSICIANS FROM THE FUND MAY NOT EXCEED $300,000 ANNUALLY".

AMENDMENT NO. 4

On page 9, after line 7, insert:

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

Chapter 484 of the Acts of 2006

SECTION 2. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall develop guidelines for the approval of an annual grant from the Maryland Trauma Physician Services Fund under § 19–130 of the Health – General Article of up to **[**$490,000**] $590,000** to subsidize the stand–by costs for an out–of–state pediatric trauma center that has entered into an agreement with the Maryland Institute for Emergency Services Systems.";

and in line 8, 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 974 – Senator Middleton

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

SB0974/597279/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 974
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "authorizing" and substitute "requiring"; in line 7, after "Plan;" insert "requiring,"; in lines 8 and 13, in each instance, strike "requiring"; in line 11, after "purchasers;" insert "requiring,"; strike beginning with "revenue" in line 13 down through "and" in line 14 and substitute "included in the reasonable costs of each hospital when establishing the hospital's rates, is"; in line 14, after "determinations" insert ", and is not less than a certain percentage of net patient revenue"; in line 17, after "revenue;" insert "providing that funds generated from the assessment may be used only for certain purposes;"; in line 22, strike "requiring that" and substitute "authorizing"; in line 23, strike "the" and substitute "a certain"; and in the same line, strike "be used only for certain purposes" and substitute "to be used for a certain purpose notwithstanding certain provisions of law; requiring the Commission to ensure that a certain assessment does not exceed certain savings".

AMENDMENT NO. 2

On page 3, in line 7, strike "**THE**" and substitute "**EACH YEAR, THE**"; and in the same line, strike "**MAY**" and substitute "**SHALL**".

On page 4, strike in their entirety lines 3 and 4 and substitute:

"**1. SHALL BE INCLUDED IN THE REASONABLE COSTS OF EACH HOSPITAL WHEN ESTABLISHING THE HOSPITAL'S RATES;**";

after line 7, insert:

"**3. MAY NOT BE LESS AS A PERCENTAGE OF NET PATIENT REVENUE THAN THE ASSESSMENT OF .8182% THAT WAS IN EXISTENCE ON JULY 1, 2007; AND**";

and after line 16, insert:

"**(5) FUNDS GENERATED FROM THE ASSESSMENT UNDER THIS SUBSECTION MAY BE USED ONLY TO:**

(I) SUPPLEMENT COVERAGE UNDER THE MEDICAL ASSISTANCE PROGRAM BEYOND THE ELIGIBILITY REQUIREMENTS IN EXISTENCE ON JANUARY 1, 2008; AND

(II) PROVIDE FUNDING FOR THE OPERATION AND ADMINISTRATION OF THE MARYLAND HEALTH INSURANCE PLAN.".

AMENDMENT NO. 3

On page 6, strike beginning with "funds" in line 8 down through "2008" in line 14 and substitute "notwithstanding § 19–214(d)(1), (2), and (5) of the Health – General Article, as enacted by Section 1 of this Act, § 15–701 of the Health – General Article, or a delay in the expansion of health care coverage beyond July 1, 2008, under Chapter 7 of the Acts of the 2007 Special Session of the General Assembly:

(1) funds generated from the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, may be used to pay for the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008; and

(2) the Health Services Cost Review Commission shall ensure that the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, does not exceed the savings realized in averted hospital uncompensated care from:

(i) the health care coverage expansion; and

(ii) the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008".

The preceding 3 amendments were read only.

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

The motion was adopted.

CONCURRENCE CALENDAR #1

AMENDED IN THE HOUSE

Senate Bill 90 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2009)

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

The amendments were not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0090**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2009)

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

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

Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators Jones, Munson and Robey.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

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

SB0527/354769/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 527
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "courts;" insert "altering certain State grants to county boards of education for certain fiscal years;"; in line 9, after "for" insert "a"; in line 10, strike "years" and substitute "year"; and in line 20, after "Section" insert "5–206(f),".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"5–206.

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

(2) The funding level for a county is:

(i) In fiscal **[**year 2007**]** **YEARS 2009 AND 2010**, the following amounts for the following counties:

1. Allegany County.....**[**$166,000**]** **$173,171**;

2. Anne Arundel County .....[$859,000] **$896,109**;

3. Baltimore City .....[$2,356,000] **$2,457,779**;

4. Baltimore County .....[$1,484,000] **$1,548,109**;

5. Calvert County .....[$65,000] **$67,808**;

6. Caroline County .....[$85,000] **$88,672**;

7. Carroll County.....[$233,000] **$243,066**;

8. Cecil County .....[$163,000] **$170,042**;

9. Charles County.....[$85,000] **$88,672**;

10. Dorchester County .....[$65,000] **$67,808**;

11. Frederick County .....[$310,000] **$323,392**;

12. Garrett County .....[$65,000] **$67,808**;

13. Harford County .....[$369,000] **$384,941**;

14. Howard County .....[$149,000] **$155,437**;

15. Kent County .....[$65,000] **$67,808**;

16. Montgomery County.....[$1,023,000] **$1,067,194**;

17. Prince George's County....[$2,053,000] **$2,141,690**;

18. Queen Anne's County.....[$85,000] **$88,672**;

19. St. Mary's County.....[$85,000] **$88,672**;

20. Somerset County .....[$65,000] **$67,808**;

21. Talbot County.....[$65,000] **$67,808**;

22. Washington County.....[$229,000] **$238,893**;

23. Wicomico County.....[$181,000] **$188,819**; and

24. Worcester County.....[$65,000] **$67,808**; and

(ii) Except as provided in paragraph (3) of this subsection, in fiscal year [2008] **2011** and in each fiscal year thereafter, the funding level for the county for the prior fiscal year increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year.

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

AMENDMENT NO. 3

On page 6, in lines 1 and 15, in each instance, strike "**EACH OF THE FISCAL YEARS**" and substitute "**THE FISCAL YEAR**"; strike beginning with "**AND**" in line 1 down through "**2009,**" in line 2; and strike beginning with "**AND**" in line 15 down through "**2009,**" in line 16.

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0527**
SPONSOR: Chr B&T
SUBJECT: Spending Mandate and Revenue Dedication Relief Act

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

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

Senator Currie, Chairman
Senator Kasemeyer
Senator DeGrange.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Central Collection Unit –~~ Transfer of Special Fund Balances

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

SB0540/864264/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 540
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 3 down through "Fund;" in line 4; strike beginning with "providing" in line 9 down through "Act;" in line 10; and in line 15, strike "3–306 and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 23, inclusive.

On page 3, in lines 3, 6, 11, 16, and 22, strike "3.", "4.", "5.", "6.", and "8.", respectively, and substitute "2.", "3.", "4.", "5.", and "6.", respectively; and strike in their entirety lines 20 and 21.

AMENDMENT NO. 3

On page 3, in line 15, strike "$50,000,000" and substitute "$100,000,000".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0540**
SPONSOR: Chr B&T
SUBJECT: Transfer of Special Fund Balances

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

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

Senator Currie, Chairman
Senator Kasemeyer
Senator DeGrange.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

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 AMENDMENT OFFERED FROM THE FLOOR BY SENATOR PINSKY.

FLOOR AMENDMENT

SB0309/293722/3

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 309
(Bill as Printed for Third Reading)

On page 8, in line 11, strike "**OR**"; and in line 13, after "**EMISSIONS**" insert "**; OR**

D. ANY OTHER MEASURES FOR WHICH THE DEPARTMENT HAS AUTHORITY AS OF MAY 31, 2008".

On page 9, in line 11, strike "**OR**"; and in line 13, after "**EMISSIONS**" insert "**; OR**

D. ANY OTHER MEASURES FOR WHICH THE DEPARTMENT HAS AUTHORITY AS OF MAY 31, 2008".

On page 10, in line 20, strike "**OR**"; and in line 22, after "**EMISSIONS**" insert "**; OR**

D. ANY OTHER MEASURES FOR WHICH THE DEPARTMENT HAS AUTHORITY AS OF MAY 31, 2008".

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

Affirmative – 22 Negative – 24 (See Roll Call No. 593)

Read the second time and ordered prepared for Third Reading.

Senate Bill 438 – Senators Jones, Conway, Currie, Gladden, King, McFadden, Muse, Pugh, and Raskin

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

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

SB0438/584834/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 438
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after the first "the" insert "diversity"; and in line 23, after "year;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, in line 27, strike "**THE**" and substitute "**:**

1. THE";

in line 29, after "**CAMPUSES**" insert "**; AND**

2. WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT BODY";

and in line 31, after "**(A)**" insert "**IN THIS SECTION, "CULTURAL DIVERSITY" MEANS THE VARIETY OF CHARACTERISTICS AND EXPERIENCES THAT DEFINE AN INDIVIDUAL, INCLUDING THE PRIMARY DIMENSIONS OF RACE, ETHNICITY, GENDER, AGE, RELIGION, DISABILITY, AND SEXUAL ORIENTATION AND THE SECONDARY DIMENSIONS OF COMMUNICATION STYLE, WORK STYLE, ORGANIZATIONAL ROLE AND LEVEL, ECONOMIC STATUS, AND GEOGRAPHIC ORIGIN.**

(B)".

AMENDMENT NO. 3

On page 3, in line 15, strike "**RESPONDING TO**" and substitute "**REPORTING CAMPUS–BASED**"; strike beginning with "**AND**" in line 15 down through "**CAMPUS**" in line 16 and substitute "**, AS DEFINED UNDER TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND CONSISTENT WITH FEDERAL REQUIREMENTS UNDER 20 U.S.C. 1092(F), KNOWN AS THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT**"; in line 22, after "**TRAINING**" insert "**OF THE STUDENT BODY, FACULTY, AND STAFF**"; in lines 24 and 31, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 28, after "**(2)**" insert "**(I)**"; after line 30, insert:

"**(II) THE PROGRESS REPORT SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT BODY.**";

and in line 33, after the first "**THE**" insert "**DIVERSITY**".

AMENDMENT NO. 4

On page 4, in line 3, after "**THE**" insert "**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE**"; and in line 6, after the second "**THE**" insert "**DIVERSITY**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0438/833322/3

BY: Senator Jones

AMENDMENTS TO SENATE BILL 438, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 16, after "**(1)**" insert "**IN THIS SUBSECTION, "CULTURAL DIVERSITY" MEANS THE INCLUSION OF THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE OR HAVE BEEN UNDERREPRESENTED IN HIGHER EDUCATION.**

(2)";

in line 21, strike "**(2)**" and substitute "**(3)**"; in line 24, strike "**(1)**" and substitute "**(2)**"; and in line 27, after the second "**OF**" insert "**THE**".

On page 3 of the bill, in lines 25 and 32, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0438/584834/1), in lines 1 and 2 of Amendment No. 2, strike "**: 1. THE**"; strike beginning with "**; AND**" in line 3 down through "**BODY**" in line 6; and strike beginning with "**VARIETY**" in line 8 down through "**ORIGIN**" in line 13 and substitute "**INCLUSION OF THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE OR HAVE BEEN UNDERREPRESENTED IN HIGHER EDUCATION**".

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 9 of Amendment No. 3, strike "**(I)**"; and strike beginning with "**(II)**" in line 10 down through "**BODY.**" in line 14.

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 211 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Garagiola, Jones, Kasemeyer, King, Lenett, Madaleno, McFadden, Miller, Mooney, Munson, Robey, and Stone

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0211/808175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Mooney,"; in the same line, strike "and Stone" and substitute "Stone, Forehand, Jacobs, and Simonaire"; in line 2, strike the comma and substitute "and"; in line 3, strike ", and Breaking and Entering a Motor Vehicle"; in line 4, strike "Arrest" and substitute "Charge – Postconviction DNA Testing"; in line 5, after the first "of" insert "adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; requiring a court to order a DNA data base search under certain circumstances; requiring the court to hold a hearing to review a certain sentence and order appropriate relief under certain circumstances;"; in line 6, strike "arrested for or"; in line 7, after "regulations;" insert "requiring that a certain individual from whom a DNA sample is collected be given a certain notice;"; in line 8, after "processed" insert "or at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a certain search for a certain purpose"; in line 10, after the first "requiring" insert "a"; in the same line, strike "documentation" and substitute "notice"; in line 11, after "procedures;" insert "providing that a DNA record or sample that is required to be expunged by a certain provision of law may not be

used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly;"; in line 12, after "terms;" insert "requiring the Secretary of State Police to adopt certain regulations and procedures; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)";

in line 16, strike "and" and substitute "2–506,"; in the same line, after "2–511" insert ", and 2–512"; after line 18, insert:

"BY adding to
Article – Public Safety
Section 2–511.1, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–501, 2–504, and 2–511
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 2–511.1, 2–512, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records **AND ANY DNA SAMPLE AND DNA RECORD** relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article **AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE**.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) **(1)** Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

[(1)**] (I)** a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)**] (II)** the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DNA DATA BASE SEARCH IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DNA DATA BASE SEARCH HAS THE SCIENTIFIC POTENTIAL TO PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) IF THE RESULTS OF THE POSTCONVICTION DNA TESTING ARE FAVORABLE TO THE PETITIONER, THE COURT SHALL HOLD A HEARING, REVIEW THE EVIDENCE, AND ORDER APPROPRIATE RELIEF.".

AMENDMENT NO. 3

On page 2, in line 2, strike "**6–204, AND 6–205**" and substitute "**AND 6–204 OF THE CRIMINAL LAW ARTICLE**"; in line 10, after "**(E)**" insert:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**";

after line 11, insert:

"**(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.**";

in line 22, strike "**ARRESTED FOR OR**"; in line 25, after "**VIOLENCE;**" insert "**OR**"; strike in their entirety lines 27 and 28; and in line 30, strike "analysis" and substitute "**TESTING**".

On page 3, in line 18, after "**(3)**" insert "**(I)**"; in line 20, strike "**ARRESTED FOR OR**"; in line 21, strike "**(I)**" and substitute "**1.**"; in line 22, after "**VIOLENCE;**" insert "**OR**"; in line 23, strike "**(II)**" and substitute "**2.**"; strike beginning with "**; OR**" in line 23 down through "**ARTICLE**" in line 25; and after line 25, insert:

"**(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE DNA RECORD AND THE DNA SAMPLE MAY BE EXPUNGED IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE.**".

On page 4, after line 2, insert:

"**(2) AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;**";

in lines 3, 6, and 8, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; after line 13, insert:

"**(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE.**

(2) IF A CRIMINAL CHARGE IS DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.";

in line 14, strike "(d)" and substitute "**(E)**"; in line 17, strike "(e)" and substitute "**(F)**"; after line 19 insert:

"2–506.

(a) Each DNA record of identification characteristics that results from DNA testing **UNDER THIS SUBTITLE** shall be stored and maintained **ONLY** by the Crime Laboratory in the statewide DNA data base system**, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS**.

(b) Each DNA sample **OBTAINED UNDER THIS SUBTITLE** shall be stored securely and maintained **ONLY** by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH OF THE STATEWIDE DNA DATA BASE FOR THE PURPOSE OF IDENTIFICATION OF AN OFFENDER IN CONNECTION WITH A CRIME FOR WHICH THE OFFENDER MAY BE A BIOLOGICAL RELATIVE OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.";

in line 21, strike "An" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SUBSECTION, AN**"; in line 23, strike "**ARREST**" and substitute "**CHARGE**"; in line 25, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; in line 26, after "(b)" insert "**(1)**"; in lines 26 and 27, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; and after line 27, insert:

"**(2) IF A CRIMINAL ACTION BEGUN AGAINST AN INDIVIDUAL FOR WHICH COLLECTION OF A DNA SAMPLE IS REQUIRED DOES NOT RESULT IN THE CONVICTION OF THE INDIVIDUAL OR PROBATION BEFORE JUDGMENT, A DNA SAMPLE COLLECTED AS REQUIRED UNDER § 2–504 OF THIS SUBTITLE SHALL BE**

DESTROYED AND A DNA RECORD GENERATED FROM THE SAMPLE SHALL BE EXPUNGED FROM THE STATE DNA DATA BASE.".

AMENDMENT NO. 4

On page 5, after line 9, insert:

"**2–511.1.**

A DNA RECORD OR DNA SAMPLE THAT IS ORDERED TO BE EXPUNGED OR DESTROYED UNDER THIS SUBTITLE MAY NOT BE USED FOR ANY PURPOSE, INCLUDING THE ESTABLISHMENT OF PROBABLE CAUSE IN A SUBSEQUENT CIVIL OR CRIMINAL PROCEEDING.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST DNA FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

(D) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY A DNA SAMPLE FOR WHICH, UNDER THIS SUBTITLE:

(1) NOTIFICATION HAS BEEN SENT STATING THAT THE DNA SAMPLE HAS BEEN DESTROYED; OR

(2) EXPUNGEMENT HAS BEEN ORDERED.

[(c)] (E) A person who violates SUBSECTION (A), (B), OR (C) OF this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding [$1,000] $5,000 or both.

(F) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000.

2–513.

(A) (1) (I) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE STATEWIDE DNA DATA BASE SYSTEM AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(II) ON OR BEFORE SEPTEMBER 1, 2009, AND ANNUALLY THEREAFTER, LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM, SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

(I) INDIVIDUALS WHO HAVE BEEN ARRESTED FOR A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2–501 OF THIS SUBTITLE; AND

(II) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;

(4) THE NUMBER OF BIOLOGICAL SAMPLES COLLECTED FROM INDIVIDUALS;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

(I) THE NUMBER OF MATCHES;

(II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;

(III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;

(IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;

(V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;

(VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND

(VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2–514.

(A) (1) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE POLICE DEPARTMENT OR AN OFFICE OF THE SHERIFF, AS APPROPRIATE, OF EACH COUNTY AND THE POLICE DEPARTMENT OF BALTIMORE CITY SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN THEIR RESPECTIVE JURISDICTIONS.

(2) THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE, INCLUDING:

(I) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE ROUTINELY COLLECTED;

(II) THE APPROXIMATE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

(III) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE COLLECTION AND ANALYSIS;

(IV) THE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

(V) THE NUMBER OF CRIME SCENE DNA SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

(VI) THE NUMBER OF CRIME SCENE DNA SAMPLES, INCLUDING SEXUAL ASSAULT EVIDENCE, COLLECTED BY HOSPITALS IN THE COUNTY DURING THE PRECEDING YEAR.

(B) THE OFFICE OF LEGISLATIVE AUDITS SHALL COMPILE AND EVALUATE THE INFORMATION REPORTED BY THE POLICE DEPARTMENTS AND SHERIFF OFFICES UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT AN ANNUAL SUMMARY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.".

AMENDMENT NO. 5

On page 5, before line 10, insert:

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

Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records and any DNA sample and DNA record relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article and Title 2, Subtitle 5 of the Public Safety Article.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) (1) Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

(i) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

(ii) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A court shall order a DNA data base search if the court finds that a reasonable probability exists that the DNA data base search has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall hold a hearing, review the evidence, and order appropriate relief.

Article – Public Safety

2–501.

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

(b) "Burglary" includes the crimes enumerated in §§ 6–202, 6–203, and 6–204 of the Criminal Law Article.

(c) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.

(2) "CODIS" includes the national DNA index administered and operated by the Federal Bureau of Investigation.

(d) "Crime Laboratory" means the Forensic Sciences Division of the Department.

(e) (1) Except as provided in paragraph (2) of this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) "Crime of violence" does not include mayhem.

(f) "Director" means the Director of the Crime Laboratory or the Director's designee.

(g) "DNA" means deoxyribonucleic acid.

(h) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.

(2) "DNA record" includes the information commonly referred to as a DNA profile.

(i) "DNA sample" means a body fluid or tissue sample that is:

(1) provided by an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article;

(2) provided by an individual who [is] **WAS** charged **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** with:

(i) a crime of violence or an attempt to commit a crime of violence; or

(ii) burglary or an attempt to commit burglary; or

(3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.

(j) "Statewide DNA data base system" means the DNA record system administered by the Department for identification purposes.

(k) "Statewide DNA repository" means the State repository of DNA samples collected under this subtitle.

2–504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

[(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:

1. a crime of violence or an attempt to commit a crime of violence; or

2. burglary or an attempt to commit burglary.

(ii) At the time of collection of the DNA sample under this paragraph, the individual from whom the sample is collected shall be given notice that the DNA record and the DNA sample may be expunged in accordance with § 2–511 of this subtitle.**]**

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) **[**at the facility where the arrest of the individual is processed by:

(i) the arresting agency; or

(ii) the booking facility responsible for processing the arrest;

(2) at a facility specified by the Secretary, if the individual is charged but not arrested;

(3)**]** at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;

[(4)**] (2)** at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or

[(5)**] (3)** at a suitable location in a circuit court following the imposition of sentence.

(c) A DNA sample shall be collected by an individual who is:

(1) designated by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(d) (1) A DNA sample collected from an individual charged **ON OR BETWEEN JANUARY, 1, 2009 AND DECEMBER 31, 2013** with a crime **[**under subsection (a)(3) of this section**] OF VIOLENCE, AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE, BURGLARY, OR AN ATTEMPT TO COMMIT BURGLARY** may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date.

(2) If a criminal charge is determined to be unsupported by probable cause:

(i) the DNA sample shall be immediately destroyed; and

(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.

(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.

(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

2–506.

(a) Each DNA record of identification characteristics that results from DNA testing under this subtitle shall be stored and maintained only by the Crime Laboratory in the statewide DNA data base system, except as necessary to participate in CODIS.

(b) Each DNA sample obtained under this subtitle shall be stored securely and maintained only by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(d) A person may not perform a search of the statewide DNA data base for the purpose of identification of an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.

2–511.

(a) Except as provided in subsection (b) of this subsection, an individual whose DNA record or profile is included in the statewide DNA data base system and whose DNA sample is stored in the statewide DNA repository may request that information be expunged on the grounds that the charge or conviction that resulted in the inclusion meets the expungement criteria specified in Title 10, Subtitle 1 of the Criminal Procedure Article.

(b) (1) Expungement proceedings shall be conducted in accordance with Title 10, Subtitle 1 of the Criminal Procedure Article.

(2) If a criminal action begun **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** against an individual for which collection of a DNA sample is required does not result in the conviction of the individual or probation before judgment, a DNA sample collected **[**as required under § 2–504 of this subtitle**]** **BEFORE DECEMBER 31, 2013**, shall be destroyed and a DNA record generated from the sample shall be expunged from the State DNA data base.

(c) (1) On receiving an order of expungement for an individual whose DNA sample has been included in the Statewide DNA data base system, the DNA sample shall be expunged except that the order may not apply to other offenses committed by the individual who qualifies for inclusion in the statewide DNA data base system.

(2) A letter documenting expungement of the DNA sample and destruction of the DNA sample shall be sent by the director to the defendant and the defendant's attorney at the address specified by the court in the order of expungement.

(3) The Director shall adopt procedures to comply with this subsection.

2–511.1.

A DNA record or DNA sample that is ordered to be expunged or destroyed under this subtitle may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(c) A person may not willfully test DNA for information that does not relate to the identification of individuals as specified in this subtitle.

(d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:

(1) notification has been sent stating that the DNA sample has been destroyed; or

(2) expungement has been ordered.

(e) A person who violates subsection (a), (b), or (c) 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.

(f) A person who violates subsection (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000.

2–513.

(a) (1) (i) On or before December 31, 2009, and annually thereafter, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the status of the statewide DNA data base system as specified in subsection (b) of this section.

(ii) On or before September 1, 2009, and annually thereafter, local law enforcement agencies shall report to the Department with the information necessary for the Department to comply with the requirements of subsection (b) of this section.

(2) The annual report shall be posted on the Department website on or before December 31 of each year.

(b) The annual report shall include:

(1) total expenses incurred for the operation and management of the DNA data base and DNA testing program, specifying the actual and human resource costs of DNA collection and transport, DNA analyses, data base operation and oversight, and State laboratory personnel and maintenance;

(2) total funding provided by the State to each forensic crime laboratory in the preceding year;

(3) a statistical analysis of the racial demographics of:

(i) individuals who have been arrested for a crime of violence or burglary, or attempt to commit a crime of violence or burglary, as defined in § 2–501 of this subtitle; and

(ii) victims of crimes alleged to have been committed by those individuals, when known;

(4) the number of biological samples collected from individuals;

(5) the sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required under this subtitle; and

(6) a detailed analysis of the investigations aided by DNA profiles that includes:

(i) the number of matches;

(ii) the number of matches that resulted in investigation of the person identified;

(iii) the number of matches that resulted in formal charges;

(iv) the number of matches that resulted in convictions;

(v) the number of matches that resulted in exonerations;

(vi) the number of matches that resulted in convictions for persons not already incarcerated;

(vii) the prior offenses for which a person has been convicted where a match occurred.

2–514.

(a) (1) On or before December 31, 2009, and annually thereafter, the police department or an office of the Sheriff, as appropriate, of each county and the police department of Baltimore City shall report to the Office of Legislative Audits on the status of crime scene DNA collection and analysis in their respective jurisdictions.

(2) The Department shall report to the Office of Legislative Audits on the status of crime scene DNA collection statewide, including:

(i) the crimes for which crime scene DNA samples are routinely collected;

(ii) the approximate number of crime scene DNA samples collected during the preceding year for each category of crime;

(iii) the average time between crime scene DNA sample collection and analysis;

(iv) the number of crime scene DNA samples collected and not analyzed at the time of the study;

(v) the number of crime scene DNA samples submitted to the statewide DNA data base during the preceding year; and

(vi) the number of crime scene DNA samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

(b) The Office of Legislative Audits shall compile and evaluate the information reported by the police departments and sheriff offices under subsection (a) of this section and submit an annual summary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.”.

AMENDMENT NO. 6

On page 5, strike lines 10 and 11 in their entirety and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person

from whom a DNA sample is required to be collected in compliance with this Act and who refuses to voluntarily submit to collection of the sample.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2009. It shall remain effective for a period of 5 years and, at the end of December 31, 2013, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of this Act. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect January 1, 2009.".

The preceding 6 amendments were read only.

Senator Frosh moved, duly seconded, to make the Bill and Amendments a Special Order for March 24, 2008.

The motion was adopted.

Senate Bill 597 – Senators Kramer, Currie, Della, Forehand, Frosh, Jones, King, Madaleno, Middleton, Munson, Pinsky, Robey, Rosapepe, and Zirkin

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Domestic Partners

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

Senator Mooney moved, duly seconded, to make the Bill and Report a Special Order for March 24, 2008.

The motion was adopted by a roll call vote as follows:

Affirmative – 24 Negative – 22 (See Roll Call No. 594)

Senator McFadden moved, duly seconded, to reconsider the vote by which **Senate Bill 597** was made a Special Order for March 24, 2008.

The motion was adopted.

Senator Mooney moved, duly seconded, to make the Bill a Special Order for March 24, 2008.

The motion was rejected by a roll call vote as follows:

Affirmative – 20 Negative – 27 (See Roll Call No. 594A)

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 597**.

The motion was adopted by a roll call vote as follows:

Affirmative – 29 Negative – 18 (See Roll Call No. 595)

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 597** SHALL BE LIMITED TO 40 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF SECOND READING AND ON ALL QUESTIONS, AMENDMENTS AND MOTIONS SO RELATED TO SUCH READINGS. THE PRESIDENT SHALL ALLOCATE THE 40 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 20 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 20 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

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

Affirmative – 28 Negative – 18 (See Roll Call No. 596)

FLOOR AMENDMENT

SB0597/963425/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 597
(First Reading File Bill)

On page 4, after line 17, insert:

"**(3) THE EXEMPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR TRANSFERS TO A DOMESTIC PARTNER OR FORMER DOMESTIC PARTNER OF THE TRANSFEROR APPLIES ONLY TO AN INSTRUMENT OF WRITING**

FOR A COMMON RESIDENCE WHERE BOTH DOMESTIC PARTNERS OR FORMER DOMESTIC PARTNERS LIVE OR HAVE LIVED.";

and after line 28, insert:

"**(3) THE EXEMPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR TRANSFERS BETWEEN DOMESTIC PARTNERS OR FORMER DOMESTIC PARTNERS APPLIES ONLY TO AN INSTRUMENT OF WRITING FOR A COMMON RESIDENCE WHERE BOTH DOMESTIC PARTNERS OR FORMER DOMESTIC PARTNERS LIVE OR HAVE LIVED.**".

On page 5, after line 20, insert:

"**(D) THE EXEMPTION UNDER SUBSECTION (B) OF THIS SECTION FOR TRANSFERS BETWEEN DOMESTIC PARTNERS OR FORMER DOMESTIC PARTNERS APPLIES ONLY TO AN INSTRUMENT OF WRITING FOR A COMMON RESIDENCE WHERE BOTH DOMESTIC PARTNERS OR FORMER DOMESTIC PARTNERS LIVE OR HAVE LIVED.**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0597/613227/2

BY: Senator Kramer

AMENDMENT TO SENATE BILL 597
(First Reading File Bill)

On page 3, strike beginning with "**AN**" in line 23 down through "**PARTNERSHIP**" in line 25 and substitute "**:**

(1) EVIDENCE THAT A DOMESTIC PARTNERSHIP HAD PREVIOUSLY EXISTED; AND

(2) (I) A DEATH CERTIFICATE; OR

(II) AN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY BY TWO INDIVIDUALS WHO FORMERLY ESTABLISHED A DOMESTIC PARTNERSHIP STATING THAT THE DOMESTIC PARTNERSHIP HAS BEEN DISSOLVED".

The preceding amendment was read only.

Senator Brinkley moved, duly seconded, to make the Bill and Amendment a Special Order for March 24, 2008.

The motion was rejected by a roll call vote as follows:

Affirmative – 20 Negative – 26 (See Roll Call No. 597)

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

Affirmative – 43 Negative – 1 (See Roll Call No. 598)

FLOOR AMENDMENT

SB0597/193529/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 597
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "circumstances" insert ", subject to certain exceptions".

AMENDMENT NO. 2

On page 4, in line 11, after "**(VIII)**" insert "**EXCEPT IN FREDERICK COUNTY,**"; and in line 21, after "**(II)**" insert "**EXCEPT IN FREDERICK COUNTY,**".

On page 5, in line 13, after the first "**OR**" insert "**, EXCEPT IN FREDERICK COUNTY,**"; and in line 14, after "**PARTNERS**" insert a comma.

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

Affirmative – 16 Negative – 30 (See Roll Call No. 599)

Read the second time and ordered prepared for Third Reading.

Senate Bill 436 – Senators Pugh, McFadden, Conway, Currie, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Lenett, Madaleno, Muse, Peters, Raskin, and Robey

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

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

SB0436/444235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 436
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "changes;" insert "requiring the Comptroller to report certain information to the Department of Legislative Services on or before a certain date each year; requiring this Act to be implemented on a certain date; providing that this Act is null and void as of a certain date under certain circumstances; making this Act subject to certain contingencies;".

AMENDMENT NO. 2

On page 1, in line 20, strike "**18**" and substitute "**17**".

On page 2, in line 28, strike "Except" and substitute "**BEGINNING WITH THE 2009 – 2010 SCHOOL YEAR, EXCEPT**"; and in line 29, strike "**18**" and substitute "**17**".

On page 3, in line 14, strike "**18**" and substitute "**17**".

On page 4, in line 10, strike "**18**" and substitute "**17**".

AMENDMENT NO. 3

On page 5, strike beginning with "but" in line 11 down through "2009," in line 12 and substitute "until reaching the age of 18 years old,"; and strike in their entirety lines 16 through 19, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If Chapter ___ (S.B. 998/H.B. 613) of the Acts of the General Assembly of 2008 takes effect, then, on or before April 2, 2009, and each year thereafter, the Comptroller shall report to the Department of Legislative Services on the amount of money in the Maryland Education Fund established under Chapter ____.

(b) This Act shall be implemented on July 1 of the year in which a report is made to the Department of Legislative Services under subsection (a) of this section stating that at least $50,000,000 is in the Maryland Education Fund.

(c) If, in any year following the implementation of this Act, a report is made to the Department of Legislatives Services under subsection (a) of this section stating that less than $50,000,000 is in the Maryland Education Fund, then, as of July 1 of the year in which the report is made, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2008, contingent on the taking effect of Chapter ___ (S.B. 998/H.B. 613) of the Acts of the General Assembly of 2008, and the establishment of the Maryland Education Fund under Chapter ___, and if Chapter ___ does not take effect or if the Fund is not established, this Act shall be null and void without the necessity of further action by the General Assembly.".

The preceding 3 amendments were read and adopted.

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

Affirmative – 28 Negative – 16 (See Roll Call No. 600)

FLOOR AMENDMENT

SB0436/923127/3

BY: Senator Pugh

AMENDMENTS TO SENATE BILL 436, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In the Education, Health, and Environmental Affairs Committee Amendments (SB0436/444235/1), strike Amendment Nos. 1 and 3, in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 9, after "changes;" insert "making this Act subject to a certain contingency; providing for a delayed effective date;".

On page 5 of the bill, strike beginning with "Section" in line 16 down through "2008." in line 19 and substitute "this Act shall take effect July 1, 2009, contingent on the approval by the General Assembly of the fiscal 2011 State budget including at least $45,000,000 to implement this Act beginning with the 2010–2011 school year and, if the fiscal 2011 State budget does not include at least $45,000,000 to implement this Act, this Act, with no further action required by the General Assembly, shall be null and void and of no force and effect.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 347 (Emergency Bill)	Sen. Middleton	Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

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

QUORUM CALL

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

(See Roll Call No. 601)

RECESS

At 1:20 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 3:00 P.M. on Monday, March 24, 2008.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 21, 2008
Calendar Day: Monday, March 24, 2008
3:00 P.M. Session

At 3:19 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 611)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 280 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset Extension

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

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

BY repealing and reenacting, with amendments,

Chapter 113 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, and Chapter 370 of the Acts of the General Assembly of 2007
Section 4 and 6

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

House Bill 285 – Delegates Kaiser, Anderson, Barkley, Branch, Carter, Conaway, Dumais, Elmore, Frick, Frush, Gilchrist, Gutierrez, Haynes, Healey, Heller, Hubbard, Levi, McComas, Montgomery, Murphy, Robinson, Rosenberg, Shewell, Sossi, Stukes, Tarrant, F. Turner, Walker, ~~and Walkup~~ Walkup, and Cardin

AN ACT concerning

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

FOR the purpose of requiring a county board of education to require certain schools with certain truancy rates to implement a positive behavioral interventions and support program or certain behavior modification programs in collaboration with the State Department of Education under certain circumstances; requiring certain schools to expand certain programs under certain circumstances; clarifying language; and generally relating to the requirement that certain schools implement certain programs relating to truancy rates.

BY repealing and reenacting, without amendments,
Article – Education
Section 1–101(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–304.1
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 369 – The Speaker (By Request – Administration) and Delegates McIntosh, Bobo, Busch, Cardin, V. Clagett, Holmes, Hubbard, Lafferty, Malone, Manno, Montgomery, Niemann, Pena–Melnyk, Sophocleus, ~~and~~

~~Stein~~ Stein, Ali, Beidle, Carr, Frush, Glenn, Healey, Hucker, Sossi, and Weir

AN ACT concerning

Chesapeake ~~Bay~~ and Atlantic Coastal Bays 2010 Trust Fund and Nonpoint Source Fund

FOR the purpose of altering the Chesapeake ~~Bay~~ and Atlantic Coastal Bays 2010 Trust Fund and its purposes; stating the intent of the General Assembly; providing for the uses of the Fund; establishing in statute the BayStat Program and BayStat Subcabinet; requiring the BayStat Subcabinet to oversee the administration of the Program; establishing the responsibilities of the Program; requiring the BayStat Subcabinet to submit to the public a certain annual report and develop ~~an~~ annual work and expenditure ~~plan~~ plans; requiring the Governor to submit ~~the~~ annual work and expenditure ~~plan~~ plans to the General Assembly as part of the annual budget submission; requiring the BayStat Subcabinet to prepare a final work and expenditure plan; requiring the Program to implement certain measures for certain purposes; requiring the Program to distribute funds from the Trust Fund to the BayStat Subcabinet agencies; requiring the BayStat Subcabinet agencies to ~~redistribute the funds through grants to various entities and to the Chesapeake Bay Nonpoint Source Fund~~ administer the funds, including redistributing the funds in a certain manner; requiring the Program to develop certain grant solicitations, guidelines, and applications; requiring grant agreements to comply with certain requirements; requiring grant recipients to submit a certain annual report that includes certain information; prohibiting the use of the Trust Fund for certain purposes; establishing a BayStat Program Scientific Advisory Panel, composed of certain individuals appointed by the Governor; establishing certain responsibilities for the Panel; authorizing State agencies that administer certain grants to receive certain administrative costs from the Trust Fund; establishing the Chesapeake ~~Bay~~ and Atlantic Coastal Bays Nonpoint Source Fund as a special, continuing, nonlapsing fund in the Water Quality Financing Administration in the Department of the Environment; establishing the purpose of the Fund; establishing certain funding for the Fund; requiring the Fund to be subject to a certain audit; authorizing the Administration to establish accounts and subaccounts in the Fund for certain purposes; establishing the uses of the Fund; providing for certain bonding authority relating to money in the Fund; requiring the Administration to provide for a certain system of financial accounting, controls, audits, and reports for certain funds that conforms with certain State and federal laws; requiring a certain audit and audit report of certain funds; defining certain terms; and generally relating to dedicated funding sources for the restoration of the Chesapeake ~~Bay~~ and Atlantic Coastal Bays and the waters of the State.

BY renumbering
Article – Natural Resources

Section 8–205
to be Section 8–2A–01 to be under the new subtitle "Subtitle 2A. Chesapeake ~~Bay~~ and Atlantic Coastal Bays 2010 Trust Fund"
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Chapter 6 of the Acts of the General Assembly Special Session of 2007)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–2A–01
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Section 1 of this Act)

BY adding to
Article – Natural Resources
Section 8–2A–02 through 8–2A–04
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1601, 9–1611, and 9–1616
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1605.3 and 9–1617.1
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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)

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

House Bill 486 – Delegate Bobo

AN ACT concerning

Real Property – Homeowners Associations – Meetings

FOR the purpose of altering ~~certain~~ the types of meetings of a homeowners association that shall be open to all ~~members of~~ lot owners in the homeowners association to include a meeting ~~called by another person or entity~~ at which a certain quorum is present and that is not a regularly scheduled meeting but is called by another person or entity to discuss ~~certain~~ matters relevant to the homeowners association; making stylistic and conforming changes; and generally relating to meetings of a homeowners association.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11B–101(a), (h), and (i)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11B–111
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 648 – Delegates Riley, Costa, Dwyer, James, Kipke, Kullen, Mizeur, and Norman

AN ACT concerning

Business Regulation – Boat Sales

FOR the purpose of requiring a boat broker to place certain moneys received in anticipation of a boat purchase into a boat broker trust account until the moneys are disbursed or returned to certain persons; requiring a boat broker trust account to be separate from a boat broker's operating account; defining certain terms; and generally relating to boat sales.

BY adding to
Article – Business Regulation
Section 19–401 and 19–402 to be under the new subtitle "Subtitle 4. Boat Sales"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 652 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Public School Employees – Criminal Convictions

FOR the purpose of prohibiting a county board of education from knowingly hiring or retaining certain employees who have been convicted of certain crimes; and generally relating to the employment of individuals convicted of qualifying crimes in Maryland public schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–113
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 653 – ~~Delegate Hixson~~ Delegates Hixson, Bartlett, Cardin, Doory, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, and Walker

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

FOR the purpose of altering a certain timeframe for when county boards of education and county health departments are required to provide hearing and vision screenings to certain students; authorizing certain screenings in accordance with certain policies; requiring county boards of education and county health departments to provide certain forms; requiring certain parents or guardians to report certain information; and generally relating to the provision of hearing and vision screenings in public schools, private schools, and nonpublic educational facilities.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–404
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 722 – Chair, Ways and Means Committee (By Request – Departmental – Aging)

AN ACT concerning

Property – Tax Sale – Notification

FOR the purpose of requiring in certain circumstances that certain notification of a property tax sale be provided to the local area agency on aging; providing that failure to provide certain notification does not invalidate or otherwise affect the sale; and generally relating to tax sales.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–812
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 778 – Delegates Bobo, Barnes, Carr, Frush, Gaines, Gutierrez, Guzzone, Hecht, Holmes, Hubbard, Lafferty, Mizeur, Montgomery, Niemann, Pendergrass, Ramirez, Stein, and F. Turner

EMERGENCY BILL

AN ACT concerning

Richard Atta Poku ~~Right to Appeal~~ Foreclosure Defense Act

FOR the purpose of authorizing a court to order reasonable discovery in an action to stop or stay a foreclosure sale of residential property under certain circumstances; prohibiting a record owner's right to appeal a final judgment of the circuit court in a certain foreclosure action from being conditioned on the posting of a supersedeas bond exceeding a certain amount; ~~prohibiting a record owner's appeal from being dismissed under certain circumstances;~~ defining certain terms; making this Act an emergency measure; and generally relating to ~~appeals of certain~~ foreclosure actions.

BY adding to
Article – Real Property
Section 7–105.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 787 – Carroll County Delegation

AN ACT concerning

Noise Control – Carroll County Public Schools – Enforcement Prohibition

FOR the purpose of prohibiting Carroll County or a political subdivision of Carroll County from enforcing any noise control ordinance, rule, or regulation against a public school in Carroll County that violates the ordinance, rule, or regulation between certain hours; and generally relating to enforcement of noise control ordinances, rules, or regulations against a public school in Carroll County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 3–105
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 808 – Delegates Weldon, Bartlett, G. Clagett, Hecht, Krebs, O'Donnell, Shank, and Stull

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

FOR the purpose of altering the scope of stationary engineer services that are subject to certain licensing requirements; altering the types of boilers certain stationary engineers ~~may~~ are authorized to oversee; providing that the Maryland Stationary Engineers Act and certain regulations may not supersede certain authority of the Board of Boiler Rules; defining certain terms; altering a certain definition; and generally relating to stationary engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–101 and 6.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 6.5–103
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without 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 Education, Health, and Environmental Affairs.

House Bill 867 – Delegates Kramer, Barkley, Heller, Kaiser, Kelly, Krebs, Lee, Levi, Manno, Montgomery, Myers, Simmons, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

FOR the purpose of prohibiting a person from knowingly and willfully obtaining by deception, intimidation, or undue influence the property of an individual of at least a certain age, regardless of whether the person knows or reasonably should know the individual's age, with intent to deprive the individual of the individual's property; applying certain penalties; and generally relating to the financial exploitation of the elderly.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–801
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 917 – Delegates Ramirez, Anderson, Barnes, Bobo, Carter, Heller, Levi, McComas, McConkey, Schuler, Vallario, and Waldstreicher

AN ACT concerning

Criminal Law – ~~Simple Assault~~ Offensive Physical Contact

FOR the purpose of ~~expanding the exclusive original jurisdiction of the District Court to include a criminal case in which a certain person is charged with the crime of simple assault; providing that a circuit court has jurisdiction to try a case charging the crime of simple assault under certain circumstances; establishing the crime of simple assault by making it a misdemeanor to intentionally cause or attempt to cause certain offensive physical contact to another who does not consent to the contact; making certain provisions relating to certain charging~~

~~documents applicable to the crime of simple assault; providing that the crime of simple assault is a lesser included crime of certain other crimes under certain circumstances; providing that a person charged with the crime of simple assault may assert any judicially recognized defense; establishing certain penalties; and generally relating to the crime of simple assault.~~ prohibiting a person from intentionally causing or attempting to cause certain offensive physical contact to an adult or engaging in conduct intending to put an adult in fear of certain offensive physical contact; applying certain penalties; and generally relating to offensive physical contact.

~~BY repealing and reenacting, with amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 4–301(b) and 4–302(d)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Criminal Law~~
~~Section 3–203.1~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3–206(a), (b), and (c) and 3–209~~ 10–201(c)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–201(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 953 – Delegates Hixson, Bartlett, Barve, Doory, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

High School Dropouts – Alternative Education Programs and GED Requirements

FOR the purpose of requiring, to the extent possible, certain representatives of county boards of education to provide information concerning alternative education programs and GED program requirements and testing locations to certain individuals; providing for the application of this Act; and generally relating to the provision of educational information to individuals who no longer attend high school.

BY adding to
Article – Education
Section 7–302.1
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 1010 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Roadside ~~Advertising or~~ Solicitation of Money or Donations – Prohibition
PG 409–08

FOR the purpose of prohibiting a person from standing in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~; prohibiting an adult from encouraging or allowing a child to stand in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~; providing that a child may not be found guilty or adjudicated delinquent for standing in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~ if an adult encouraged or allowed the child to commit the violation; providing for the issuance of a certain warning to a first–time offender; providing a certain penalty for subsequent offenses; making the provisions of this Act severable; defining a certain term; and generally relating to restrictions on the use of highways in Prince George's County for ~~advertising or~~ solicitation.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1060 – Delegates Frank, Aumann, Bates, Beitzel, Boteler, Bromwell, Conaway, Costa, Dwyer, Eckardt, Elliott, Elmore, George, Haddaway, James, Jennings, Kach, Kelly, Kipke, Krebs, McComas, McConkey, Myers, Norman, O'Donnell, Riley, Schuh, Schuler, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, ~~and Walkup~~ Walkup, Impallaria, Kirk, and Robinson

AN ACT concerning

Victims of Crime – Burglary and Crimes of Violence – Civil Immunity

FOR the purpose of providing that a person may not be liable for damages for a personal injury or death of an individual who enters the person's dwelling or place of business with the intent to commit certain crimes under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to providing certain immunity from civil liability to a victim of certain crimes under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–808
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 6–202 through 6–204 and 14–101(a)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1189 – Delegates Niemann, Beidle, Boteler, V. Clagett, Frush, Holmes, Krysiak, Lafferty, Malone, Norman, O'Donnell, Sossi, Stein, Weir, and Wood

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

FOR the purpose of altering the date by which certain persons are prohibited from using, selling, manufacturing, or distributing for sale certain dishwashing detergent that contains greater than a certain amount of phosphorus; and generally relating to phosphorus in dishwashing detergents.

BY repealing and reenacting, without amendments,
Article – Environment

Section 9–1502
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1503
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 1193 – Delegates McIntosh and Hucker

AN ACT concerning

Environment – Statute of Limitations

FOR the purpose of altering the statute of limitations for prosecution of and suits for certain violations of certain laws relating to the environment; declaring the intent of the General Assembly; providing for the application of this Act; and generally relating to laws relating to the environment.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–106(a) and 5–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 5–106(n)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 1–303
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing
Article – Environment
Section 2–610.2, 8–509.1, and 9–343.1
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY renumbering
Article – Courts and Judicial Proceedings
Section 5–106(o) through (bb), respectively
to be Section 5–106(n) through (aa), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1242 – Delegates Stein, Bronrott, Burns, Cardin, Healey, Lafferty, Morhaim, Olszewski, Schuler, ~~and Weir~~ Weir, Hixson, Bartlett, Doory, Elmore, Frick, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Rice, Ross, Serafini, Stukes, and Walker

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

FOR the purpose of creating a Task Force to Study How to Improve Financial Literacy in the State; providing for the composition, co–chairs, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study the ability of certain consumers to understand certain financial concepts and the problems created for certain consumers by a lack of financial literacy or knowledge; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor and to the General Assembly; providing for the termination of this Act; and generally relating to the Task Force to Study How to Improve Financial Literacy in the State.

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

House Bill 1274 – Delegates Haddaway, Eckardt, Bates, Elmore, Feldman, George, Harrison, Hecht, Impallaria, Jennings, King, Kipke, Kirk, Krebs, Kullen, Manno, McComas, McHale, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, Walkup, and Wood

AN ACT concerning

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

FOR the purpose of authorizing certain inspections of certain antique boilers or pressure vessels to be made by certain private inspectors under certain

circumstances; requiring certain private inspectors who make certain inspections to file a certain report with the Chief Boiler Inspector; requiring the Chief Boiler Inspector to issue a certain certificate to the owner or user of certain antique boilers or pressure vessels under certain circumstances; defining a certain term; and generally relating to inspections of boilers and pressure vessels.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–909
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 1481 – Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim

EMERGENCY BILL

AN ACT concerning

State Board of Veterinary Medical Examiners – Animal Control Facilities – License to Administer Scheduled Drugs to Animals

FOR the purpose of repealing the authority of the State Board of Veterinary Medical Examiners to issue a special permit to a certain humane society or animal shelter to administer a certain drug to euthanize animals; authorizing the Board to issue a license, on application of an animal control facility, to allow the facility to administer certain drugs to sedate or euthanize animals; requiring the application to designate one individual responsible for the drugs; establishing an annual fee for the license; authorizing the Board to reject an application or suspend or revoke a license for certain reasons in accordance with certain procedures; requiring a licensed facility to comply with certain employee training requirements; authorizing a member of the Board or the Board's designated inspector to enter a licensed facility at any reasonable hour to enforce certain regulations; requiring the Board, in consultation with the Department of Health and Mental Hygiene to adopt regulations; repealing a provision that exempts a certain humane society or animal shelter with a special permit from certain registration requirements; defining a certain term; altering a certain definition; making this Act an emergency measure; and generally relating to animal control facilities and a license to administer scheduled drugs to animals.

BY repealing and reenacting, with amendments,
Article – Agriculture

Section 2–305
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–101(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a) and (d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 116 – Delegates Hubbard, Benson, Montgomery, Nathan–Pulliam, Oaks, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Mental Hygiene – Emergency Evaluation Petitions – Licensed Clinical Marriage and Family Therapists

FOR the purpose of adding licensed clinical marriage and family therapists to the professionals authorized to diagnose a mental disorder for purposes of seeking an emergency evaluation of an individual; authorizing licensed clinical marriage and family therapists to petition for an emergency evaluation and to sign and submit the emergency evaluation to peace officers; and generally relating to licensed clinical marriage and family therapists and emergency evaluation petitions.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–601, 10–620, 10–622, 10–623, and 10–624
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 120 – Delegates Bromwell, Benson, Costa, DeBoy, Elliott, Kipke, Krebs, Kullen, McDonough, Morhaim, Reznik, Rudolph, Schuler, Shewell, Stocksdale, ~~and Weldon~~ Weldon, Beitzel, Donoghue, Hammen, Kach, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, and V. Turner

AN ACT concerning

Pharmacy Benefits Managers – ~~Transparency~~ Disclosures

FOR the purpose of ~~requiring a pharmacy benefits manager to disclose in writing certain information to a prospective purchaser and a purchaser; specifying the manner in which certain disclosures must be provided; providing that a pharmacy benefits manager need not make certain disclosures unless and until the prospective purchaser or the purchaser agrees in writing to maintain certain information as confidential; providing that certain agreements may include certain remedies and certain persons; requiring a contract executed by a pharmacy benefits manager for the provision of pharmacy benefits management services to include certain items; requiring the Commissioner to adopt certain regulations on or before a certain date;~~ requiring certain pharmacy benefits managers to provide certain information and offer to provide a certain report to a certain purchaser before entering into a contract with the purchaser under certain circumstances; requiring a pharmacy benefits manager to provide certain reports to a certain purchaser under certain circumstances; providing that this Act does not diminish the authority of the Office of the Attorney General or the Maryland Insurance Commissioner to obtain and use certain information in certain proceedings; authorizing the Commissioner to assess a certain penalty or require certain restitution under certain circumstances; making certain provisions of law applicable to health maintenance organizations; defining certain terms; and generally relating to regulation of pharmacy benefits managers.

BY adding to
Article – Insurance
Section 15–1601 through ~~15–1609~~ 15–1606 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)

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

House Bill 215 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Alcohol and Drug Abuse Treatment Programs – Outcomes Evaluation

FOR the purpose of repealing certain requirements of the Alcohol and Drug Abuse Administration of the Department of Health and Mental Hygiene to conduct certain outcome research studies; requiring the Administration to annually evaluate all publicly funded substance abuse programs using certain federal national outcomes measures in order to make certain determinations about individuals who received treatment under the program; requiring the Administration to adopt certain regulations; abolishing the Alcohol and Drug Abuse Treatment Research Advisory Council; and generally relating to alcohol and drug abuse treatment programs.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 8–402
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 257 – Delegates Kullen, Elliott, Kipke, ~~and Rudolph~~ Rudolph, Beitzel, Benson, Bromwell, Costa, Donoghue, Hammen, Kach, McDonough, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, V. Turner, and Weldon

AN ACT concerning

Pharmacy Benefits Managers – Contracts with Pharmacies and Pharmacists

FOR the purpose of requiring a pharmacy benefits manager to ~~enter into certain contracts with pharmacy providers under certain circumstances; specifying certain requirements of the contracts~~ disclose certain information to a pharmacy or a pharmacist at the time of entering into a contract with the pharmacy or pharmacist and at a certain time before a contract change; specifying provisions that apply to audits carried out by pharmacy benefits managers of pharmacies ~~or pharmacy claims~~, pharmacists, and claims of pharmacies and pharmacists; making certain provisions of law applicable to pharmacy benefits managers; requiring a pharmacy benefits manager to establish a certain appeals process; establishing a process for a pharmacy or pharmacist to file a certain complaint with the Maryland Insurance Commissioner; establishing a certain process for review of the underpayment of a claim; making certain provisions of law

applicable to health maintenance organizations; providing for the application of this Act; providing certain penalties; defining certain terms; and generally relating to regulation of pharmacy benefits managers' contracts with pharmacies and pharmacists.

BY adding to
Article – Insurance
Section 15–1601 through 15–1604 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)

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

House Bill 377 – The Speaker (By Request – Administration) and Delegates Doory, Rudolph, Hixson, Barve, Hecht, Howard, Cardin, Ali, Aumann, Bartlett, Bobo, Bohanan, Bronrott, Carr, G. Clagett, Dumais, Eckardt, Elmore, Frick, George, Haddaway, Haynes, Hucker, Ivey, James, Jones, Krebs, Lee, Love, Manno, Mathias, McHale, McKee, Mizeur, Montgomery, Morhaim, Murphy, Pena–Melnyk, Ramirez, Rice, Rosenberg, Ross, Shewell, Sophocleus, Stein, Tarrant, and F. Turner

AN ACT concerning

Solar and Geothermal Tax Incentive and Grant Program

FOR the purpose of altering the grant amounts awarded under the Solar Energy Grant Program and the Geothermal Heat Pump Grant Program in the Maryland Energy Administration; authorizing the Administration to adjust the grant amounts under the programs under certain circumstances; exempting from the sales and use tax a sale of certain geothermal equipment and solar energy equipment; exempting from the State and local property tax certain ~~geothermal property and~~ solar energy property; requiring that certain geothermal property be assessed at no more than a certain value; defining certain terms; repealing a certain State property tax exemption; providing for the application of certain provisions of this Act; and generally relating to State and local solar and geothermal energy incentives.

BY repealing and reenacting, with amendments,
Article – State Government

Section 9–2007 and 9–2008
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 11–230
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – Property
Section 7–242
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing
Article – Tax – Property
Section 7–308
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 8–240
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 501 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs

FOR the purpose of requiring the Department of the Environment ~~and the Department of Natural Resources~~ to reimburse Anne Arundel County for the cost of certain environmental health monitoring and testing under certain circumstances; requiring a reimbursement only if a certain fine is collected; limiting the amount of a reimbursement to a certain amount; providing that this Act shall apply retroactively only to certain costs incurred by Anne Arundel County; and generally relating to requiring reimbursement of Anne Arundel County for the cost of certain environmental health monitoring and testing.

BY adding to
Article – Environment
Section 1–303
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Natural Resources~~
~~Section 1–802~~
~~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 672 – Delegates Simmons, Waldstreicher, Dumais, Heller, Kramer, Lee, McComas, Ramirez, Rosenberg, and Shank

AN ACT concerning

Crimes – Committing Crime of Violence in Presence of Minor – Penalties

FOR the purpose of prohibiting a person from committing a certain crime of violence while knowingly in the presence of a minor under a certain age who witnesses the crime; establishing certain penalties for a violation of this Act; establishing that a sentence under this Act is separate from and consecutive to a sentence for a crime based on the act establishing a violation of this Act; providing that a person who violates this Act is guilty of the abuse of a child under 18 for certain purposes; ~~requiring a court to grant a certain motion for a separate trial under certain circumstances;~~ and generally relating to the commission of crimes of violence in the presence of minors.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 9–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Criminal Law
Section 3–601.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–101(a) and (c)

Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 706 – Chair, Appropriations Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Department of Juvenile Services – Youth Welfare Funds

FOR the purpose of establishing youth welfare funds in Department of Juvenile Services facilities; providing for the contents and uses of youth welfare funds; requiring the Comptroller to account for and distribute youth welfare funds under certain circumstances; prohibiting certain money from being transferred into a fund; providing that a fund is subject to an audit under certain circumstances; defining a certain term; and generally relating to youth welfare funds.

BY adding to
Article – Human Services
Section 9–246
Annotated Code of Maryland
(2007 Volume)

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

House Bill 744 – Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Construction Services – Training

FOR the purpose of allowing Maryland Correctional Enterprises to develop certain training programs to provide certain construction and construction–related services to certain correctional facilities; providing that certain training programs are not subject to certain procurement provisions; limiting the total costs of certain construction programs; and generally relating to Maryland Correctional Enterprises and construction services.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–511
Annotated Code of Maryland

(1999 Volume and 2007 Supplement)

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

House Bill 752 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulation, Fees, and Assessments

FOR the purpose of establishing the Banking Institution and Credit Union Regulation Fund as a continuing, nonlapsing special fund; specifying the contents of the Fund; requiring that the Fund be used for certain purposes; requiring the Commissioner of Financial Regulation to pay certain penalties and fines to a certain fund; requiring transitional funding for the regulation of banking institutions and credit unions; repealing, altering, and establishing certain fees; altering the annual assessment to be paid by certain banking institutions; altering the date by which the assessment must be paid; altering the time at which a certain permit expires; defining a certain term; and generally relating to the regulation of financial institutions.

BY repealing
Article – Financial Institutions
Section 2–108
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Financial Institutions
Section 2–108, 2–117, and 2–118
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 3–203(a), 5–203, 5–1005, 12–208(a), and 12–210
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 809 – ~~Delegate James~~ Delegates James, McDonough, and Riley

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance

FOR the purpose of requiring the Department of Health and Mental Hygiene to develop a plan for accountability measures to use in a pay–for–performance program; delaying a requirement that certain revenues be distributed to certain nursing facilities subject to a certain Act; requiring that the plan for accountability measures include certain items; requiring the Department to submit the plan for accountability measures to the General Assembly by a certain date; and generally relating to nursing facilities and pay–for–performance.

BY repealing and reenacting, with amendments,
Chapter 503 of the Acts of the General Assembly of 2007
Section 5

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

House Bill 864 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Loans – Purchase of New Emergency Equipment

FOR the purpose of altering the percentage of the purchase price of certain firefighting, rescue, and emergency medical services machinery or equipment that St. Mary's County is authorized to loan to certain persons under certain circumstances; and generally relating to loans made by St. Mary's County.

BY repealing and reenacting, without amendments,
The Public Local Laws of St. Mary's County
Section 46–2 A. and G.
Article 19 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 46–2 H.
Article 19 – 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 928 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – People's Zoning Counsel – Appeals
PG/MC 118–08

FOR the purpose of authorizing the People's Zoning Counsel in Prince George's County to make certain appeals on behalf of certain associations under certain circumstances; and generally relating to the People's Zoning Counsel in Prince George's County.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–122.1
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 930 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–Washington Regional District – Boundaries – City of Laurel
PG/MC 124–08

FOR the purpose of altering a certain provision of law so as to provide that the boundaries of the Maryland–Washington Regional District include all of Prince George's County except the City of Laurel as its boundaries are defined as of a certain date; and generally relating to the boundaries of the Maryland–Washington Regional District.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 7–103
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 942 – Delegate Nathan–Pulliam

AN ACT concerning

Health Disparities – Institutions of Higher Education – Report

FOR the purpose of requiring ~~colleges and universities~~ universities, colleges, and programs of medicine, nursing, pharmacy, and dentistry in the State to submit a certain report to certain committees of the General Assembly and to the Office of Minority Health and Health Disparities on or before a certain date; and generally relating to ~~universities and colleges~~ universities, colleges, and programs of medicine, nursing, pharmacy, and dentistry and a certain report.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 20–1001(a) and (d) and 20–1004(15)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 973 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Water Management Administration – Living Shoreline Protection Act of 2008

FOR the purpose of requiring certain erosion protection projects to include certain nonstructural shoreline stabilization measures, with a certain exception; requiring the Department of the Environment, in consultation with the Department of Natural Resources, to adopt certain regulations; requiring certain regulations to include a certain waiver process; and generally relating to the regulation of shore erosion control projects.

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–201
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 1011 – Prince George's County Delegation

AN ACT concerning

Prince George's County School Facilities Surcharge – Exemption
PG 414–08

FOR the purpose of authorizing an exemption from the school facilities surcharge in Prince George's County for construction of a single–family dwelling unit that is to replace on the same lot a previously existing single–family dwelling unit destroyed by certain causes under certain circumstances; and generally relating to an exemption from the school facilities surcharge in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.01
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003 and Chapter 166 of the Acts of the General Assembly of 2007)

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

House Bill 1021 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Theme Park License
PG 319–08

FOR the purpose of establishing a Class B (TP) beer, wine and liquor theme park license in Prince George's County; specifying an annual fee; providing that the license privileges be exercised only at a theme park in Mitchellville; specifying that the license entitles the holder to sell beer, wine, and liquor by the drink in certain locations for consumption on the premises only; specifying that the license is of a certain type; requiring the applicant for the license to file certain items with the Board of License Commissioners; requiring the Board to adopt certain regulations; making a certain exception to a certain prohibition against issuing alcoholic beverages licenses in Prince George's County; defining a certain term; and generally relating to alcoholic beverages licenses in Prince George's County.

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(r)(16)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 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 9–217(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 1083 – Washington County Delegation

AN ACT concerning

Washington County – Maintenance of Sidewalks

FOR the purpose of clarifying certain powers of the Washington County Board of County Commissioners with regard to the maintenance of sidewalks in Washington County; authorizing the County Commissioners to adopt certain regulations; and generally relating to the maintenance of sidewalks in Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–503
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 1219 – Delegates Kach, Elliott, Kipke, Kullen, Nathan–Pulliam, and Riley

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

FOR the purpose of repealing a prohibition that certain health insurance carriers that offer coverage for health care services in a certain manner may not require certain health care providers to serve on certain provider panels under certain circumstances; repealing a certain exception to the prohibition; repealing certain requirements for providers that elect to terminate participation on certain provider panels; prohibiting certain provider contracts from containing a provision that requires certain health care providers to participate in certain provider panels under certain circumstances; authorizing certain provider contracts to contain a requirement that certain providers participate in a

certain managed care organization under certain circumstances; requiring certain provider contracts to disclose certain information; prohibiting certain provider contracts from containing a provision requiring providers to accept certain schedules of fees under certain circumstances; prohibiting a provider contract from requiring providers to treat certain enrollees of certain carriers under certain circumstances; authorizing a provider contract, notwithstanding certain provisions of law, to include a provision that requires a provider, as a condition of participation, to accept a certain schedule of applicable fees; providing for a certain exception; requiring a provider that elects to terminate participation on a certain provider panel to provide certain notification and continue to furnish certain health care services for a certain period of time; providing for the application of this Act; providing for a delayed effective date; making certain provisions of law applicable to health maintenance organizations; defining certain terms; making stylistic changes; and generally relating to health care provider panels and provider contracts under health insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112(a)(1), (3), (5), (7), and (8)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Insurance
Section 15–112(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(m), (n), (o), and (p)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–112.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–706(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1222 – Delegates Proctor and Vallario

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

FOR the purpose of making more uniform certain exceptions to certain roles of the Attorney General or a designee of the Attorney General; authorizing an officer or unit of State government to employ or be represented by certain individuals under certain circumstances; and generally relating to State legal business.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 13–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 6–105
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–106
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1279 – Delegates V. Turner, Elliott, Hammen, Hubbard, Kullen, Morhaim, Nathan–Pulliam, and Tarrant

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

FOR the purpose of ~~authorizing a certain member of the Maryland Community Health Resources Commission to be employed by a certain community health resource;~~ establishing the terms of Maryland Community Health Resources Commission members; authorizing the Governor to remove a member under certain circumstances; establishing requirements for Commission decisions, compensation, and staff; authorizing the Commission to implement certain programs; repealing certain standing committees; requiring the Commission to

adopt regulations that implement a certain subsidy program; ~~authorizing a community health resource that employs a member of the Commission to apply for and be eligible to receive a grant under certain circumstances;~~ establishing the terms of certain Commission members; extending the termination date of certain provisions; and generally relating to modifications to the Maryland Community Health Resources Commission.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–2102
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2103, 19–2106, 19–2109(a), and 19–2201(f) ~~and (h)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health – General
Section 19–2110
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 280 of the Acts of the General Assembly of 2005, as amended by Chapter 333 of the Acts of the General Assembly of 2001
Section 14

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

House Bill 1409 – Delegates Mizeur, Hecht, Ali, Barkley, Bobo, Bronrott, Carr, G. Clagett, Feldman, Frick, Gutierrez, Hixson, Ivey, Lafferty, Lee, Levi, Manno, McComas, Morhaim, Murphy, Pena–Melnyk, Riley, and Waldstreicher

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

FOR the purpose of establishing the Coordinating Emerging Nanobiotechnology Research in Maryland Program to be administered by the Maryland Technology Development Corporation to provide grants for certain nanobiotechnology research projects; establishing the purposes of the Program; establishing certain types of grants to be awarded under the Program; declaring the intent of the

General Assembly; requiring the Corporation to adopt certain regulations; requiring the Corporation to include certain information in a certain report to the General Assembly; defining certain terms; ~~expressing certain legislative intent related to certain appropriations to the Program;~~ and generally relating to the creation of a program for nanobiotechnology research.

BY adding to
Article – Economic Development
Section 10–445 through 10–451 to be under the new part "Part IV. Coordinating Emerging Nanobiotechnology Research in Maryland Program"
Annotated Code of Maryland
(As enacted by Chapter __ ~~(H.B.__)~~ (H.B. 1050)(8lr0698) of the Acts of the General Assembly of 2008)

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

House Bill 1423 – Delegates Hecht, Barkley, Beidle, Cardin, G. Clagett, V. Clagett, Howard, Kaiser, Lafferty, Lee, Niemann, Schuler, Shank, Sossi, Stull, Waldstreicher, and Weldon

AN ACT concerning

Water Resources – Groundwater Appropriation or Use – Priority Funding Areas

FOR the purpose of authorizing the Maryland Department of the Environment to give priority to a public water system that supplies water to ~~a~~ certain priority funding ~~area~~ areas in certain counties when appropriating or using groundwater of the State under certain circumstances; authorizing the Department to adopt certain regulations; and generally relating to the appropriation or use of groundwater of the State.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–501
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 1513 – Delegate Hucker

AN ACT concerning

Maryland Affordable Housing Trust – Board of Trustees – Membership

FOR the purpose of removing the representative of a certain organization from the membership of the Maryland Affordable Housing Trust; altering the number of voting trustees who are representatives of the public that the Governor is authorized to appoint; and generally relating to the Maryland Affordable Housing Trust.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 10–104
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 1561 – Delegate Krysiak

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 Education, Health, and Environmental Affairs.

House Bill 1564 – Delegates Haddaway and Eckardt

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 Judicial Proceedings.

House Bill 1581 – Delegates Harrison, Carter, Oaks, Robinson, Stukes, and Taylor

AN ACT concerning

Private Passenger Motor Vehicle Insurance, Homeowner's Insurance, and Personal Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

FOR the purpose of providing that, with respect to private passenger motor vehicle insurance policies and homeowner's insurance policies, the transfer of a policyholder between certain insurers within a certain insurance holding company system is a renewal under certain circumstances; providing that, with respect to certain policies of personal insurance and private passenger motor vehicle liability insurance, the issuance by an insurer of a new policy to replace an expiring policy issued by that insurer is a renewal; providing that, with respect to certain policies of personal insurance and private passenger motor vehicle liability insurance, the issuance by an insurer of a new policy to replace an expiring policy issued by another admitted insurer within a certain insurance holding company system is a renewal under certain circumstances; requiring, for certain policies of personal insurance and private passenger motor vehicle liability insurance, that certain notice of the transfer of a policyholder between certain admitted insurers be provided under certain circumstances; providing for the application of this Act; and generally relating to transfers of policyholders between insurers and renewals of policies of private passenger motor vehicle insurance, homeowner's insurance, and personal insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 27–501(q) and 27–601.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–610
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1596 – Delegate Jones

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;~~ certification by the Capital Debt Affordability Committee or approval of the General Assembly in the budget; 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 Budget and Taxation.

SPECIAL ORDERS

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

Senate Bill 403 – Senator Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

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

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 404 – Senator Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

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

SB0404/198678/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 404
(First Reading File Bill)

On page 2, in lines 5 and 12, in each instance, strike "**$20,000**" and substitute "**$15,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 755 – Senator Dyson

AN ACT concerning

Election Law – Slot Machine Gaming Referendum – Campaign Finance Reports by Corporations

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

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

The motion was adopted.

Senate Bill 810 – Senator Pipkin

AN ACT concerning

Transportation – Maryland Emergency Medical System Operations Fund – Transport by Privately Owned Helicopter

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0810/423720/1

BY: Senator DeGrange

AMENDMENT TO SENATE BILL 810, AS AMENDED

In the Finance Committee Amendments (SB0810/447975/1), in line 7 of Amendment No. 2, after "**SYSTEMS**" insert "**, PROVIDED THAT:**

(I) THE REIMBURSEMENT CONSISTS ONLY OF THE DIFFERENCE, IF ANY, BETWEEN THE THEN–CURRENT MEDICARE RATE FOR AN ELIGIBLE BENEFICIARY FOR THE TRANSPORT PROVIDED AND THE AMOUNTS RECEIVED BY THE PRIVATE HELICOPTER COMPANY FROM ANY OTHER SOURCE EXCEPT THE PATIENT;

(II) THE PATIENT IS NOT BILLED BY THE PRIVATE HELICOPTER COMPANY; AND

(III) THE TOTAL AMOUNT OF ALL REIMBURSEMENTS FROM THE FUND TO PRIVATE HELICOPTER COMPANIES DOES NOT EXCEED $150,000 ANNUALLY".

The preceding amendment was read only.

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

The motion was adopted.

Senate Bill 211 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Garagiola, Jones, Kasemeyer, King, Lenett, Madaleno, McFadden, Miller, Mooney, Munson, Robey, and Stone

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0211/808175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Mooney,"; in the same line, strike "and Stone" and substitute "Stone, Forehand, Jacobs, and Simonaire"; in line 2, strike the comma and substitute "and"; in line 3, strike ", and Breaking and Entering a Motor Vehicle"; in line 4, strike "Arrest" and substitute "Charge – Postconviction DNA Testing"; in line 5, after the first "of" insert "adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; requiring a court to order a DNA data base search under certain circumstances; requiring the court to hold a hearing to review a certain sentence and order appropriate relief under certain circumstances;"; in line 6, strike "arrested for or"; in line 7, after "regulations;" insert "requiring that a certain individual from whom a DNA sample is collected be given a certain notice;"; in line 8, after "processed" insert "or at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed and a certain

notice shall be sent to a certain defendant and counsel under certain circumstances; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a certain search for a certain purpose"; in line 10, after the first "requiring" insert "a"; in the same line, strike "documentation" and substitute "notice"; in line 11, after "procedures;" insert "providing that a DNA record or sample that is required to be expunged by a certain provision of law may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly;"; in line 12, after "terms;" insert "requiring the Secretary of State Police to adopt certain regulations and procedures; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)";

in line 16, strike "and" and substitute "2–506,"; in the same line, after "2–511" insert ", and 2–512"; after line 18, insert:

"BY adding to
Article – Public Safety
Section 2–511.1, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–501, 2–504, and 2–511
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 2–511.1, 2–512, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records **AND ANY DNA SAMPLE AND DNA RECORD** relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article **AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE**.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) **(1)** Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

[(1)**] (I)** a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)**] (II)** the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DNA DATA BASE SEARCH IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DNA DATA BASE SEARCH HAS THE SCIENTIFIC POTENTIAL TO PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) IF THE RESULTS OF THE POSTCONVICTION DNA TESTING ARE FAVORABLE TO THE PETITIONER, THE COURT SHALL HOLD A HEARING, REVIEW THE EVIDENCE, AND ORDER APPROPRIATE RELIEF.".

AMENDMENT NO. 3

On page 2, in line 2, strike "**6–204, AND 6–205**" and substitute "**AND 6–204 OF THE CRIMINAL LAW ARTICLE**"; in line 10, after "**(E)**" insert:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**";

after line 11, insert:

"**(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.**";

in line 22, strike "**ARRESTED FOR OR**"; in line 25, after "**VIOLENCE;**" insert "**OR**"; strike in their entirety lines 27 and 28; and in line 30, strike "analysis" and substitute "**TESTING**".

On page 3, in line 18, after "**(3)**" insert "**(I)**"; in line 20, strike "**ARRESTED FOR OR**"; in line 21, strike "**(I)**" and substitute "**1.**"; in line 22, after "**VIOLENCE;**" insert "**OR**"; in line 23, strike "**(II)**" and substitute "**2.**"; strike beginning with "**; OR**" in line 23 down through "**ARTICLE**" in line 25; and after line 25, insert:

"**(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE DNA RECORD AND THE DNA SAMPLE MAY BE EXPUNGED IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE.**".

On page 4, after line 2, insert:

"**(2) AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;**";

in lines 3, 6, and 8, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; after line 13, insert:

"**(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE.**

(2) IF A CRIMINAL CHARGE IS DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.";

in line 14, strike "(d)" and substitute "**(E)**"; in line 17, strike "(e)" and substitute "**(F)**"; after line 19 insert:

"2–506.

(a) Each DNA record of identification characteristics that results from DNA testing **UNDER THIS SUBTITLE** shall be stored and maintained **ONLY** by the Crime Laboratory in the statewide DNA data base system**, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS**.

(b) Each DNA sample **OBTAINED UNDER THIS SUBTITLE** shall be stored securely and maintained **ONLY** by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH OF THE STATEWIDE DNA DATA BASE FOR THE PURPOSE OF IDENTIFICATION OF AN OFFENDER IN CONNECTION WITH A CRIME FOR WHICH THE OFFENDER MAY BE A BIOLOGICAL RELATIVE OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.";

in line 21, strike "An" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SUBSECTION, AN**"; in line 23, strike "**ARREST**" and substitute "**CHARGE**"; in line 25, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; in line

26, after "(b)" insert "**(1)**"; in lines 26 and 27, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; and after line 27, insert:

"**(2) IF A CRIMINAL ACTION BEGUN AGAINST AN INDIVIDUAL FOR WHICH COLLECTION OF A DNA SAMPLE IS REQUIRED DOES NOT RESULT IN THE CONVICTION OF THE INDIVIDUAL OR PROBATION BEFORE JUDGMENT, A DNA SAMPLE COLLECTED AS REQUIRED UNDER § 2–504 OF THIS SUBTITLE SHALL BE DESTROYED AND A DNA RECORD GENERATED FROM THE SAMPLE SHALL BE EXPUNGED FROM THE STATE DNA DATA BASE.**".

AMENDMENT NO. 4

On page 5, after line 9, insert:

"**2–511.1.**

A DNA RECORD OR DNA SAMPLE THAT IS ORDERED TO BE EXPUNGED OR DESTROYED UNDER THIS SUBTITLE MAY NOT BE USED FOR ANY PURPOSE, INCLUDING THE ESTABLISHMENT OF PROBABLE CAUSE IN A SUBSEQUENT CIVIL OR CRIMINAL PROCEEDING.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST DNA FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

(D) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY A DNA SAMPLE FOR WHICH, UNDER THIS SUBTITLE:

(1) NOTIFICATION HAS BEEN SENT STATING THAT THE DNA SAMPLE HAS BEEN DESTROYED; OR

(2) EXPUNGEMENT HAS BEEN ORDERED.

[(c)**] (E)** A person who violates **SUBSECTION (A), (B), OR (C) OF** this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding **[**3**] 5** years or a fine not exceeding **[**$1,000**] $5,000** or both.

(F) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000.

2–513.

(A) (1) (I) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE STATEWIDE DNA DATA BASE SYSTEM AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(II) ON OR BEFORE SEPTEMBER 1, 2009, AND ANNUALLY THEREAFTER, LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM,

SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

(I) INDIVIDUALS WHO HAVE BEEN ARRESTED FOR A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2–501 OF THIS SUBTITLE; AND

(II) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;

(4) THE NUMBER OF BIOLOGICAL SAMPLES COLLECTED FROM INDIVIDUALS;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

(I) THE NUMBER OF MATCHES;

(II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;

(III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;

(IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;

(V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;

(VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND

(VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2–514.

(A) (1) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE POLICE DEPARTMENT OR AN OFFICE OF THE SHERIFF, AS APPROPRIATE, OF EACH COUNTY AND THE POLICE DEPARTMENT OF BALTIMORE CITY SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN THEIR RESPECTIVE JURISDICTIONS.

(2) THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE, INCLUDING:

(I) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE ROUTINELY COLLECTED;

(II) THE APPROXIMATE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

(III) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE COLLECTION AND ANALYSIS;

(IV) THE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

(V) THE NUMBER OF CRIME SCENE DNA SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

(VI) THE NUMBER OF CRIME SCENE DNA SAMPLES, INCLUDING SEXUAL ASSAULT EVIDENCE, COLLECTED BY HOSPITALS IN THE COUNTY DURING THE PRECEDING YEAR.

(B) THE OFFICE OF LEGISLATIVE AUDITS SHALL COMPILE AND EVALUATE THE INFORMATION REPORTED BY THE POLICE DEPARTMENTS AND SHERIFF OFFICES UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT AN ANNUAL SUMMARY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.".

AMENDMENT NO. 5

On page 5, before line 10, insert:

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

Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records and any DNA sample and DNA record relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article and Title 2, Subtitle 5 of the Public Safety Article.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) (1) Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

(i) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

(ii) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A court shall order a DNA data base search if the court finds that a reasonable probability exists that the DNA data base search has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall hold a hearing, review the evidence, and order appropriate relief.

Article – Public Safety

2–501.

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

(b) "Burglary" includes the crimes enumerated in §§ 6–202, 6–203, and 6–204 of the Criminal Law Article.

(c) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.

(2) "CODIS" includes the national DNA index administered and operated by the Federal Bureau of Investigation.

(d) "Crime Laboratory" means the Forensic Sciences Division of the Department.

(e) (1) Except as provided in paragraph (2) of this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) "Crime of violence" does not include mayhem.

(f) "Director" means the Director of the Crime Laboratory or the Director's designee.

(g) "DNA" means deoxyribonucleic acid.

(h) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.

(2) "DNA record" includes the information commonly referred to as a DNA profile.

(i) "DNA sample" means a body fluid or tissue sample that is:

(1) provided by an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article;

(2) provided by an individual who **[**is**]** **WAS** charged **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** with:

(i) a crime of violence or an attempt to commit a crime of violence; or

(ii) burglary or an attempt to commit burglary; or

(3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.

(j) "Statewide DNA data base system" means the DNA record system administered by the Department for identification purposes.

(k) "Statewide DNA repository" means the State repository of DNA samples collected under this subtitle.

2–504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

[(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:

1. a crime of violence or an attempt to commit a crime of violence; or

2. burglary or an attempt to commit burglary.

(ii) At the time of collection of the DNA sample under this paragraph, the individual from whom the sample is collected shall be given notice that

the DNA record and the DNA sample may be expunged in accordance with § 2–511 of this subtitle.**]**

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) **[**at the facility where the arrest of the individual is processed by:

(i) the arresting agency; or

(ii) the booking facility responsible for processing the arrest;

(2) at a facility specified by the Secretary, if the individual is charged but not arrested;

(3)**]** at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;

[(4)**] (2)** at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or

[(5)**] (3)** at a suitable location in a circuit court following the imposition of sentence.

(c) A DNA sample shall be collected by an individual who is:

(1) designated by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(d) (1) A DNA sample collected from an individual charged **ON OR BETWEEN JANUARY, 1, 2009 AND DECEMBER 31, 2013** with a crime **[**under subsection (a)(3) of this section**] OF VIOLENCE, AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE, BURGLARY, OR AN ATTEMPT TO COMMIT BURGLARY** may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date.

(2) If a criminal charge is determined to be unsupported by probable cause:

(i) the DNA sample shall be immediately destroyed; and

(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.

(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.

(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

2–506.

(a) Each DNA record of identification characteristics that results from DNA testing under this subtitle shall be stored and maintained only by the Crime Laboratory in the statewide DNA data base system, except as necessary to participate in CODIS.

(b) Each DNA sample obtained under this subtitle shall be stored securely and maintained only by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(d) A person may not perform a search of the statewide DNA data base for the purpose of identification of an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.

2–511.

(a) Except as provided in subsection (b) of this subsection, an individual whose DNA record or profile is included in the statewide DNA data base system and

whose DNA sample is stored in the statewide DNA repository may request that information be expunged on the grounds that the charge or conviction that resulted in the inclusion meets the expungement criteria specified in Title 10, Subtitle 1 of the Criminal Procedure Article.

(b) (1) Expungement proceedings shall be conducted in accordance with Title 10, Subtitle 1 of the Criminal Procedure Article.

(2) If a criminal action begun **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** against an individual for which collection of a DNA sample is required does not result in the conviction of the individual or probation before judgment, a DNA sample collected **[**as required under § 2–504 of this subtitle**]** **BEFORE DECEMBER 31, 2013**, shall be destroyed and a DNA record generated from the sample shall be expunged from the State DNA data base.

(c) (1) On receiving an order of expungement for an individual whose DNA sample has been included in the Statewide DNA data base system, the DNA sample shall be expunged except that the order may not apply to other offenses committed by the individual who qualifies for inclusion in the statewide DNA data base system.

(2) A letter documenting expungement of the DNA sample and destruction of the DNA sample shall be sent by the director to the defendant and the defendant's attorney at the address specified by the court in the order of expungement.

(3) The Director shall adopt procedures to comply with this subsection.

2–511.1.

A DNA record or DNA sample that is ordered to be expunged or destroyed under this subtitle may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the

information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(c) A person may not willfully test DNA for information that does not relate to the identification of individuals as specified in this subtitle.

(d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:

(1) notification has been sent stating that the DNA sample has been destroyed; or

(2) expungement has been ordered.

(e) A person who violates subsection (a), (b), or (c) 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.

(f) A person who violates subsection (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000.

2–513.

(a) (1) (i) On or before December 31, 2009, and annually thereafter, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the status of the statewide DNA data base system as specified in subsection (b) of this section.

(ii) On or before September 1, 2009, and annually thereafter, local law enforcement agencies shall report to the Department with the information necessary for the Department to comply with the requirements of subsection (b) of this section.

(2) The annual report shall be posted on the Department website on or before December 31 of each year.

(b) The annual report shall include:

(1) total expenses incurred for the operation and management of the DNA data base and DNA testing program, specifying the actual and human resource costs of DNA collection and transport, DNA analyses, data base operation and oversight, and State laboratory personnel and maintenance;

(2) total funding provided by the State to each forensic crime laboratory in the preceding year;

(3) a statistical analysis of the racial demographics of:

(i) individuals who have been arrested for a crime of violence or burglary, or attempt to commit a crime of violence or burglary, as defined in § 2–501 of this subtitle; and

(ii) victims of crimes alleged to have been committed by those individuals, when known;

(4) the number of biological samples collected from individuals;

(5) the sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required under this subtitle; and

(6) a detailed analysis of the investigations aided by DNA profiles that includes:

(i) the number of matches;

(ii) the number of matches that resulted in investigation of the person identified;

(iii) the number of matches that resulted in formal charges;

(iv) the number of matches that resulted in convictions;

(v) the number of matches that resulted in exonerations;

(vi) the number of matches that resulted in convictions for persons not already incarcerated;

(vii) the prior offenses for which a person has been convicted where a match occurred.

2–514.

(a) (1) On or before December 31, 2009, and annually thereafter, the police department or an office of the Sheriff, as appropriate, of each county and the police department of Baltimore City shall report to the Office of Legislative Audits on the status of crime scene DNA collection and analysis in their respective jurisdictions.

(2) The Department shall report to the Office of Legislative Audits on the status of crime scene DNA collection statewide, including:

(i) the crimes for which crime scene DNA samples are routinely collected;

(ii) the approximate number of crime scene DNA samples collected during the preceding year for each category of crime;

(iii) the average time between crime scene DNA sample collection and analysis;

(iv) the number of crime scene DNA samples collected and not analyzed at the time of the study;

(v) the number of crime scene DNA samples submitted to the statewide DNA data base during the preceding year; and

(vi) the number of crime scene DNA samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

(b) The Office of Legislative Audits shall compile and evaluate the information reported by the police departments and sheriff offices under subsection (a)

of this section and submit an annual summary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 6

On page 5, strike lines 10 and 11 in their entirety and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person from whom a DNA sample is required to be collected in compliance with this Act and who refuses to voluntarily submit to collection of the sample.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2009. It shall remain effective for a period of 5 years and, at the end of December 31, 2013, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of this Act. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect January 1, 2009.".

The preceding 6 amendments were read only.

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

The motion was adopted.

LAID OVER BILLS

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

Senate Bill 413 – Senators Stone and Haines

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR KITTLEMAN.

FLOOR AMENDMENT

SB0413/953624/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "circumstances;" insert "establishing certain conditions under which service of process on a nonresident is sufficient service;".

AMENDMENT NO. 2

On page 2, in line 23, after "**PROCESS**" insert "**UNDER THIS SECTION**"; after line 24, insert:

"**(1) THE PARTY SEEKING SERVICE FILES AN AFFIDAVIT, WITH THE CLERK OF THE COURT IN WHICH THE ACTION IS PENDING, THAT STATES:**

(I) THAT A GOOD FAITH EFFORT TO SERVE THE NONRESIDENT DRIVER PURSUANT TO MARYLAND RULE 2–121 WAS UNSUCCESSFUL;

(II) THE METHOD OF SERVICE ATTEMPTED PURSUANT TO MARYLAND RULE 2–121;

(III) THE OUTCOME OF THE ATTEMPTED SERVICE; AND

(IV) THE LAST KNOWN ADDRESS OF THE NONRESIDENT DRIVER;";

in lines 25 and 29, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; and strike beginning with "**CERTIFICATION**" in line 26 down through "**DRIVER**" in line 27 and substitute "**COPY OF THE AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

On page 3, in lines 1 and 5, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; and in line 2, after "**PROCESS**" insert "**AND THE AFFIDAVIT REQUIRED UNDER ITEM (1) OF THIS SUBSECTION**".

AMENDMENT NO. 3

On page 4, in line 20, strike "case filed" and substitute "cause of action arising on or".

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

Affirmative – 17 Negative – 30 (See Roll Call No. 612)

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

The motion was adopted.

Senate Bill 974 – Senator Middleton

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

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

SB0974/597279/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 974
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "authorizing" and substitute "requiring"; in line 7, after "Plan;" insert "requiring,"; in lines 8 and 13, in each instance, strike "requiring"; in line 11, after "purchasers;" insert "requiring,"; strike beginning with "revenue" in line 13 down through "and" in line 14 and substitute "included in the reasonable costs of each hospital when establishing the hospital's rates, is"; in line 14, after "determinations" insert ", and is not less than a certain percentage of net patient revenue"; in line 17, after "revenue;" insert "providing that funds generated from the assessment may be used only for certain purposes;"; in line 22, strike "requiring that" and substitute "authorizing"; in line 23, strike "the" and substitute "a certain"; and in the same line, strike "be used only for certain purposes" and substitute "to be used for a certain purpose notwithstanding certain provisions of law; requiring the Commission to ensure that a certain assessment does not exceed certain savings".

AMENDMENT NO. 2

On page 3, in line 7, strike "**THE**" and substitute "**EACH YEAR, THE**"; and in the same line, strike "**MAY**" and substitute "**SHALL**".

On page 4, strike in their entirety lines 3 and 4 and substitute:

"**1. SHALL BE INCLUDED IN THE REASONABLE COSTS OF EACH HOSPITAL WHEN ESTABLISHING THE HOSPITAL'S RATES;**";

after line 7, insert:

"**3. MAY NOT BE LESS AS A PERCENTAGE OF NET PATIENT REVENUE THAN THE ASSESSMENT OF .8182% THAT WAS IN EXISTENCE ON JULY 1, 2007; AND**";

and after line 16, insert:

"**(5) FUNDS GENERATED FROM THE ASSESSMENT UNDER THIS SUBSECTION MAY BE USED ONLY TO:**

(I) SUPPLEMENT COVERAGE UNDER THE MEDICAL ASSISTANCE PROGRAM BEYOND THE ELIGIBILITY REQUIREMENTS IN EXISTENCE ON JANUARY 1, 2008; AND

(II) PROVIDE FUNDING FOR THE OPERATION AND ADMINISTRATION OF THE MARYLAND HEALTH INSURANCE PLAN.".

AMENDMENT NO. 3

On page 6, strike beginning with "funds" in line 8 down through "2008" in line 14 and substitute "notwithstanding § 19–214(d)(1), (2), and (5) of the Health – General Article, as enacted by Section 1 of this Act, § 15–701 of the Health – General Article, or a delay in the expansion of health care coverage beyond July 1, 2008, under Chapter 7 of the Acts of the 2007 Special Session of the General Assembly:

(1) funds generated from the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, may be used to pay for the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008; and

(2) the Health Services Cost Review Commission shall ensure that the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, does not exceed the savings realized in averted hospital uncompensated care from:

(i) the health care coverage expansion; and

(ii) the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0974/653624/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 974, AS AMENDED

On page 2 of the Finance Committee Amendments (SB0974/597279/1), in line 2 of Amendment No. 2, strike "**.8182%**" and substitute "**.8128%**".

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 #22

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

Senate Bill 580 – Senators Conway, Colburn, Lenett, and Stoltzfus

AN ACT concerning

Radiation Oncology/ Therapy Technologists, Medical Radiation Technologists, Radiologist Assistants, and Nuclear Medicine Technologists – Licensure

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 717 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

SB0717/424638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 717
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "administer" insert "certain"; and strike beginning with "granting" in line 5 down through "regulations;" in line 6.

AMENDMENT NO. 2

On page 1, in line 17, after "(a)" insert "**(1)**"; in the same line, strike the brackets; in the same line, strike "**VACCINATIONS**"; and after line 19, insert:

"**(2) A PHARMACIST MAY ADMINISTER A VACCINATION FOR PNEUMOCOCCAL PNEUMONIA OR HERPES ZOSTER TO AN INDIVIDUAL IF:**

(I) THE INDIVIDUAL IS AN ADULT;

(II) THE INDIVIDUAL HAS A PRESCRIPTION FROM A PHYSICIAN;

(III) THE PHARMACIST INFORMS THE PRESCRIBING PHYSICIAN THAT THE VACCINATION HAS BEEN ADMINISTERED;

(IV) IF THE PRESCRIBING PHYSICIAN IS NOT THE PATIENT'S PRIMARY CARE PHYSICIAN, THE PHARMACIST HAS MADE A REASONABLE EFFORT TO INFORM THE PATIENT'S PRIMARY CARE PHYSICIAN THAT THE VACCINATION HAS BEEN ADMINISTERED; AND

(V) THE VACCINATION IS ADMINISTERED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.".

AMENDMENT NO. 3

On page 2, in lines 1 and 2, in each instance, strike the brackets.

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 742 – Senator Zirkin

AN ACT concerning

Human Services – Residential Child Care Program – Bill of Rights

SB0742/314734/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 742
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "issues;" insert "requiring certain documentation regarding receipt and review of the handbook by certain persons;"; in line 11, after "resident;" insert "altering a certain definition;"; and in line 12, strike "without" and substitute "with".

AMENDMENT NO. 2

On page 2, in line 15, strike ""Residential" and substitute "**EXCEPT AS PROVIDED IN § 8–707 OF THIS SUBTITLE, "RESIDENTIAL**"; after line 17, insert:

"**(A) IN THIS SECTION, "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES SITES LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.**";

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

AMENDMENT NO. 3

On page 3, in line 15, after "**TRANSLATION**" insert "**AND INTERPRETATION SERVICES**"; and in line 23, strike the second "**AND**".

On page 4, in line 19, after "**THERAPY**" insert "**; AND**

(3) DOCUMENT IN EACH CHILD'S CASE FILE RECEIPT AND REVIEW BY THE CHILD AND THE PARENT OR GUARDIAN OF THE CHILD OF THE HANDBOOK REQUIRED TO BE PROVIDED UNDER ITEM (2) OF THIS SUBSECTION";

and in line 20, strike "**(B)**" and substitute "**(C)**".

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 782 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Statement of Need

SB0782/454938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 782
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "requiring" insert "that, before an application is submitted or a license is granted,"; in line 6, strike "and" and substitute "or"; in the same line, strike the first "to" and substitute "shall"; in line 7, after "regulations;" insert "requiring the Departments to consider certain needs of certain children and consult with certain stakeholders in developing certain regulations;"; and in line 9, after "terms;" insert "requiring a certain report on or before a certain date;".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"**(C) IN DEVELOPING THE REGULATIONS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, A LICENSING AGENCY SHALL:**

(1) CONSIDER THE SPECIALIZED MENTAL, PHYSICAL, AND BEHAVIORAL HEALTH AND DEVELOPMENTAL NEEDS OF CHILDREN IN THE COUNTY OR REGION AFFECTED BY THE STATEMENT OF NEED; AND

(2) CONSULT WITH STAKEHOLDERS IN THE COUNTY OR REGION AFFECTED BY THE STATEMENT OF NEED, INCLUDING:

(I) STATE AND LOCAL CHILD–SERVING AGENCIES;

(II) PROVIDERS OF RESIDENTIAL AND COMMUNITY–BASED SERVICES FOR CHILDREN; AND

(III) CHILDREN, PARENTS, AND FOSTER PARENTS.";

in lines 9, 13, 14, and 22, strike "**(C)**", "**(D)**", "**(C)**", and "**(E)**", respectively, and substitute "**(D)**", "**(E)**", "**(D)**", and "**(F)**", respectively; in line 10, after "**NOT**" insert "**BE**"; in line 19, strike "**OR RENOVATED**"; strike in their entirety lines 24 and 25, inclusive; and after line 25, insert:

"**(G) A LICENSING AGENCY MAY NOT DELEGATE ITS AUTHORITY TO ISSUE A STATEMENT OF NEED.**".

AMENDMENT NO. 3

On page 2, before line 26, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2008, the Department of Juvenile Services, the Department of Human Resources, and the Governor's Office for Children shall jointly report to the General Assembly, in accordance with § 2–1246 of the State Government Article:

(1) the processes adopted under this Act for developing a statement of need and for determining and documenting the needs of the children affected by a statement of need;

(2) ways in which the agencies will coordinate the appropriate development of placement resources; and

(3) actions taken and planned to develop resources in underserved areas and resources that match the nature and intensity of the documented, specialized needs of children, including strategies to overcome community resistance.";

and in line 26, 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 783 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Certification of Direct Care Workers

SB0783/874435/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 783
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Direct Care Workers" and substitute "Residential Child Care Program Professionals"; in line 5, strike "Administrators and Direct Care Workers" and substitute "Professionals"; in line 7, strike "direct care worker" and substitute "residential child and youth care practitioner"; in line 10, strike "direct care workers" and substitute "residential child and youth care practitioners"; in line 16, after "20–302," insert "20–303,"; in the same line, strike "20–306,"; in line 19, strike "Administrators and Direct Care Workers" and substitute "Professionals"; in line 24, strike "20–303,"; in the same line, after "20–304," insert "20–306,"; after line 26, insert:

"BY adding to
Article – Health Occupations
Section 20–302.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, strike beginning with "ADMINISTRATORS" in line 13 down through "**WORKERS**" in line 14 and substitute "**PROFESSIONALS**"; in line 26, strike "Administrators **AND DIRECT CARE WORKERS**" and substitute "**PROFESSIONALS**";

in line 28, strike "administer **OR OPERATE** a residential child care program" and substitute "**PRACTICE AS A PROGRAM ADMINISTRATOR OR AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; in line 29, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; and in line 30, strike the colon and substitute "**CERTIFIED BY THE BOARD TO PRACTICE AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.**".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 5, strike the colon and substitute "**CERTIFIED BY THE BOARD TO PRACTICE AS A PROGRAM ADMINISTRATOR.**"; strike in their entirety lines 6 through 8, inclusive; in line 9, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; strike beginning with "**RESPONSIBLE**" in line 9 down through "**PROGRAM**" in line 10 and substitute "**ASSIGNED TO PERFORM DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF–HELP, AND SOCIALIZATION SKILLS IN A RESIDENTIAL CHILD CARE PROGRAM UNDER THE DIRECTION OF A CERTIFIED PROGRAM ADMINISTRATOR**"; and after line 24, insert:

"**(3) "RESIDENTIAL CHILD CARE PROGRAM" DOES NOT INCLUDE A PROGRAM LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.**";

in line 26, after "program" insert "**AND FOR ASSURING THE CARE, TREATMENT, SAFETY, AND PROTECTION OF THE CHILDREN IN THE RESIDENTIAL CHILD CARE PROGRAM**"; and in line 31, strike "Administrators **AND DIRECT CARE WORKERS**" and substitute "**PROFESSIONALS**".

AMENDMENT NO. 4

On page 4, in line 17, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; and strike beginning with "**DIRECT**" in line 26 down through "**WORKER**" in line 27 and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**".

On page 5, in line 2, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**".

On page 6, in lines 3, 7 and 8, 9 and 10, 12 and 13, 16, and 19, in each instance, strike "**DIRECT CARE WORKERS**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS**"; and in line 14, strike "Subcabinet" and substitute "**CHILDREN'S CABINET**".

On page 7, strike beginning with "**DIRECT**" in line 17 down through "**WORKER**" in line 18 and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; in line 20, after "certificate" insert "**AS A PROGRAM ADMINISTRATOR**"; in line 23, after "State" insert "**AND NATIONAL**"; in line 26, strike the brackets; and in the same line, strike "**TO BE A CERTIFIED PROGRAM ADMINISTRATOR, THE**".

AMENDMENT NO. 5

On page 8, strike beginning with "**TO**" in line 3 down through "**(G)**" in line 8; after line 9, insert:

"**20–302.1.**

(A) TO QUALIFY FOR A CERTIFICATE AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

(C) THE APPLICANT SHALL HAVE COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) THE APPLICANT SHALL BE:

(1) AT LEAST 21 YEARS OLD; OR

(2) AT LEAST 18 YEARS OLD AND HAVE EARNED AT LEAST AN ASSOCIATE'S OR BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY.

(E) THE APPLICANT SHALL HAVE:

(1) A HIGH SCHOOL DIPLOMA OR EQUIVALENT AND HAVE SUCCESSFULLY COMPLETED AN APPROVED TRAINING PROGRAM;

(2) AT LEAST 2 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD AND SPONSORSHIP FROM A CERTIFIED PROGRAM ADMINISTRATOR; OR

(3) AN ASSOCIATE'S OR BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY.

(F) THE APPLICANT SHALL PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.";

and in line 17, after "State" insert "**AND NATIONAL**".

AMENDMENT NO. 6

On page 10, in line 16, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; and in line 26, strike "**OR DIRECT CARE WORKER**".

On page 11, in lines 11, 13, 15, and 18, strike "**(1)**", "**(I)**", "**(II)**", and "**(III)**", respectively; in lines 13, 15, and 18, in each instance, strike the brackets; and strike in their entirety lines 20 through 29, inclusive.

On page 12, in lines 18, 25, and 27, in each instance, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**".

On page 13, in lines 3, 4 and 5, 19, and 23, in each instance, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**".

On page 14, in lines 4, 6, 11, 13, 15, 17, 24, 27, 28, 30, and 32, in each instance, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; and in line 19, strike "**DIRECT CARE WORKER'S**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER'S**".

On page 15, in lines 4 and 5, 13 and 14, 15, 17, 22, 29, and 32, in each instance, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**".

AMENDMENT NO. 7

On page 16, in lines 3, 5, 10, and 15 and 16, in each instance, strike "**DIRECT CARE WORKER**" and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; strike beginning with "**RESIDENTIAL**" in line 7 down through "**WORKER**" in line 8 and substitute "**RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**"; strike beginning with "Program" in line 18 down through "for" in line 19; in line 19, strike "Programs" and substitute "**PROGRAM PROFESSIONALS**"; in line 29, strike "Administrators **AND DIRECT CARE WORKERS**" and substitute "**PROFESSIONALS**"; and in line 32, after "program" insert "**AND FOR ASSURING THE CARE, TREATMENT, SAFETY, AND PROTECTION OF THE CHILDREN IN THE RESIDENTIAL CHILD CARE PROGRAM**".

On page 17, strike beginning with "Administrators" in line 7 down through "**WORKERS**" in line 8 and substitute "**PROFESSIONALS**".

The preceding 7 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 826 – Senator Conway

AN ACT concerning

HIV Testing – Informed Consent and Treatment – Pregnant Women

SB0826/984830/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 826
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Conway" and substitute "Senators Conway and Harrington"; in line 2, strike "– Pregnant Women"; in line 8, after "tests;" insert "requiring certain health care providers to advise pregnant women that they have the right to make a certain refusal; requiring certain health care providers to obtain certain consent from pregnant women;"; and in line 15, strike "of pregnant women".

AMENDMENT NO. 2

On page 2, in line 14, after the first closing bracket, insert "**AFTER:**

(I) INFORMING THE INDIVIDUAL THAT AN HIV TEST WILL BE ADMINISTERED; AND

(II) ADVISING THE INDIVIDUAL OF THE RIGHT TO REFUSE THE HIV TEST WITHOUT PENALTY".

AMENDMENT NO. 3

On page 4, in line 28, after "**(2)**" insert "**ADVISE THE PREGNANT PATIENT THAT SHE HAS THE RIGHT TO REFUSE THE TEST FOR HIV INFECTION WITHOUT PENALTY;**

(3) OBTAIN INFORMED CONSENT FROM THE PREGNANT PATIENT TO TEST HER FOR HIV INFECTION;

(4)".

On page 5, in lines 1, 3, 5, and 10, strike "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively.

AMENDMENT NO. 4

On page 5, in line 11, after "**SERVICES**" insert "**, INCLUDING CASE MANAGEMENT SERVICES**".

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 882 – Senator Middleton

AN ACT concerning

Certified Associate Counselor–Alcohol and Drug – Qualifications

SB0882/664338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 882
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Certified" insert "Professional,"; in the same line, strike "Counselor" and substitute ", and Supervised Counselors"; in line 5, strike "an" and substitute "a professional,"; in the same line, after "associate" insert ", or supervised"; in line 6, after the second "of" insert "clinically"; in line 7, strike "bachelor's" and substitute "certain"; in line 8, after "certified" insert "professional,"; in the same line, after "associate" insert ", and supervised"; in line 12, strike "17–302.4" and substitute "17–302.3, 17–302.4, and 17–302.5"; and after line 14, insert:

"BY adding to
Article – Health Occupations
Section 17–302.6
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"17–302.3.

(a) Except as otherwise provided in this section, to qualify as a certified professional counselor–alcohol and drug an applicant shall meet the requirements of § 17–302 of this subtitle.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) (1) The applicant shall hold a master's or doctoral degree in a health and human services counseling field from an accredited educational institution that is approved by the Board or have completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training as required under this section.

(2) The applicant shall have completed a minimum of 25 credit hours in alcohol and drug counselor training.

(3) The applicant shall have completed not less than 3 years with a minimum of 2,000 hours of **CLINICALLY** supervised experience in alcohol and drug counseling approved by the Board, 2 years of which shall have been completed after the award of the master's or doctoral degree or its substantial equivalent**, AS DETERMINED BY THE BOARD**.

(4) In this subsection, "alcohol and drug counselor training" includes but is not limited to instruction in:

(i) Medical aspects of chemical dependency;

(ii) Group counseling;

(iii) Individual counseling;

(iv) Family counseling;

(v) Assessment and treatment planning;

(vi) Ethics for alcohol and drug counselors;

(vii) Human development;

(viii) Abnormal psychology; and

(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics.";

and in line 19, strike "**(A)**".

AMENDMENT NO. 3

On page 2, in line 2, after "of" insert "**CLINICALLY**"; after line 12, insert:

"17–302.5.

To qualify as a certified supervised counselor–alcohol and drug an applicant shall:

(1) Hold an associate's degree in a health or human services counseling field or have completed a program of studies judged by the Board to be substantially equivalent in subject matter to such a program of studies;

(2) Have completed not less than 2 years, with a minimum of 2,000 hours of **CLINICALLY** supervised experience in alcohol and drug counseling approved by the Board, 1 year of which shall have been completed after the award of the associate's degree;

(3) Have a minimum of 15 credit hours in alcohol and drug counselor training as defined in § 17–302.3(d)(4) of this subtitle; and

(4) Practice alcohol and drug counseling under the supervision of a certified professional counselor–alcohol and drug or another health care provider approved by the Board and provide alcohol and drug counseling as an employee of an agency or facility which is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health – General Article.

17–302.6.";

in line 13, strike "**(B)**"; in the same line, after "**APPLICANT**" insert "**UNDER § 17–302.3, § 17–302.4, OR § 17–302.5 OF THIS SUBTITLE**"; in line 14, strike "**2 YEARS**" and substitute "**THE REQUISITE AMOUNT**"; in the same line, after "**OF**" insert "**CLINICALLY**"; and in lines 15 and 17, in each instance strike "**BACHELOR'S**" and substitute "**REQUIRED**"; in line 16, strike "**UNDER SUBSECTION (A)(2) OF THIS SECTION**"; and in line 17, after "**YEARS**" insert "**OF CLINICALLY SUPERVISED**".

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 889 – Senator Dyson

AN ACT concerning

Nurse Practitioners – Authority to Certify

SB0889/154438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 889
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "guardian;" in line 6; strike beginning with "authorizing" in line 17 down through "admission;" in line 19; and strike in their entirety lines 28 through 30, inclusive.

On page 2, strike in their entirety, lines 1 and 2; in line 10, strike "through (e)" and substitute "and (d)"; in line 11, strike "10–616(a),"; and in line 16, after "5–602(a)" insert "and (e)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 17 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, in lines 21 and 22, in each instance, after "**OR**" insert "**PHYSICIAN'S COLLABORATING**".

On page 5, in lines 7, 10, and 11, in each instance, after "**OR**" insert "**PHYSICIAN'S COLLABORATING**"; and in line 13, strike "**OR NURSE PRACTITIONER'S**".

On page 6, in line 12, strike "**A**" and substitute "**PHYSICIAN'S COLLABORATING**".

On page 7, in lines 1 and 3, in each instance, after "**THE**" insert "**PHYSICIAN'S COLLABORATING**".

AMENDMENT NO. 4

On page 8, in lines 25 and 26, strike "**OR NURSE PRACTITIONER**"; and in lines 26 and 29, in each instance, strike "**OR NURSE PRACTITIONER**".

AMENDMENT NO. 5

On page 9, strike in their entirety lines 11 through 23, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #23

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

Senate Bill 259 – Senators Middleton and Edwards (Joint Subcommittee on Program Open Space/Agricultural Land Preservation) and Senators Astle, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Greenip, Haines, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

SB0259/534538/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 259
(First Reading File Bill)

On page 1, in line 5, after "Space;" insert "providing for the termination of this Act;".

On page 2, in line 20, after "2008." insert "It shall remain effective for a period of 2 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 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 464 – Senators Conway, Currie, Dyson, Exum, Forehand, Frosh, Gladden, Jones, Kelley, Madaleno, McFadden, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Maryland Higher Education Commission – Unreasonable Duplication of Programs – Expansion of Existing Programs

SB0464/214135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 464
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Harrington"; in line 3, strike "Expansion of Existing Programs" and substitute "Standards"; in line 4, after "of" insert "requiring the Maryland Higher Education Commission to adopt regulations that establish definitions for determining unreasonable duplication of programs; requiring certain regulations to include a consideration of certain factors; requiring a certain review conducted by the Commission to include written input from certain public institutions of postsecondary education;"; in line 4, strike "Maryland Higher Education"; strike beginning with "the" in line 7 down through "circumstances" in line 8 and substitute "certain standards; requiring the Commission to issue a written decision including certain findings, conclusions, and rationale for certain determinations"; strike beginning with "the" in line 10 down through "circumstances" in line 11 and substitute "certain standards"; strike beginning with "the" in line 12 down through "circumstances" in line 13 and substitute "certain standards"; strike beginning with "explore" in line 14 down through "circumstances" in line 15 and substitute "require certain plans to address certain standards; requiring the Commission to adopt certain regulations on or before a certain date"; and strike beginning with "expansion" in line 15 down through "to" in line 16 and substitute "standards for determining".

AMENDMENT NO. 2

On page 3, in line 16, after "establishing" insert "**DEFINITIONS AND**"; after line 17, insert:

"**(3) THE REGULATIONS ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE A CONSIDERATION OF:**

(I) THE DEGREE TO BE AWARDED;

(II) THE AREA OF SPECIALIZATION;

(III) THE PURPOSE OR OBJECTIVES OF THE PROGRAM OR COURSE OF STUDY TO BE OFFERED;

(IV) THE SPECIFIC ACADEMIC CONTENT OF THE PROGRAM OR COURSE OF STUDY;

(V) EVIDENCE OF THE QUALITY OF THE PROPOSED PROGRAM IN COMPARISON TO EXISTING PROGRAMS;

(VI) AN ANALYSIS OF THE MARKET DEMAND FOR THE PROGRAM;

(VII) WHETHER THE EXPANSION OF AN EXISTING PROGRAM WOULD SATISFY A GROWING NEED FOR THE PROGRAM;

(VIII) WHETHER COOPERATIVE PROGRAMS BETWEEN THE INSTITUTIONS MAY BE FEASIBLE IN ORDER TO ELIMINATE OR REDUCE DUPLICATION; AND

(IX) THE EXTENT TO WHICH HAVING SEPARATE PROGRAMS ADVANCES THE GOALS AND OBJECTIVES OF THE STATE PLAN FOR HIGHER EDUCATION.";

in lines 18, 22, and 25, strike "(3)", "(4)", and "(5)", respectively, and substitute "**(4)(I)**", "**(5)**", and "**(6)**", respectively; after line 21, insert:

"**(II) A REVIEW CONDUCTED UNDER THIS PARAGRAPH SHALL INCLUDE WRITTEN INPUT FROM THE AFFECTED INSTITUTIONS.**";

in line 26, strike "(4)" and substitute "**(5)**"; in line 30, strike "and"; strike in their entirety lines 31 through 33, inclusive; and after line 33, insert:

"**B. SHALL ADDRESS THE STANDARDS REQUIRED TO BE ESTABLISHED IN REGULATIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND**

C. SHALL ISSUE A WRITTEN DECISION INCLUDING DETAILED FINDINGS, CONCLUSIONS, AND A RATIONALE FOR THE DETERMINATION; AND".

AMENDMENT NO. 3

On page 4, strike beginning with "**POSSIBILITY**" in line 11 down through the second "**PROGRAM**" in line 12 and substitute "**STANDARDS REQUIRED TO BE**

ESTABLISHED IN REGULATIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION"; strike beginning with "**POSSIBILITY**" in line 16 down through "**PROGRAM**" in line 18 and substitute "**STANDARDS REQUIRED TO BE ESTABLISHED IN REGULATIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION**"; in lines 19 and 23, in each instance, strike "(6)" and substitute "**(7)**"; and in line 23, strike "(5)" and substitute "**(6)**".

AMENDMENT NO. 4

On page 6, in line 32, after "section" insert "**AND THE REGULATIONS REQUIRED TO BE ESTABLISHED UNDER § 11–206(E)(2) OF THIS SUBTITLE**".

On page 7, strike in their entirety lines 3 and 4, inclusive; and after line 4, insert:

"**(I) REQUIRE THE PLAN TO ADDRESS THE STANDARDS REQUIRED TO BE ESTABLISHED UNDER § 11–206(E)(2) OF THIS SUBTITLE; AND**".

AMENDMENT NO. 5

On page 8, after line 3, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2008, the Maryland Higher Education Commission shall adopt the regulations required under § 11–206(e)(2) of the Education Article, as amended by Section 1 of this Act.";

in line 4, strike "2." and substitute "3."; and in line 5, strike "October" and substitute "June".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 909 – Senator Middleton

AN ACT concerning

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

SB0909/524139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 909
(First Reading File Bill)

On page 2, in line 22, strike "**2–1002(C)**" and substitute "**2–1002(D)**".

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 915 – Senator Middleton

AN ACT concerning

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

SB0915/664834/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 915
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Dyson, Harris, and Colburn".

On page 3, in line 5, strike "five" and substitute "12"; in line 12, strike "and"; in line 13, after "League" insert ";

(vi) one representative of the Maryland Parks and Recreation Association;

(vii) one representative of the Maryland Farm Bureau;

(viii) one representative of a local land trust organization;

(ix) one representative of a national land trust organization;

(x) one representative of the Rural Legacy Board;

(xi) one representative of Partners for Open Space; and

(xii) one representative of the Maryland Forestry Community";

in line 24, after "adequate" insert "human resource"; in line 26, strike the second "and"; after line 26, insert:

"(3) evaluate whether the State should allow a local government to use Program Open Space funds for development projects after the local government has attained its acreage acquisition goals; and";

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

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 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

SB0920/604136/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 920
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 16 and 18, in each instance, strike "two members" and substitute "one member".

AMENDMENT NO. 2

On page 2, in line 8, strike "and"; and in line 10, after "Association" insert ";

(9) one representative from the Maryland Arborist Association, designated by the Maryland Arborist Association;

(10) one representative from the Maryland Pesticide Network with medical credentials and expertise on the impact of pesticides on public health and the environment, designated by the Maryland Pesticide Network; and

(11) one representative from municipal government, designated by the Maryland Municipal League".

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 930 – Senator Colburn

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

SB0930/334239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 930
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "shells;" insert "requiring the Department to apply for a certain permit on or before a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall apply to the United States Army Corps of Engineers for a permit to dredge fossil oyster shells on or before December 1, 2008 if the Department determines that dredging for fossil oyster shells is consistent with the findings and recommendations of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 931 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation

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 955 – Senator Harrington

AN ACT concerning

Brian Moore Student Health and Fitness Act of Maryland

SB0955/424239/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 955
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Harrington" and substitute "Senators Harrington and Forehand"; in line 2, strike "Brian" and substitute "Bryan"; strike beginning with "requiring" in line 5 down through "student;" in line 6; and strike beginning with "requiring" in line 8 down through "graduate;" in line 9.

AMENDMENT NO. 2

On page 3, in line 1, strike "**8**" and substitute "**5**"; strike beginning with "**AS**" in line 9 down through "**(3)**" in line 12; strike beginning with "**A**" in line 16 down through "**(D)**" in line 19; and in line 21, strike "**(E)**" and substitute "**(D)**".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for March 25, 2008.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #24

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

Senate Bill 130 – Senators Exum and Currie

AN ACT concerning

Prince George's County – Alcoholic Beverages – Drive–Through Purchase Facilities

SB0130/334634/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 130
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "or transferring an" and substitute "a new"; in the same line, after "license" insert "on or after a certain date"; and in line 7, after the semicolon insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 1, strike "**THE**" and substitute "**ON OR AFTER JULY 1, 2008, THE**"; in lines 1 and 2, strike "**OR TRANSFER AN**" and substitute "**A NEW**"; after line 7, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any alcoholic beverages license issued before the effective date of this Act.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 437 – Senators Jones, Forehand, Kramer, Madaleno, Pugh, Raskin, and Rosapepe

AN ACT concerning

State Designations – Walking as the State Exercise

SB0437/824738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 437
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Harrington".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 622 – Senators Brinkley, Colburn, Haines, Kittleman, and Mooney

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

SB0622/564437/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 622
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "altering the scope of stationary engineer services that are subject to certain licensing requirements;"; in the same line, strike "may" and substitute "are authorized to"; in line 4, after "oversee;" insert "providing that the Maryland Stationary Engineers Act and certain regulations may

not supersede certain authority of the Board of Boiler Rules;"; in the same line, after "terms;" insert "altering a certain definition;"; and after line 9, insert:

"BY adding to
Article – Business Occupations and Professions
Section 6.5–103
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 6.5–301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 12, inclusive; in lines 13 and 26, strike "**(F)**" and "**(I)**", respectively, and substitute "**(E)**" and "**(G)**", respectively; strike in their entirety lines 21 and 22, inclusive; in line 23, strike "**(H)**" and substitute "**(F) (1)**"; in line 25, strike "at least" and substitute "**MORE THAN**"; after line 25, insert:

"**(2) "PROVIDE STATIONARY ENGINEER SERVICES" DOES NOT INCLUDE OVERSEEING THE OPERATION OF A HEATING BOILER.**";

and after line 28, insert:

"**6.5–103.**

THE PROVISIONS OF THIS TITLE AND ANY REGULATIONS ADOPTED UNDER THIS TITLE MAY NOT SUPERSEDE THE AUTHORITY OF THE BOARD OF BOILER RULES TO IMPLEMENT BOILER AND PRESSURE VESSEL SAFETY STANDARDS ESTABLISHED UNDER TITLE 12, SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE OR ANY REGULATIONS ADOPTED UNDER THAT SUBTITLE.

6.5–301.

Except as otherwise provided in this title, an individual shall be licensed by the Board to provide stationary engineer services before the individual may provide stationary engineer services in the State.".

AMENDMENT NO. 3

On page 3, in line 2, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE WATER**"; and in line 20, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

On page 4, in line 25, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

On page 5, in line 19, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

On page 6, in line 15, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

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 792 – Senator Lenett

AN ACT concerning

Residential Real Property – Maryland Building Performance Standards – Minimum Standards for Visitability

SB0792/524936/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 792

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Visitability" insert "– Study"; strike beginning with "altering" in line 4 down through "requirements" in line 11 and substitute "requiring the Department of Housing and Community Development to study minimum standards for visitability for newly constructed single–family dwellings in accordance with certain requirements; requiring the Department to report certain findings and recommendations to certain committees on or before a certain date"; in line 11, after "term;" insert "providing for the termination of this Act;"; strike lines 13 through 22, inclusive; in line 24, strike "the Laws of Maryland read as follows"; and strike line 25 in its entirety.

On pages 2 and 3, strike beginning with line 1 on page 2 through line 27 on page 3 and substitute:

"(a) For purposes of this Act, "visitability" means basic accessibility that enables an individual who is mobility–limited, whether by permanent or temporary disability or illness or by aging, to visit the residence of another individual.

(b) (1) The Department of Housing and Community Development shall study minimum standards for visitability.

(2) The Department shall solicit the views of representatives from the following organizations when studying minimum standards for visitability:

(i) local governments and municipalities;

(ii) architects;

(iii) homebuilders;

(iv) realtors;

(v) individuals with disabilities; and

(vi) senior citizens.

(c) The Department shall study:

(1) whether it is advisable for the Department to adopt, as a modification of the Maryland Building Performance Standards, minimum standards for visitability in the design and construction of newly constructed single–family dwellings;

(2) whether modifications of the Maryland Building Performance Standards should include provisions for the Department or a local jurisdiction to exempt a homebuilder from compliance with minimum standards for visitability; and

(3) whether minimum standards for visitability for a newly constructed single–family dwelling should include specific:

(i) entrance and exit requirements;

(ii) bathroom location and construction requirements; and

(iii) doorway, hallway, and passageway requirements.

(d) On or before December 31, 2008, the Department shall:

(1) determine whether to adopt, as a modification of the Maryland Building Performance Standards, minimum standards for visitability in the design and construction of newly constructed single–family dwellings; and

(2) report its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article.";

in line 29, strike "October" and substitute "June"; and in the same line, after "2008." insert "It shall remain in effect for a period of 1 year and, at the end of May 31, 2009, 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.

FLOOR AMENDMENT

SB0792/313129/1

BY: Senator Lenett

AMENDMENT TO SENATE BILL 792, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0792/524936/1), in line 14 of Amendment No. 1, strike "the residence of another individual" and substitute "a residence".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 951 – Senators Miller and Dyson

AN ACT concerning

Public Safety – Industrialized Building – Definition

SB0951/344239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 951
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Building – Definition" and substitute "Buildings – Exemptions"; in line 3, strike "excluding" and substitute "exempting"; in the same line, after the first "a" insert "certain"; in line 4, after "certain" insert "inspection and certification"; in line 5, after the semicolon insert "authorizing a manufacturer of a certain exempted building to elect to have the Department perform a certain determination for the purpose of the Department certifying and providing a certain insignia for the building under certain circumstances;"; and in line 9, after "12–301(d)" insert "and 12–307".

AMENDMENT NO. 2

On page 2, in line 6, after "**LENGTH**" insert "**THAT IS:**

1. **USED FOR BUSINESS PURPOSES, MOBILE OFFICES, OR STORAGE; AND**

2. **NOT OPEN TO THE GENERAL PUBLIC**".

AMENDMENT NO. 3

On page 2, after line 6, insert:

"12–307.

(a) (1) The Department shall determine whether each proposed industrialized building meets the standards contained in the regulations of the Department.

(2) The determination shall include the evaluation and testing of the industrialized building and the quality control system at the factory of origin and at the building site.

(b) (1) The Department shall perform the determination required by subsection (a) of this section through its own personnel or through a designated agent.

(2) The designated agent shall be:

(i) qualified personnel of a local enforcement agency; or

(ii) a testing facility that is approved by the Department.

(3) The testing facility shall be:

(i) an architect or professional engineer whose registration is accepted by the State; or

(ii) a testing organization that is determined by the Department to be specifically qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized buildings or their component parts.

(4) In addition to evaluating and testing industrialized buildings or their component parts, the testing facility shall:

(i) list the units in compliance with the standards adopted by the Department;

(ii) provide adequate follow–up services at the point of manufacture to ensure that production units are in full compliance; and

(iii) provide for each unit an insignia in the form of a label, seal, or other evidence of compliance.

(C) A MANUFACTURER OF A BUILDING EXEMPTED FROM THE APPLICABILITY OF THIS SUBTITLE UNDER § 12–301(D)(3)(III) OF THIS SUBTITLE MAY ELECT TO HAVE THE DEPARTMENT PERFORM A DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION FOR THE PURPOSE OF THE DEPARTMENT CERTIFYING AND PROVIDING AN INSIGNIA FOR THE BUILDING UNDER THIS SUBTITLE.".

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 #28

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

Senate Bill 76 – Senators Conway, Della, Exum, Gladden, Jones, Kelley, McFadden, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Procedure – Custodial Interrogation – Electronic Recordation

SB0076/628772/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 76
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Electronic"; strike beginning with "custodial" in line 3 down through "Act" in line 13 and substitute "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"; in line 13, strike "certain terms" and substitute "a certain term"; in line 14, strike "providing that" and substitute "requiring"; in the same line, strike "shall" and substitute "to"; in line 16, strike "and" and substitute a comma; strike beginning with "compliance" in line 17 down through "date;" in line 18 and substitute "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 in line 22, strike "and 2–402" and substitute "through 2–404".

AMENDMENT NO. 2

On page 2, strike beginning with "**(A)**" in line 4 down through "**CUSTODIAL**" in line 6 and substitute "**IN THIS SUBTITLE, "CUSTODIAL**".

On pages 2 through 4, strike in their entirety the lines beginning with line 8 on page 2 through line 11 on page 4, inclusive, and substitute:

"**2–402.**

IT IS THE PUBLIC POLICY OF THE STATE THAT:

(1) A LAW ENFORCEMENT UNIT THAT REGULARLY UTILIZES ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIOVISUAL RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE; AND

(2) A LAW ENFORCEMENT UNIT THAT DOES NOT REGULARLY UTILIZE ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIO RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE.".

AMENDMENT NO. 3

On page 4, in line 12, strike "**2–402.**" and substitute "**2–403.**"; strike beginning with "**RECORDINGS**" in line 13 down through "**ARE**" in line 14 and substitute "**AN AUDIO OR AUDIOVISUAL RECORDING MADE BY A LAW ENFORCEMENT UNIT OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IS**"; after line 15, insert:

"**2–404.**

ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT TO THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE ON THE PROGRESS OF JURISDICTIONS AND THE DEPARTMENT OF STATE POLICE IN ESTABLISHING INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS.";

in line 20, strike "and"; strike beginning with "compliance" in line 22 down through "Act." in line 27 and substitute "the establishment and operation of interrogation rooms capable of creating audiovisual recordings of custodial interrogations; and

(3) monitor and report during StateStat meetings on the progress of jurisdictions and the Department of State Police in establishing interrogation rooms capable of creating audiovisual recordings of custodial interrogations.";

in line 28, strike "4." and substitute "3."; and in line 29, strike "2010" and substitute "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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 393 – Senators Forehand, Conway, Garagiola, Jones, Kelley, King, Madaleno, Pinsky, Pugh, and Raskin

AN ACT concerning

Domestic Violence – Permanent Protective Order After Conviction and Imprisonment

SB0393/158576/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 393
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 4 down through "abuse" in line 5 and substitute "requiring the court to issue a new final protective order against an individual under certain circumstances; limiting the relief that a court is authorized to grant in a final protective order issued under this Act; establishing that a final protective order issued under this Act is permanent unless terminated at the request of the victim".

AMENDMENT NO. 2

On page 2, strike beginning with "**RESPONDENT**" in line 11 down through "**(G)(3)**" in line 13 and substitute "**COURT ISSUES A PERMANENT ORDER UNDER SUBSECTION (H)**".

On page 4, in line 32, in each instance, strike the bracket; and in the same line, strike "**PARAGRAPHS (2) AND (3)**".

On page 5, strike in their entirety lines 4 through 7, inclusive, and substitute:

"(H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COURT SHALL ISSUE A NEW FINAL PROTECTIVE ORDER AGAINST AN INDIVIDUAL IF:

(I) THE INDIVIDUAL WAS PREVIOUSLY A RESPONDENT UNDER THIS SUBTITLE AGAINST WHOM A FINAL PROTECTIVE ORDER WAS ISSUED;

(II) THE INDIVIDUAL WAS CONVICTED AND SERVED A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS UNDER § 2–205, § 2–206, § 3–202, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, OR § 3–312 OF THE CRIMINAL LAW ARTICLE FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE FINAL PROTECTIVE ORDER; AND

(III) THE VICTIM OF THE ABUSE WHO WAS THE PERSON ELIGIBLE FOR RELIEF IN THE ORIGINAL FINAL PROTECTIVE ORDER REQUESTS THE ISSUANCE OF A NEW FINAL PROTECTIVE ORDER.

(2) IN A FINAL PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION, THE COURT MAY GRANT ONLY THE RELIEF THAT WAS GRANTED IN THE ORIGINAL PROTECTIVE ORDER UNDER SUBSECTION (D)(1) OR (2) OF THIS SECTION.

(3) UNLESS TERMINATED AT THE REQUEST OF THE VICTIM, A FINAL PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION SHALL BE PERMANENT.".

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 528 – Senator Raskin

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil Relief – Waiver of Sovereign Immunity

SB0528/368272/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 528
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "respondents;" insert "establishing that a certain complainant may bring a certain civil action alleging a discriminatory act if the complainant filed a certain administrative charge or complaint in a timely manner and the civil action is filed within a certain time after the occurrence of a certain act of discrimination;".

AMENDMENT NO. 2

On page 3, in line 17, strike "an" and substitute "**A TIMELY**"; in line 19, strike "and"; and in line 21, after "complaint" insert "**; AND**

(3) THE CIVIL ACTION IS FILED NO MORE THAN 2 YEARS AFTER THE OCCURRENCE OF THE ALLEGED ACT OF DISCRIMINATION".

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 551 – Senator Gladden

AN ACT concerning

Family Law – CINA, Guardianship, Adoption, and Custody Proceedings – Blindness of Parent, Guardian, or Custodian

SB0551/208370/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 551
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "CINA," in line 2 down through "Custodian" in line 3 and substitute "Child Custody Determinations – Prohibition Against Consideration of Disabilities"; strike beginning with the first "in" in line 4 down through "proceeding" in line 26 and substitute "in determining whether to grant custody and guardianship of a child in need of assistance to a relative or a nonrelative, from considering a disability of the relative or nonrelative, except under certain circumstances; prohibiting a court, in making a decision regarding child custody or visitation, from considering a disability of a party, except under certain circumstances; and generally relating to child custody, guardianship, and visitation"; and in line 29, strike "3–816.1(d), 3–819(b), and 3–819.2(a)" and substitute "3–819.2".

On page 2, strike in their entirety lines 2 through 17, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 26 on page 2 through line 22 on page 4, inclusive, and substitute:

"3–819.2.

(A) (1) IN THIS SECTION, "DISABILITY" MEANS A PHYSICAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF AN INDIVIDUAL.

(2) "DISABILITY" DOES NOT INCLUDE ILLEGAL USE OF OR ADDICTION TO:

(I) A CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE; OR

(II) A CONTROLLED SUBSTANCE AS DEFINED IN § 102 OF THE FEDERAL CONTROLLED SUBSTANCES ACT.

[(a)**](B)** Subject to subsection **[**(e)**] (F)** of this section, the court may grant custody and guardianship to a relative or a nonrelative under this subtitle.

[(b)**](C)** An order granting custody and guardianship to an individual under this section terminates the local department's legal obligations and responsibilities to the child.

[(c)**](D)** A guardian appointed under this subtitle has legal custody of the child unless the court that appoints the guardian gives legal custody to another person.

[(d)**](E)** After granting custody and guardianship to an individual under this section, the court may order any further reviews that the court determines to be in the child's best interests, consistent with § 3–823(h)(1)(iii) of this subtitle.

[(e)**](F)** (1) Before granting custody and guardianship under this section, the court shall consider:

(i) Any assurance by the local department that it will provide funds for necessary support and maintenance for the child;

(ii) All factors necessary to determine the best interests of the child; and

(iii) A report by a local department or a licensed child placement agency, completed in compliance with regulations adopted by the Department of Human Resources, on the suitability of the individual to be the guardian of the child.

(2) The report under paragraph (1)(iii) of this subsection shall include a:

(i) Home study;

(ii) Child protective services history;

(iii) Criminal history records check; and

(iv) Review of the proposed guardian's physical and mental health history.

(3) If the local department has not produced the report described in paragraph (1)(iii) of this subsection within 120 days after the date that the court issued the order to the local department to produce the report, the court shall:

(i) Hold an immediate hearing to determine the causes of the delay;

(ii) State on the record the determined causes of the delay; and

(iii) Make a determination as to whether the progress of the local department is acceptable.

(4) Following the hearing required under paragraph (3) of this subsection, the court shall:

(i) Grant the local department an extension of no more than 90 days; or

(ii) Order production of the report by a licensed child placement agency, within a reasonable time and order the local department to bear the cost.

(G) IN DETERMINING WHETHER TO GRANT CUSTODY AND GUARDIANSHIP TO A RELATIVE OR A NONRELATIVE UNDER THIS SECTION, THE COURT MAY NOT CONSIDER A DISABILITY OF THE RELATIVE OR NONRELATIVE, UNLESS THE COURT FINDS THAT THE DISABILITY CAUSES A CONDITION THAT IS DETRIMENTAL TO THE BEST INTERESTS OF THE CHILD.

[(f)**] (H)** A court may not enter an order granting custody and guardianship under this section until the report under subsection **[**(e)(1)(iii)**] (F)(1)(III)** of this section is submitted to and considered by the court.".

On pages 4 through 6, strike in their entirety the lines beginning with line 24 on page 4 through line 13 on page 6, inclusive.

On page 6, strike in their entirety lines 15 and 16 and substitute:

"**(A) (1) IN THIS SECTION, "DISABILITY" MEANS A PHYSICAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF AN INDIVIDUAL.**

(2) "DISABILITY" DOES NOT INCLUDE ILLEGAL USE OF OR ADDICTION TO:

(I) A CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE; OR

(II) A CONTROLLED SUBSTANCE AS DEFINED IN § 102 OF THE FEDERAL CONTROLLED SUBSTANCES ACT.

(B) IN MAKING A DECISION REGARDING CUSTODY OR VISITATION, THE COURT MAY NOT CONSIDER A DISABILITY OF A PARTY, UNLESS THE COURT FINDS THAT THE DISABILITY CAUSES A CONDITION THAT IS DETRIMENTAL TO THE BEST INTERESTS OF THE CHILD.".

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 579 – Senator Forehand

AN ACT concerning

Immunity from Liability – Medical Emergency – Use of Automated External Defibrillator

SB0579/458676/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 579
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Medical Emergency –"; strike beginning with "providing" in line 4 down through "Systems," in line 11 and substitute "altering"; in line 14, strike "persons" and substitute "individuals"; and strike in their entirety lines 18 through 27, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 23 on page 3, inclusive.

On page 4, in line 15, strike "**AND**"; in lines 16 and 18, in each instance, strike the bracket; and in line 17, after the semicolon insert "**AND**".

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 932 – Senator Colburn

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1010 – Senators Pugh and Forehand

AN ACT concerning

International Marriage Brokers – Regulation

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #29

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

Senate Bill 125 – Senators Brochin, Madaleno, Pinsky, and Pugh

AN ACT concerning

Courts – Service of Process – Increase in Sheriff's Fees – Distribution to Rental Allowance Program Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #11

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

Senate Bill 373 – Senators DeGrange, Brinkley, Currie, Della, Dyson, King, Klausmeier, McFadden, Miller, Munson, Peters, Robey, Stoltzfus, and Stone

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

SB0373/999535/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 373
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "year;" insert "establishing the Building Opportunities for All Students and Teachers Reserve Fund; authorizing the Governor to include an appropriation to the Fund in the annual budget bill; requiring the

Comptroller to transfer certain amounts from the Fund to the General Fund under certain circumstances;".

AMENDMENT NO. 2

On page 7, in line 31, after "**(G)**" insert: "**(1) IN THIS SUBSECTION, "RESERVE FUND" MEANS THE BUILDING OPPORTUNITIES FOR ALL STUDENTS AND TEACHERS RESERVE FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

(2) (I) THERE IS A BUILDING OPPORTUNITIES FOR ALL STUDENTS AND TEACHERS RESERVE FUND WHICH IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE MONEY IN THE RESERVE FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND.

(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, THE DEPARTMENT MAY NOT ISSUE INITIAL TAX CREDIT CERTIFICATES FOR CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(II) IF THE AGGREGATE CREDIT AMOUNTS UNDER INITIAL TAX CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR TOTAL LESS THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR, ANY EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ISSUED UNDER INITIAL TAX CREDIT CERTIFICATES FOR THE NEXT YEAR.

(III) FOR ANY FISCAL YEAR, IF FUNDS ARE TRANSFERRED FROM THE RESERVE FUND UNDER THE AUTHORITY OF ANY PROVISION OF LAW OTHER THAN UNDER PARAGRAPH (6) OF THIS SUBSECTION, THE MAXIMUM CREDIT AMOUNTS IN THE AGGREGATE FOR WHICH THE DEPARTMENT MAY ISSUE INITIAL TAX CREDIT CERTIFICATES SHALL BE REDUCED BY THE AMOUNT TRANSFERRED.

(4) FOR EACH FISCAL YEAR, THE GOVERNOR MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE RESERVE FUND.

(5) NOTWITHSTANDING THE PROVISIONS OF § 7–213 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE GOVERNOR MAY NOT REDUCE AN APPROPRIATION TO THE RESERVE FUND IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(6) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, MONEY APPROPRIATED IN THE RESERVE FUND SHALL REMAIN IN THE RESERVE FUND.

(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER AS TO EACH FINAL CREDIT CERTIFICATE ISSUED DURING THE QUARTER:

A. THE MAXIMUM CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE; AND

B. THE FINAL CERTIFIED CREDIT AMOUNT.

2. ON NOTIFICATION THAT A FINAL CREDIT HAS BEEN ISSUED, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE FROM THE RESERVE FUND TO THE GENERAL FUND.".

AMENDMENT NO. 3

On page 7, in line 31, strike "**(1)**" and substitute: "**(7)**"; in the same line, strike "**(2)**" and substitute "**(8)**"; and in line 35, strike "**(2)**" and substitute "**(8)**".

On page 8, in line 4, strike "**(3)**" and substitute "**(9)**".

The preceding 3 amendments were read only.

Senator Raskin 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 411 – Senator Edwards

AN ACT concerning

Allegany County – Investment for Video Lottery Construction – Reimbursement for Rocky Gap Construction Costs

SB0411/149538/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 411
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Investment for"; in line 3, strike "Reimbursement for" and substitute "Local Impact Grants –"; strike beginning with "requiring" in line 4 down through "license;" in line 10 and substitute "authorizing local impact grants from proceeds of certain video lottery terminals to be used in Allegany County for certain purposes and to pay down certain debt incurred by the County in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park;"; in line 12, after "gaming" insert "and local impact grants from gaming proceeds"; and in line 22, strike "9–1A–36(j)(3)" and substitute "9–1A–31(b)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 21, inclusive, and substitute:

"9–1A–31.

(b) **(1)** **[**Local**]** **EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, LOCAL** impact grants provided under subsection (a)(1)(i) of this section shall be used for improvements in the communities in immediate proximity to the video lottery facilities and may be used for the following purposes:

[(1)**]** **(I)** infrastructure improvements;

[(2)] **(II)** facilities;

[(3)] **(III)** public safety;

[(4)] **(IV)** sanitation;

[(5)] **(V)** economic and community development, including housing; and

[(6)] **(VI)** other public services and improvements.

(2) IN ALLEGANY COUNTY, LOCAL IMPACT GRANTS PROVIDED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION MAY BE USED:

(I) FOR PURPOSES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THROUGHOUT THE COUNTY; AND

(II) TO PAY DOWN THE DEBT INCURRED BY THE COUNTY IN THE CONSTRUCTION AND RELATED COSTS FOR THE GOLF COURSE, LODGE, AND OTHER IMPROVEMENTS IN ROCKY GAP STATE PARK.".

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 493 – Senator Frosh

AN ACT concerning

Lawyers – Payment of Taxes and Unemployment Insurance Contributions

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 662 – Senator Middleton

AN ACT concerning

Agricultural Land Transfer Tax – Rates and Distribution of Revenue

SB0662/659036/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Currie, Kasemeyer, McFadden, DeGrange, Jones, Madaleno, Kramer, Brinkley, Munson, Peters, Robey, King, Edwards, and Zirkin"; in line 2, strike "Rates" and substitute "Surcharge"; in line 3, strike beginning with the first "altering" through "rates;" and substitute "imposing a certain surcharge under certain circumstances in addition to the agricultural land transfer tax imposed on certain instruments of writing;"; in line 8, after "costs;" insert "declaring the intent of the General Assembly that certain counties be encouraged to establish Priority Preservation Areas for agricultural land preservation as authorized under a certain act and that new funds that may be provided to the Maryland Agricultural Land Preservation Foundation for preservation easement acquisition under a Critical Farm Program be used only in Priority Preservation Areas on or after a certain date;"; in line 12, strike "13–303(a)" and substitute "13–301(c)"; in the same line, after "13–306(a)" insert "and (b)"; after line 14, insert:

"BY adding to
Article – Tax – Property
Section 13–303(d)
Annotated Code of Maryland
(2007 Replacement Volume)";

and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On page 2, after line 1, insert:

"13–301.

(c) **(1)** "Agricultural land transfer tax" means the tax imposed under this subtitle.

(2) "AGRICULTURAL LAND TRANSFER TAX" INCLUDES THE SURCHARGE IMPOSED UNDER § 13–301(D) OF THIS SUBTITLE.";

strike in their entirety lines 3 through 9, inclusive; after line 9, insert:

"**(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO THE TAX IMPOSED UNDER THIS SECTION, A SURCHARGE IN AN AMOUNT EQUAL TO 25% OF THE TAX DETERMINED UNDER SUBSECTIONS (A) THROUGH (C) OF THIS SECTION IS IMPOSED ON AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO AGRICULTURAL LAND.**

(2) THE SURCHARGE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN INSTRUMENT OF WRITING THAT TRANSFERS PROPERTY OF 2 ACRES OR LESS TO BE IMPROVED TO A CHILD OR GRANDCHILD OF THE OWNER.";

in lines 14 and 22, in each instance, after "from" insert "**:**

1.";

and in lines 16 and 24, in each instance, after "woodland;" insert "**AND**

2. THE SURCHARGE IMPOSED UNDER § 13–303(D) OF THIS SUBTITLE;".

On page 4, in line 3, after "from" insert "**:**

(I)";

and in line 5, after "woodland;" insert "**AND**

(II) THE SURCHARGE IMPOSED UNDER § 13–303(D) OF THIS SUBTITLE;".

AMENDMENT NO. 3

On page 3, in line 5, after "**1.**" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, FOR FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER,**"; strike beginning with "**AN**" in line 11 down through "**FOR**" in line 16; after line 17, insert:

"**3. AFTER THE DISTRIBUTIONS MADE UNDER ITEMS 1 AND 2 OF THIS ITEM, $4,000,000 INTO A SPECIAL FUND TO BE USED BY THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION FOR A PROGRAM OF FACILITATING PRESERVATION EASEMENT ACQUISITION THROUGH THE USE OF INSTALLMENT PURCHASE AGREEMENTS FOR EASEMENT PURCHASES THAT HAVE BEEN APPROVED BY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;**";

in line 30, strike "**(3)(II)2**" and substitute "**(3)(II)3**"; in line 31, strike "**COLLECTED**" and substitute "**OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND**"; in line 35, strike "**§ 13–209**" and substitute "**§ 13–209(D)(2)**"; and after line 35, insert:

"**(5) FOR EACH FISCAL YEAR AFTER 2010, THE AMOUNT DISTRIBUTED INTO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION SHALL BE INCREASED BY 5% OVER THE AMOUNT DISTRIBUTED FOR THE PRECEDING FISCAL YEAR.**

(6) THE REVENUES REQUIRED TO BE DISTRIBUTED TO THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION SHALL BE DISTRIBUTED ON A QUARTERLY BASIS ON OR ABOUT THE FIRST DAY OF THE MONTH IN JULY, OCTOBER, JANUARY, AND APRIL.".

AMENDMENT NO. 4

On page 4, in line 33, strike "**GENERAL**" and substitute "**PROPERTY**".

On page 5, in line 4, strike "**GENERAL**" and substitute "**PROPERTY**".

AMENDMENT NO. 5

On page 5, after line 6, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) counties be encouraged to establish Priority Preservation Areas for agricultural land preservation as authorized under Chapter 289 of the Acts of the General Assembly of 2006 (the Agricultural Stewardship Act); and

(2) subject to § 13–306 of the Tax – Property Article and § 5–408 of the State Finance and Procurement Article, new funds that may be provided to the Maryland Agricultural Land Preservation Foundation for preservation easement acquisition under a Critical Farm Program be used only in Priority Preservation Areas on or after July 1, 2010.";

and in line 7, strike "2." and substitute "3.".

The preceding 5 amendments were read only.

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

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **SB 0090**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2009)

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer

Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators V. Jones, Munson and Robey.

The House appoints:
Delegate Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate James
Delegate Aumann

In addition, the House has appointed in advisory capacity: Delegates Proctor and Barkley.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0527**
SPONSOR: Chr B&T
SUBJECT: Spending Mandate and Revenue Dedication Relief Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

The House appoints:
Delegate Proctor, Chair

Delegate Bohanan, and
Delegate Gaines.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0540**
SPONSOR: Chr B&T
SUBJECT: Transfer of Special Fund Balances
By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

The House appoints:
Delegate Conway, Chairman
Delegate Griffith, and
Delegate G. Clagett.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

QUORUM CALL

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

(See Roll Call No. 613)

ADJOURNMENT

At 5:08 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M., on Legislative Day March 22, 2008, Calendar Day, Monday, March 24, 2008.

Annapolis, Maryland
Legislative Day: March 22, 2008
Calendar Day: Monday, March 24, 2008
8:00 P.M. Session

The Senate met at 8:07 P.M.

QUORUM CALL

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

(See Roll Call No. 616)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 31	Sen. Rosapepe	Pub Util Cmpns – Bus Serv Provided by Univ of Md, College Park – Exemp from Motor Carrier Prmt Reqmt
SB 39	Sen. Dyson	Joint Committee on Base Realignment and Closure – Additional Members

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 40 – ~~Delegate Doory~~ Delegates Doory, Braveboy, Feldman, Harrison, Hecht, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Taylor, and Vaughn

AN ACT concerning

Flexible Leave Act

FOR the purpose of authorizing employees of certain employers to use leave with pay for the illness of the employee's immediate family; providing that an employee may only use leave with pay that has been earned; providing that an employee who earns more than one type of leave with pay may elect the type and amount of leave with pay to be used; requiring an employee who uses leave with pay under this Act to comply with the terms of a collective bargaining agreement or employment policy with a certain exception; providing that the terms of a collective bargaining agreement or employment policy shall prevail under certain circumstances; prohibiting an employer from taking certain actions against an employee who exercises certain rights, files a complaint, testifies against, or assists in a certain action; providing that this Act does not affect leave granted under the federal Family and Medical Leave Act; defining certain terms; and generally relating to the Flexible Leave Act.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–801 and 3–802
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 3–802
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 139 – Delegates Stukes, Ali, Anderson, Cane, Conaway, Glenn, Harrison, Haynes, McDonough, McIntosh, Morhaim, Nathan–Pulliam, Oaks, Rice, Robinson, Rosenberg, Tarrant, and Walker

AN ACT concerning

~~Education – Multiple Suspensions~~
Task Force to Study Issues Related to Students Subject to Multiple Suspensions

FOR the purpose of ~~requiring certain principals to report certain suspensions of certain students in writing to certain county superintendents within certain periods of time; requiring certain principals to refer certain students to certain pupil services teams and give certain notice to certain students and certain parents or guardians that certain pupil services teams shall meet within a certain period of time; requiring certain notice to be provided in certain languages or certain modes of communication; requiring certain pupil services teams to meet with certain students and certain parents or guardians to develop certain plans, determine certain dates and times for certain subsequent meetings, identify certain resources to be used for certain purposes, and review certain student records within a certain period of time; requiring certain pupil services teams to refer to certain community resources lists in developing certain plans; and generally relating to student suspensions~~ establishing a Task Force to Study Issues Related to Students Subject to Multiple Suspensions; establishing the membership of the Task Force; providing for the designation of the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a certain report to the Governor and the General Assembly by a certain date; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force to Study Issues Related to Students Subject to Multiple Suspensions.

~~BY adding to~~
~~Article – Education~~
~~Section 7–305(c–1)~~
~~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 140 – Delegates Ross, Barnes, Howard, Hubbard, ~~and Kaiser~~ Kaiser, Elmore, Hixson, Doory, Bartlett, Barve, Cardin, Frick, George, Gilchrist, Ivey, Jennings, Krebs, Serafini, Murphy, Olszewski, Rice, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Credit for Cellulosic Ethanol Technology Research and Development

FOR the purpose of allowing a credit against the State income tax for certain cellulosic ethanol technology research and development expenses paid or incurred by an individual or corporation; providing for applications to the Department of

Business and Economic Development for approval of the credit and certification by the Department to taxpayers of approved credit amounts; limiting the total amount of credits that the Department may approve for any calendar year to a certain amount; requiring the Department to approve a prorated credit for each applicant if the total amount applied for exceeds the maximum that may be approved; providing that certain unused credits may be carried forward to certain taxable years; requiring a certain addition modification if a certain credit is claimed; requiring the Comptroller to adopt certain regulations; requiring the Department and the Comptroller jointly to adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to certain credits against the State income tax based on certain expenses paid or incurred for certain cellulosic ethanol technology research and development conducted in the State.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–205(a) and 10–306(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–205(j), 10–306(f), and 10–726
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 303 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Well Drillers – Permit Fee

FOR the purpose of requiring the Anne Arundel County Board of Health to set the permit ~~fee~~ fees for well drillers so as to produce funds to ~~approximate the~~ reflect the actual cost of certain services; establishing a certain limitation on the amount of the fee charged for a well drilled to replace an existing well; and generally relating to the well drillers permit fee in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1307
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 370 – ~~The Speaker (By Request – Administration) and Delegates Jameson, Kramer, Ali, Anderson, Barkley, Barnes, Bates, Bohanan, Branch, Bronrott, Busch, G. Clagett, DeBoy, Dwyer, Eckardt, Elmore, Feldman, Gaines, George, Gilchrist, Guzzone, Haddaway, Hammen, Haynes, Heller, James, Jones, Kelly, King, Kipke, Krebs, Kullen, Levi, Levy, Love, Malone, Mathias, McHale, McIntosh, Murphy, O'Donnell, Olszewski, Reznik, Rice, Rosenberg, Ross, Schuh, Shank, Simmons, Sophocleus, Stocksdale, Weldon, and Wood~~ The Speaker (By Request – Administration) and Delegate Kramer and Delegates Jameson, Ali, Anderson, Barkley, Barnes, Bates, Beitzel, Bohanan, Boteler, Branch, Bronrott, Busch, G. Clagett, V. Clagett, Conaway, DeBoy, Doory, Dwyer, Eckardt, Elmore, Feldman, Frank, Gaines, George, Gilchrist, Guzzone, Haddaway, Hammen, Haynes, Healey, Hecht, Heller, Impallaria, Ivey, James, Jennings, Jones, Kach, Kelly, King, Kipke, Krebs, Krysiak, Kullen, Lee, Levi, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, McIntosh, Miller, Minnick, Montgomery, Murphy, Myers, O'Donnell, Olszewski, Reznik, Rice, Riley, Rosenberg, Ross, Schuh, Shank, Simmons, Sophocleus, Sossi, Stein, Stocksdale, Stull, Valderrama, Vaughn, Weir, Weldon, and Wood

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence~~,~~ and Burglary~~, and Breaking and Entering a Motor Vehicle~~ – Sample Collections on ~~Arrest~~ Charge

FOR the purpose of adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; authorizing a certain person to file a petition for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of certain physical evidence; authorizing a certain petitioner to move for a new trial on a certain ground; requiring a court to order a DNA data base search under certain circumstances; requiring a court to order a new trial under certain circumstances; authorizing the court to order a new trial under certain circumstances; authorizing the court to release a petitioner on bond or certain conditions in certain circumstances; requiring the court to hold a certain hearing to determine a certain issue in certain circumstances; requiring the court to enter a certain order under certain circumstances; authorizing a certain appeal; requiring the collection of a DNA sample from a certain individual ~~arrested for or~~ charged with certain criminal offenses in accordance with certain regulations; requiring that a certain individual from whom a DNA sample is collected be given a certain notice; providing that a DNA sample collected from

a crime scene or collected as sexual assault evidence at a hospital that a law enforcement investigator deems relevant to the identification or exoneration of a suspect shall be tested as soon as reasonably possible following collection of the sample; requiring a certain DNA sample to be collected ~~by a certain person at the facility where a certain arrest is processed~~ at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed or returned and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; authorizing an individual to request or consent to have a DNA sample processed prior to arraignment for a certain purpose; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a search for a certain purpose; altering certain requirements for expungement of certain DNA samples in the statewide DNA data base system; requiring a certain ~~documentation~~ notice to be sent to certain persons; ~~requiring the Director of the Crime Laboratory to adopt certain procedures~~ requiring DNA records and samples generated as part of a criminal investigation or prosecution to be expunged automatically from every local, State, and federal data base within a certain time period under certain circumstances; providing that a DNA record or sample that ~~is required to be expunged by a certain provision of law may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding~~ qualifies for expungement and is matched at a certain time may not be utilized for a determination of probable cause and is not admissible in any proceeding for any reason; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain provision of law to provide that certain violations are felonies; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly; altering certain definitions; defining certain terms; requiring the Secretary of State Police to adopt certain regulations and procedures; requiring the Office of the Public Defender and the Governor's Office of Crime Control and Prevention to jointly submit a certain report to certain committees; providing for a delayed effective date; and generally relating to the statewide DNA data base system.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232 and 8–201
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–501, 2–504, ~~and~~ 2–506, 2–511, and 2–512
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section ~~2–511.1, 2–513, and~~ 2–513 and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 507 – Southern Maryland Delegation

AN ACT concerning

Commission to Study Southern Maryland Transportation Needs

FOR the purpose of authorizing the Commission to Study Southern Maryland Transportation Needs to reconvene for certain purposes; altering the date by which the Commission is required to report its findings and recommendations to the Governor and the General Assembly; altering the date for the termination of certain provisions of law; and generally relating to the Commission to Study Southern Maryland Transportation Needs.

BY repealing and reenacting, with amendments,
Chapter 14 of the Acts of the General Assembly of 2006
Section 1 and 2

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

House Bill 554 – Delegates Haynes, Barkley, G. Clagett, Glenn, Heller, Jones, ~~and Robinson~~ Robinson, Anderson, Bronrott, DeBoy, Donoghue, Hubbard, Hucker, Nathan–Pulliam, Proctor, Ramirez, Riley, Ross, Schuler, Tarrant, V. Turner, Valderrama, and Wood

AN ACT concerning

~~**Correctional Officers' Retirement System – Membership**~~

State Retirement and Pension System – Membership and System Study

FOR the purpose of altering certain criteria for consideration by a certain actuarial consulting firm for a certain study of the State Retirement and Pension System; altering the membership of the Correctional Officers' Retirement System; providing that certain members of the Correctional Officers' Retirement System may receive a normal service retirement or a deferred vested retirement allowance under certain circumstances; requiring the transfer of certain member contributions to the annuity savings fund of the Correctional Officers' Retirement System; providing for a refund of certain member contributions under certain circumstances; providing that certain transfers of credit between the Employees' Retirement and Pension Systems and the Correctional Officers' Retirement System are not governed by certain provisions of law; and generally relating to membership in the Correctional Officers' Retirement System and a study of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–125.1, 25–201, 25–401, and 29–302(c)
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 900 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Gutierrez, Lee, Robinson, and Valderrama

AN ACT concerning

Criminal Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms – Repeat Offenders

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with a certain offense involving a firearm if the defendant previously was convicted of a certain offense involving a firearm; providing that a judge may authorize the pretrial release of a certain defendant on suitable bail or certain other conditions or both; requiring a judge to order the continued detention of a certain defendant under certain circumstances at a certain time; creating a rebuttable presumption that a certain defendant will flee and pose a danger to another person or the community; and generally relating to restrictions on pretrial release.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–202
Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

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

House Bill 1085 – Washington County Delegation

AN ACT concerning

Washington County – Regulation of Special Events

FOR the purpose of prohibiting certain persons, corporations, partnerships, associations, and entities from holding certain events without first obtaining a certain special event permit; authorizing the Board of County Commissioners of Washington County to adopt certain regulations by ordinance or resolution concerning certain special event permit applications, processes, fees, penalties, appeal procedures, and exceptions; exempting certain events from the provisions of this Act; defining certain terms; and generally relating to special events in Washington County.

BY adding to
The Public Local Laws of Washington County
Section 10–501 through 10–504 to be under the new subtitle "Subtitle 5. Special Events"
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 1139 – Delegate Kullen

AN ACT concerning

Calvert County – Regulation and Protection of Animals ~~– Animal Control Officers~~

FOR the purpose of repealing a requirement that a dog warden and his deputies enforce certain laws relating to the regulation of animals in Calvert County; authorizing, in Calvert County, the sheriff or any deputy authorized by the sheriff or an animal control officer appointed by the County Commissioners of Calvert County or the County Commissioners' designee to enforce certain laws relating to the regulation of animals; authorizing the sheriff, a deputy authorized by the sheriff, or an animal control officer to issue a certain summons; authorizing the County Commissioners of Calvert County to create an Animal Matters Hearing Board to resolve certain disputes and controversies; providing that the County Commissioners may authorize an Animal Matters Hearing Board to issue certain subpoenas and assess and collect certain civil

penalties; repealing certain requirements relating to the appointment of a dog warden by the County Commissioners of Calvert County; authorizing a certain animal control officer in Calvert County to arrest and bring a person before the District Court if the officer sees the person committing a misdemeanor that involves cruelty to animals; and generally relating to ~~the enforcement of~~ laws regulating and protecting animals in Calvert County ~~by animal control officers~~.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–504(a) ~~and~~ , (p), and (q)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–609
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1158 – Delegates Stein, Bronrott, George, Kach, Lafferty, ~~and Olszewski~~ Olszewski, Hixson, Bartlett, Barve, Cardin, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Rice, Ross, Serafini, Stukes, F. Turner, and Walker

AN ACT concerning

Safe Schools Reporting Act

FOR the purpose of authorizing a school staff member to report an incident of harassment or intimidation against a student; ~~repealing the sunset provision for the Safe Schools Reporting Act;~~ and generally relating to the Safe Schools Reporting Act.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–424
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Chapter 547 of the Acts of 2005~~
~~Section 2~~

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

House Bill 1209 – Delegate Simmons

AN ACT concerning

Safe Schools Reporting Act of 2005 – Sunset Repeal

FOR the purpose of repealing the termination date for a provision of law that requires the State Department of Education to require a county board of education to report certain incidents of harassment or intimidation against certain students.

BY repealing and reenacting, with amendments,
Chapter 547 of the Acts of the General Assembly of 2005
Section 2

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

House Bill 1353 – Delegates Rudolph, Impallaria, and Mathias

AN ACT concerning

Omnibus Coastal Property Insurance Reform Act

FOR the purpose of ~~altering the requirements an insurer must meet before refusing to issue or renew certain insurance contracts solely because the insured property or the applicant's or insured's address is located within a certain geographic area of the State; requiring an insurer to adopt a certain underwriting standard and file the underwriting standard with the Maryland Insurance Commissioner for approval; specifying the contents of certain filings; establishing that certain underwriting standards may not take effect until a certain number of days after it is filed with the Commissioner; establishing certain exceptions; establishing certain requirements for certain underwriting standards; providing that certain information shall be open to public inspection; authorizing the Commissioner to disapprove a filing under certain circumstances; requiring the Commissioner to send certain notice of disapproval of a filing under certain circumstances; requiring the Commissioner to hold a hearing under certain circumstances; requiring the Commissioner to give certain notice of the hearing;~~ prohibiting an insurer from adopting an underwriting standard that requires a certain deductible unless the insurer has made a certain filing and obtained approval from the Commissioner; providing that if an insurer has adopted a certain underwriting standard that requires a deductible equal to a percentage of the policy limits of a policy, the deductible may only be applicable during a certain time; requiring an insurer that has adopted a certain underwriting standard to send a certain annual statement; requiring certain insurers to offer a certain

premium discount ~~under certain circumstances~~ to certain policyholders who submit certain proof of certain improvements made to a certain insured premises; requiring certain improvements to be completed by certain licensed contractors; authorizing an insurer to inspect certain improvements; requiring certain premium discounts to be in compliance with certain provisions of law; requiring certain insurers to provide a certain annual statement; requiring certain insurers that use catastrophic risk planning or other models in setting rates to file certain information with the Commissioner and ~~explain certain information~~ make certain arrangements; providing that certain information is proprietary and confidential commercial information under a certain provision of law; authorizing the Commissioner to adopt certain regulations; requiring a certain insurer to file a certain plan at a certain time; providing for the contents of the plan; prohibiting the plan from taking effect until a certain time after a certain filing; authorizing the Commissioner to extend a certain waiting period for a certain time upon a certain notice; providing that a certain filing is deemed approved unless disapproved by a certain time; authorizing the Commissioner to allow a certain insurer to implement a certain plan within a certain time; requiring the Commissioner to approve the plan under certain circumstances; requiring the Commissioner to assess a certain impact; requiring the Commissioner to state certain points of objection and certain amendments under certain circumstances; requiring a certain insurer to file a certain amended plan within a certain time; prohibiting any intended withdrawal in accordance with a certain plan until a certain plan is approved; defining certain terms; requiring the Maryland Department of ~~Planning~~ Housing and Community Development to conduct a certain review and make a certain report by a certain date; providing for the application of this Act; and generally relating to coastal property insurance.

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 19–107~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – Insurance
Section 19–208 through ~~19–210~~ 19–211
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1370 – Delegates King, Kipke, Schuh, and Walker

AN ACT concerning

State Government – Law Enforcement Officers – Application for Lost Pay and Attorneys' Fees

FOR the purpose ~~eliminating a requirement to have the Attorney General or the Attorney General's designee make a determination of the good faith of~~ of altering certain requirements to have certain determinations made concerning a certain applicant for lost pay and attorneys' fees under certain circumstances; prohibiting the Board of Public Works from approving payment under this Act until certain determinations are reported to the Board of Public Works; authorizing the Board of Public Works to approve payment of lost wages and reasonable attorneys' fees resulting from a certain suspension without pay to an applicant from a State law enforcement agency under certain circumstances; prohibiting the Board of Public Works from approving certain payments under certain circumstances; providing for the application of this Act; and generally relating to an application to the Board of Public Works by a law enforcement officer for lost back pay or reasonable attorneys' fees under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–112(c)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 12–314
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–315
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 12–315.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

FOR the purpose of extending the date by which the Maryland Stadium Authority and Baltimore City are obligated to contribute to pay a certain percentage of the operating deficits of the Baltimore Convention Center and to pay a certain amount to a certain capital improvement reserve fund for a certain period; extending the date after which Baltimore City is to be solely responsible for all operating deficits and capital improvements for the Baltimore Convention Center; 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 financing and payment of certain costs associated with the Baltimore Convention Center.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 13–712(a)(1)(iii) and 13–712.1(5)(iii)2B
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–628(c) and 10–640(f)(2)(ii)
Annotated Code of Maryland
(As enacted by Chapter ___ ~~(H.B. ___) (8lr0698)~~ (H.B. 1050) of the Acts of the General Assembly of 2008)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 134 – Delegates Kelly, Dumais, McComas, Shank, and Smigiel

AN ACT concerning

Vehicle Laws – Transporting Pets in Trucks or Trailers

FOR the purpose of prohibiting a person from transporting certain animals in or on a truck or trailer on a highway unless the truck or trailer is enclosed in a certain manner or unless the pet is confined in a certain manner; providing that a violation of this Act is not considered a moving violation for certain purposes; defining a certain term; ~~establishing certain penalties for violations~~ establishing

that certain penalties apply to a violation of this Act; and generally relating to the transportation of pets in or on trucks or trailers.

BY adding to
Article – Transportation
Section 21–1121.1
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 254 – Frederick County Delegation

AN ACT concerning

Frederick County – Annual Financial Report – Filing Date

FOR the purpose of altering the date by which Frederick County may file its annual financial report for the fiscal year with the Maryland Department of Legislative Services; and generally relating to the annual financial report of Frederick County.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 37
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 372 – The Speaker (By Request – Administration) and Delegates Ali, Aumann, Bobo, Bohanan, Branch, Braveboy, Bronrott, Cane, G. Clagett, Conway, Doory, Dumais, Eckardt, Elmore, Frick, Gaines, Gilchrist, Guzzone, Hammen, Haynes, Healey, Hecht, Heller, Holmes, Hubbard, Hucker, James, Jones, Kaiser, Kramer, Krebs, Kullen, Lee, Levy, Love, Manno, Mathias, McKee, Minnick, Montgomery, Morhaim, Nathan–Pulliam, O'Donnell, Pendergrass, Proctor, Ramirez, Riley, Rosenberg, Rudolph, Shank, Smigiel, Sophocleus, Stein, Tarrant, F. Turner, ~~and Vaughn~~ Vaughn, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, Mizeur, Oaks, Pena–Melnyk, Reznik, V. Turner, and Weldon

AN ACT concerning

Maryland Veterans Behavioral Health

FOR the purpose of establishing behavioral health service coordination among the Department of Health and Mental Hygiene, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force for certain veterans of the Afghanistan or Iraq conflicts; requiring the provision of certain behavioral health services under certain circumstances in certain areas of the State to veterans of the Afghanistan or Iraq conflicts; 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; creating the Veterans Behavioral Health Advisory Board; providing for the composition and chair of the Board; providing for the staffing of the Board; prohibiting members of the Board from receiving compensation but entitling members to reimbursement of certain expenses; establishing the duties of the Board; requiring the Board to submit certain reports to the Governor and the General Assembly on or before certain dates; 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; providing for the termination of this Act; defining certain terms; and generally relating to the behavioral health needs of veterans and their families.

BY adding to
Article – Health – General
Section 13–2701 through 13–2703 to be under the new subtitle "Subtitle 27. Behavioral Health Services for Maryland Veterans of the Afghanistan and Iraq Conflicts"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 393 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Communicable Diseases or Conditions – Reporting

FOR the purpose of ~~repealing certain requirements for certain reports made by physicians and institutions regarding infectious and contagious diseases; providing that certain reports made by physicians and institutions regarding~~

~~infectious and contagious diseases are confidential and are not medical records; providing that certain physician and institution reports are not discoverable~~ requiring certain individuals to submit a certain report to a certain health officer under certain circumstances; requiring certain reports to contain certain information, be in a certain format, and be transmitted in a certain manner; providing that certain provisions of this Act do not apply to or restrict the use of certain statistics, information, or other material; authorizing the Secretary of Health and Mental Hygiene to disseminate and disclose certain information under certain circumstances; repealing the time limitation in which the director of certain medical laboratories has to make a certain report; requiring the director of the State's public health laboratory to submit a certain report to the Secretary under certain circumstances; requiring the director of a medical laboratory to submit clinical material to the Secretary under certain circumstances; repealing the list of the diseases or conditions that are reportable by a medical laboratory director; authorizing the Secretary to discuss certain laboratory reports with certain healthcare providers and with a patient in a certain manner under certain circumstances; ~~providing that certain reports made by a medical laboratory director regarding infectious and contagious diseases are confidential and are not medical records; providing that certain reports made by a medical laboratory are not discoverable~~ requiring the Secretary to adopt certain regulations; defining a certain term; and generally relating to the reporting of communicable diseases and conditions.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–201, 18–202, and 18–205
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 581 – ~~Delegate Costa~~ Delegates Costa, Beidle, Bobo, V. Clagett, Glenn, Holmes, Hucker, King, Lafferty, Shewell, Sossi, ~~and Weir~~ Weir, Barnes, Busch, Dwyer, Frush, George, Love, McConkey, Pena–Melnyk, Schuh, and Sophocleus

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses of Fund

FOR the purpose of authorizing certain fee revenue collected for the Bay Restoration Fund to be used to award grants ~~to local governments for the costs of connecting certain existing communities to~~ or loans for certain costs related to certain community sewerage systems under certain circumstances; defining a certain term; and generally relating to the Bay Restoration Fund.

BY renumbering
Article – Environment
Section 9–1601(i) through (ii), respectively
to be Section 9–1601 (j) through (jj), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1601(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2~~(a), (f),~~ (h)~~, and (i)~~
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(l)
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 669 – Delegates F. Turner, Bartlett, Bates, Bohanan, Boteler, Cardin, Conway, DeBoy, Elliott, Elmore, George, Gilchrist, Guzzone, Howard, Ivey, Jameson, Jennings, Kach, Kipke, Krebs, Kullen, Levy, Mathias, Miller, Minnick, Murphy, Olszewski, Pendergrass, Proctor, Ramirez, Rice, Ross, Shewell, Stocksdale, Stukes, Walker, Weir, Weldon, ~~and Wood~~ Wood, Hixson, Doory, Barve, Frick, Kaiser, and Serafini

AN ACT concerning

Motor Vehicle Excise Tax – Exemption for Returning Military Members

FOR the purpose of expanding the eligibility for a certain motor vehicle excise tax credit to include a member of the military who returns to Maryland from, or on, active duty and, within a certain time period, applies for titling and registration of a vehicle previously titled and registered in another state; and generally relating to the motor vehicle excise tax.

BY repealing and reenacting, with amendments,
Article – Transportation

Section 13–809(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007 Special Session)

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

House Bill 740 – Harford County Delegation

AN ACT concerning

Harford County – Gaming

FOR the purpose of requiring the Sheriff of Harford County to charge a certain fee for a 50/50 license; increasing the maximum money prizes that may be awarded for certain games; authorizing certain organizations to conduct a game of 50/50 at a certain event if the organization acquires a license; and generally relating to gaming in Harford County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1501(a), (c), and (f), 13–1502(a), and 13–1503(b)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1503(d), 13–1504(b), 13–1505(c), and 13–1508
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 763 – Howard County Delegation

AN ACT concerning

Howard County Public Schools – Testing and Inspection of Well Water for Bacteria
Ho. Co. 10–08

FOR the purpose of requiring the Howard County Board of Education to test and inspect the well water for bacteria at each public school in the county that uses well water; requiring the County Board to post the results of each well water test and inspection on its website; and generally relating to the testing and inspection of well water for bacteria at public schools in Howard County.

BY adding to
Article – Education
Section 7–429
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 804 – Frederick County Delegation

AN ACT concerning

Frederick County – Solid Waste Collection – Franchises and Contracts

FOR the purpose of authorizing Frederick County to grant one or more exclusive or nonexclusive franchises or enter into certain contracts for the collection of solid waste under certain circumstances; authorizing the county to impose certain franchise fees; authorizing the county to establish certain rates or charges under certain circumstances; authorizing the county to adopt certain regulations and licensing requirements; authorizing the county to provide for the enforcement of certain regulations and licensing requirements; providing that before the County Commissioners may grant certain franchises or enter into certain contracts for the collection of solid waste within a municipal corporation, the governing body of the municipal corporation must consent to the grant of the franchise or the entering into of the contract; stating a certain policy of the State; and generally relating to the solid waste collection franchises or contracts in Frederick County.

BY adding to
The Public Local Laws of Frederick County
Section 2–13–35
Article 11 – Public Local Laws of Maryland
(2004 Edition and November 2007 Supplement, as amended)

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

House Bill 807 – Delegates James, Haynes, ~~and Hubbard~~ Hubbard, Donoghue, Kach, McDonough, Montgomery, and Riley

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities

FOR the purpose of establishing a Task Force to Study Financial Matters Relating to Long–Term Care Facilities; providing for the membership and duties of the Task Force; providing for the designation of cochairs of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving certain compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before ~~a certain date~~ certain dates; providing for the termination of this Act; and generally relating to the Task Force to study financial matters relating to long–term care facilities.

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

House Bill 811 – Delegates Nathan–Pulliam, Benson, Donoghue, Harrison, Jones, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, ~~and Weldon~~ Weldon, and Stein

AN ACT concerning

~~State Board of Dental Examiners – Nomination of Members – Investigation and Disciplinary Procedures – Data Collection~~
State Board of Dental Examiners Nomination and Disciplinary Processes – Task Force on the Discipline of Health Care Professionals and Improved Patient Care

FOR the purpose of requiring ~~certain academies, associations, organizations, or societies committed to the practice of dentistry and dental hygiene to~~ the State Board of Dental Examiners to conduct a certain solicitation and balloting process and submit to the Governor certain lists of names of individuals for nomination for membership on the ~~State Board of Dental Examiners~~ Board; requiring ~~that individuals on certain lists reflect~~ the Board to develop guidelines for certain solicitations and ballots that to the extent possible will result in a certain Board composition reflecting certain diversity of the State; requiring that certain members appointed to the Board reflect certain diversity of the State; ~~requiring the Governor to appoint a president of the Board from among certain Board members; requiring the executive director of the Board to report to the Secretary of Health and Mental Hygiene; altering the parties who may initiate or file certain complaints; prohibiting certain complaints from being filed more than a certain time after a certain date; requiring that certain investigations be based on certain facts; prohibiting the Board from investigating certain complaints; prohibiting certain assistant attorneys general from assisting in or conducting certain investigations; prohibiting certain assistant attorneys general from being involved in certain disciplinary proceedings until certain votes to charge have taken place; prohibiting the Board from conducting certain records under certain circumstances; prohibiting the Board from continuing certain investigations under certain circumstances; requiring the Board to conclude certain actions on complaints within a certain~~

~~time after a complaint is filed unless the Board can demonstrate certain delays;~~ requiring the Board to adopt certain regulations in consultation with the Office of the Attorney General concerning certain disciplinary procedures before a certain date; requiring the Board to begin collecting certain information on race and ethnicity, develop a certain methodology and database for tracking and analyzing certain complaints, institute a certain status report monitoring tool for certain disciplinary cases, implement a certain case–audit study, and develop a certain nominating process by a certain date; ~~requiring the Office of the Attorney General to provide a rotation process for certain assistant attorneys general;~~ requiring the Board to submit a certain report by a certain date; establishing a Task Force on the Discipline of Health Care Professionals and Improved Patient Care; 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 study certain issues, issue certain recommendations, and report to the Governor and certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Dental Examiners and the Task Force on the Discipline of Health Care Professionals and Improved Patient Care.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–202(a)~~, 4–203, 4–204(c), and 4–316~~ and (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 826 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Regulation of Local Campaign Finance Activity
MC 803–08

FOR the purpose of authorizing the governing body of Montgomery County to enact laws to regulate public campaign finance activity for certain Montgomery County elective officers and certain candidates for election to those offices; specifying certain provisions and limitations applicable to any laws enacted to regulate public campaign finance activity; and generally relating to the regulation of public campaign finance activity of Montgomery County elective officers and candidates for election to those offices.

BY adding to
Article – Election Law

Section 13–502.1
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 832 – Montgomery County Delegation

AN ACT concerning

Montgomery County Democratic Party Central Committee – Membership
MC 802–08

FOR the purpose of altering the number of members of the Democratic Party Central Committee in Montgomery County; requiring that a certain number of Democratic Party Central Committee members be elected from each legislative district in Montgomery County; requiring that a certain number of Democratic Party Central Committee members be elected at large; providing for a delayed effective date; and generally relating to the composition of the Democratic Party Central Committee in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 4–203(f)
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 844 – Delegates Myers, Beitzel, G. Clagett, Donoghue, Frank, Hecht, Kelly, McKee, Norman, Riley, Shank, Stocksdale, Stull, and Weldon

AN ACT concerning

Vehicle Laws – Registration Plates – Motorcycles

FOR the purpose of specifying the dimensions of a motor vehicle registration plate issued for a motorcycle; and generally relating to vehicle registration plates.

BY adding to
Article – Transportation
Section 13–410(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 923 – Delegates Elmore, Barkley, Bartlett, Bates, Beitzel, Bohanan, Boteler, Cane, G. Clagett, Conway, Costa, Dumais, Eckardt, Frank, Frick, Gaines, George, Gilchrist, Haddaway, Hixson, Howard, Ivey, Jennings, Kipke, Kramer, Krebs, Levy, Mathias, McComas, McConkey, Murphy, Myers, Nathan–Pulliam, Norman, Rice, Schuh, Smigiel, Sophocleus, Sossi, Stifler, Stukes, Stull, Walker, and Walkup

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Temporary Licenses and Temporary Practice Letters – ~~Renewal~~ Extensions

FOR the purpose of providing that temporary licenses and temporary practice letters issued by the State Board of Nursing may be ~~renewed~~ extended for ~~a certain period~~ certain periods of time under certain circumstances; making this Act an emergency measure; and generally relating to the ~~renewal~~ extension of temporary licenses and temporary practice letters.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–315 (d)
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 929 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County Energy Tax – WSSC
PG/MC 115–08

FOR the purpose of providing that the sale or use of energy or fuel used by the Washington Suburban Sanitary Commission in Prince George's County is not exempt from a certain tax, except under certain circumstances; and generally relating to a certain tax on energy or fuel used in Prince George's County.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–603(a) and (d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–603(b)
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 931 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Planning Board – Enforcement Powers
PG/MC 112–08

FOR the purpose of authorizing the Montgomery County Planning Board to appoint a hearing ~~examiner~~ officer with certain powers under certain circumstances; authorizing the Circuit Court for Montgomery County to compel compliance with a subpoena issued by a hearing ~~examiner~~ officer appointed by the Montgomery County Planning Board under certain circumstances; and generally relating to the enforcement powers of the Montgomery County Planning Board in the Maryland–National Capital Park and Planning Commission.

BY adding to
Article 28 – Maryland–National Capital Park and Planning Commission
Section 7–116.1
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 963 – Carroll County Delegation

AN ACT concerning

Carroll County – Board of Education – Compensation

FOR the purpose of altering the compensation of the Chairman and the other members of the Board of Education of Carroll County; providing that this Act

does not apply to the salary or compensation of the incumbent Chairman and other members of the Board of Education of Carroll County; and generally relating to the Board of Education of Carroll County.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–403
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 985 – Delegates V. Clagett, Barve, Beidle, Cardin, Love, McConkey, ~~and Morhaim~~ Morhaim, Hixson, Doory, Bartlett, Elmore, Frick, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Serafini, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Sales and Use Tax – Energy Star Product Exemptions – Boilers

FOR the purpose of altering a certain definition under the sales and use tax to include boilers for purposes of a certain tax–free period during which an exemption from the sales and use tax is provided for the sale of certain appliances that meet or exceed certain applicable energy efficiency guidelines; and generally relating to exemptions from the sales and use tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–226
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)

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

House Bill 991 – Delegates Pena–Melnyk, Kullen, Montgomery, Nathan–Pulliam, Oaks, and V. Turner

AN ACT concerning

HIV Testing – Informed Consent and Treatment ~~– Pregnant Women~~

FOR the purpose of altering requirements for health care providers to obtain informed consent for HIV testing; establishing procedures for referral for treatment and

supportive services for individuals who test positive; requiring local health officers to make certain information available to certain health care providers; requiring certain health care providers to notify pregnant women that they will be tested for HIV infection as part of certain routine tests; requiring certain health care providers to advise pregnant women that they have the right to make a certain refusal; requiring certain health care providers to obtain certain consent from pregnant women; requiring certain health care providers to test certain patients; making a certain exception; requiring certain health care providers to make certain offers of HIV testing and provide referrals for certain treatment and services under certain circumstances; requiring certain health care providers to offer certain HIV tests and antiretroviral prophylaxis during labor and delivery under certain circumstances; and generally relating to requirements for informed consent for HIV testing, referrals for treatment, and HIV testing ~~of pregnant women~~.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–336 and 18–338.2
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 1002 – Delegates Conway and Mathias

AN ACT concerning

Election Law – Worcester County Democratic Party Central Committee

FOR the purpose of repealing certain provisions relating to staggering of terms of the members of the Worcester County Democratic Party Central Committee; and generally relating to the terms of the members of the Worcester County Democratic Party Central Committee.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 4–202(a) and (f) and 4–203(h)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing
Chapter 570 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 1018 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs
PG 421–08

FOR the purpose of ~~requiring~~ authorizing the governing body of Prince George's County to grant a property tax credit against the county property tax imposed on certain agricultural property; providing for the repayment of certain tax credits under certain circumstances; authorizing the governing body of Prince George's County to provide procedures and other provisions necessary to enforce the repayment of certain tax credits; providing for the application of this Act; and generally relating to property tax credits for certain agricultural land in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~9–318(a)~~ 9–318(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 9–318(e)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1041 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education
PG 401–08

FOR the purpose of repealing certain provisions of law relating to the composition of certain school board districts in Prince George's County; requiring the elected members of the Prince George's County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates for the County Board to live in certain school board districts and be registered voters; providing for the terms of the elected members of the County Board; requiring a certain vacancy on the County Board to be filled by a special election if the vacancy occurs within a

certain time period; requiring that a certain vacancy on the County Board remain unfilled under certain circumstances; requiring the Prince George's County Council to adopt a certain resolution concerning a special election for the County Board; requiring a special election for the County Board to be conducted at a certain time and in a certain manner under certain provisions of law; requiring that a special election for the County Board be funded by Prince George's County; clarifying that a school board member removed from office is entitled to judicial review of the removal based on a certain record and certain other evidence; repealing certain provisions of law relating to public meetings and executive sessions of the County Board; requiring a certain vote of the County Board to pass a motion of the County Board when there are two or more vacancies on the County Board; repealing a certain provision of law relating to the composition of a committee of the County Board; repealing certain provisions of law relating to the Chief Financial Officer of the county public school system; making stylistic changes; providing for the effective dates of this Act; and generally relating to the Prince George's County Board of Education.

BY repealing
Article – Education
Section 3–1001 and 3–1008
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 3–1001
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1002 through 3–1004 and 3–1006
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 1056 – Delegates George, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Hucker, Lafferty, Niemann, Norman, Shewell, Sossi, Stein, Stull, and Walkup

AN ACT concerning

Environment – Water Management Administration – Wetlands and Waterways Program Fees

FOR the purpose of establishing certain application fees for certain applications related to activities in wetlands and waterways; making certain permits subject to a certain application fee refund process; exempting certain persons and activities from the application fees; establishing the Wetlands and Waterways Program Fund; clarifying certain provisions of the Tidal Wetlands Compensation Fund; defining certain terms; requiring the Department of the Environment to conduct certain reviews and submit certain reports and a certain plan to certain legislative committees by certain dates; altering certain definitions; and generally relating to the Wetlands and Waterways Program.

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–607, 16–101(i), and 16–205
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 5–203.1
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 1090 – Delegates Morhaim and Harrison

AN ACT concerning

State Board of Morticians – Family Security Trust Fund and Pre–Need Contracts

FOR the purpose of establishing the Family Security Trust Fund; requiring the State Board of Morticians to administer the Fund and to build the Fund to a certain monetary level; requiring the Board to order a certain payment of a certain claim related to pre–need funds from the Fund in a certain manner; requiring the Board to deposit all money collected to the credit of the Fund with the State Treasurer; authorizing the State Treasurer to invest or reinvest Fund monies in a certain manner; requiring that accounting and financial reports be publicly available in a timely manner; requiring the Legislative Auditor to audit the accounts and transactions of the Fund in a certain manner; authorizing the Board to retain certain services for a certain purpose; requiring that costs of certain services be paid out of the Fund; requiring the Board to adopt certain regulations; specifying that the Fund is not subject to certain provisions of State law; specifying that the Fund is not liable to any other expenses or obligations of the Board; establishing the Family Security Trust Fund Advisory Committee; specifying the membership, leadership, and terms of the Advisory Committee;

requiring the Advisory Committee to meet in a certain manner; specifying the purpose of the Advisory Committee; requiring the Board to work with the Advisory Committee in a certain manner and provide the Advisory Committee with certain information in a certain manner; prohibiting Advisory Committee members from receiving certain compensation but authorizing reimbursement for certain expenses; requiring a funeral establishment applicant to pay a certain fee to be credited to the Fund before the Board may issue an initial funeral establishment license; requiring each funeral establishment licensee to pay a certain annual fee to the Fund until the Fund has accumulated a certain balance; requiring each funeral establishment to pay a certain fee to the Fund under certain circumstances; prohibiting the Board from issuing a renewal funeral establishment license to a funeral establishment that has not made certain payment to the Board; requiring a funeral establishment to include certain written notice regarding the Fund in each sales contract provided by the funeral establishment; requiring that claims against the Fund be based on certain acts or omissions and be made in a certain manner; requiring the Board to process claims against the Fund in a certain manner; requiring the Board to provide the claimant and person against whom the complaint is made certain opportunities to participate in a certain hearing process; requiring that certain reimbursement be made to the Fund in a certain manner; establishing a certain lien in the favor of the State under certain circumstances; requiring the Board to take certain disciplinary action against a licensee under certain circumstances; repealing a certain requirement that a certain seller of pre–need goods and services annually file a certain report with the Board; providing that ~~the~~ certain provisions of this Act do not limit the authority of the Board to take certain action under certain circumstances; prohibiting certain banking institutions and savings and loan associations from releasing any money from a certain pre–need account unless certain proof is provided; prohibiting a certain seller from withdrawing money from a certain pre–need account unless certain proof is provided; providing that it is an unfair or deceptive trade practice under the Maryland Consumer Protection Act to violate certain provisions of this Act; requiring the Board to provide certain notice to each banking institution and savings and loan association in the State on or before a certain date; defining certain terms; providing for a delayed effective date for certain provisions of this Act; making certain technical changes; and generally relating to the Family Security Trust Fund ~~and~~, the Family Security Trust Fund Advisory Committee, and pre–need contracts.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–310(b)(1) ~~and 7–314(c)~~, 7–314(c), and 7–405(e)(1) and (2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–405(a), 7–405(e)(3), and 7–508

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health Occupations
Section 7–405(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 7–4A–01 through 7–4A–13 to be under the new subtitle "Subtitle 4A. Family Security Trust Fund"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxiii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxiv)
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 1100 – Delegates Tarrant, Barkley, Barnes, Branch, Donoghue, Hubbard, McHale, Nathan–Pulliam, Ramirez, Ross, Stukes, Taylor, V. Turner, ~~and Vaughn~~ Vaughn, Benson, Montgomery, Morhaim, Oaks, and Pena–Melnyk

AN ACT concerning

Insurance Producers – Life and Health Insurance Examinations – Annual ~~Reports~~ Report

FOR the purpose of requiring the Maryland Insurance Commissioner or a designee of the Commissioner on or before a certain date each year to prepare and publish a certain report that relates to life and health insurance producer examinations administered during a certain period of time; requiring the report to include certain information about certain examinees in a certain manner; ~~requiring the Commissioner or a designee of the Commissioner on or before a certain date each year to prepare and make available on request a certain report that relates to a certain test form used for certain examinations administered during a certain period of time; requiring the report to show certain information about certain test forms for certain examinees in a certain manner;~~ requiring the Commissioner or a designee of the Commissioner to submit the report to certain legislative committees; providing for the termination of this Act; and generally relating to reports on examinations for insurance producers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–109
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1140 – ~~Delegate Kullen~~ Delegates Kullen, Eckardt, Hammen, Pendergrass, Benson, Donoghue, Elliott, Hubbard, Kach, Kipke, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

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)~~ and (d), 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 (e), 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 Education, Health, and Environmental Affairs.

House Bill 1149 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Bingo

FOR the purpose of altering certain fees and prize amounts for bingo conducted in Worcester County; repealing a prohibition against conducting bingo outside the election district in which the main office, headquarters, or usual meeting place of the applicant for a bingo license is located; authorizing a certain bingo prize to be awarded without a prize limit; repealing prohibitions against conducting bingo on Sunday and using certain forms of advertising; and generally relating to bingo conducted in Worcester County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–2605
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2610 and 13–2611
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing
Article – Criminal Law
Section 13–2612
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1210 – Delegates Krebs, Aumann, Bates, Beidle, Beitzel, Bobo, Eckardt, Elliott, Elmore, Feldman, Frank, George, Howard, Hubbard, King, Kipke, Kramer, Manno, McComas, McConkey, Minnick, Montgomery, Myers, Norman, Shewell, Sossi, Stocksdale, Stull, and Walkup

AN ACT concerning

~~Consumer Protection~~ Higher Education – Credit Cards – Student Applicants

FOR the purpose of ~~prohibiting credit card issuers from offering gifts in exchange for the completion of a credit card application as a part of a certain marketing program conducted on a campus of or at an athletic event of an institution of higher education in the State; prohibiting credit card issuers from purchasing or otherwise obtaining from an institution of higher education certain information about the students at the institution of higher education;~~ requiring institutions of higher education to develop certain policies regarding credit card marketing activities and merchandising conducted on the campus of an institution of higher education by credit card issuers; providing for certain exemptions from certain requirements; requiring certain policies to include certain requirements and consideration of certain issues; defining certain terms; and generally relating to the solicitation of student credit card applicants at institutions of higher education.

BY adding to
Article – ~~Commercial Law~~ Education
Section ~~13–319~~ 15–111
Annotated Code of Maryland
(~~2005~~ 2006 Replacement Volume and 2007 Supplement)

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

House Bill 1211 – Delegates Oaks ~~and McIntosh~~, McIntosh, and Carr

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of altering a provision allowing a property tax collector to withhold property from a tax sale when total taxes due on the property amount to less than a certain amount; requiring a collector to send a certain notice to a certain person within a certain time after a property is sold at a tax sale; altering the manner by which a person redeeming a property shall pay the collector certain expenses and fees under certain circumstances; providing that certain sums expended to conserve or stabilize a property become part of the redemption amount; altering how certain tax sale laws should be construed; prohibiting a holder of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; requiring the holder of a certificate of sale to send a second notice within a certain time after sending the first notice; prohibiting certain assignees of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; providing that certain notice provisions shall be deemed satisfied if the holder of a certificate of sale, or the attorney of the holder of a

certificate of sale, files a certain affidavit; making stylistic changes; providing that the holder of a certificate of sale may be reimbursed for certain expenses under certain circumstances; altering the type and amount of expenses for which a plaintiff or holder of a certificate of sale ~~is entitled to~~ may be reimbursed under certain circumstances; providing for the application of this Act; making this Act an emergency measure; and generally relating to tax sales.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–811, 14–828(a), 14–830, 14–832, 14–833(a), and 14–843
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 14–817.1 and 14–833(a–1)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1247 – Delegates Hucker and Weir

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

FOR the purpose of establishing that work done for or about a building, for purposes of establishing a mechanic's lien, includes ~~certified~~ certain interior design services provided by a certified interior designer; and generally relating to mechanics' liens.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 9–102(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1253 – The Speaker (By Request – Administration) and Delegates Ali, Beidle, Bobo, Bronrott, Cane, V. Clagett, Frush, Gaines, Gutierrez, Holmes, Kullen, Lafferty, Malone, McIntosh, Montgomery, Morhaim, Niemann, Pena–Melnyk, ~~and Rosenberg~~ Rosenberg, Stein, Hucker, and Glenn

AN ACT concerning

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

FOR the purpose of authorizing the Maryland Home Improvement Commission to deny, reprimand, suspend, or revoke certain licenses for failure to comply with certain legal terms or requirements in the Chesapeake and Atlantic Coastal Bays Critical Area; authorizing the Home Builder Registration Unit to deny, reprimand, suspend, or revoke a home builder's registration, or impose certain civil penalties on a registrant, for failure to comply with certain critical area legal terms and requirements; authorizing the Department of Natural Resources to revoke or suspend the license of a licensed tree expert for failure to comply with certain critical area legal terms and requirements; requiring the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to notify the Maryland Home Improvement Commission ~~on a contractor's failure~~, the Home Builder Registration Unit, or the Department of Natural Resources on the failure of certain contractors to comply with certain terms or requirements in the Critical Area; authorizing the Critical Area Commission to adopt and amend certain regulations regarding certain matters; requiring the Critical Area Commission to adopt certain regulations; requiring that local Critical Area programs contain certain procedures, penalty provisions, and other elements; repealing a provision of law that allows for the omission of certain runoff prevention measures on certain sites; requiring a local jurisdiction to consider certain factors in the determination of certain penalties; requiring that the Critical Area Commission receive certain notice from a local jurisdiction within a certain time; establishing that certain development activities violate certain provisions of law; prohibiting a local jurisdiction from accepting certain applications for a variance or issuing certain authorizations unless certain conditions are satisfied; requiring a local jurisdiction to deny a variance and order certain actions under certain circumstances, and authorizing a local jurisdiction to grant proposed approval to a variance under certain circumstances; ~~requiring the Critical Area Commission to review certain proposed variance approvals and issue certain decisions;~~ specifying the applicability of certain standards under certain circumstances; requiring the Critical Area Commission to consider certain factors when reviewing certain map amendments or refinements; prohibiting lot coverage in the buffer in excess of a certain amount, except under certain circumstances; specifying the applicability of certain limitations to the extent of lot coverage, with certain exceptions and subject to a certain construction; requiring the establishment of a certain buffer in a certain area, and allowing for certain reductions under certain circumstances; requiring that certain erosion protections consist of nonstructural shoreline stabilization measures, except under certain circumstances; ~~requiring that the Critical Area Commission consider a local jurisdiction's determination of a classification mistake and make a certain determination;~~ requiring the Department of the Environment to adopt certain regulations to include a certain waiver process; authorizing a local authority to obtain access and enter a certain property for certain purposes and under

certain circumstances; requiring a local authority to take certain actions under certain circumstances related to certain violations; authorizing the Chairman of the Critical Area Commission to invoke certain sanctions and remedies and bring certain actions under certain circumstances; requiring that certain criminal prosecutions and suits for civil penalties be instituted within a certain time; modifying the initial planning areas for the determination of the Chesapeake Bay Critical Area and Atlantic Coastal Bays Critical Area by the use of a certain map; providing for the preparation, distribution, review, refinement, formal adoption, and periodic update of ~~a certain map~~ certain maps; requiring the Department of Natural Resources to notify the Department of Legislative Services regarding the date of completion of a certain mapping project; clarifying the applicability of certain provisions of law; specifying certain legislative findings; defining certain terms; requiring certain local jurisdictions to report to the Critical Area Commission by a certain date regarding certain procedures; prohibiting ~~a certain construction~~ certain constructions of this Act; making the effective date of a certain provision of this Act subject to a certain contingency; and generally relating to the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section ~~8–101(g)~~ 4.5–308(a), 8–101(g), and 8–311(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 8–506
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–421(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1801, ~~8–1802(a)(15) through (18)~~ 8–1802(a)(13) through (23), 8–1806, 8–1807(a) and (b), 8–1808(c), (d), and (e), 8–1808.1(c) and (e)(2)(i),

8–1808.3, ~~8–1809(h) and (o)(1)~~ 8–1809(o)(1), 8–1811(b)(2), 8–1815(a), and 8–1815.1(b)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–1802(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Natural Resources
Section 8–1802(a)(15), 8–1808.10, and 8–1808.11
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1258 – Delegates Carter, Anderson, Branch, Bronrott, Conaway, Glenn, Haynes, Kramer, Lafferty, Lee, McHale, O'Donnell, Oaks, Robinson, Rosenberg, Stukes, Tarrant, and Waldstreicher

AN ACT concerning

Baltimore City Public Schools – High School Students – Voter Education

FOR the purpose of declaring the intent of the General Assembly that teachers of Baltimore City public high school students inform students about certain election processes and the importance of exercising the right to vote and registering to vote; and generally relating to voter education of high school students enrolled in Baltimore City public schools.

BY adding to
Article – Education
Section 4–309(d)
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 1277 – Delegates Walker, Taylor, Ali, Benson, Braveboy, Burns, Cane, Carter, Conaway, Doory, Frush, Gutierrez, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Nathan–Pulliam, Niemann,

Oaks, Pena–Melnyk, Proctor, Rice, Robinson, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

State Government – Brokerage and Investment ~~Banking~~ Management Services – Use of ~~Certified~~ Minority Business Enterprises

FOR the purpose of requiring certain State entities responsible for the management of certain funds to attempt to use to a certain extent ~~certified~~ minority business enterprise brokerage and investment ~~banking~~ management services firms; specifying that brokerage and investment management services shall include services relating to certain asset classes under certain circumstances; requiring the entities to undertake steps to remove any barriers that limit participation by ~~certified~~ minority business enterprises in certain brokerage and investment ~~banking~~ management services opportunities; requiring the entities to adopt certain guidelines; requiring the entities to submit a certain annual report to certain persons on certain matters relating to ~~certified~~ minority business enterprise brokerage and investment ~~banking~~ management services firms; and generally relating to the use of ~~certified~~ minority business enterprise brokerage and investment ~~banking~~ management services firms for certain purposes by certain State entities.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22G(a), (b), (h), and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–303
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–122
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–222
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–116
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1309 – Delegate McHale

AN ACT concerning

Business Regulation – Mold Remediation Services – Licensing

FOR the purpose of requiring certain persons to be licensed by the Maryland Home Improvement Commission to provide mold remediation services; requiring the ~~Secretary~~ Commission to adopt regulations for the licensure and regulation of mold remediation services; providing that this Act does not limit the rights of certain individuals to engage in certain mold remediation; establishing the purpose of this Act; providing for the powers and duties of the Commission in licensing and regulating mold remediation service providers; requiring all fees collected by the Commission under this Act to be paid into the General Fund; requiring ~~certain~~ licensees to maintain certain ~~general liability~~ insurance; providing that licensees are not required to pay certain assessments; ~~providing for the qualifications and applicant requirements of mold remediation supervisors and technicians;~~ establishing certain application procedures; authorizing the issuance ~~and renewal~~ of certain licenses; providing for the expiration and renewal of certain licenses; authorizing the ~~Secretary~~ Commission to deny a license to an applicant, ~~refuse to renew a license,~~ reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures ~~for mold remediation technicians and supervisors~~; prohibiting a licensee from ~~employing certain individuals or from~~ engaging in certain practices; providing for certain ~~criminal and~~ civil penalties; requiring certain ~~persons performing~~ companies or firms providing mold remediation services to be licensed on or before a certain date; defining certain terms; and generally relating to the licensure and regulation of mold remediation services.

BY renumbering
Article – State Government
Section 8–403(b)(39) through (69), respectively
to be Section 8–403(b)(40) through (b)(70), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Business Regulation
Section 8–701 through 8–718 to be under the new subtitle "Subtitle 7. Mold Remediation Services"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–701 and 8–702 to be under the amended subtitle "Subtitle 8. Short Title; Termination of Title"
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 adding to
Article – State Government
Section 8–403(b)(39)
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 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Veterans Affairs) and Delegate Costa

AN ACT concerning

Vehicle Laws – Gold Star Registration Plates

FOR the purpose of authorizing a recipient of the U.S. Department of Defense Gold Star as the surviving spouse, parent, or next of kin of a member of the armed forces whose life was lost in combat to apply under certain circumstances to the Motor Vehicle Administration for assignment of a special registration plate; requiring the surviving spouse, parent, or next of kin applying for a special Gold Star registration plate to provide certain proof to the Administration; requiring the special Gold Star registration plate to display certain information; clarifying language; and generally relating to eligibility for special vehicle registration plates.

BY repealing and reenacting, with amendments,
Article – Transportation

Section 13–619.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1426 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Learner's Instructional Permits

FOR the purpose of ~~altering the period after which the holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances;~~ altering the period for which a learner's instructional permit is valid; repealing exceptions in law allowing an individual who is at least a certain age to drive on Maryland highways without obtaining a learner's instructional permit; ~~altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised; requiring the Motor Vehicle Administration to impose certain restrictions on a provisional driver's license and suspend or revoke the license under certain circumstances; altering a certain definition; modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances;~~ and generally relating to ~~driving privileges for young drivers~~ learner's instructional permits.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–105(d)~~, 16–113(d), 16–213, and 21–1123~~
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Transportation
Section 16–105.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Transportation~~
~~Section 16–113(d–2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

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

House Bill 1450 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

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

FOR the purpose of repealing the requirement that the Maryland Parole Commission administer extended sexual offender parole supervision; providing a certain offender is considered to be released when the offender is placed on probation or probation before judgment; establishing that a person is a resident for purposes of a certain offender registry if the person has a home or other place that the person habitually lives located in the State at the time of a certain event; establishing that a certain registrant shall register with a certain supervising authority within a certain period of time after the registrant begins to habitually live in the State; requiring a certain homeless registrant to register in person with a local law enforcement unit within certain time periods; requiring a certain homeless registrant to register with a local law enforcement unit at certain intervals; requiring a certain homeless registrant to provide certain information each time the registrant registers with a local law enforcement unit; requiring a local law enforcement unit to obtain a digital image and fingerprints of a certain homeless registrant; ~~providing that a certain homeless registrant may be required to provide certain information to a local law enforcement unit;~~ establishing that certain registration requirements for a homeless registrant are in addition to certain other requirements; requiring a registrant who was homeless and obtains a fixed address to register with a local law enforcement unit within a certain time period; requiring a certain homeless registrant who changes the county in which the registrant habitually lives to send a certain notice to a certain State registry within a certain time period; adding to the requirements of a certain registration statement; requiring a certain registrant to provide a digital image instead of a photograph under certain circumstances; expanding certain notification requirements relating to the residence of a certain registrant to include the county where the registrant habitually lives or intends to habitually live; expanding the authority of a local law enforcement unit to notify entities of the location of a certain child sexual offender to include notifying child care centers issued a certain letter of compliance; clarifying that certain authorizations and requirements apply to a parole and probation agent; altering a certain provision to prohibit a certain registrant from knowingly entering onto the real property of a child care center issued a certain letter of compliance instead of a child care institution; altering certain provisions relating to extended sexual offender parole supervision of certain offenders; requiring a sentence for certain persons to include a term of extended sexual offender supervision; altering the term of extended sexual offender supervision; establishing that extended sexual offender supervision is imposed on a defendant for a crime committed on or after a certain date;

providing that a certain sentencing court require a certain presentence investigation; requiring a certain sentencing court to impose certain conditions of extended sexual offender supervision on a certain defendant; authorizing a certain sentencing court to adjust certain conditions of extended sexual offender supervision under certain circumstances; requiring the court, when imposing a certain extended sexual offender supervision, to enter into certain agreements, hear and adjudicate certain cases, and impose certain sanctions; ~~establishing a certain penalty;~~ requiring a certain Offender Review Committee to hear and adjudicate certain petitions for discharge from extended sexual offender supervision and make a certain recommendation to a certain court; requiring the Sexual Offender Advisory Board to appoint a certain administrator; altering the composition of a certain sexual offender management team; requiring certain progress reports of a sexual offender management team to be reported to the Offender Review Committee; altering the membership of the Sexual Offender Advisory Board; specifying the terms of the initial members of the Board; requiring the Secretary of Public Safety and Correctional Services and the Secretary of Health and Mental Hygiene to serve as cochairs of the Board; altering the duties of the Board; requiring the Board to create the Offender Review Committee; establishing the membership of the Offender Review Committee; establishing the duties of the Offender Review Committee; defining certain terms; altering certain terms; repealing certain terms; and generally relating to sexual offender registration.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–206
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–303 and 3–305
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701, 11–705 through 11–709, 11–710(a), 11–713, 11–714, 11–717, 11–718(a), and 11–722 through 11–726
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–401
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1473 – Delegate Malone

AN ACT concerning

Forest and Park Wardens – Responsibilities

FOR the purpose of repealing a certain requirement that a forest or park warden take certain actions on learning of a forest fire; requiring a forest or park warden to take certain actions under certain circumstances; making certain stylistic changes; and generally relating to the responsibilities of a forest or park warden.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–701
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 1482 – Harford County Delegation

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

FOR the purpose of removing Harford County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; 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 deer hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)

(As enacted by Chapter 361 of the Acts of the General Assembly of 2006)

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

House Bill 1490 – Delegates Dumais, Anderson, Barnes, Conaway, Dwyer, Lee, McComas, McConkey, Ramirez, Rosenberg, Shank, and Smigiel

AN ACT concerning

State Government – Maryland Tort Claims Act – Broadcasting of AMBER Alert

FOR the purpose of altering a certain definition so as to bring within the scope of the Maryland Tort Claims Act a person or officer, director, employee, or agent of the person who broadcasts or otherwise disseminates a certain AMBER alert under certain circumstances; providing that certain requirements for filing an action under the Maryland Tort Claims Act do not apply to an action under this Act; requiring a certain notice to the Treasurer under certain circumstances; providing for the application of this Act; and generally relating to the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101(a) and 12–106
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1521 – Delegates Murphy, Bohanan, Boteler, Cardin, Frick, Gilchrist, Kullen, Levy, O'Donnell, ~~and Wood~~ Wood, Hixson, Doory, Bartlett, Barve, Elmore, George, Howard, Ivey, Jennings, Kaiser, Krebs, Olszewski, Rice, Ross, Serafini, Stukes, F. Turner, and Walker

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

FOR the purpose of extending a certain termination provision applicable to a sales and use tax exemption for sales to certain veterans' organizations; and generally relating to a sales and use tax exemption for certain sales to certain veterans' organizations.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–204(a)(8)

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 217 of the Acts of the General Assembly of 2006
Section 2

BY repealing and reenacting, with amendments,
Chapter 218 of the Acts of the General Assembly of 2006
Section 2

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

House Bill 1566 – Delegate Beitzel

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 Budget and Taxation.

House Bill 1570 – Delegates Frick ~~and Barve~~, Barve, Hixson, Doory, Bartlett, Cardin, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Serafini, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

EMERGENCY BILL

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – ~~Residual Value~~ Application of Trade–In 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~~ altering the definition of "total purchase price" for the purposes of the vehicle excise tax to exclude from the computation of the tax part of the consideration for the sale of a vehicle; requiring the Motor Vehicle Administration to adopt certain regulations; providing for the retroactive application of this Act; requiring the Administration to notify certain persons of certain rebates under certain circumstances; making this Act an emergency measure; defining certain terms; and generally relating to the motor vehicle excise tax.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(a)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section ~~13–809.1~~ 13–809(f)
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 1571 – Delegate Olszewski

AN ACT concerning

Public Schools – Graduation Rate Formula

FOR the purpose of altering certain dates by which county boards of education are required to collect, maintain, and analyze certain graduation rates using a certain formula; altering a certain formula; altering certain dates by which the State Department of Education is required to compile and post on its website certain information; requiring the State Board of Education to use certain graduation rates when determining Adequate Yearly Progress under federal law; and generally relating to graduation rate data.

BY repealing and reenacting, with amendments,
Chapter 229 of the Acts of the General Assembly of 2006
Section 2, 3, and 4

BY repealing and reenacting, with amendments,
Chapter 558 of the Acts of the General Assembly of 2006

Section 2, 3, and 4

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

House Bill 1572 – Delegates Mathias and Conway

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 of 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 of 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 Budget and Taxation.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 199 – Delegates Rice, Stein, Kaiser, Riley, Cardin, Elmore, Gilchrist, Ivey, Stukes, Tarrant, Vaughn, ~~and Walker~~ Walker, Hixson, Doory, Bartlett, Barve, Frick, George, Howard, Jennings, Krebs, Murphy, Olszewski, Ross, Serafini, and F. Turner

AN ACT concerning

Public Schools – Bullying ~~and Cyber–Bullying~~, Harassment, and Intimidation – Policy and Disciplinary Standards

FOR the purpose of requiring the State Board of Education to ~~establish~~ develop a certain model policy prohibiting ~~bullying and cyber–bullying~~ bullying, harassment, and intimidation in schools; requiring that the model policy include certain information; requiring the State Board to develop a certain student awareness campaign; ~~requiring the State Board to develop a certain set of model standards for investigating certain complaints and disciplining certain individuals; requiring certain model standards to include certain requirements;~~ requiring certain county boards of education to establish certain ~~local standards concerning bullying based on certain State model standards~~ policies prohibiting bullying, harassment, and intimidation in schools based on the model policy; requiring certain county boards to publicize certain policies in certain publications and certain locations; requiring certain county boards to develop certain educational programs; providing that a school employee that reports a certain act is not civilly liable under certain circumstances; defining ~~a~~ certain ~~term~~ terms; and generally relating to ~~policies and standards related to~~ bullying, harassment, and intimidation in the public schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–424
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section ~~7–429~~ 7–424.1
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 514 – Delegates Donoghue ~~and Nathan–Pulliam~~, Nathan–Pulliam, Beitzel, Bromwell, Costa, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Maryland Medbank Program – Funding

FOR the purpose of authorizing certain funds to be transferred and appropriated to the Department of Health and Mental Hygiene in a certain fiscal year for a certain purpose; and generally relating to funding for the Maryland Medbank Program.

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

House Bill 551 – Delegate Donoghue

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

FOR the purpose of expanding the authority of pharmacists to administer certain vaccinations to individuals under certain circumstances; authorizing the State Board of Pharmacy to set certain fees; ~~granting the Board sole authority to adopt certain regulations;~~ and generally relating to the expansion of the authority of pharmacists to administer vaccinations.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–508
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 610 – Delegates Pena–Melnyk, Ali, Gutierrez, Lee, Manno, Nathan–Pulliam, Ramirez, Reznik, and Valderrama

AN ACT concerning

Task Force on the Preservation of Heritage Language Skills in Maryland

FOR the purpose of establishing a Task Force on the Preservation of Heritage Language Skills in Maryland; providing for the membership and duties of the Task Force; ~~requiring the election~~ providing for the selection of a chair of the Task Force; requiring the State Department of Education to provide staff for the Task Force; prohibiting members of the Task Force from receiving certain compensation; authorizing a member to receive certain reimbursement; 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 the termination of this Act; requiring the Task Force to continue to advise the Governor and the General Assembly on certain matters until a certain time; and generally relating to the Task Force on the Preservation of Heritage Language Skills in Maryland.

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

House Bill 616 – Delegates Kullen, Branch, Hecht, Love, Murphy, Pena–Melnyk, Proctor, Ramirez, F. Turner, Vallario, and Weldon

AN ACT concerning

Public Schools – Children With Anaphylactic Allergies – Reduction of Risk

FOR the purpose of requiring principals of public schools that have children attending the schools who have been identified as having certain allergies to take certain actions to reduce certain risks; making registration of children with certain allergies at public schools contingent on the receipt of certain information; requiring school principals to maintain certain files; requiring the development of certain individual health plans; authorizing public schools to revoke the authority of certain children to self–administer certain medications; granting certain immunity to certain individuals under certain circumstances; authorizing local county boards of education to require parents or guardians to sign certain hold harmless statements; defining certain terms; and generally relating to the reduction of risk to the health of children with anaphylactic allergies in public schools.

BY adding to
Article – Education
Section 7–426.1
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 639 – Washington County Delegation

AN ACT concerning

Washington County – Board of Education – Vacancies

FOR the purpose of ~~requiring the Board of County Commissioners of Washington County, instead of the Governor, to appoint~~ altering the method of appointing certain individuals to fill certain vacancies on the Board of Education of Washington County; establishing a Washington County School Board Nominating Commission; specifying the membership of the Commission; specifying the duties of the Commission; providing for the staffing of the Commission; requiring the Commission to submit certain nominees within a certain period of time to the Board of County Commissioners of Washington County; requiring the Board of County Commissioners of Washington County to select certain individuals within a certain period of time to fill certain vacancies on the Board of Education of Washington County; and generally relating to appointments to the Board of Education of Washington County.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–1301(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1301(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 3–1301(e)
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 664 – Delegates Barve, Branch, ~~and Donoghue~~ Donoghue, and Cardin

AN ACT concerning

Corporate Income Tax – Reporting and Study

FOR the purpose of altering the membership of a certain business tax study commission; limiting to certain taxable years a requirement for certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; altering the circumstances under which an individual is required to attach to an income tax return or otherwise file with the Comptroller a copy of the individual's federal income tax return; altering ~~certain definitions~~ a certain definition and repealing certain definitions for purposes of certain requirements for certain corporations to submit certain reports to the Comptroller; altering the reporting requirements and limiting the reporting requirements to certain taxable years; ~~prohibiting the disclosure of certain information to certain governmental units or officials;~~ repealing certain penalty provisions and authorizing the Comptroller to develop and implement a certain penalty system relating to certain reporting requirements; altering the due date for ~~a~~ certain annual ~~report~~ reports by the Comptroller; requiring a certain commission in consultation with the Comptroller to review certain requirements and definitions and submit certain recommendations to the Governor and General Assembly by a certain date; and generally relating to certain

requirements for certain ~~corporations~~ persons to submit certain reports to the Comptroller.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–110(c), 10–402(c)(2)(vi) and (vii), 10–804(e)(3)(ii), and 10–804.1
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,
Chapter 3 of the Acts of the General Assembly of the 2007 Special Session
Section 10

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

House Bill 680 – Delegates Ross, Barnes, Healey, Kaiser, and Walker

AN ACT concerning

Arts and Entertainment Districts – Tax Benefits – Jewelry and Clothing Designers

FOR the purpose of altering the definition of artistic work for the purpose of certain tax benefits available in certain arts and entertainment districts; 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 tax benefits and arts and entertainment districts.

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 4–701
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–207(v)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–701(b) and 4–702
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 – Tax – General
Section 10–207(v)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Section 2 of this Act)

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

House Bill 816 – St. Mary's County Delegation

AN ACT concerning

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

FOR the purpose of providing that, in St. Mary's County, if a mobile home park owner does not submit a certain plan for alternative arrangements for park residents with an application for a change in the land use of a park or does not comply with an approved plan, the application for the land use change may not be approved until certain conditions are met; requiring a certain plan for alternative arrangements for park residents submitted in St. Mary's County to include certain information; requiring a copy of a certain notice of termination to be sent to the County Commissioners if the use of land of a park in St. Mary's County is changed; and generally relating to mobile home parks in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8A–202(c)(3) and 8A–1201
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 854 – Delegates Frick, Hixson, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Manno, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Credit for Providing Adult Literacy Programs

FOR the purpose of allowing certain business entities a certain credit against the State income tax for certain taxable years for a certain amount of the cost of adult literacy services provided to an employee; limiting to a certain amount the total amount of credits a business entity may claim in any taxable year; providing that the credit may be refundable under certain circumstances; providing for the issuance of certain initial credit certificates by the State Superintendent of Schools, subject to certain requirements and limitations, for certain fiscal years; providing certain limits on the amount of credits that can be claimed; requiring the State Superintendent to issue final credit certificates under certain circumstances; establishing the Adult Literacy Services Tax Credit Reserve Fund; limiting the credit amounts in the aggregate for which the State Superintendent may issue initial credit certificates for any fiscal year; authorizing the Governor to include certain appropriations to a certain fund in the annual budget bill for certain fiscal years; requiring the Comptroller to transfer certain amounts from a certain fund to the General Fund under certain circumstances; requiring the State Superintendent to submit certain reports; requiring the State Superintendent to adopt certain regulations; defining certain terms; and generally relating to a tax credit against the State income tax for certain costs associated with adult literacy services.

BY adding to
Article – Tax – General
Section 10–726
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 906 – Delegates Morhaim, Hammen, Elliott, Kach, Kipke, Kullen, McHale, Montgomery, Nathan–Pulliam, Reznik, ~~and Shewell~~ Shewell, Pendergrass, Benson, Bromwell, Costa, Donoghue, Hubbard, McDonough, Mizeur, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Maryland ~~Revised~~ Anatomical Gift ~~Act~~ Donor Registry

FOR the purpose of ~~repealing the Maryland Anatomical Gift Act and enacting the Maryland Revised Anatomical Gift Act; authorizing certain individuals to make, amend, or revoke anatomical gifts; providing the methods by which anatomical gifts may be made; authorizing certain individuals to refuse to make certain anatomical gifts; establishing certain circumstances under which an anatomical~~

~~gift is prohibited; establishing the persons to which certain anatomical gifts may be made; establishing a certain priority if more than one person in a certain class makes a gift; establishing certain purposes for which certain anatomical gifts can be made; establishing a certain priority for certain anatomical gifts if more than one purpose is given for the anatomical gift; requiring certain persons to search certain individuals for a document of gift or other information identifying the individual as a donor under certain circumstances; requiring certain individuals to allow certain examination and copying of certain anatomical gifts or refusals; requiring that certain procurement organizations be allowed certain access to certain records of the Motor Vehicle Administration; authorizing certain procurement organizations to make certain examinations to ensure the medical suitability of certain anatomical gifts; providing for the acceptance and removal of certain anatomical gifts; establishing certain acts as felonies and establishing certain penalties; providing that certain persons are guilty of a felony and subject to a certain penalty for purchasing or selling certain parts under certain circumstances; authorizing a person to charge a certain amount for providing certain services; providing that certain persons that act in good faith are not liable in certain civil actions;~~ establishing that certain donors may make certain gifts by authorizing that certain statements or symbols be included on a certain registry; requiring the Secretary of Health and Mental Hygiene to contract with and provide compensation to a certain nonprofit entity for the establishment, maintenance, and operation of a donor registry; requiring that the Organ and Tissue Donation Awareness Fund provide funds for the establishment, operation, and maintenance of a certain donor registry; requiring the Motor Vehicle Administration to cooperate in the transfer of certain information to the donor registry; establishing certain administrative terms for the donor registry; ~~providing for the resolution of conflicts between certain anatomical gifts and certain advance directives; requiring that certain procurement organizations and the Office of the Chief Medical Examiner (OCME) cooperate to maximize the opportunity to recover certain anatomical gifts and to facilitate certain OCME investigations; providing for the terms of the recoveries between certain procurement organizations and the OCME; providing for the resolution of conflicts between certain anatomical gift designations and certain investigations by the OCME; providing that this Act supersedes a certain federal statute; requiring that certain directions to make, amend, revoke, or refuse to make an anatomical gift be recorded in certain medical records; altering the circumstances under which the consent of certain representatives is not necessary;~~ requiring the custodian of certain ~~motor vehicle~~ records containing personal information to disclose certain personal information for use by certain procurement organizations under certain circumstances; ~~repealing a certain provision prohibiting that certain donor designations appear on certain minors' drivers' licenses; requiring that, subject to certain funding, the Department of Health and Mental Hygiene conduct a certain study on nontransplant tissue banks on or before a certain date;~~ making certain technical changes; defining certain terms; and generally relating to the Maryland Revised Anatomical Gift Act.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section ~~4–501 through 4–512 and the subtitle "Subtitle 5. Maryland Anatomical Gift Act"~~ 4–505(c) and 4–512
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to
Article – Estates and Trusts
Section ~~4–501 through 4–522 to be under the new subtitle "Subtitle 5. Maryland Revised Anatomical Gift Act"~~ 4–512
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~5–408, 5–604.1,~~ 13–901~~, and 19–310(a)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)(xiii) and (xiv)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 10–616(p)(5)(xv)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 12–303~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

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

House Bill 936 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Term Limits
PG/MC 109–08

FOR the purpose of clarifying that an individual may be appointed to fill a vacancy on the Maryland–National Capital Park and Planning Commission in Montgomery County and then be appointed for two consecutive, full terms; authorizing an individual to be appointed for a maximum of four consecutive, full terms as a member of the Maryland–National Capital Park and Planning Commission from Montgomery County if the individual serves as chair of the Montgomery County Planning Board during the individual's final two terms in office; repealing obsolete language; making stylistic changes; and generally relating to term limits of members of the Maryland–National Capital Park and Planning Commission from Montgomery County.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 2–102
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 939 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County Agricultural Preservation Easement Program
PG/MC 116–08

FOR the purpose of establishing the Prince George's County Agricultural Preservation Easement Program; providing for the purposes of the Program; requiring the Prince George's County ~~Planning Board~~ Soil Conservation District to administer the Program ~~in consultation with the Prince George's County Soil Conservation District~~ subject to certain regulations; authorizing the County Council of Prince George's County to enact certain ordinances relating to agricultural preservation ~~and to delegate certain authority of the Planning Board relating to the Program to the Soil Conservation District~~; requiring the Board and the Soil Conservation District to adopt certain regulations; establishing the Prince George's County Agricultural Preservation Easement Fund; requiring the Planning Board to administer the Fund; requiring the Board to deposit certain ~~funds~~ revenues into the Fund for certain purposes; requiring the Fund to be used for certain purposes; requiring the Planning Board to ~~solicit~~ exercise prudence and due diligence and consider the recommendations of the Soil

Conservation District when making certain decisions; authorizing the Planning Board to purchase certain easements on certain land that is outside the Maryland–Washington Metropolitan District but is within the Maryland–Washington Regional District in Prince George's County; authorizing the Planning Board to expend certain current funds for certain purposes; requiring a certain property owner to convey a certain easement to the Planning Board at a certain time and recording a certain easement in the land records; providing that certain provisions of law do not apply to a certain subtitle; authorizing the Prince George's County Council, sitting as the district council to enact ordinances that create a certain program for the purchase of certain development rights; defining certain terms; and generally relating to the Prince George's County Agricultural Preservation Easement Program in the Maryland–National Capital Park and Planning Commission.

BY adding to
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–501 through 5–507 to be under the new subtitle "Subtitle 5. Prince George's County Agricultural Preservation Easement Program"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–101
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 957 – Delegate V. Clagett

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day and Annapolis Charter Day

FOR the purpose of requiring the Governor annually to proclaim a certain day as Maryland Charter Day; requiring the Governor annually to proclaim a certain day as Annapolis Charter Day; and generally relating to commemorative days.

BY adding to
Article – State Government
Section 13–406 and 13–407
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 1039 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority
PG 403–08

~~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~~. 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 and the State Tort Claims Act; 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 the Authority to allow the Secretary of Health and Mental Hygiene and Prince George's County access to certain records, notes, contracts, and plans; requiring the County and Dimensions Health Corporation to provide certain persons access to certain books and records; requiring the Authority to submit a certain request for proposals and certain reports to the Governor, the Secretary, the State Treasurer, the Prince George's County Executive, the Prince George's County Council, the President of the Senate, the Speaker of the House of Delegates, and certain committees of the General Assembly at certain times; providing for the powers, duties, and funding of the Authority; requiring the Authority to 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 a member of the Board is not liable personally for actions taken as a member under certain circumstances; providing that Board members are subject to the provisions of the State ethics laws; specifying the terms of the members of the Board; requiring the Governor, the County Executive, and the County Council to appoint certain representatives and reach certain agreements; providing that certain obligations shall be null and void under certain circumstances; requiring the Authority to establish and implement a certain bidding process for the transfer of a certain health care system to a new owner or owners; requiring the Authority to establish certain time frames and deadlines for the bidding and selection processes; requiring the Authority to implement and adhere to a certain time frame and certain deadlines and requirements; providing that a certain agreement may be made contingent on

certain conditions and shall include a certain plan; relieving the State and the County of their respective obligations under certain circumstances; requiring the Authority to develop certain plans; requiring the Authority to submit certain information to certain persons under certain circumstances; providing that a certain health care entity shall be recognized as a merged asset system under certain provisions of law; providing for the transfer of certain property to a new owner of a certain health care system under certain circumstances; providing for certain compensation to the County for a certain acquisition under certain circumstances; authorizing the Governor to include a certain appropriation in the annual State budget bill for a certain fiscal year for the support of a certain health care system; requiring the Governor to include a certain appropriation in the annual State budget bill for a certain fiscal year for the support of a certain health care system under certain circumstances; requiring Prince George's County to make certain appropriations for the support of a certain health care system for certain fiscal years under certain circumstances; stating the intent of the General Assembly regarding certain State funding for the support of the Prince George's Hospital Center; authorizing the transfer of certain funds from the Dedicated Purpose Account under certain circumstances; 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; providing for the termination of this Act; 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~~ 24–1608 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 Budget and Taxation.

House Bill 1115 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

FOR the purpose of altering the building excise tax that the Board of County Commissioners for Washington County is authorized to impose for certain construction in Washington County; ~~altering the criteria that must be met for the County Commissioners to impose a building excise tax for certain types of construction in Washington County;~~ ~~repealing~~ altering certain limitations for

imposing a building excise tax in Washington County; repealing certain exemptions under the Washington County building excise tax; repealing certain authority for the County Commissioners to provide certain exemptions from the building excise tax; repealing certain building excise tax credits in Washington County; altering certain reporting requirements for the County Commissioners; and generally relating to the Washington County building excise tax.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 2–701(b), (f), (h), and (i)
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY repealing
The Public Local Laws of Washington County
Section 2–701(b–1) and (g)
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

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

House Bill 1129 – Delegates Rosenberg, Carter, and Oaks

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

FOR the purpose of authorizing the governing documents of certain homeowners associations to be amended by a certain percentage of votes and at a certain frequency, unless the governing document provides for a lower percentage and a greater frequency; defining a certain term; and generally relating to amendment of the governing documents of a homeowners association.

BY renumbering
Article – Real Property
Section 11B–116
to be Section 11B–117
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 11B–116
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1134 – Delegates Lee, Barkley, Barnes, Bronrott, Carter, DeBoy, Dumais, Elmore, Frick, Healey, Hixson, Kaiser, Krebs, Lafferty, Levy, Mathias, McComas, McDonough, Montgomery, Ramirez, Shank, Shewell, Stocksdale, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Immunity from Liability – ~~Medical Emergency –~~ Use of Automated External Defibrillator

FOR the purpose of ~~providing immunity from civil liability under certain circumstances, notwithstanding certain other provisions of law, to an individual or facility that acquires an automated external defibrillator (AED) or that owns, manages, or is responsible for the premises where an AED is located, to a certain individual who retrieves an AED, or to a certain individual who uses, attempts to use, or fails to use an AED in response to a sudden cardiac arrest emergency at a facility; altering, under the Automated External Defibrillation Program of the Maryland Institute for Emergency Medical Services Systems,~~ altering the circumstances under which an individual is immune from civil liability for providing automated external defibrillation; providing that immunity from liability is not available to certain ~~persons~~ individuals for certain conduct that is grossly negligent, willful or wanton misconduct, or intentionally tortious conduct; and generally relating to immunity from liability for use of an automated external defibrillator.

~~BY repealing and reenacting, without amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 5–603(c)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Courts and Judicial Proceedings~~
~~Section 5–603(d)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Education
Section 13–517(a)(1) and (3) and (m)(5)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 13–517(m)(3) and (4)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1151 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Property Tax Credit – Historically Operated Amusement Park

FOR the purpose of authorizing the governing body of Worcester County or of a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property used as an amusement park; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and for certain provisions necessary to carry out the credit; defining a certain term; providing for the application of this Act; and generally relating to authorization for a local property tax credit for certain property in Worcester County that is used as a historically operated amusement park.

BY adding to
Article – Tax – Property
Section 9–325(c)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1159 – Delegates Manno, Barve, Cardin, Eckardt, Elmore, Gilchrist, Haddaway, Hecht, Hucker, Impallaria, Ivey, Kaiser, King, Miller, Montgomery, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Homeowners' Tax Fairness in Eminent Domain Proceedings Act

FOR the purpose of ~~exempting~~ authorizing the Mayor and City Council of Baltimore City or the governing body of a county to exempt from recordation tax ~~and State transfer tax~~ an instrument of writing that transfers certain improved residential real property to an individual who previously owned property that was acquired for public use; providing that a certain recordation tax exemption may apply to the county or Baltimore City transfer tax; providing for certain limitations on the exemption from recordation tax and ~~State~~ transfer tax;

defining certain terms; and generally relating to exemptions from recordation and ~~State~~ county transfer taxes.

BY adding to
Article – Tax – Property
Section ~~12–108(dd) and 13–207(a)(22)~~ 12–118 and 13–411
Annotated Code of Maryland
(2007 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – Property~~
~~Section 13–207(a)(20) and (21)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume)~~

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

House Bill 1160 – Delegates Malone, Ali, Aumann, Barve, Beidle, Boteler, Bromwell, Bronrott, Carr, V. Clagett, Doory, Eckardt, Elliott, Elmore, Frank, Gaines, George, Gilchrist, Glenn, Guzzone, Haddaway, Hammen, Healey, Heller, Impallaria, Ivey, Jennings, Kach, Krysiak, Love, McHale, Miller, Mizeur, Montgomery, Norman, Riley, Shank, Shewell, Smigiel, Sossi, Stukes, Stull, Tarrant, F. Turner, and Vaughn

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

FOR the purpose of establishing a Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

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

House Bill 1171 – Delegates Eckardt, Haddaway, Anderson, Bronrott, G. Clagett, Elliott, Elmore, Frank, George, McConkey, Morhaim, Nathan–Pulliam, O'Donnell, Ross, Shank, Sossi, Stocksdale, and Waldstreicher

AN ACT concerning

Crimes – Altering Results of Drug or Alcohol Screening Test – Synthetic Urine

FOR the purpose of altering the definition of "bodily fluid adulterant" for purposes of the prohibition against altering the results of a drug or alcohol screening test to include a certain substance or chemical that is intended to be substituted for a sample of bodily fluid; clarifying that the definition of "bodily fluid adulterant" ~~for purposes of the prohibition against altering the results of a drug or alcohol screening test~~ includes synthetic urine; and generally relating to the crime of altering the results of a drug or alcohol screening test.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–111
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1181 – Delegates Rudolph and James

AN ACT concerning

Teachers' Retirement System and Teachers' Pension System – Reemployment of Retirees ~~– BRAC~~

FOR the purpose of altering the criteria for hiring certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are exempt from a certain offset of a retirement allowance; limiting the period of time that certain retirees who are exempt from a certain offset of a retirement allowance may be reemployed at certain schools; altering ~~a~~ certain reporting ~~requirement~~ requirements; and generally relating to the reemployment of retirees in the Teachers' Retirement System or the Teachers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~22–406(c)(5) and (n) and 23–407(c)(5) and (n)~~ 22–406(c)(8), (9), and (10) and (n) and 23–407(c)(8), (9), and (10) and (n)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 22–406(c)(9) and 23–407(c)(9)
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 1185 – Chair, Ways and Means Committee and Chair, Appropriations Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transit Administration – Public Transit Services – Efficiency and Performance Standards

FOR the purpose of repealing certain provisions of law relating to the percentage of operating costs that must be recovered from certain revenues for certain public transit services; establishing a certain goal for the percentage of operating costs that must be recovered from certain revenues for certain public transit services; requiring the Administration to submit a certain annual report on farebox recovery to certain committees of the General Assembly; requiring the ~~Maryland Transit~~ Administration to implement certain performance indicators to track service efficiency for certain public transit services; requiring the Administration to submit a certain annual report on certain performance indicators to certain committees of the General Assembly; requiring the Administration to provide for certain periodic management audits to be used when evaluating the performance of certain public transit services; and generally relating to performance standards for public transit services.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–208 and 7–902
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1266 – Delegates Cane, Eckardt, and Haddaway

AN ACT concerning

Wetlands – Construction of Structure on Pier – ~~Dorchester County~~ Exception

FOR the purpose of ~~exempting Dorchester County from certain provisions limiting~~ authorizing the Board of Public Works to issue a license for the construction of a dwelling unit or other non–water dependent structure on a pier located on State ~~or private~~ wetlands ~~in Dorchester County~~ 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; and generally

relating to construction of dwelling units or other non–water dependent structures on piers.

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–104
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 1280 – Delegates V. Turner, Barnes, Benson, Bromwell, Costa, Elliott, Gaines, Hammen, Healey, Holmes, Howard, Hubbard, Ivey, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Oaks, Pena–Melnyk, Pendergrass, Proctor, Riley, Tarrant, ~~and Valderrama~~ Valderrama, Beitzel, Donoghue, Mizeur, Reznik, and Weldon

AN ACT concerning

Public Health Dental Hygiene Act

FOR the purpose of altering the authorization of a general license to practice dental hygiene to include the application of certain sealants or fluoride agents under certain supervision in certain facilities; providing that a certain waiver is not required to practice dental hygiene under certain supervision in accordance with certain provisions of law; increasing the types of facilities a general license to practice dental hygiene authorizes a dental hygienist to practice in under certain supervision; altering the requirements for certain facilities in which certain dental hygienists are authorized to practice under certain supervision; defining ~~a~~ certain ~~term~~ terms; and generally relating to the practice of dental hygiene.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–101(k) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(e) and (h)
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 1287 – Delegates Haynes, Ali, Anderson, Aumann, Barnes, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Carr, Carter, G. Clagett, V. Clagett, Davis, Donoghue, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Guzzone, Haddaway, Hammen, Harrison, Hecht, Heller, Holmes, Howard, Hucker, Ivey, James, Jones, Kach, Kaiser, Kirk, Krysiak, Kullen, Lafferty, Lee, Levi, Levy, Love, Manno, Mathias, McConkey, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Ross, Schuler, Stocksdale, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker

AN ACT concerning

Parren J. Mitchell Public Service ~~Summer Internship~~ Scholarship Program

FOR the purpose of establishing the Parren J. Mitchell Public Service ~~Summer Internship Scholarship Program at Morgan State University; requiring Morgan State University to administer the Program; requiring Morgan State University to award certain scholarships of a certain amount; limiting the number of scholarships that may be awarded by Morgan State University in certain years; requiring Morgan State University to adopt certain policies~~ Scholarship Program; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to administer the Program; requiring the Office to award certain scholarships of a certain amount; limiting the number of scholarships that may be awarded each academic year; requiring the Commission to adopt certain policies; providing for the funding of the Program; requiring certain reports; defining certain terms; and generally relating to the creation of the Parren J. Mitchell Public Service ~~Summer Internship~~ Scholarship Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–101(b) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 18–17A–01 through ~~18–17A–05~~ 18–17A–04 to be under the new subtitle "Subtitle 17A. Parren J. Mitchell Public Service ~~Summer Internship~~ Scholarship Program"
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 1296 – Delegate Feldman

AN ACT concerning

Certified Public Accountants – Licensed Out–of–State Certified Public Accountants – Practice Privilege

FOR the purpose of providing that an individual who practices certified public accountancy whose principal place of business is outside of the State is, under certain circumstances, exempt from certain licensure laws of the State for certified public accountants and is considered to have qualifications that are substantially equivalent to a certified public accountant licensed in the State; providing that an individual who qualifies for an exemption under this Act may exercise all of the privileges of a licensed certified public accountant in the State; providing that an individual who qualifies for a practice privilege established under this Act may practice certified public accountancy in the State by any means and without any notice or fee; providing for certain conditions to be met by individuals who practice certified public accountancy under the practice privilege established by this Act; providing that certain firms that operate a business through which certified public accountancy is practiced must, under certain circumstances, hold a permit issued by the State Board of Public Accountancy; repealing certain provisions relating to certain limited permits for the practice of certified public accountancy; altering provisions of law relating to permits for the practice of certified public accountancy by partnerships, limited liability companies, and corporations; authorizing a firm to use the title "CPA" or "CPA firm" without a permit under certain circumstances; defining certain terms; and generally relating to the practice of certified public accountancy.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–101, 2–102(b), 2–301, 2–308, 2–321, 2–402, 2–402.1, 2–403, 2–406, and 2–601 through 2–604
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 2–302, 2–404, 2–405, 2–501, and 2–605
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – Business Occupations and Professions

Section 2–310, 2–320, 2–401, and 2–416
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 2–401
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 1387 – Delegates Mizeur, Costa, Davis, Donoghue, Elliott, Hubbard, Pena–Melnyk, ~~and Riley~~ Riley, Benson, Hammen, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

FOR the purpose of ~~authorizing~~ requiring the Board of Pharmacy to adopt regulations to authorize certain pharmacists to dispense certain medication from certain pharmacies or from certain remote locations; requiring certain pharmacists to be responsible for certain dispensing, repackaging, delivery, control of, bar coding, transaction records, dispensation records, labeling, and accountability of certain medications in certain remote automated medication systems; requiring certain pharmacists to have certain access to certain systems under certain circumstances; requiring certain pharmacists to review certain medication orders for accuracy, completeness, and appropriateness ~~before~~ after being ~~placed~~ entered in certain systems subject to certain exceptions; exempting certain health care facilities and certain systems from certain requirements under certain circumstances; requiring certain pharmacists, in consultation with certain health care facilities, to develop and implement certain quality assurance programs; requiring certain pharmacists to limit certain access to certain systems by requiring individual security codes for certain functions; requiring certain records to be kept; requiring certain pharmacists to maintain certain logs and repair records; requiring certain pharmacists to ensure a certain back–up power source and that only certain individuals have access to certain systems under certain circumstances; defining certain terms; requiring the Board of Pharmacy to monitor the experience of remote automated medication systems in nursing homes in the State and to report to specified legislative committees on the effect of remote automated medication systems on patient safety in nursing homes; and generally relating to remote automated medication systems regulated by the Board of Pharmacy.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–307(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–307(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 12–605
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 1392 – Delegates Ramirez, Barkley, Barnes, Davis, Feldman, Frush, Griffith, Haynes, Healey, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lee, Manno, Mizeur, Montgomery, Murphy, Niemann, Taylor, Valderrama, and Vaughn

AN ACT concerning

Labor and Employment – Maryland Wage and Hour Law – Civil Penalties

FOR the purpose of establishing certain civil penalties for violations of certain wage and hour laws; allowing an employee to recover certain damages under certain circumstances; requiring a court to allow specified costs against an employer for a certain recovery in a certain action; and generally relating to violations of the wage and hour laws.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–403, 3–413, 3–415, 3–419, and 3–420
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–427
Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1395 – Delegates Tarrant, Pena–Melnyk, ~~and Riley~~ Riley, and Nathan–Pulliam

AN ACT concerning

~~Chronic Care and Prevention Partnership Act~~
Department of Health and Mental Hygiene and Maryland Health Quality and Cost Council – Chronic Care Management Plan

FOR the purpose of requiring the Department of Health and Mental Hygiene and the Maryland Health Quality and Cost Council to study chronic care management and develop a certain chronic care management plan; requiring the chronic care management plan to include certain plans; requiring the Department and the Council to consult with certain persons in developing the chronic care management plan; authorizing the Council to accept certain funds; requiring the Department and the Council to submit the chronic care management plan 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 chronic care management plan. ~~establishing the Chronic Care and Prevention Program in the State; requiring the Secretary of Health and Mental Hygiene to develop and implement the Program in consultation with a certain task force; requiring the Secretary to seek to obtain certain waivers; authorizing the Secretary to accept certain grants and donations; establishing the Chronic Care and Prevention Program Fund; establishing the Task Force on Chronic Care and Prevention; establishing the composition and duties of the Task Force; establishing the duties of certain regional chronic care and prevention partnerships; authorizing the Secretary to transfer certain funds to the partnerships; authorizing the Secretary to establish a certain advisory council; defining certain terms; and generally relating to the establishment of the Chronic Care and Prevention Program in the State.~~

~~BY adding to~~
~~Article – Health – General~~
~~Section 13–2701 through 13–2708 to be under the new subtitle "Subtitle 27. State Chronic Care and Prevention Program"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

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

House Bill 1431 – Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Procurement – Small Business Preference Program – Veteran–Owned and Disabled Veteran–Owned Small Businesses

FOR the purpose of increasing the amount of a percentage price preference that certain State agencies must establish for small businesses under certain circumstances; establishing a percentage price preference for certain small businesses that are a certain percentage owned and controlled by one or more veterans or disabled veterans; defining certain terms; and generally relating to the Small Business Preference Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–201 and 14–206
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 1432 – Delegates Ivey ~~and Vallario~~, Vallario, Howard, F. Turner, and Walker

AN ACT concerning

Election Law – Campaign Finance – Affidavit and Signature

FOR the purpose of authorizing the State Board of Elections to accept a certain electronic signature for certain documents; requiring a certain campaign finance report submitted using an electronic form to be made under oath or affirmation, require an electronic signature from a campaign finance entity's treasurer at a certain time, and be made subject to the penalties for perjury; repealing certain provisions for filing and maintaining a certain affidavit; authorizing a certain treasurer to file a certain affidavit at certain times stating that the campaign finance entity has not raised or spent a certain amount instead of filing a certain report; providing that a campaign finance entity may file a certain affidavit instead of filing a certain report; providing that a campaign finance report preceded by a certain affidavit shall cover a certain period; prohibiting a person from making an electronic submission of certain documents on behalf of another person without that person's express consent; defining a certain term; and generally relating to an affidavit of limited fundraising activity and an electronic signature.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101, 13–304, 13–312, and 13–601

Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Election Law
Section 13–104 and 13–305
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing
Article – Election Law
Section 13–305
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 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 1441 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Tax Increment Financing and Special Tax Districts – MEDCO

FOR the purpose of providing that certain special funds established with respect to certain development districts in Baltimore City may be used to pay or reimburse the Mayor and City Council of Baltimore under certain circumstances for certain debt service on certain bonds, notes, or similar instruments issued by the Maryland Economic Development Corporation; providing that certain special funds established with respect to certain special taxing districts in Baltimore City may under certain circumstances be applied in a certain manner for certain purposes, accumulated for payment of certain debt service on certain bonds, or used to pay or reimburse the Mayor and City Council of Baltimore for certain debt service on certain bonds, notes, or similar instruments issued by certain entities; defining certain terms; and generally relating to certain authority for tax increment financing and special taxing districts in Baltimore City.

BY adding to

The Charter of Baltimore City
Article II – General Powers
Section (62)(b)(18) and (62A)(b)(7)
(2006 Edition, as amended)

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (62)(e)(2)(iii) and (62A)(f)
(2006 Edition, as amended)

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

House Bill 1452 – ~~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

Medical Assistance Program – Long–Term Care Eligibility – Consolidation Plan

FOR the purpose of requiring the Department of Health and Mental Hygiene and the Department of Human Resources, in consultation with certain groups, to develop a certain plan; requiring the Department of Health and Mental Hygiene and the Department of Human Resources to submit a certain report to the Governor and the General Assembly on or before a certain date; and generally relating to the Medical Assistance Program and eligibility for long–term care services.

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

House Bill 1455 – Delegates Eckardt, Cane, and Haddaway

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 Education, Health, and Environmental Affairs.

House Bill 1463 – Delegates Conway, Elmore, and Mathias

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~~ and vice–chair of the Commission; providing for the appointment of a secretary–treasurer; 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 Secretary of Natural Resources to perform certain duties under certain circumstances; 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~~ and contracts under certain circumstances; providing that a lease entered into before the creation of the Commission shall stay in effect for a certain period of time; prohibiting the Executive Director from executing certain leases or contracts under certain circumstances; providing that certain leases and contracts executed by the Executive Director must be reviewed and approved by the Commission and the Office of the Attorney General; authorizing the Secretary of Natural Resources to approve certain matters; requiring the Secretary to respond in a certain manner 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 Executive Director to procure certain goods and services in accordance with certain requirements; requiring

the Executive Director to adopt a certain procurement policy; 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; requiring the State to pay the Executive Director's salary without reimbursement from the Commission until a certain determination is made; providing for a delayed effective date; and generally relating to the Somers Cove Marina Commission.

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 Education, Health, and Environmental Affairs.

House Bill 1498 – Delegate Kullen

AN ACT concerning

Calvert County – Soft–Shell Clam Harvesting

FOR the purpose of altering in Calvert County the ~~distances~~ distance from the shoreline~~, a natural oyster bar, or a leased oyster bottom~~ within which a person may not catch or attempt to catch soft–shell clams with certain gear; making a technical correction; making a stylistic change; providing for the effective date of this Act; and generally relating to the catching of soft–shell clams in Calvert County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1037

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 260 of the Acts of the General Assembly of 2007)

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

House Bill 1509 – Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environmental Service, Maryland)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

FOR the purpose of authorizing the Maryland Environmental Service to engage in certain energy projects and services; clarifying the authority of the Maryland Environmental Service to provide recycling and certain other projects; altering certain exemptions for the Maryland Environmental Service from certain provisions relating to finance and procurement; authorizing counties and municipalities to enter into certain agreements with the Maryland Environmental Service without regard to certain limitations or other provisions regulating the procurement or awarding of public contracts; confirming the authority of the Maryland Environmental Service to establish and collect rates, fees, and charges for certain projects, products, and services; authorizing the Maryland Environmental Service to collect certain unpaid rates, fees, and charges by tax sale; altering the authority of the Maryland Environmental Service to issue certain bonds and notes; authorizing counties and municipalities to enter into certain agreements with the Maryland Environmental Service for energy projects; clarifying the jurisdiction of the Public Service Commission over disputes regarding certain rates, fees, and other charges exacted by the Maryland Environmental Service; altering certain notice requirements; and generally relating to the Maryland Environmental Service.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–101, 3–102, 3–103(g), 3–104, 3–105, 3–107, 3–108, 3–113, 3–116 through 3–118, 3–120, 3–122, 3–126, 3–127, and 3–128
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 3–129 and 3–130
Annotated Code of Maryland
(2005 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 1517 – Delegate Donoghue

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, and Nuclear Medicine Technologists – Various Changes

FOR the purpose of repealing the State Board of Physician's authority to place respiratory care practitioners on inactive status and issue temporary licenses to respiratory care practitioners; altering certain qualifications for consumer members on the Respiratory Care Professional Standards Committee and on the Radiation Therapy, Radiography, and Nuclear Medicine Technology Advisory Committee; requiring the committees to elect chairmen at certain times; altering the duties of the committees; establishing that certain students of respiratory care, radiation therapy, radiography, and nuclear medicine technology who are enrolled and practicing in certain education programs are not required to hold certain licenses; repealing certain provisions regarding veterans in certain respiratory care educational programs; altering certain licensure, renewal, and reinstatement requirements for respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; repealing a requirement that the Board send certain notice by a certain method; establishing certain civil penalties for failure by respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists to complete certain continuing education credits; establishing that certain licenses may not be renewed for longer than a certain number of years; requiring that certain respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists notify the Board of certain changes of address within a certain time and establishing a certain administrative penalty for failure to comply; establishing that certain Board votes require the affirmative vote of a majority of a quorum; altering certain causes for disciplining respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; establishing an appeal process for certain persons aggrieved by certain Board decisions; prohibiting certain physicians, hospitals, related institutions, alternative health systems and employees from employing certain unlicensed individuals and authorizing the Board to impose a certain civil penalty; clarifying certain types of radiation practices regulated by the Board; substituting licensure for certification as the credential for radiation therapists, radiographers, and nuclear medicine technologists; establishing that certain individuals employed by the federal government to practice radiation therapy, radiography, or nuclear medicine technology are not required to hold certain licenses; repealing a certain internship program; authorizing the Board to issue certain temporary licenses to practice radiation therapy, radiography, and nuclear medicine technology;

establishing that certain certified individuals are not required to meet certain requirements; and generally relating to respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–5A–01, 14–5A–06, 14–5A–07 through 14–5A–09, 14–5A–13, 14–5A–16, 14–5A–17, 14–5A–19, 14–5A–23, 14–5B–01, 14–5B–03 through 14–5B–10, 14–5B–12 through 14–5B–18, and 14–5B–20
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health Occupations
Section 14–5A–14, 14–5A–15, and 14–5B–11
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 14–5A–14, 14–5A–17.1, 14–5A–22.1, 14–5B–11, 14–5B–12.1, 14–5B–14.1, and 14–5B–18.1
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 1537 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Real Property Assessments – Assessment Notice – Requirements

FOR the purpose of altering the circumstances under which a failure to send certain assessment notices within a certain time creates a certain irrebuttable presumption under certain circumstances; and generally relating to assessment notices sent by the State Department of Assessments and Taxation.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 8–401
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1549 – Chair, Health and Government Operations Committee (By Request – Departmental – General Services)

AN ACT concerning

~~General Services – Procurement – Exemptions~~
Department of General Services – Renovation of Historic Structures – Procurement Exemptions

FOR the purpose of exempting the renovation of certain historic ~~properties~~ structures by the Department of General Services from certain provisions of the State procurement law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvi) and (xvii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)
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 1550 – Delegates Busch, V. Clagett, and George

EMERGENCY BILL

AN ACT concerning

Department of General Services Police – Jurisdiction, Authority, and Responsibility

FOR the purpose of providing that the Department of General Services has full police jurisdiction and authority for the enforcement of certain laws as they relate to certain properties, including the surrounding areas of certain properties in ~~Annapolis; expanding the authority of the Secretary of General Services with regard to the Department's police and security force and with regard to its responsibility for law enforcement for certain properties, including the surrounding areas of certain properties in Annapolis~~ Annapolis and Baltimore City; authorizing the Secretary of General Services to establish a certain police force to protect people and property in certain areas; making certain provisions

relating to the Department of General Services security force applicable to the police force authorized under this Act; establishing that the Secretary of General Services has concurrent authority with certain chiefs of police to enforce the criminal laws in certain areas, including in the surrounding areas of certain properties in Annapolis and Baltimore City, and the parking and motor vehicle laws in the surrounding areas of certain properties in Annapolis and Baltimore City; repealing ~~a provision~~ certain limitations relating to the concurrent authority of the Secretary of General Services and certain chiefs of police; making this Act an emergency measure; and generally relating to the jurisdiction, authority, and responsibility of the Department of General Services Police.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–601, 4–605, and 4–606
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 4–602, 4–603, and 4–604
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1567 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

FOR the purpose of altering a certain requirement to be met by a distributor licensed in Frederick County from whom certain persons may purchase a tip jar or punchboard for gaming purposes; and generally relating to tip jar and punchboard gaming in Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1302 and 13–1305(a)(1)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1305(d)

Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1585 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, G. Clagett, Eckardt, Guzzone, Haynes, James, Jones, Levy, Robinson, and Schuh

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; authorizing the governing authority of any local government to direct its financial officer to remit certain funds to the State Treasurer for a certain purpose; and generally relating to the investment of funds by local governments.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22(b) and 22G(c)
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 1587 – ~~Delegate Hammen~~ Delegates Hammen, Beitzel, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

FOR the purpose of ~~authorizing~~ requiring 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; requiring, 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; requiring, 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~~ included in the reasonable costs of each hospital when establishing the hospital's rates, is not considered in making certain determinations, and is not less than a certain percentage of net patient revenue; 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; providing that funds generated from the assessment may be used only for certain purposes; requiring the Commission to report certain information to the Governor and General Assembly on or before a certain date each year; 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; requiring the Maryland Health Care Commission to report certain information to the Governor and General Assembly on or before a certain date each year; establishing the intent of the General Assembly with regard to Medicaid day limits on hospital services; ~~requiring that~~ authorizing funds generated from ~~the~~ a certain assessment under this Act ~~be used only for certain purposes~~ to be used for a certain purpose notwithstanding certain provisions of law; requiring the Health Services Cost Review Commission to ensure that a certain assessment does not exceed certain savings; 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) and (e)
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)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–12A–01(a) and (f)
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 and reenacting, with amendments,
Article – Insurance
Section 15–12A–05
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)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 515 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Development Impact Fees – Not–For–Profit Entities

FOR the purpose of authorizing the County Council of Anne Arundel County to enact an ordinance to grant exemptions from or credits against development impact fees for development by certain not–for–profit entities; requiring the ordinance

to set the amount of, establish the conditions of eligibility for, and adopt procedures for the exemptions or credits; and generally relating to development impact fees in Anne Arundel County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Anne Arundel County
Section 17–11–215
Article 2 – Public Local Laws of Maryland
(2005 Edition and December 2007 Supplement, as amended)

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

House Bill 782 – Delegates Branch, DeBoy, Gaines, Haynes, and Jones

AN ACT concerning

Governor's Office of Community Initiatives – Reorganization of Various State Entities

FOR the purpose of establishing statutorily the Governor's Office of Community Initiatives; requiring the Governor's Office of Community Initiatives to include certain units; transferring the Commission on Indian Affairs from the Department of Human Resources to the Governor's Office of Community Initiatives; transferring the Commission on African American History and Culture from the Department of Planning to the Governor's Office of Community Initiatives; providing for certain corrections in cross–references and terminology; altering the Division of Historical and Cultural Programs in the Department of Planning; and generally relating to the Governor's Office of Community Initiatives and the reorganization of various State entities.

BY renumbering
Article – State Government
Section 9–1301 through 9–1306, respectively, and the subtitle "Subtitle 13. Governor's Office on Service and Volunteerism"
to be Section 9.5–201 through 9.5–206, respectively, and the subtitle "Subtitle 2. Governor's Office on Service and Volunteerism"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY transferring
Article – Human Services
Section 2–501 through 2–512, respectively, and the subtitle "Subtitle 5. Commission on Indian Affairs"
Annotated Code of Maryland
(2007 Volume)
to be

Article – State Government
Section 9.5–301 through 9.5–312, respectively, and the subtitle "Subtitle 3. Commission on Indian Affairs"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY transferring
Article – State Finance and Procurement
Section 5A–201 through 5A–208, respectively, and the subtitle "Subtitle 2. Commission on African American History and Culture"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
to be
Article – State Government
Section 9.5–401 through 9.5–408, respectively, and the subtitle "Subtitle 4. Commission on African American History and Culture"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–102
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9.5–101 to be under the new title "Title 9.5. Governor's Office of Community Initiatives" and the new subtitle "Subtitle 1. Governmental Units"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9.5–202
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9.5–302, 9.5–305, 9.5–306, and 9.5–309
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Section 2 of this Act)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9.5–402, 9.5–405, 9.5–406, and 9.5–408
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Section 3 of this Act)

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

House Bill 905 – Delegates Gutierrez, Ali, Anderson, Barnes, Bobo, Branch, Braveboy, Carr, Gaines, Haynes, Heller, Hucker, Ivey, Jones, Kaiser, Lee, Manno, Nathan–Pulliam, Niemann, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Stukes, Taylor, V. Turner, and Valderrama

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

FOR the purpose of requiring certain nonpublic institutions of higher education to submit a certain report regarding cultural diversity programs to the Maryland Independent College and University Association on or before a certain date each year; requiring the Association to submit a certain report on the status of certain cultural diversity programs to the Maryland Higher Education Commission on or before a certain date each year; requiring the report to include a certain analysis; requiring certain public institutions of higher education to develop and implement certain plans for a program of cultural diversity; requiring certain plans to include certain improvements to certain programs under certain circumstances; requiring certain plans to include certain implementation strategies and time lines for meeting certain goals; providing for the contents of a certain plan; requiring certain plans to enhance certain programming and certain sensitivity through certain instruction and training; requiring certain public institutions of higher education to submit certain plans to the governing body of the institution for review on or before a certain date each year; requiring the governing body of certain institutions to submit a certain progress report to the Commission on or before a certain date each year; requiring the Commission to review the progress report to monitor compliance with the goals of the State Plan for Higher Education; and generally relating to plans for programs of cultural diversity.

BY repealing and reenacting, with amendments,
Article – Education
Section 10–211
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education
Section 11–406
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 1436 – Delegates Weir, Boteler, Holmes, Impallaria, and Minnick

AN ACT concerning

Natural Resources – Fishing Restrictions – Pot and Net Setting

FOR the purpose of altering the distance that a person is prohibited from setting ~~a net~~ a certain pot, net, or series of nets within a certain distance in any direction of any other net or series of nets; ~~altering the method used to measure the distance between~~ limiting the length of ~~nets for enforcement purposes~~ a certain net or series of nets; limiting the application of a certain distance restriction to a certain pot, net, or series of nets; defining a certain term; and generally relating to fishing restrictions on the use of ~~nets~~ certain pots and nets.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–728(a)
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 1476 – Delegates Holmes, Beidle, Cane, Frush, Hucker, Niemann, Ross, Shewell, and Sossi

AN ACT concerning

Public Safety – Industrialized ~~Building – Definition~~ Buildings – Exemptions

FOR the purpose of ~~excluding~~ exempting a certain building that has less than a certain width and length from certain inspection and certification standards and regulations adopted by the Department of Housing and Community Development for certain industrialized buildings; authorizing a manufacturer of a certain exempted building to elect to have the Department perform a certain determination for the purpose of the Department certifying and providing a certain insignia for the building under certain circumstances; and generally relating to industrialized buildings.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–301(d) and 12–307
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 1493 – Delegate Kullen

AN ACT concerning

Calvert County – Authorization to Harvest Seafood and Engage in the Seafood Industry

FOR the purpose of authorizing the governing body of Calvert County to adopt an ordinance, resolution, or regulation or take other action to authorize a person to engage in certain activities related to the seafood industry and to harvest seafood; clarifying that the governing body of Calvert County is required to hold a public hearing and obtain the written consent of the Secretary of Natural Resources before adopting a certain ordinance, resolution, or regulation; providing that an ordinance, resolution, or regulation adopted by the governing body of Calvert County under this Act without written consent of the Secretary is void; providing that in the event of a certain conflict, federal law, State law, or a certain written program guidance preempts a certain ordinance, resolution, or regulation adopted by the governing body of Calvert County under this Act; and generally relating to the authority of the governing body of Calvert County to authorize a person to engage in certain activities related to the seafood industry and to harvest seafood.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 232
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 1604 – ~~Delegate Carr~~ Delegates Carr, Ali, Cane, Frush, Glenn, Healey, Holmes, Hucker, Niemann, and Stein

AN ACT concerning

Department of Natural Resources – ~~Community~~ Municipal 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~~ Municipal 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; providing for the application of this Act; and generally relating to the ~~Community~~ Municipal 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~~ 5–9C–03 to be under the new subtitle "Subtitle 9C. ~~Community~~ Municipal Parks ~~and Playgrounds~~ Program"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 16 – Delegate Smigiel

AN ACT concerning

Local Government Tort Claims Act – Notice

FOR the purpose of altering the time period during which certain notice must be given to bring an action for unliquidated damages against a local government or its employees under the Local Government Tort Claims Act; repealing a certain exception to the requirement of certain notice under the Local Government Tort

Claims Act; providing for the application of this Act; and generally relating to notice under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–304(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 5–304(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 586 – Delegates Kullen and Kipke

AN ACT concerning

~~Consumer Products Safety – Lead and Mercury Reduction Act~~
Statewide Advisory Commission on Immunizations – Influenza Vaccines – Study

FOR the purpose of ~~prohibiting certain persons from administering vaccines that contain more than a certain amount of mercury per dose; prohibiting the sale, offer for sale, or distribution in the State of certain drugs that contain mercury; prohibiting the sale, offer for sale, or distribution in the State of cosmetics that contain lead or mercury; providing for a delayed effective date; and generally relating to prohibitions against the administering of vaccines with specified levels of mercury and the sale of cosmetics and specified drugs that contain mercury~~ requiring the Statewide Advisory Commission on Immunizations to conduct a certain study; requiring the Commission to make a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the Statewide Advisory Commission on Immunizations and a study on the influenza vaccine.

~~BY adding to~~
~~Article – Health – General~~
~~Section 18–405, 21–228, and 21–232~~
~~Annotated Code of Maryland~~
~~(2005 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 835 – Delegates Hucker, Ali, Beidle, Cane, Carr, Frush, Glenn, Gutierrez, Healey, Holmes, Manno, Niemann, Shewell, and Stein

AN ACT concerning

Mercury Switch Removal from Vehicles

FOR the purpose of requiring motor vehicle manufacturers to develop a mercury minimization plan that includes information on mercury switch removal from motor vehicles; requiring certain manufacturers to submit a certain plan to the Department of the Environment within a certain number of days after the enactment date of this Act; establishing certain requirements for a mercury minimization plan; requiring vehicle manufacturers to pay certain costs associated with mercury switch removal; requiring the Department to review the plan and make a determination about the status of the plan within a certain number of days; authorizing the Department to impose certain penalties for violators of a mercury minimization plan; authorizing a scrap recycling facility to accept end–of–life vehicles that contain mercury switches under certain circumstances; defining certain terms; authorizing the Department to adopt rules and regulations to administer the program; requiring an annual report containing certain information to be submitted to the Department; requiring certain vehicle manufacturers to report certain information to the Department on or before a certain date; requiring the Department to make a certain determination; making this Act subject to a certain contingency; requiring the Department to forward a copy of a certain determination to the Department of Legislative Services; providing for the termination of this Act under certain circumstances; and generally relating to mercury switch removal from motor vehicles.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–904 and 6–905
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 6–905.4 through 6–905.6
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 1082 – Delegate Benson

AN ACT concerning

Polysomnographic Technologists – Education and Licensing Requirements – ~~Waiver~~

FOR the purpose of requiring the State Board of Physicians to waive certain education requirements for certain polysomnographic technologists who ~~have practiced polysomnography in another state and~~ meet certain requirements by a certain date; altering the date by which an individual must be licensed before the individual may practice polysomnography in the State; and generally relating to ~~the waiver of~~ education and licensing requirements for polysomnographic technologists.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–5C–01(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–5C–08 and 14–5C–10
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 1111 – Delegate Dumais

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

FOR the purpose of establishing a Maryland Commission on Capital Punishment; providing for the membership of the Commission; providing for the chair of the Commission; authorizing the Commission to hold public hearings; providing for the staffing of the Commission; requiring certain entities to cooperate with the Commission; providing for the funding of the Commission; providing that a member of the Commission may not receive compensation but is entitled to certain reimbursement; establishing the duties of the Commission; requiring the Commission to make a certain report by a certain date; defining a certain term; providing for the construction of this Act; providing for the termination of this Act; and generally relating to the death penalty.

BY adding to
Article – Correctional Services
Section 3–910

Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 1326 – Delegates Rosenberg, Busch, Conway, Doory, Harrison, Hixson, James, Levy, McIntosh, Oaks, Proctor, and Vallario

AN ACT concerning

Annotated Code of Maryland – Estates and Trusts Article – Dedicated to Roger D. Redden

FOR the purpose of dedicating the Estates and Trusts Article of the Annotated Code of Maryland to Roger D. Redden.

~~BY adding to~~
~~Article – State Government~~
~~Section 13–601 to be under the amended title "Title 13. Emblems; Commemorations" and the new subtitle "Subtitle 6. Dedication of the Annotated Code of Maryland"~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – Estates and Trusts
Section 1–104
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1351 – Delegates Love, Beidle, Bobo, V. Clagett, Costa, Gilchrist, Kipke, and Stein

AN ACT concerning

Continuing Care Retirement Communities – Subscriber ~~Complaints and Investigations~~ Grievances

FOR the purpose of ~~adding to the requirements for a continuing care retirement community's internal grievance procedure; shortening the time frame within which certain subscribers have the right to meet with management of a provider;~~ requiring certain providers to submit certain information to the Department of Aging and to the Health Education and Advocacy Unit in the Office of the Attorney General on ~~a certain basis~~ or before a certain date; ~~authorizing the Health Education and Advocacy Unit to identify, investigate,~~

~~and resolve certain complaints under certain circumstances;~~ and generally relating to continuing care retirement communities and subscriber ~~complaints and investigations~~ grievances.

~~BY repealing and reenacting, with amendments,~~
~~Article – Human Services~~
~~Section 10–428~~
~~Annotated Code of Maryland~~
~~(2007 Volume)~~

~~BY adding to~~
~~Article – Human Services~~
~~Section 10–430~~
~~Annotated Code of Maryland~~
~~(2007 Volume)~~

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

House Bill 1407 – Delegates Mizeur, Pena–Melnyk, and Ivey

AN ACT concerning

Birth Options Preservation ~~Act~~ Study

FOR the purpose of ~~prohibiting the State Board of Nursing from requiring nurse midwives to have certain written agreements with physicians; requiring nurse midwives to make available to the Board a copy of certain Practice Guidelines under certain circumstances; defining a certain term~~ requiring the State Board of Nursing and the State Board of Physicians to conduct a joint study on a requirement for a certain agreement between a certified nurse–midwife and a licensed physician; requiring that the Boards collaborate with certain entities; requiring that the study include a review of certain standards and determine certain recommendations; requiring the Boards to report to certain committees of the General Assembly on or before a certain date; and generally relating to ~~the practice~~ a study of nurse midwifery.

~~BY repealing and reenacting, with amendments,~~
~~Article – Health Occupations~~
~~Section 8–601 and 8–602~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Health Occupations~~
~~Section 8–602.1~~
~~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 1460 – Delegate Simmons

AN ACT concerning

Election Law – Loans to Candidates

FOR the purpose of altering the period after which certain campaign loans that remain unpaid are considered contributions; authorizing the State Board of Elections to extend for a certain period of time a certain repayment period on a written showing of good cause; and generally relating to loans made to a candidate's campaign.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–230
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 1504 – Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

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 Education, Health, and Environmental Affairs.

House Bill 1562 – Delegates Rudolph, James, and Walkup

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; 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 on or before entering into the contract of sale 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 Cecil 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 1563 – Delegate Hubbard

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 Education, Health, and Environmental Affairs.

House Bill 1602 – ~~Delegate Malone~~ Delegates Malone, Hammen, Aumann, Bates, Barkley, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Griffith, Guzzone, Gutierrez, Haynes, Heller, James, Jones, Levy, Myers, Sophocleus, Stocksdale, Wood, ~~and O'Donnell~~ O'Donnell, Ali, Barve, Beidle, Bromwell, Carr, Carter, Donoghue, Dumais, Feldman, Frick, Gilchrist, Hecht, Howard, Krysiak, Kullen, Lafferty, Lee, Love, McHale, McIntosh, Manno, Mathias, Minnick, Montgomery, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Riley, Rudolph, Schuler, Stein, Stukes, Tarrant, Valderrama, Weir, Haddaway, Kipke, Miller, and Stull

SECOND PRINTING

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

FOR the purpose of establishing a Commission to Study the Impact of Immigrants in Maryland; providing for the membership and duties of the Commission; requiring that certain members appointed to the Commission reflect certain

diversity of this State; providing for the designation of a chair of the Commission; requiring the University of Maryland, College Park to provide staff for the Commission; prohibiting members of the Commission from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Commission to report its findings 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 Commission to Study the Impact of Immigrants in Maryland.

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

House Bill 1607 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Board of Education and School Board Nominating Commission

FOR the purpose of requiring the Department of Legislative Services to provide staff for the School Board Nominating Commission of Anne Arundel County; repealing the provision that the increase in the salary or compensation of the President and the members of the Anne Arundel County Board of Education does not apply to the incumbent President or the incumbent members of the County Board; and generally relating to the Board of Education and the School Board Nominating Commission of Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–110
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Chapter 454 of the Acts of the General Assembly of 2007
Section 4

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

House Bill 1609 – Delegates F. Turner, Guzzone, ~~and Pendergrass~~ Pendergrass, Hixson, Doory, Bartlett, Cardin, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, and Walker

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 Budget and Taxation.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #11

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

Senate Bill 676 – Senators Stoltzfus, Astle, Colburn, Dyson, Glassman, Haines, and Jacobs

EMERGENCY BILL

AN ACT concerning

Property Tax Assessment – Commercial Waterfront Property

SB0676/299133/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 676
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in line 2, strike "Assessment" and substitute "Credit"; strike beginning with "establishing" in line 3 down through "purposes" in line 15 and substitute "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"; strike in their entirety lines 16 through 20, inclusive; and in line 23, strike "8–228.1" and substitute "9–248".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 22, inclusive; and in line 23, strike "**8–228.1.**" and substitute "**9–248.**".

AMENDMENT NO. 3

On page 2, in line 26, after "**(2)**" insert "**(I)**"; in lines 26 and 27, in each instance, strike "**FISHING**" and substitute "**FISH**"; and after line 28, insert:

"**(II) "COMMERCIAL FISH OPERATION" INCLUDES ANY ACTIVITY FOR WHICH A PERSON IS REQUIRED TO BE LICENSED AS A SEAFOOD DEALER UNDER § 4–701 OF THE NATURAL RESOURCES ARTICLE.**".

On page 3, in lines 7 and 13, in each instance, strike "**FISHING**" and substitute "**FISH**".

AMENDMENT NO. 4

On page 3, before line 1, insert:

"**(3) "COMMERCIAL FISHING VESSEL" MEANS A VESSEL THAT IS:**

(I) OWNED OR LEASED BY A PERSON POSSESSING A TIDAL FISH LICENSE UNDER § 4-701 OF THE NATURAL RESOURCES ARTICLE; AND

(II) USED IN A COMMERCIAL FISH OPERATION.".

AMENDMENT NO. 5

On page 3, in line 1, strike "**(3)**" and substitute "**(4)**"; in lines 1 and 2, strike "**USED FOR COMMERCIAL PURPOSES**" and substitute "**THAT LEASES AT LEAST 20% OF ITS SLIPS TO COMMERCIAL FISHING VESSELS**".

AMENDMENT NO. 6

On page 3, after line 2, insert:

"**(5)** **"COMMERCIAL MARINE REPAIR FACILITY" MEANS A MARINE REPAIR FACILITY THAT DERIVES AT LEAST 20% OF ITS GROSS RECEIPTS FROM CHARGES FOR THE REPAIR AND MAINTENANCE OF COMMERCIAL FISHING VESSELS.**";

in line 3, strike "**(4)**" and substitute "**(6)**"; and in lines 8 and 13, in each instance, after "**MARINA**" insert "**OR COMMERCIAL MARINE REPAIR FACILITY**".

AMENDMENT NO. 7

On pages 3 through 6, strike in their entirety the lines beginning with line 14 on page 3 through line 24 on page 5, inclusive, and substitute:

"**(B)** **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON COMMERCIAL WATERFRONT PROPERTY.**

(C) **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:**

(1) **THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SECTION;**

(2) **ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;**

(3) **REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND**

(4) **ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SECTION.**".

AMENDMENT NO. 8

On page 5, in line 25, strike "3." and substitute "2."; and strike beginning with "is" in line 25 down through "enacted" in line 29 and substitute "shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008".

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 760 – Senator Stone

AN ACT concerning

Homestead Property Tax – Residence of Homeowner's Family Member

SB0760/969233/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 760
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Homestead"; in the same line, after "Tax" insert "Credit"; strike beginning with "altering" in line 3 down through "homeowner" in line 10 and substitute "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 dwellings; 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; and generally relating to a local property tax credit for dwellings"; and strike in their entirety lines 11 through 15, inclusive, and substitute:

"BY adding to

Article – Tax – Property
Section 9–248
Annotated Code of Maryland
(2007 Replacement Volume)".

AMENDMENT NO. 2

On page 1, in line 19, strike "9–105." and substitute "**9–248.**".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 13 on page 2, inclusive.

On page 2, strike in their entirety lines 14 and 15 and substitute:

"**(A) IN THIS SECTION, "FAMILY ASSISTANCE DWELLING" MEANS A HOUSE, AND THE LOT OR CURTILAGE ON WHICH THE HOUSE IS ERECTED, IF THE HOUSE:**";

and in lines 16, 17, 20, 21, 24, and 27, strike "**1.**", "**2.**", "**3.**", "**A.**", "**B.**", and "**C.**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", "**(I)**", "**(II)**", and "**(III)**", respectively.

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 down through line 22 on page 3, inclusive, and substitute:

"**(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON A FAMILY ASSISTANCE DWELLING.**

(C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS 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 Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 816 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credit – Historically Operated Amusement Park

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 953 – Senator Edwards

AN ACT concerning

Garrett County – Local Tax – Date of Payment

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 999 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

SB0999/699435/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 999
(First Reading File Bill)

On page 3, in line 9, strike "**COASTAL HIGHWAY**" and substitute "**STATE ROUTE 528**".

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:

House Bill 612 – Delegates Kullen, Elmore, Haddaway, Mathias, Smigiel, and Sossi

~~EMERGENCY BILL~~

AN ACT concerning

Property Tax ~~Assessment~~ Credit – Commercial Waterfront Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #12

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

Senate Bill 131 – Senators King, Forehand, Peters, and Raskin

AN ACT concerning

Municipal Corporations – Hotel Rental Tax

SB0131/309436/2

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 131
(First Reading File Bill)

On page 2, in line 28, after "**IF**" insert "**:**

(I)";

and in line 29, after "**ROOMS**" insert "**; OR**

(II) THE MUNICIPAL CORPORATION IS LOCATED WITHIN A COUNTY THAT:

1. DISTRIBUTES AT LEAST 50% OF TOTAL HOTEL TAX REVENUES TO PROMOTE TOURISM WITHIN THE COUNTY; OR

2. DOES NOT IMPOSE A TAX ON A TRANSIENT CHARGE PAID TO A HOTEL".

The preceding amendment was read only.

Senator Mooney 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 468 – Senator Stoltzfus

AN ACT concerning

Somerset County – Property Tax Credit for Assessment Increases

SB0468/269930/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 468
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "for Assessment Increases"; and strike beginning with "requiring" in line 3 down through "property" in line 14 and substitute "authorizing the governing body of Somerset County or the governing body of a municipal corporation in Somerset County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain real 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; and generally relating to a local property tax credit in Somerset County".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 4 on page 4, inclusive, and substitute:

"**(B) (1) THE GOVERNING BODY OF SOMERSET COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN SOMERSET COUNTY MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS NOT ELIGIBLE FOR THE HOMESTEAD PROPERTY TAX CREDIT UNDER § 9–105 OF THE TAX – PROPERTY ARTICLE.**

(2) THE SOMERSET COUNTY COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN SOMERSET COUNTY MAY PROVIDE, BY LAW, FOR:

(I) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;

(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING ON REQUESTS FOR THE TAX CREDIT; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.".

AMENDMENT NO. 3

On page 4, strike beginning with "2008," in line 7 down through "effect" in line 9 and substitute "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 with amendments:

Senate Bill 1000 – Senator Harrington

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

SB1000/649935/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1000
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 4 down through "Program;" in line 5; and strike beginning with "requiring" in line 10 down through "Program;" in line 12 and substitute "providing for the application of this Act;".

On page 1, strike in their entirety lines 14 through 20, inclusive; and in line 23, strike "5–9C–04" and substitute "5–9C–03".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 14 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in line 23, strike "**MUNICIPALITIES**" and substitute "**MUNICIPAL CORPORATIONS**"; in the same line, after "**STATE**" insert "**AND BALTIMORE CITY**"; in line 25, strike "**SHOULD**" and substitute "**SHALL**"; in the same line, strike "**LOCAL GOVERNMENTS AND**"; in line 26, strike "**MUNICIPALITIES**" and substitute "**MUNICIPAL CORPORATIONS AND BALTIMORE CITY**"; in line 27, after the first comma, insert "**PURCHASE LAND TO**"; in the same line, after the second comma, insert "**DEVELOP NEW PARKS,**"; in line 28, strike "**OLDER**" and substitute "**URBAN**"; in the same line, strike "**INTENSELY DEVELOPED**" and substitute "**RURAL**"; in line 31, strike "**LOCAL GOVERNMENTS AND**"; and in line 32, strike "**MUNICIPALITIES**" and substitute "**MUNICIPAL CORPORATIONS AND BALTIMORE CITY**".

AMENDMENT NO. 4

On page 4, in line 6, strike "**IS**" and substitute "**MAY BE**"; in line 7, strike "**UNDER § 5–903(A)(2)(IV) OF THIS TITLE**" and substitute "**FROM THE GENERAL FUND OF THE STATE**"; in line 8, after "**OF**" insert "**STATE**"; in line 9, strike "**AS PROVIDED IN § 5–9C-04 OF THIS SUBTITLE**"; and strike in their entirety lines 10 through 13, inclusive.

AMENDMENT NO. 5

On page 4, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only to funding for projects that secure flexible grants through the Community Parks and Playgrounds Program in accordance with Title 5, Subtitle 9C of the Natural Resources Article, as enacted by Section 1 of this Act, beginning in fiscal year 2010.";

and in line 14, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #18

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 703 – Senator Zirkin

AN ACT concerning

Commission on Land Use at the Rosewood Center

SB0703/427679/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 703
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "closes" insert "and develop a certain master plan".

AMENDMENT NO. 2

On page 2, in line 22, strike "21"; in line 23, strike "Two" and substitute "Four"; in line 26, strike "One member" and substitute "The three members"; in lines 26 and 27, strike ", appointed by the Governor,"; in line 27, strike "represents" and substitute "represent"; strike beginning with "The" in line 31 down through "(4)" in line 33; and in line 34, strike "(5)" and substitute "(4)".

AMENDMENT NO. 3

On page 3, in line 1, strike "(6)" and substitute "(5)"; in line 4, strike "Two representatives" and substitute "One representative"; in line 7, after "transportation" insert "in the northwest Baltimore County area"; in line 10, strike "Three" and substitute "Two"; in line 11, strike "Two representatives" and substitute "One representative"; in line 12, strike "and"; in lines 13 and 14, strike "Owings Mills Corporate Roundtable" and substitute "Reisterstown–Owings Mills–Glyndon Coordinating Council; and

(viii) One representative of the Valley's Planning Council";

strike beginning with "Senator" in line 15 down through "co–chair" in line 17 and substitute "Secretary of the Department of General Services shall be Chairman of"; in line 28, strike "and"; and in line 30, after "closed" insert "; and

(3) Develop a master plan for the future use of the Rosewood Center property".

AMENDMENT NO. 4

On page 4, strike beginning with "(1)" in line 1 down through "(2)" in line 5; in line 5, strike "2010" and substitute "2009"; after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the buildings and grounds of the Rosewood Center be sold or leased at market value to a private or nonprofit entity and that the funds be dedicated to the Community Services Trust Fund for its intended purposes.";

in line 15, strike "3." and substitute "4."; in line 16, strike "2 years" and substitute "1 year"; and in line 17, strike "2010" and substitute "2009".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #2

AMENDED IN THE HOUSE

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority ~~– Bonding Authority~~

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

SB0182/274660/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 182
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "certain" insert "loan or"; and strike beginning with "develop" in line 17 down through "components" in line 19 and substitute "include certain information in a certain required report to certain committees of the General Assembly".

AMENDMENT NO. 2

On page 2, in line 16, strike "**10–YEAR**" and substitute "**6–YEAR**"; and in line 32, strike "**BY TOLL FACILITY AND**".

On page 3, in line 5, strike "**OR PLANNED TO BE ISSUED**"; in line 6, strike "**REVENUE BONDS AND CONDUIT FINANCING**" and substitute "**DEBT SERVICE ESTIMATES OF PLANNED BOND ISSUANCES**"; in line 16, strike "**FROM**" and substitute "**TO**"; and in the same line, strike "**TO**" and substitute "**FROM**".

On page 4, in line 5, strike "**10**" and substitute "**6**"; and in line 7, strike "**8**" and substitute "**4**".

AMENDMENT NO. 3

On page 4, in line 16, after "(1)" insert "**(I)**"; in the same line, strike "Revenue" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, REVENUE**"; and after line 19, insert:

"**(II) THE MAXIMUM AGGREGATE AMOUNT OF REVENUE BONDS THAT MAY BE OUTSTANDING AND UNPAID UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT OF:**

1. ANY LOAN EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT; AND

2. ANY LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT, TO THE EXTENT THE STATE DRAWS ON THE LINE OF CREDIT.".

On page 6, in line 4, after "**A**" insert "**LOAN OR**".

On page 8, in line 33, after "a" insert "loan or".

AMENDMENT NO. 4

On page 6, in line 18, after "year", insert "**UNTIL COMPLETION OF CONSTRUCTION OF THE INTERCOUNTY CONNECTOR**"; in line 28, strike "and"; and in line 33, strike the period and substitute a semicolon.

On pages 6 and 7, strike in their entirety the lines beginning with line 34 on page 6 through line 11 on page 7, inclusive.

On page 7, in line 12, strike "**(I)**" and substitute "**(IV)**"; in line 15, strike "**(II)**" and substitute "**(V)**"; and in line 24, after "**A**" insert "**LOAN OR**".

On page 8, strike in their entirety lines 1 through 5, inclusive; in line 6, strike "**(IV)**" and substitute "**(VI)**"; and in line 9, strike "**(V)**" and substitute "**(VII)**".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0182**
SPONSOR: Chr B&T (Dept)
SUBJECT: Maryland Transportation Authority

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

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

Senator Currie, Chairman

Senator Kasemeyer
Senator DeGrange.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #3

AMENDED IN THE HOUSE

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

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

SB0545/494469/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 545
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 10 down through "circumstances;" in line 12.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 19 through 26, inclusive; in line 27, strike "3." and substitute "2."; and in line 36, strike "4." and substitute "3.".

AMENDMENT NO. 3

On page 3, in lines 30 and 33, in each instance, strike "$13,000,000" and substitute "$12,330,000"; and in line 35, after "Administration" insert ", $8,000,000 of which may be transferred to T50T01.03 Stem Cell Research Fund".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0545**
SPONSOR: Chr B&T
SUBJECT: Health Care Funds – Transfers and Disbursements

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

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

Senator Currie, Chairman
Senator Kasemeyer
Senator DeGrange.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 617)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #49

Senate Bill 9 – Senator Rosapepe

AN ACT concerning

Prince George's County – Alcoholic Beverages – Beer Keg Sales – Registration Form

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

Affirmative – 46 Negative – 0 (See Roll Call No. 618)

The Bill was then sent to the House of Delegates.

Senate Bill 431 – Senators Pinsky, Raskin, Brochin, Conway, Dyson, Frosh, Garagiola, Madaleno, and Rosapepe

AN ACT concerning

~~**Natural Resources – Forest Conservation Act – No Net Loss of Forest**~~
Task Force to Study a No Net Loss of Forest Policy

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

Affirmative – 43 Negative – 4 (See Roll Call No. 619)

The Bill was then sent to the House of Delegates.

Senate Bill 455 – Harford County Senators

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

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

Affirmative – 47 Negative – 0 (See Roll Call No. 620)

The Bill was then sent to the House of Delegates.

Senate Bill 456 – Senator Astle

AN ACT concerning

Sales and Use Tax – Energy Star Product Exemptions – Boilers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 621)

The Bill was then sent to the House of Delegates.

Senate Bill 506 – Senators Rosapepe, Colburn, Kelley, Lenett, and Madaleno

AN ACT concerning

Task Force on the Preservation of Heritage Language Skills in Maryland

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

Affirmative – 28 Negative – 18 (See Roll Call No. 622)

The Bill was then sent to the House of Delegates.

Senate Bill 564 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Munson, ~~and Robey~~ Robey, and Colburn

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 623)

The Bill was then sent to the House of Delegates.

Senate Bill 773 – Senators Pugh and McFadden

AN ACT concerning

State Department of Education – Adult Education and Family Literacy Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the House of Delegates.

Senate Bill 823 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

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

Affirmative – 46 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the House of Delegates.

Senate Bill 883 – Senator Stone

AN ACT concerning

Voluntary Cleanup Program – Enforcement and Oversight – Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the House of Delegates.

Senate Bill 984 – ~~Senator DeGrange~~ Senators DeGrange and Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

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

Affirmative – 47 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #50

Senate Bill 383 – Senators Currie and McFadden

AN ACT concerning

Tobacco Tax – Moist Snuff ~~and Little Cigars~~

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

Affirmative – 26 Negative – 18 (See Roll Call No. 628)

The Bill was then sent to the House of Delegates.

Senate Bill 465 – Senators Peters, Currie, DeGrange, Edwards, Kasemeyer, King, Kramer, McFadden, Pugh, Robey, Simonaire, Stoltzfus, and Zirkin

AN ACT concerning

Property Tax Assessment Appeals

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

Affirmative – 47 Negative – 0 (See Roll Call No. 629)

The Bill was then sent to the House of Delegates.

Senate Bill 720 – Senators Klausmeier ~~and Della~~, Della, Exum, Garagiola, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics ~~Committee~~ Committees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the House of Delegates.

Senate Bill 797 – Senators Astle and Kittleman

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Wage Payment on Termination of Employment – Accrued Leave

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

Affirmative – 47 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the House of Delegates.

Senate Bill 815 – Senators Exum and Kelley

AN ACT concerning

Health Care Facilities – Individuals with Mental Disorders – Patient Rights

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

Affirmative – 47 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the House of Delegates.

Senate Bill 841 – Senator Middleton

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

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

Affirmative – 46 Negative – 0 (See Roll Call No. 633)

The Bill was then sent to the House of Delegates.

Senate Bill 854 – Senators Jones, McFadden, ~~and Pugh~~ Pugh, and Della

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 634)

The Bill was then sent to the House of Delegates.

Senate Bill 918 – Senator Forehand

AN ACT concerning

Long–Term Care Insurance – ~~Discrimination Based on Genetic Information or Tests – Prohibited~~ Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the House of Delegates.

Senate Bill 924 – ~~Senator Peters~~ Senators Peters, DeGrange, Currie, Kasemeyer, McFadden, Kramer, Brinkley, Robey, Munson, King, Jones, Madaleno, Edwards, and Zirkin

EMERGENCY BILL

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – ~~Residual Value~~ Application of Trade–In Value

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

Affirmative – 47 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the House of Delegates.

Senate Bill 980 – Senator Robey

AN ACT concerning

Uniform Commercial Code – Financing Statements – Termination by Government Employees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #51

Senate Bill 281 – ~~Senator Dyson~~ Senators Dyson and Harrington

AN ACT concerning

Affordable Housing Programs – Waiver or Modification of Fees and Charges – Enabling Authority for Counties and Municipalities

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

Affirmative – 41 Negative – 6 (See Roll Call No. 638)

The Bill was then sent to the House of Delegates.

Senate Bill 457 – Senator Astle

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

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

Affirmative – 47 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the House of Delegates.

Senate Bill 459 – Senators Middleton, Colburn, Dyson, Edwards, Glassman, ~~and Munson~~ Munson, and Harris

AN ACT concerning

Task Force to Review Physician Shortages in Rural Areas

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

Affirmative – 47 Negative – 0 (See Roll Call No. 640)

The Bill was then sent to the House of Delegates.

Senate Bill 602 – Senator Pinsky

AN ACT concerning

Direct Billing of Anatomic Pathology Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the House of Delegates.

Senate Bill 648 – Senators Peters, Astle, Dyson, ~~and Munson~~ Munson, Garagiola, Colburn, Conway, Lenett, and Rosapepe

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 642)

The Bill was then sent to the House of Delegates.

Senate Bill 751 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Elections – Salary

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

Affirmative – 47 Negative – 0 (See Roll Call No. 643)

The Bill was then sent to the House of Delegates.

Senate Bill 772 – Senators Pugh and McFadden

AN ACT concerning

State Procurement – Structuring and Bundling of Procurements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the House of Delegates.

Senate Bill 831 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses of Fund

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

Affirmative – 47 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the House of Delegates.

Senate Bill 847 – Senators Conway and Gladden

AN ACT concerning

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the House of Delegates.

Senate Bill 878 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

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

Affirmative – 39 Negative – 6 (See Roll Call No. 647)

The Bill was then sent to the House of Delegates.

Senate Bill 926 – Senator Astle

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 648)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #52

Senate Bill 16 – Senators Simonaire, Mooney, Jacobs, Haines, Brochin, Stone, and Muse

AN ACT concerning

Crimes – ~~Repeat~~ Sexual Offenders – ~~Enhanced~~ Sentencing

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

Affirmative – 45 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the House of Delegates.

Senate Bill 444 – Senators King, Currie, DeGrange, Edwards, Forehand, Garagiola, Jones, Kasemeyer, Kramer, Madaleno, Munson, Peters, Raskin, Robey, and Stoltzfus

AN ACT concerning

Corporate Income Tax – Reporting and Study

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

Affirmative – 47 Negative – 0 (See Roll Call No. 650)

The Bill was then sent to the House of Delegates.

Senate Bill 473 – Senators Garagiola, Forehand, Lenett, Madaleno, Pinsky, Pugh, and Robey

AN ACT concerning

Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

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

Affirmative – 46 Negative – 1 (See Roll Call No. 651)

The Bill was then sent to the House of Delegates.

Senate Bill 613 – Senator Munson

AN ACT concerning

City of Hagerstown – Fire and Explosives Investigators – Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 652)

The Bill was then sent to the House of Delegates.

Senate Bill 614 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Mooney, and Muse

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

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

Affirmative – 32 Negative – 15 (See Roll Call No. 653)

The Bill was then sent to the House of Delegates.

Senate Bill 695 – Senators Gladden, Frosh, and Muse

AN ACT concerning

Police and Court Records – Nuisance Crimes – Expungement

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

Affirmative – 44 Negative – 2 (See Roll Call No. 654)

The Bill was then sent to the House of Delegates.

Senate Bill 710 – Senator Lenett

SECOND PRINTING

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

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

Affirmative – 25 Negative – 22 (See Roll Call No. 655)

The Bill was then sent to the House of Delegates.

Senate Bill 789 – Senator Forehand

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

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

Affirmative – 36 Negative – 11 (See Roll Call No. 656)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #53

Senate Bill 309 – Senators Pinsky, Brochin, Currie, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, King, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ Stone, and Harrington

AN ACT concerning

Global Warming Solutions – Reductions in Greenhouse Gases

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

Affirmative – 31 Negative – 16 (See Roll Call No. 657)

The Bill was then sent to the House of Delegates.

Senate Bill 436 – Senators Pugh, McFadden, Conway, Currie, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Lenett, Madaleno, Muse, Peters, Raskin, and Robey

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

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

Affirmative – 27 Negative – 20 (See Roll Call No. 658)

The Bill was then sent to the House of Delegates.

Senate Bill 438 – Senators Jones, Conway, Currie, Gladden, King, McFadden, Muse, Pugh, and Raskin

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

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

Affirmative – 41 Negative – 6 (See Roll Call No. 659)

The Bill was then sent to the House of Delegates.

Senate Bill 568 – Senators Stone and Della

AN ACT concerning

Motor Vehicles – Certificates of Title – Rebuilt Salvage

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

Affirmative – 47 Negative – 0 (See Roll Call No. 660)

The Bill was then sent to the House of Delegates.

Senate Bill 597 – Senators Kramer, Currie, Della, Forehand, Frosh, Jones, King, Madaleno, Middleton~~, Munson~~, Pinsky, Robey, Rosapepe, and Zirkin

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Domestic Partners

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

Affirmative – 26 Negative – 21 (See Roll Call No. 661)

The Bill was then sent to the House of Delegates.

Senate Bill 606 – Senators Pugh, Jones, Conway, Currie, Exum, Frosh, Gladden, Kelley, King, Madaleno, McFadden, Middleton, Muse, ~~and Raskin~~ Raskin, Peters, and Harrington

AN ACT concerning

State Government – Brokerage and Investment ~~Banking~~ Management Services – Use of Minority Business Enterprises

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

Affirmative – 47 Negative – 0 (See Roll Call No. 662)

The Bill was then sent to the House of Delegates.

Senate Bill 796 – Senators Astle and Pipkin

EMERGENCY BILL

AN ACT concerning

~~Vehicle Laws –~~ Motor Vehicle Accident Reports – Access

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

Affirmative – 47 Negative – 0 (See Roll Call No. 663)

The Bill was then sent to the House of Delegates.

Senate Bill 885 – Senators Madaleno, Forehand, Garagiola, Jones, King, and Lenett

AN ACT concerning

The Jane E. Lawton Loan Program

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

Affirmative – 45 Negative – 2 (See Roll Call No. 664)

The Bill was then sent to the House of Delegates.

Senate Bill 916 – Senator Middleton

AN ACT concerning

Maryland Trauma Physician Services Fund – Reimbursement and Grants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 665)

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 662 – Senator Middleton

AN ACT concerning

Agricultural Land Transfer Tax – Rates and Distribution of Revenue

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0662/659036/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Currie, Kasemeyer, McFadden, DeGrange, Jones, Madaleno, Kramer, Brinkley, Munson, Peters, Robey, King, Edwards, and Zirkin"; in line 2, strike "Rates" and substitute "Surcharge"; in line 3, strike beginning with the first "altering" through "rates;" and substitute "imposing a certain surcharge under certain circumstances in addition to the agricultural land transfer tax imposed on certain instruments of writing;"; in line 8, after "costs;" insert "declaring the intent of the General Assembly that certain counties be encouraged to establish Priority Preservation Areas for agricultural land preservation as authorized under a certain act and that new funds that may be provided to the Maryland Agricultural Land Preservation Foundation for preservation easement acquisition under a Critical Farm Program be used only in Priority Preservation Areas on or after a certain date;"; in line 12, strike "13–303(a)" and substitute "13–301(c)"; in the same line, after "13–306(a)" insert "and (b)"; after line 14, insert:

"BY adding to
Article – Tax – Property
Section 13–303(d)
Annotated Code of Maryland
(2007 Replacement Volume)";

and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On page 2, after line 1, insert:

"13–301.

(c) **(1)** "Agricultural land transfer tax" means the tax imposed under this subtitle.

(2) "AGRICULTURAL LAND TRANSFER TAX" INCLUDES THE SURCHARGE IMPOSED UNDER § 13–301(D) OF THIS SUBTITLE.";

strike in their entirety lines 3 through 9, inclusive; after line 9, insert:

"**(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO THE TAX IMPOSED UNDER THIS SECTION, A SURCHARGE IN AN AMOUNT EQUAL TO 25% OF THE TAX DETERMINED UNDER SUBSECTIONS (A) THROUGH (C) OF THIS SECTION IS IMPOSED ON AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO AGRICULTURAL LAND.**

(2) THE SURCHARGE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN INSTRUMENT OF WRITING THAT TRANSFERS PROPERTY OF 2 ACRES OR LESS TO BE IMPROVED TO A CHILD OR GRANDCHILD OF THE OWNER.";

in lines 14 and 22, in each instance, after "from" insert "**:**

1.";

and in lines 16 and 24, in each instance, after "woodland;" insert "**AND**

2. THE SURCHARGE IMPOSED UNDER § 13–303(D) OF THIS SUBTITLE;".

On page 4, in line 3, after "from" insert "**:**

(I)";

and in line 5, after "woodland;" insert "**AND**

(II) THE SURCHARGE IMPOSED UNDER § 13–303(D) OF THIS SUBTITLE;".

AMENDMENT NO. 3

On page 3, in line 5, after "**1.**" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, FOR FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER,**"; strike beginning with "**AN**" in line 11 down through "**FOR**" in line 16; after line 17, insert:

"**3.** **AFTER THE DISTRIBUTIONS MADE UNDER ITEMS 1 AND 2 OF THIS ITEM, $4,000,000 INTO A SPECIAL FUND TO BE USED BY THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION FOR A PROGRAM OF FACILITATING PRESERVATION EASEMENT ACQUISITION THROUGH THE USE OF INSTALLMENT PURCHASE AGREEMENTS FOR EASEMENT PURCHASES THAT HAVE BEEN APPROVED BY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;**";

in line 30, strike "**(3)(II)2**" and substitute "**(3)(II)3**"; in line 31, strike "**COLLECTED**" and substitute "**OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND**"; in line 35, strike "**§ 13–209**" and substitute "**§ 13–209(D)(2)**"; and after line 35, insert:

"**(5)** **FOR EACH FISCAL YEAR AFTER 2010, THE AMOUNT DISTRIBUTED INTO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION SHALL BE INCREASED BY 5% OVER THE AMOUNT DISTRIBUTED FOR THE PRECEDING FISCAL YEAR.**

(6) **THE REVENUES REQUIRED TO BE DISTRIBUTED TO THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION SHALL BE DISTRIBUTED ON A QUARTERLY BASIS ON OR ABOUT THE FIRST DAY OF THE MONTH IN JULY, OCTOBER, JANUARY, AND APRIL.**".

AMENDMENT NO. 4

On page 4, in line 33, strike "**GENERAL**" and substitute "**PROPERTY**".

On page 5, in line 4, strike "**GENERAL**" and substitute "**PROPERTY**".

AMENDMENT NO. 5

On page 5, after line 6, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) counties be encouraged to establish Priority Preservation Areas for agricultural land preservation as authorized under Chapter 289 of the Acts of the General Assembly of 2006 (the Agricultural Stewardship Act); and

(2) subject to § 13–306 of the Tax – Property Article and § 5–408 of the State Finance and Procurement Article, new funds that may be provided to the Maryland Agricultural Land Preservation Foundation for preservation easement acquisition under a Critical Farm Program be used only in Priority Preservation Areas on or after July 1, 2010.";

and in line 7, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0662/573423/1

BY: Senator Munson

AMENDMENTS TO SENATE BILL 662, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0662/659036/1), in line 12 of Amendment No. 1, after "date;" insert "providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;".

On page 1 of the bill, after line 24, insert:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)".

AMENDMENT NO. 2

On page 4 of the bill, in line 33, strike "**§ 13–306(A)(3)(II)2**" and substitute "**§ 13–306(A)(3)(II)3**".

On page 5 of the bill, in line 4, strike "**§ 13–306(A)(3)(II)3**" and substitute "**§ 13–306(A)(3)(II)2**".

AMENDMENT NO. 3

On page 4 of the bill, after line 7, insert:

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

AMENDMENT NO. 4

On page 4 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 5, before "SECTION" insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

10–523.

(a) (1) The Corporation may receive annual funding through an appropriation in the State budget.

(2) The Corporation may also receive money for projects included in the budgets of State units.

(3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance for each of fiscal years 2010 through 2020 in the amount of $4,000,000.

(ii) In addition to any money provided under subparagraph (i) of this paragraph, the Governor may include each year in the State budget bill an appropriation to the Corporation in an amount not exceeding $5,000,000 for rural land

acquisition and easement programs, including programs to assist young and beginning farmers.

(b) All unexpended and unencumbered money appropriated to the Corporation shall remain with the Corporation for future use.

(c) The Corporation shall conduct its financial affairs so that, by the year 2020, it is self–sufficient and in no further need of general operating support by the State.

(D) (1) THE CORPORATION MAY USE UP TO 3% OF THE MONEY RECEIVED UNDER § 13–306(A)(3)(II)2 OF THE TAX – PROPERTY ARTICLE FOR ADMINISTRATIVE COSTS ASSOCIATED WITH THE NEXT GENERATION FARMLAND ACQUISITION PROGRAM.

(2) THE CORPORATION MAY USE UP TO 3% OF THE MONEY RECEIVED UNDER § 13–306(A)(3)(II)3 OF THE TAX – PROPERTY ARTICLE FOR ADMINISTRATIVE COSTS ASSOCIATED WITH AN INSTALLMENT PURCHASE AGREEMENT PROGRAM.";

in the same line, strike "2." and substitute "4."; in line 11, after "2010." insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 3 of this Act takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.";

and in line 12, strike "3." and substitute "6.".

On page 5 of the bill, in line 7, after "That" insert ", subject to the provisions of Section 5 of this Act,".

The preceding 4 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 755 – Senator Dyson

AN ACT concerning

Election Law – Slot Machine Gaming Referendum – Campaign Finance Reports by Corporations

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

Favorable report adopted.

FLOOR AMENDMENT

SB0755/193328/2

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 755
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "by Corporations"; in line 4, strike "a corporation" and substitute "certain persons"; in line 5, strike "about itself and its activities"; in line 6, strike "the corporation" and substitute "certain persons"; in line 7, strike "its"; in line 8, after "referendum;" insert "requiring a ballot issue committee that is formed to promote the success or defeat of a certain slot machine gaming referendum to file an additional campaign finance report at a certain time;"; in line 9, strike "a corporation" and substitute "certain persons"; after line 10, insert:

"BY repealing and reenacting, without amendments,
Article 1 – Rules of Interpretation
Section 15
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

and after line 15, insert:

"Article 1 – Rules of Interpretation

15.

Unless such a construction would be unreasonable, the word person shall include corporation, partnership, business trust, or limited liability company.".

AMENDMENT NO. 2

On page 2, in line 1, strike "Campaign material" and substitute "**EXPENDITURE**"; in the same line, strike "§ 1–101(k)" and substitute "§ 1–101(y)"; in line 7, after "report" insert "**:**

(1)";

in line 8, after "election" insert "**; AND**

(2) ON OR BEFORE THE SECOND FRIDAY IMMEDIATELY PRECEDING THE 2008 GENERAL ELECTION";

in line 9, strike "corporation" and substitute "**PERSON**"; in the same line, strike "cumulatively spends" and substitute "**MAKES EXPENDITURES THAT TOTAL**"; in lines 9 and 10, strike "on campaign material"; in line 16, strike "**CORPORATION**" and substitute "**PERSON**"; in line 17, strike "**OFFICER OF THE CORPORATION**" and substitute "**PERSON**"; in line 18, after the first "**AND**" insert "**THE NAME OF THE INDIVIDUAL**"; in lines 21 and 22, in each instance, strike "**CORPORATION**" and substitute "**PERSON**"; and in line 31, strike "corporation" and substitute "**PERSON**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 810 – Senator Pipkin

AN ACT concerning

Transportation – Maryland Emergency Medical System Operations Fund – Transport by Privately Owned Helicopter

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

FLOOR AMENDMENT

SB0810/423720/1

BY: Senator DeGrange

AMENDMENT TO SENATE BILL 810, AS AMENDED

In the Finance Committee Amendments (SB0810/447975/1), in line 7 of Amendment No. 2, after "**SYSTEMS**" insert "**, PROVIDED THAT:**

(I) THE REIMBURSEMENT CONSISTS ONLY OF THE DIFFERENCE, IF ANY, BETWEEN THE THEN–CURRENT MEDICARE RATE FOR AN ELIGIBLE BENEFICIARY FOR THE TRANSPORT PROVIDED AND THE AMOUNTS RECEIVED BY THE PRIVATE HELICOPTER COMPANY FROM ANY OTHER SOURCE EXCEPT THE PATIENT;

(II) THE PATIENT IS NOT BILLED BY THE PRIVATE HELICOPTER COMPANY; AND

(III) THE TOTAL AMOUNT OF ALL REIMBURSEMENTS FROM THE FUND TO PRIVATE HELICOPTER COMPANIES DOES NOT EXCEED $150,000 ANNUALLY".

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

Affirmative – 32 Negative – 12 (See Roll Call No. 666)

Read the second time and ordered prepared for Third Reading.

Senate Bill 211 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Garagiola, Jones, Kasemeyer, King, Lenett, Madaleno, McFadden, Miller, Mooney, Munson, Robey, and Stone

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0211/808175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Mooney,"; in the same line, strike "and Stone" and substitute "Stone, Forehand, Jacobs, and Simonaire"; in line 2, strike the comma and substitute "and"; in line 3, strike ", and Breaking and Entering a Motor Vehicle"; in line 4, strike "Arrest" and substitute "Charge – Postconviction DNA Testing"; in line 5, after the first "of" insert "adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; requiring a court to order a DNA data base search under certain circumstances; requiring the court to hold a hearing to review a certain sentence and order appropriate relief under certain circumstances;"; in line 6, strike "arrested for or"; in line 7, after "regulations;" insert "requiring that a certain individual from whom a DNA sample is collected be given a certain notice;"; in line 8, after "processed" insert "or at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a certain search for a certain purpose"; in line 10, after the first "requiring" insert "a"; in the same line, strike "documentation" and substitute "notice"; in line 11, after "procedures;" insert "providing that a DNA record or sample that is required to be expunged by a certain provision of law may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a

certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly;"; in line 12, after "terms;" insert "requiring the Secretary of State Police to adopt certain regulations and procedures; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 6–232 and 8–201(c) and (h)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)";

in line 16, strike "and" and substitute "2–506,"; in the same line, after "2–511" insert ", and 2–512"; after line 18, insert:

"BY adding to
Article – Public Safety
Section 2–511.1, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–501, 2–504, and 2–511
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 2–511.1, 2–512, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2
On page 1, after line 20, insert:

"Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records **AND ANY DNA SAMPLE AND DNA RECORD** relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article **AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE**.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) **(1)** Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

[(1)**] (I)** a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)**] (II)** the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DNA DATA BASE SEARCH IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DNA DATA BASE SEARCH HAS THE SCIENTIFIC POTENTIAL TO PRODUCE EXCULPATORY OR

MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) IF THE RESULTS OF THE POSTCONVICTION DNA TESTING ARE FAVORABLE TO THE PETITIONER, THE COURT SHALL HOLD A HEARING, REVIEW THE EVIDENCE, AND ORDER APPROPRIATE RELIEF.".

AMENDMENT NO. 3

On page 2, in line 2, strike "**6–204, AND 6–205**" and substitute "**AND 6–204 OF THE CRIMINAL LAW ARTICLE**"; in line 10, after "**(E)**" insert:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**";

after line 11, insert:

"**(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.**";

in line 22, strike "**ARRESTED FOR OR**"; in line 25, after "**VIOLENCE;**" insert "**OR**"; strike in their entirety lines 27 and 28; and in line 30, strike "analysis" and substitute "**TESTING**".

On page 3, in line 18, after "**(3)**" insert "**(I)**"; in line 20, strike "**ARRESTED FOR OR**"; in line 21, strike "**(I)**" and substitute "**1.**"; in line 22, after "**VIOLENCE;**" insert

"**OR**"; in line 23, strike "**(II)**" and substitute "**2.**"; strike beginning with "**; OR**" in line 23 down through "**ARTICLE**" in line 25; and after line 25, insert:

"**(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE DNA RECORD AND THE DNA SAMPLE MAY BE EXPUNGED IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE.**".

On page 4, after line 2, insert:

"**(2) AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;**";

in lines 3, 6, and 8, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; after line 13, insert:

"**(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE.**

(2) IF A CRIMINAL CHARGE IS DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.";

in line 14, strike "(d)" and substitute "**(E)**"; in line 17, strike "(e)" and substitute "**(F)**"; after line 19 insert:

"2–506.

(a) Each DNA record of identification characteristics that results from DNA testing **UNDER THIS SUBTITLE** shall be stored and maintained **ONLY** by the Crime Laboratory in the statewide DNA data base system**, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS**.

(b) Each DNA sample **OBTAINED UNDER THIS SUBTITLE** shall be stored securely and maintained **ONLY** by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH OF THE STATEWIDE DNA DATA BASE FOR THE PURPOSE OF IDENTIFICATION OF AN OFFENDER IN CONNECTION WITH A CRIME FOR WHICH THE OFFENDER MAY BE A BIOLOGICAL RELATIVE OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.";

in line 21, strike "An" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SUBSECTION, AN**"; in line 23, strike "**ARREST**" and substitute "**CHARGE**"; in line 25, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; in line 26, after "(b)" insert "**(1)**"; in lines 26 and 27, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; and after line 27, insert:

"**(2) IF A CRIMINAL ACTION BEGUN AGAINST AN INDIVIDUAL FOR WHICH COLLECTION OF A DNA SAMPLE IS REQUIRED DOES NOT RESULT IN THE CONVICTION OF THE INDIVIDUAL OR PROBATION BEFORE JUDGMENT, A DNA SAMPLE COLLECTED AS REQUIRED UNDER § 2–504 OF THIS SUBTITLE SHALL BE DESTROYED AND A DNA RECORD GENERATED FROM THE SAMPLE SHALL BE EXPUNGED FROM THE STATE DNA DATA BASE.**".

AMENDMENT NO. 4

On page 5, after line 9, insert:

"**2–511.1.**

A DNA RECORD OR DNA SAMPLE THAT IS ORDERED TO BE EXPUNGED OR DESTROYED UNDER THIS SUBTITLE MAY NOT BE USED FOR ANY PURPOSE, INCLUDING THE ESTABLISHMENT OF PROBABLE CAUSE IN A SUBSEQUENT CIVIL OR CRIMINAL PROCEEDING.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST DNA FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

(D) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY A DNA SAMPLE FOR WHICH, UNDER THIS SUBTITLE:

(1) NOTIFICATION HAS BEEN SENT STATING THAT THE DNA SAMPLE HAS BEEN DESTROYED; OR

(2) EXPUNGEMENT HAS BEEN ORDERED.

[(c)**] (E)** A person who violates **SUBSECTION (A), (B), OR (C) OF** this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding **[**3**] 5** years or a fine not exceeding **[**$1,000**] $5,000** or both.

(F) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000.

2–513.

(A) (1) (I) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE STATEWIDE DNA DATA BASE SYSTEM AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(II) ON OR BEFORE SEPTEMBER 1, 2009, AND ANNUALLY THEREAFTER, LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM, SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

(I) INDIVIDUALS WHO HAVE BEEN ARRESTED FOR A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2–501 OF THIS SUBTITLE; AND

(II) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;

(4) THE NUMBER OF BIOLOGICAL SAMPLES COLLECTED FROM INDIVIDUALS;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

(I) THE NUMBER OF MATCHES;

(II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;

(III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;

(IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;

(V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;

(VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND

(VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2–514.

(A) (1) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE POLICE DEPARTMENT OR AN OFFICE OF THE SHERIFF, AS APPROPRIATE, OF EACH COUNTY AND THE POLICE DEPARTMENT OF BALTIMORE CITY SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON

THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN THEIR RESPECTIVE JURISDICTIONS.

(2) THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE, INCLUDING:

(I) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE ROUTINELY COLLECTED;

(II) THE APPROXIMATE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

(III) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE COLLECTION AND ANALYSIS;

(IV) THE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

(V) THE NUMBER OF CRIME SCENE DNA SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

(VI) THE NUMBER OF CRIME SCENE DNA SAMPLES, INCLUDING SEXUAL ASSAULT EVIDENCE, COLLECTED BY HOSPITALS IN THE COUNTY DURING THE PRECEDING YEAR.

(B) THE OFFICE OF LEGISLATIVE AUDITS SHALL COMPILE AND EVALUATE THE INFORMATION REPORTED BY THE POLICE DEPARTMENTS AND SHERIFF OFFICES UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT AN ANNUAL SUMMARY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.".

AMENDMENT NO. 5

On page 5, before line 10, insert:

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

Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records and any DNA sample and DNA record relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article and Title 2, Subtitle 5 of the Public Safety Article.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

(c) (1) Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

(i) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

(ii) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A court shall order a DNA data base search if the court finds that a reasonable probability exists that the DNA data base search has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.

(h) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; or

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article.

(3) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall hold a hearing, review the evidence, and order appropriate relief.

Article – Public Safety

2–501.

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

(b) "Burglary" includes the crimes enumerated in §§ 6–202, 6–203, and 6–204 of the Criminal Law Article.

(c) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.

(2) "CODIS" includes the national DNA index administered and operated by the Federal Bureau of Investigation.

(d) "Crime Laboratory" means the Forensic Sciences Division of the Department.

(e) (1) Except as provided in paragraph (2) of this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) "Crime of violence" does not include mayhem.

(f) "Director" means the Director of the Crime Laboratory or the Director's designee.

(g) "DNA" means deoxyribonucleic acid.

(h) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.

(2) "DNA record" includes the information commonly referred to as a DNA profile.

(i) "DNA sample" means a body fluid or tissue sample that is:

(1) provided by an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article;

(2) provided by an individual who [is] **WAS** charged **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** with:

(i) a crime of violence or an attempt to commit a crime of violence; or

(ii) burglary or an attempt to commit burglary; or

(3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.

(j) "Statewide DNA data base system" means the DNA record system administered by the Department for identification purposes.

(k) "Statewide DNA repository" means the State repository of DNA samples collected under this subtitle.

2–504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

[(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:

1. a crime of violence or an attempt to commit a crime of violence; or

2. burglary or an attempt to commit burglary.

(ii) At the time of collection of the DNA sample under this paragraph, the individual from whom the sample is collected shall be given notice that the DNA record and the DNA sample may be expunged in accordance with § 2–511 of this subtitle.**]**

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) **[**at the facility where the arrest of the individual is processed by:

(i) the arresting agency; or

(ii) the booking facility responsible for processing the arrest;

(2) at a facility specified by the Secretary, if the individual is charged but not arrested;

(3)**]** at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;

[(4)**] (2)** at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or

[(5)**] (3)** at a suitable location in a circuit court following the imposition of sentence.

(c) A DNA sample shall be collected by an individual who is:

(1) designated by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(d) (1) A DNA sample collected from an individual charged **ON OR BETWEEN JANUARY, 1, 2009 AND DECEMBER 31, 2013** with a crime **[**under subsection (a)(3) of this section**] OF VIOLENCE, AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE, BURGLARY, OR AN ATTEMPT TO COMMIT BURGLARY** may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date.

(2) If a criminal charge is determined to be unsupported by probable cause:

(i) the DNA sample shall be immediately destroyed; and

(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.

(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.

(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

2–506.

(a) Each DNA record of identification characteristics that results from DNA testing under this subtitle shall be stored and maintained only by the Crime Laboratory in the statewide DNA data base system, except as necessary to participate in CODIS.

(b) Each DNA sample obtained under this subtitle shall be stored securely and maintained only by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(d) A person may not perform a search of the statewide DNA data base for the purpose of identification of an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.

2–511.

(a) Except as provided in subsection (b) of this subsection, an individual whose DNA record or profile is included in the statewide DNA data base system and whose DNA sample is stored in the statewide DNA repository may request that information be expunged on the grounds that the charge or conviction that resulted in the inclusion meets the expungement criteria specified in Title 10, Subtitle 1 of the Criminal Procedure Article.

(b) (1) Expungement proceedings shall be conducted in accordance with Title 10, Subtitle 1 of the Criminal Procedure Article.

(2) If a criminal action begun **ON OR BETWEEN JANUARY 1, 2009 AND DECEMBER 31, 2013** against an individual for which collection of a DNA sample is required does not result in the conviction of the individual or probation before judgment, a DNA sample collected **[**as required under § 2–504 of this subtitle**]** **BEFORE DECEMBER 31, 2013**, shall be destroyed and a DNA record generated from the sample shall be expunged from the State DNA data base.

(c) (1) On receiving an order of expungement for an individual whose DNA sample has been included in the Statewide DNA data base system, the DNA sample shall be expunged except that the order may not apply to other offenses committed by the individual who qualifies for inclusion in the statewide DNA data base system.

(2) A letter documenting expungement of the DNA sample and destruction of the DNA sample shall be sent by the director to the defendant and the defendant's attorney at the address specified by the court in the order of expungement.

(3) The Director shall adopt procedures to comply with this subsection.

2–511.1.

A DNA record or DNA sample that is ordered to be expunged or destroyed under this subtitle may not be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(c) A person may not willfully test DNA for information that does not relate to the identification of individuals as specified in this subtitle.

(d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:

(1) notification has been sent stating that the DNA sample has been destroyed; or

(2) expungement has been ordered.

(e) A person who violates subsection (a), (b), or (c) 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.

(f) A person who violates subsection (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000.

2–513.

(a) (1) (i) On or before December 31, 2009, and annually thereafter, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the status of the statewide DNA data base system as specified in subsection (b) of this section.

(ii) On or before September 1, 2009, and annually thereafter, local law enforcement agencies shall report to the Department with the information necessary for the Department to comply with the requirements of subsection (b) of this section.

(2) The annual report shall be posted on the Department website on or before December 31 of each year.

(b) The annual report shall include:

(1) total expenses incurred for the operation and management of the DNA data base and DNA testing program, specifying the actual and human resource costs of DNA collection and transport, DNA analyses, data base operation and oversight, and State laboratory personnel and maintenance;

(2) total funding provided by the State to each forensic crime laboratory in the preceding year;

(3) a statistical analysis of the racial demographics of:

(i) individuals who have been arrested for a crime of violence or burglary, or attempt to commit a crime of violence or burglary, as defined in § 2–501 of this subtitle; and

(ii) victims of crimes alleged to have been committed by those individuals, when known;

(4) the number of biological samples collected from individuals;

(5) the sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required under this subtitle; and

(6) a detailed analysis of the investigations aided by DNA profiles that includes:

(i) the number of matches;

(ii) the number of matches that resulted in investigation of the person identified;

(iii) the number of matches that resulted in formal charges;

(iv) the number of matches that resulted in convictions;

(v) the number of matches that resulted in exonerations;

(vi) the number of matches that resulted in convictions for persons not already incarcerated;

(vii) the prior offenses for which a person has been convicted where a match occurred.

2–514.

(a) (1) On or before December 31, 2009, and annually thereafter, the police department or an office of the Sheriff, as appropriate, of each county and the police department of Baltimore City shall report to the Office of Legislative Audits on the status of crime scene DNA collection and analysis in their respective jurisdictions.

(2) The Department shall report to the Office of Legislative Audits on the status of crime scene DNA collection statewide, including:

(i) the crimes for which crime scene DNA samples are routinely collected;

(ii) the approximate number of crime scene DNA samples collected during the preceding year for each category of crime;

(iii) the average time between crime scene DNA sample collection and analysis;

(iv) the number of crime scene DNA samples collected and not analyzed at the time of the study;

(v) the number of crime scene DNA samples submitted to the statewide DNA data base during the preceding year; and

(vi) the number of crime scene DNA samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

(b) The Office of Legislative Audits shall compile and evaluate the information reported by the police departments and sheriff offices under subsection (a) of this section and submit an annual summary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 6

On page 5, strike lines 10 and 11 in their entirety and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person from whom a DNA sample is required to be collected in compliance with this Act and who refuses to voluntarily submit to collection of the sample.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2009. It shall remain effective for a period of 5 years and,

at the end of December 31, 2013, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of this Act. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect January 1, 2009.".

The preceding 6 committee amendments were withdrawn.

SB0211/808175/3

BY: Judicial Proceedings Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Mooney,"; in the same line, strike "and Stone" and substitute "Stone, Forehand, Jacobs, and Simonaire"; in line 2, strike the comma and substitute "and"; in line 3, strike ", and Breaking and Entering a Motor Vehicle"; in line 4, strike "Arrest" and substitute "Charge – Postconviction DNA Testing"; in line 5, after the first "of" insert "adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; authorizing a certain person to file a petition for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of certain physical evidence; authorizing a certain petitioner to move for a new trial on a certain ground; requiring a court to order a DNA data base search under certain circumstances; requiring a court to order a new trial under certain circumstances; authorizing the court to order a new trial under certain circumstances; authorizing the court to release a petitioner on bond or certain conditions in certain circumstances; requiring the court to hold a certain hearing to determine a certain issue in certain circumstances; requiring the court to enter a certain order under certain circumstances; authorizing a certain appeal;"; in line 6, strike "arrested for or"; in line 7, after "regulations;" insert "requiring that a certain individual from whom a DNA

sample is collected be given a certain notice; providing that a DNA sample collected from a crime scene or collected as sexual assault evidence at a hospital that a law enforcement investigator considers relevant to the identification or exoneration of a suspect shall be tested as soon as reasonably possible following collection of the sample;"; in line 8, strike "a certain arrest" and substitute "certain charging"; in the same line, after "processed" insert "or at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; authorizing an individual to request or consent to have a DNA sample processed prior to arraignment for a certain purpose; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a certain search for a certain purpose"; in line 10, after the first "requiring" insert "a"; in the same line, strike "documentation" and substitute "notice"; in line 11, after "procedures;" insert "requiring DNA samples and records generated as part of a criminal investigation or prosecution to be destroyed or expunged automatically from every local, State, and federal data base within a certain time period under certain circumstances; providing that a DNA record or sample that qualifies for expungement and is matched at a certain time may not be utilized for a determination of probable cause and is not admissible in any proceeding for any reason; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly;"; in line 12, after "terms;" insert "requiring the Secretary of State Police to adopt certain regulations and procedures; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232 and 8–201
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)";

in line 16, strike "and" and substitute "2–506,"; in the same line, after "2–511" insert ", and 2–512"; after line 18, insert:

"BY adding to
Article – Public Safety
Section 2–513 and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 6–232 and 8–201
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–501 and 2–504
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 2–506, 2–511, 2–512, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records **AND ANY DNA SAMPLE AND DNA RECORD** relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article **AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE**.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

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

(2) "Biological evidence" includes, but is not limited to, any blood, hair, saliva, semen, epithelial cells, buccal cells, or other bodily substances from which genetic marker groupings may be obtained.

(3) "DNA" means deoxyribonucleic acid.

(4) "Law enforcement agency" means any of the following:

(i) a municipal or county police department;

(ii) sheriff's office;

(iii) the Maryland State Police;

(iv) any prosecuting authority;

(v) any state, university, county, or municipal police unit or police force; and

(vi) any hospital, medical facility, or private entity that is conducting forensic examinations and securing biological evidence related to criminal investigations.

(5) "Scientific identification evidence" means evidence that:

(i) is related to an investigation or prosecution that resulted in a judgment of conviction;

(ii) is in the actual or constructive possession of a law enforcement agency or agent of a law enforcement agency; and

(iii) contains biological evidence from which DNA may be recovered that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of § 2–201, § 2–204, § 2–207, or §§ 3–303 through 3–306 of the Criminal Law Article may file a petition**:**

(1) for DNA testing of scientific identification evidence that the State possesses as provided in **[**subsection (i)**] SUBSECTION (J)** of this section and that is related to the judgment of conviction**; OR**

(2) FOR A SEARCH BY A LAW ENFORCEMENT AGENCY OF A LAW ENFORCEMENT DATA BASE OR LOG FOR THE PURPOSE OF IDENTIFYING THE SOURCE OF PHYSICAL EVIDENCE USED FOR DNA TESTING.

(C) A PETITIONER MAY MOVE FOR A NEW TRIAL UNDER THIS SECTION ON THE GROUNDS THAT THE CONVICTION WAS BASED ON UNRELIABLE SCIENTIFIC IDENTIFICATION EVIDENCE AND A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED WITHOUT THE EVIDENCE.

[(c)**] (D) (1)** Subject to **[**subsection (d)**] SUBSECTION (E)** of this section, a court shall order DNA testing if the court finds that:

[(1)**] (I)** a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)**] (II)** the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DATA BASE SEARCH BY A LAW ENFORCEMENT AGENCY IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DATA BASE SEARCH WILL PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

[(d)**] (E)** (1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.

[(e)**] (F)** If the court orders DNA testing under **[**subsection (c)**] SUBSECTION (D)** of this section, the court in its order may issue orders the court considers appropriate, including designation of any of the following:

(1) the specific evidence to be tested;

(2) the method of testing to be used;

(3) the preservation of some of the sample for replicate testing and analysis;

(4) the laboratory where the testing is to be performed, provided that if the parties cannot agree on a laboratory, the court may approve testing at any laboratory accredited by the American Society of Crime Laboratory Directors (ASCLAD), the Laboratory Accreditation Board (LAB), or the National Forensic Science Technology Center; and

(5) release of biological evidence by a third party.

[(f)**] (G)** (1) Except as provided in paragraph (2) of this subsection, DNA testing ordered under **[**subsection (c)**] SUBSECTION (D)** of this section shall be conducted as soon as practicable.

(2) Based on a finding of necessity, the court may order the DNA testing to be completed by a date that the court provides.

[(g)**] (H)** (1) Except as provided in paragraph (2) of this subsection, the petitioner shall pay the cost of DNA testing ordered under **[**subsection (c)**] SUBSECTION (D)** of this section.

(2) If the results of the DNA testing that the court orders under this section are favorable to the petitioner, the court shall order the State to pay the costs of the testing.

[(h)**] (I)** (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; **[**or**]**

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article**; OR**

(III) ON A FINDING THAT A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED IF THE DNA TESTING RESULTS HAD BEEN KNOWN OR INTRODUCED AT TRIAL, ORDER A NEW TRIAL.

(3) IF THE COURT FINDS THAT A SUBSTANTIAL POSSIBILITY DOES NOT EXIST UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION, THE COURT MAY ORDER A NEW TRIAL IF THE COURT DETERMINES THAT THE ACTION IS IN THE INTEREST OF JUSTICE.

(4) IF A NEW TRIAL IS GRANTED, THE COURT MAY ORDER THE RELEASE OF THE PETITIONER ON BOND OR ON CONDITIONS THAT THE COURT FINDS WILL REASONABLY ASSURE THE PRESENCE OF THE PETITIONER AT TRIAL.

[(i)**] (J)** (1) The State shall preserve scientific identification evidence that:

(i) the State has reason to know contains DNA material; and

(ii) is secured in connection with an offense described in subsection (b) of this section.

(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.

(3) (I) IF THE STATE IS UNABLE TO PRODUCE SCIENTIFIC IDENTIFICATION EVIDENCE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION.

(II) THE COURT SHALL ORDER A POSTCONVICTION HEARING TO BE CONDUCTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH IF:

1. THE COURT DETERMINES AT A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION; AND

2. THE COURT MAKES A FINDING THAT:

A. THERE IS AN INFERENCE THAT THE RESULTS OF THE POSTCONVICTION DNA TESTING WOULD HAVE BEEN FAVORABLE TO THE PETITIONER; AND

B. A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED IF THE DNA TESTING HAD BEEN KNOWN OR INTRODUCED AT TRIAL.

(III) 1. A COURT ORDERING A POSTCONVICTION HEARING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL OPEN THE POSTCONVICTION HEARING UNDER § 7–102 OF THIS ARTICLE, IF NO POSTCONVICTION HEARING HAS BEEN PREVIOUSLY INITIATED BY THE PETITIONER UNDER § 7–102 OF THIS ARTICLE.

2. A COURT ORDERING A POSTCONVICTION HEARING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL REOPEN THE POSTCONVICTION HEARING UNDER § 7–104 OF THIS ARTICLE, IF NO POSTCONVICTION HEARING HAS BEEN PREVIOUSLY INITIATED BY THE PETITIONER UNDER § 7–102 OF THIS ARTICLE.

[(3)**]** **(4)** The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.

[(4)**]** **(5)** If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.

[(j)**] (K)** (1) The State may dispose of scientific identification evidence before the expiration of the time period described in **[**subsection (i)**] SUBSECTION (J)** of this section if the State notifies the following persons:

(i) the person who is incarcerated in connection with the case;

(ii) any attorney of record for the person incarcerated; and

(iii) the Office of Public Defender for the judicial district in which the judgment of conviction was entered.

(2) The notification required in paragraph (1) of this subsection shall include:

(i) a description of the scientific identification evidence;

(ii) a statement that the State intends to dispose of the evidence;

(iii) a statement that the State will dispose of the evidence unless a party files an objection in writing within 120 days from the date of service in the circuit court that entered the judgment; and

(iv) the name and mailing address of the circuit court where an objection may be filed.

(3) Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required under this subsection, the State may dispose of the evidence.

(4) If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:

(i) the evidence has no significant value for forensic science analysis, the court may order the return of the evidence to its rightful owner, the destruction of the evidence, or other disposition as provided by law; or

(ii) the evidence is of such size, bulk, or physical character that it cannot practicably be retained by a law enforcement agency, on a showing of need, the court shall order that the evidence be made available to the party objecting to the disposition of the evidence for the purpose of obtaining representative samples from the evidence in the form of cuttings, swabs, or other means, prior to the release or destruction of the evidence.

(5) If the court orders that representative samples be made available under paragraph (4)(ii) of this subsection, the court shall further order that the samples be obtained by a qualified crime scene technician acting on behalf of the party seeking to obtain the samples or by the law enforcement agency in possession of the evidence, which also shall preserve and store the representative samples until the representative samples are released to the custody of a DNA testing facility.

(6) An appeal to the court of appeals may be taken from an order entered under [subsection (c), (h)(2), or (j)(4) of] this section.".

AMENDMENT NO. 3

On page 2, in line 2, strike "**6–204, AND 6–205**" and substitute "**AND 6–204 OF THE CRIMINAL LAW ARTICLE**"; in line 10, strike beginning with "**(E)**" through "**CRIME**" and substitute:

"**(E)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, "CRIME**";

after line 11, insert:

"**(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.**";

in line 22, strike "**ARRESTED FOR OR**"; in line 25, after "**VIOLENCE;**" insert "**OR**"; strike in their entirety lines 27 and 28; and in line 30, strike "analysis" and substitute "**TESTING**".

On page 3, in line 18, after "**(3)**" insert "**(I)**"; in line 20, strike "**ARRESTED FOR OR**"; in line 21, strike "**(I)**" and substitute "**1.**"; in line 22, after "**VIOLENCE;**" insert "**OR**"; in line 23, strike "**(II)**" and substitute "**2.**"; strike beginning with "**; OR**" in line 23 down through "**ARTICLE**" in line 25; after line 25, insert:

"**(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE DNA RECORD MAY BE EXPUNGED AND THE DNA SAMPLE DESTROYED IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE.**

(III) A DNA SAMPLE COLLECTED FROM A CRIME SCENE OR COLLECTED AS EVIDENCE OF SEXUAL ASSAULT AT A HOSPITAL THAT A LAW ENFORCEMENT INVESTIGATOR CONSIDERS RELEVANT TO THE IDENTIFICATION OR EXONERATION OF A SUSPECT SHALL BE TESTED AS SOON AS REASONABLY POSSIBLE FOLLOWING COLLECTION OF THE SAMPLE.";

and in line 28, strike "**ARREST**" and substitute "**CHARGING**".

On page 4, after line 2, insert:

"**(2)** **AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;**";

in lines 3, 6, and 8, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; after line 13, insert:

"**(D)** **(1)** **A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE UNLESS REQUESTED OR CONSENTED TO BY THE INDIVIDUAL AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.**

(2) **IF A CRIMINAL CHARGE IS DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:**

(I) **THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND**

(II) **NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.**

(3) **AN INDIVIDUAL MAY REQUEST OR CONSENT TO HAVE THE INDIVIDUAL'S DNA SAMPLE PROCESSED PRIOR TO ARRAIGNMENT FOR THE SOLE PURPOSE OF HAVING THE SAMPLE CHECKED AGAINST A SAMPLE THAT:**

(I) **HAS BEEN PROCESSED FROM THE CRIME SCENE OR THE HOSPITAL; AND**

(II) **IS RELATED TO THE CHARGES AGAINST THE INDIVIDUAL.**";

in line 14, strike "(d)" and substitute "**(E)**"; in line 17, strike "(e)" and substitute "**(F)**"; and after line 19, insert:

"2–506.

(a) Each DNA record of identification characteristics that results from DNA testing **UNDER THIS SUBTITLE** shall be stored and maintained **ONLY** by the Crime Laboratory in the statewide DNA data base system**, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS**.

(b) Each DNA sample **OBTAINED UNDER THIS SUBTITLE** shall be stored securely and maintained **ONLY** by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH OF THE STATEWIDE DNA DATA BASE FOR THE PURPOSE OF IDENTIFICATION OF AN OFFENDER IN CONNECTION WITH A CRIME FOR WHICH THE OFFENDER MAY BE A BIOLOGICAL RELATIVE OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.".

On pages 4 and 5, strike beginning with "An" in line 21 on page 4 down through "**SUBSECTION**" in line 9 on page 5 and substitute:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY DNA SAMPLES AND RECORDS GENERATED AS PART OF A CRIMINAL INVESTIGATION OR PROSECUTION SHALL BE DESTROYED OR EXPUNGED AUTOMATICALLY FROM THE STATE DNA DATA BASE IF:**

(I) A CRIMINAL ACTION BEGUN AGAINST THE INDIVIDUAL RELATING TO THE CRIME DOES NOT RESULT IN A CONVICTION OF THE INDIVIDUAL;

(II) THE CONVICTION IS REVERSED OR VACATED; OR

(III) THE INDIVIDUAL IS GRANTED AN UNCONDITIONAL PARDON.

(2) A DNA SAMPLE OR DNA RECORD MAY NOT BE DESTROYED OR EXPUNGED AUTOMATICALLY FROM THE STATE DNA DATA BASE IF THE CRIMINAL ACTION IS PUT ON THE STET DOCKET OR THE INDIVIDUAL RECEIVES PROBATION BEFORE JUDGMENT.

(B) IF THE DNA SAMPLE OR DNA RECORD WAS OBTAINED OR GENERATED ONLY IN CONNECTION WITH A CASE IN WHICH ELIGIBILITY FOR EXPUNGEMENT HAS BEEN ESTABLISHED, THE DNA SAMPLE SHALL BE DESTROYED AND THE DNA RECORD SHALL BE EXPUNGED.

(C) ANY DNA RECORD EXPUNGED IN ACCORDANCE WITH THIS SECTION SHALL BE EXPUNGED FROM EVERY DATA BASE INTO WHICH IT HAS BEEN ENTERED, INCLUDING LOCAL, STATE, AND FEDERAL DATA BASES.

(D) AN EXPUNGEMENT OR DESTRUCTION OF SAMPLE UNDER THIS SECTION SHALL OCCUR WITHIN 60 DAYS OF AN EVENT LISTED IN SUBSECTION (A) OF THIS SECTION.

(E) A LETTER DOCUMENTING EXPUNGEMENT OF THE DNA RECORD AND DESTRUCTION OF THE DNA SAMPLE SHALL BE SENT BY THE DIRECTOR TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY AT THE ADDRESS SPECIFIED BY THE COURT IN THE ORDER OF EXPUNGEMENT.

(F) A RECORD OR SAMPLE THAT QUALIFIES FOR EXPUNGEMENT OR DESTRUCTION UNDER THIS SECTION AND IS MATCHED CONCURRENT WITH OR SUBSEQUENT TO THE DATE OF QUALIFICATION FOR EXPUNGEMENT:

(1) MAY NOT BE UTILIZED FOR A DETERMINATION OF PROBABLE CAUSE REGARDLESS OF WHETHER IT IS EXPUNGED OR DESTROYED TIMELY; AND

(2) IS NOT ADMISSIBLE IN ANY PROCEEDING FOR ANY PURPOSE.

(G) THE DIRECTOR SHALL ADOPT PROCEDURES TO COMPLY WITH THIS SECTION".

AMENDMENT NO. 4

On page 5, after line 9, insert:

"2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST A DNA SAMPLE FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

(D) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY A DNA SAMPLE FOR WHICH, UNDER THIS SUBTITLE:

(1) NOTIFICATION HAS BEEN SENT STATING THAT THE DNA SAMPLE HAS BEEN DESTROYED; OR

(2) DESTRUCTION HAS BEEN ORDERED.

[(c)**] (E)** A person who violates **SUBSECTION (A), (B), OR (C) OF** this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding **[**3**] 5** years or a fine not exceeding **[**$1,000**] $5,000** or both.

(F) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000.

2–513.

(A) (1) (I) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE STATEWIDE DNA DATA BASE SYSTEM AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(II) ON OR BEFORE SEPTEMBER 1, 2009, AND ANNUALLY THEREAFTER, LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM, SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

(I) INDIVIDUALS WHO HAVE BEEN CHARGED WITH A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2–501 OF THIS SUBTITLE; AND

(II) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;

(4) THE NUMBER OF BIOLOGICAL SAMPLES COLLECTED FROM INDIVIDUALS;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

(I) THE NUMBER OF MATCHES;

(II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;

(III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;

(IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;

(V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;

(VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND

(VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2–514.

(A) (1) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE POLICE DEPARTMENT OR THE OFFICE OF THE SHERIFF, AS APPROPRIATE, OF EACH COUNTY AND THE POLICE DEPARTMENT OF BALTIMORE CITY SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN THEIR RESPECTIVE JURISDICTIONS.

(2) THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE, INCLUDING:

(I) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE ROUTINELY COLLECTED;

(II) THE APPROXIMATE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

(III) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE COLLECTION AND ANALYSIS;

(IV) THE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

(V) THE NUMBER OF CRIME SCENE DNA SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

(VI) THE NUMBER OF CRIME SCENE DNA SAMPLES, INCLUDING SEXUAL ASSAULT EVIDENCE, COLLECTED BY HOSPITALS IN THE COUNTY DURING THE PRECEDING YEAR.

(B) THE OFFICE OF LEGISLATIVE AUDITS SHALL COMPILE AND EVALUATE THE INFORMATION REPORTED BY THE POLICE DEPARTMENTS AND SHERIFF OFFICES UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT AN ANNUAL SUMMARY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.".

AMENDMENT NO. 5

On page 5, before line 10, insert:

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

Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records and any DNA sample and DNA record relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article and Title 2, Subtitle 5 of the Public Safety Article.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8–201.

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

(2) "Biological evidence" includes, but is not limited to, any blood, hair, saliva, semen, epithelial cells, buccal cells, or other bodily substances from which genetic marker groupings may be obtained.

(3) "DNA" means deoxyribonucleic acid.

(4) "Law enforcement agency" means any of the following:

(i) a municipal or county police department;

(ii) sheriff's office;

(iii) the Maryland State Police;

(iv) any prosecuting authority;

(v) any state, university, county, or municipal police unit or police force; and

(vi) any hospital, medical facility, or private entity that is conducting forensic examinations and securing biological evidence related to criminal investigations.

(5) "Scientific identification evidence" means evidence that:

(i) is related to an investigation or prosecution that resulted in a judgment of conviction;

(ii) is in the actual or constructive possession of a law enforcement agency or agent of a law enforcement agency; and

(iii) contains biological evidence from which DNA may be recovered that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of § 2–201, § 2–204, § 2–207, or §§ 3–303 through 3–306 of the Criminal Law Article may file a petition:

(1) for DNA testing of scientific identification evidence that the State possesses as provided in subsection (j) of this section and that is related to the judgment of conviction; or

(2) for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of physical evidence used for DNA testing.

(c) A petitioner may move for a new trial under this section on the grounds that the conviction was based on unreliable scientific identification evidence and a substantial possibility exists that the petitioner would not have been convicted without the evidence.

(d) (1) Subject to subsection (e) of this section, a court shall order DNA testing if the court finds that:

(i) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

(ii) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A court shall order a data base search by a law enforcement agency if the court finds that a reasonable probability exists that the data base search will produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.

(e) (1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.

(f) If the court orders DNA testing under subsection (d) of this section, the court in its order may issue orders the court considers appropriate, including designation of any of the following:

(1) the specific evidence to be tested;

(2) the method of testing to be used;

(3) the preservation of some of the sample for replicate testing and analysis;

(4) the laboratory where the testing is to be performed, provided that if the parties cannot agree on a laboratory, the court may approve testing at any laboratory accredited by the American Society of Crime Laboratory Directors (ASCLAD), the Laboratory Accreditation Board (LAB), or the National Forensic Science Technology Center; and

(5) release of biological evidence by a third party.

(g) (1) Except as provided in paragraph (2) of this subsection, DNA testing ordered under subsection (d) of this section shall be conducted as soon as practicable.

(2) Based on a finding of necessity, the court may order the DNA testing to be completed by a date that the court provides.

(h) (1) Except as provided in paragraph (2) of this subsection, the petitioner shall pay the cost of DNA testing ordered under subsection (d) of this section.

(2) If the results of the DNA testing that the court orders under this section are favorable to the petitioner, the court shall order the State to pay the costs of the testing.

(i) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article;

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article; or

(iii) on a finding that a substantial possibility exists that the petitioner would not have been convicted if the DNA testing results had been known or introduced at trial, order a new trial.

(3) If the court finds that a substantial possibility does not exist under paragraph (2)(iii) of this subsection, the court may order a new trial if the court determines that the action is in the interests of justice.

(4) If a new trial is granted, the court may order the release of the petitioner on bond or on conditions that the court finds will reasonably assure the presence of the petitioner at trial.

(j) (1) The State shall preserve scientific identification evidence that:

(i) the State has reason to know contains DNA material; and

(ii) is secured in connection with an offense described in subsection (b) of this section.

(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.

(3) (i) If the State is unable to produce scientific identification evidence described in paragraph (1) of this subsection, the court shall hold a hearing to determine whether the failure to produce evidence was the result of intentional and willful destruction.

(ii) The court shall order a post conviction hearing to be conducted in accordance with subparagraph (iii) of this paragraph if:

1. the court determines at a hearing under subparagraph (i) of this paragraph that the failure to produce evidence was the result of intentional and willful destruction; and

2. the court makes a finding that:

A. there is an inference that the results of the postconviction DNA testing would have been favorable to the petitioner; and

B. a substantial possibility exists that the petitioner would not have been convicted if the DNA testing had been known or introduced at trial.

(iii) 1. A court ordering a postconviction hearing under subparagraph (ii) of this paragraph shall open the postconviction hearing under § 7–102 of this article, if no postconviction hearing has been previously initiated by the petitioner under § 7–102 of this article.

2. A court ordering a postconviction hearing under subparagraph (ii) of this paragraph shall reopen the postconviction hearing under § 7–104 of this article, if no postconviction hearing has been previously initiated by the petitioner under § 7–102 of this article.

(4) The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.

(5) If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.

(k) (1) The State may dispose of scientific identification evidence before the expiration of the time period described in subsection (j) of this section if the State notifies the following persons:

(i) the person who is incarcerated in connection with the case;

(ii) any attorney of record for the person incarcerated; and

(iii) the Office of Public Defender for the judicial district in which the judgment of conviction was entered.

(2) The notification required in paragraph (1) of this subsection shall include:

(i) a description of the scientific identification evidence;

(ii) a statement that the State intends to dispose of the evidence;

(iii) a statement that the State will dispose of the evidence unless a party files an objection in writing within 120 days from the date of service in the circuit court that entered the judgment; and

(iv) the name and mailing address of the circuit court where an objection may be filed.

(3) Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required under this subsection, the State may dispose of the evidence.

(4) If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:

(i) the evidence has no significant value for forensic science analysis, the court may order the return of the evidence to its rightful owner, the destruction of the evidence, or other disposition as provided by law; or

(ii) the evidence is of such size, bulk, or physical character that it cannot practicably be retained by a law enforcement agency, on a showing of need, the court shall order that the evidence be made available to the party objecting to the disposition of the evidence for the purpose of obtaining representative samples from the evidence in the form of cuttings, swabs, or other means, prior to the release or destruction of the evidence.

(5) If the court orders that representative samples be made available under paragraph (4)(ii) of this subsection, the court shall further order that the samples be obtained by a qualified crime scene technician acting on behalf of the party seeking to obtain the samples or by the law enforcement agency in possession of the evidence, which also shall preserve and store the representative samples until the representative samples are released to the custody of a DNA testing facility.

(6) An appeal to the court of appeals may be taken from an order entered under this section.

Article – Public Safety

2–501.

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

(b) "Burglary" includes the crimes enumerated in §§ 6–202, 6–203, and 6–204 of the Criminal Law Article.

(c) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.

(2) "CODIS" includes the national DNA index administered and operated by the Federal Bureau of Investigation.

(d) "Crime Laboratory" means the Forensic Sciences Division of the Department.

(e) (1) Except as provided in paragraph (2) of this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) "Crime of violence" does not include mayhem.

(f) "Director" means the Director of the Crime Laboratory or the Director's designee.

(g) "DNA" means deoxyribonucleic acid.

(h) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.

(2) "DNA record" includes the information commonly referred to as a DNA profile.

(i) "DNA sample" means a body fluid or tissue sample that is:

(1) provided by an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article;

(2) provided by an individual who [is] **WAS** charged **ON OR AFTER JANUARY 1, 2009, BUT BEFORE JANUARY 1, 2014,** with:

(i) a crime of violence or an attempt to commit a crime of violence; or

(ii) burglary or an attempt to commit burglary; or

(3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.

(j) "Statewide DNA data base system" means the DNA record system administered by the Department for identification purposes.

(k) "Statewide DNA repository" means the State repository of DNA samples collected under this subtitle.

2–504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6–205 or § 6–206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

[(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:

1. a crime of violence or an attempt to commit a crime of violence; or

2. burglary or an attempt to commit burglary.

(ii) At the time of collection of the DNA sample under this paragraph, the individual from whom the sample is collected shall be given notice that the DNA record may be expunged and the DNA sample destroyed in accordance with § 2–511 of this subtitle.

(iii) A DNA sample collected from a crime scene or collected as sexual assault evidence at a hospital that a law enforcement investigator deems relevant to the identification or exoneration of a suspect shall be tested as soon as reasonably possible following collection of the sample.**]**

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) **[**at the facility where the charging of the individual is processed by:

(i) the arresting agency; or

(ii) the booking facility responsible for processing the arrest;

(2) at a facility specified by the Secretary, if the individual is charged but not arrested;

(3)**]** at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;

[(4)**] (2)** at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or

[(5)**] (3)** at a suitable location in a circuit court following the imposition of sentence.

(c) A DNA sample shall be collected by an individual who is:

(1) designated by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(d) (1) A DNA sample collected from an individual charged **ON OR AFTER JANUARY 1, 2009, BUT BEFORE JANUARY 1, 2014,** with a crime **[**under subsection (a)(3) of this section**] OF VIOLENCE, AN ATTEMPT TO COMMIT A CRIME**

OF VIOLENCE, BURGLARY, OR AN ATTEMPT TO COMMIT BURGLARY may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date unless requested or consented to by the individual as provided in paragraph (3) of this subsection.

(2) If a criminal charge is determined to be unsupported by probable cause:

(i) the DNA sample shall be immediately destroyed; and

(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.

(3) An individual may request or consent to have the individual's DNA sample processed prior to arraignment for the sole purpose of having the sample checked against a sample that:

(i) has been processed from the crime scene or the hospital; and

(ii) is related to the charges against the individual.

(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.

(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

2–506.

(a) Each DNA record of identification characteristics that results from DNA testing under this subtitle shall be stored and maintained only by the Crime Laboratory in the statewide DNA data base system, except as necessary to participate in CODIS.

(b) Each DNA sample obtained under this subtitle shall be stored securely and maintained only by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(d) A person may not perform a search of the statewide DNA data base for the purpose of identification of an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.

2–511.

(a) (1) Except as provided in paragraph (2) of this subsection, any DNA samples or records generated as part of a criminal investigation or prosecution shall be destroyed or expunged automatically from the State DNA data base if:

(i) a criminal action begun against the individual relating to the crime does not result in a conviction of the individual;

(ii) the conviction is reversed or vacated; or

(iii) the individual is granted an unconditional pardon.

(2) A DNA sample or record may not be destroyed or expunged automatically from the State DNA data base if the criminal action is put on the stet docket or the individual receives probation before judgment.

(b) If the DNA sample or DNA record was obtained or generated only in connection with a case in which eligibility for expungement has been established, a DNA sample shall be destroyed and a DNA record shall be expunged.

(c) Any DNA record expunged in accordance with this section shall be expunged from every data base into which it has been entered, including local, State, and federal data bases.

(d) An expungement or destruction of sample under this section shall occur within 60 days of an event listed in subsection (a) of this section.

(e) A letter documenting expungement of the DNA record and destruction of the DNA sample shall be sent by the Director to the defendant and the defendant's attorney at the address specified by the court in the order of expungement.

(f) A record or sample that qualifies for expungement or destruction under this section and is matched concurrent with or subsequent to the date of qualification for expungement:

(1) may not be utilized for a determination of probable cause regardless of whether it is expunged or destroyed timely; and

(2) is not admissible in any proceeding for any purpose.

(g) The Director shall adopt procedures to comply with this section.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(c) A person may not willfully test a DNA sample for information that does not relate to the identification of individuals as specified in this subtitle.

(d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:

(1) notification has been sent stating that the DNA sample has been destroyed; or

(2) destruction has been ordered.

(e) A person who violates subsection (a), (b), or (c) 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.

(f) A person who violates subsection (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000.

2–513.

(a) (1) (i) On or before December 31, 2009, and annually thereafter, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the status of the statewide DNA data base system as specified in subsection (b) of this section.

(ii) On or before September 1, 2009, and annually thereafter, local law enforcement agencies shall report to the Department with the information necessary for the Department to comply with the requirements of subsection (b) of this section.

(2) The annual report shall be posted on the Department website on or before December 31 of each year.

(b) The annual report shall include:

(1) total expenses incurred for the operation and management of the DNA data base and DNA testing program, specifying the actual and human resource costs of DNA collection and transport, DNA analyses, data base operation and oversight, and State laboratory personnel and maintenance;

(2) total funding provided by the State to each forensic crime laboratory in the preceding year;

(3) a statistical analysis of the racial demographics of:

(i) individuals who have been charged with a crime of violence or burglary, or attempt to commit a crime of violence or burglary, as defined in § 2–501 of this subtitle; and

(ii) victims of crimes alleged to have been committed by those individuals, when known;

(4) the number of biological samples collected from individuals;

(5) the sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required under this subtitle; and

(6) a detailed analysis of the investigations aided by DNA profiles that includes:

(i) the number of matches;

(ii) the number of matches that resulted in investigation of the person identified;

(iii) the number of matches that resulted in formal charges;

(iv) the number of matches that resulted in convictions;

(v) the number of matches that resulted in exonerations;

(vi) the number of matches that resulted in convictions for persons not already incarcerated; and

(vii) the prior offenses for which a person has been convicted where a match occurred.

2–514.

(a) (1) On or before December 31, 2009, and annually thereafter, the police department or the office of the Sheriff, as appropriate, of each county and the police department of Baltimore City shall report to the Office of Legislative Audits on the status of crime scene DNA collection and analysis in their respective jurisdictions.

(2) The Department shall report to the Office of Legislative Audits on the status of crime scene DNA collection statewide, including:

(i) the crimes for which crime scene DNA samples are routinely collected;

(ii) the approximate number of crime scene DNA samples collected during the preceding year for each category of crime;

(iii) the average time between crime scene DNA sample collection and analysis;

(iv) the number of crime scene DNA samples collected and not analyzed at the time of the study;

(v) the number of crime scene DNA samples submitted to the statewide DNA data base during the preceding year; and

(vi) the number of crime scene DNA samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

(b) The Office of Legislative Audits shall compile and evaluate the information reported by the police departments and sheriff offices under subsection (a) of this section and submit an annual summary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 6

On page 5, strike lines 10 and 11 in their entirety and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That, the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person from whom a DNA sample is required to be collected in compliance with this Act and who refuses to voluntarily submit to collection of the sample.

SECTION 4. AND BE IT FURTHER ENACTED, That, Section 1 of this Act shall take effect January 1, 2009. It shall remain effective for a period of 5 years and, at the end of December 31, 2013, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That, Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of this Act. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect January 1, 2009.".

The preceding 6 substitute committee amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 413 – Senators Stone and Haines

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

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

FLOOR AMENDMENT

SB0413/833422/2

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 413
(First Reading File Bill)

On page 4, in line 20, strike "case filed" and substitute "cause of action arising".

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 47 Members present.

(See Roll Call No. 667)

ADJOURNMENT

At 9:50 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 23, 2008, Calendar Day Tuesday, March 25, 2008.

Annapolis, Maryland
Legislative Day: March 23, 2008
Calendar Day: Tuesday, March 25, 2008
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Pastor Julie Brigham, St. Paul's Lutheran Church, guest of Senator Munson.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 22, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 669)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
UMBC Men's Basketball Team	Senator Edward J. Kasemeyer	518

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 670)

Maryland Day Presentation given by Senator Dyson.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #54

Senate Bill 130 – Senators Exum and Currie

AN ACT concerning

Prince George's County – Alcoholic Beverages – Drive–Through Purchase Facilities

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

Affirmative – 46 Negative – 0 (See Roll Call No. 671)

The Bill was then sent to the House of Delegates.

Senate Bill 259 – Senators Middleton and Edwards (Joint Subcommittee on Program Open Space/Agricultural Land Preservation) and Senators Astle, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Greenip, Haines, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

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

Affirmative – 46 Negative – 0 (See Roll Call No. 672)

The Bill was then sent to the House of Delegates.

Senate Bill 437 – Senators Jones, Forehand, Kramer, Madaleno, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

State Designations – Walking as the State Exercise

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

Affirmative – 36 Negative – 8 (See Roll Call No. 673)

The Bill was then sent to the House of Delegates.

Senate Bill 464 – Senators Conway, Currie, Dyson, Exum, Forehand, Frosh, Gladden, Jones, Kelley, Madaleno, McFadden, Muse, Pinsky, Pugh, ~~and Raskin~~ Raskin, and Harrington

AN ACT concerning

Maryland Higher Education Commission – Unreasonable Duplication of Programs – ~~Expansion of Existing Programs~~ Standards

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

Affirmative – 46 Negative – 0 (See Roll Call No. 674)

The Bill was then sent to the House of Delegates.

Senate Bill 622 – Senators Brinkley, Colburn, Haines, Kittleman, and Mooney

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 675)

The Bill was then sent to the House of Delegates.

Senate Bill 792 – Senator Lenett

AN ACT concerning

Residential Real Property – Maryland Building Performance Standards – Minimum Standards for Visitability – Study

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

Affirmative – 36 Negative – 11 (See Roll Call No. 676)

The Bill was then sent to the House of Delegates.

Senate Bill 909 – Senator Middleton

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 677)

The Bill was then sent to the House of Delegates.

Senate Bill 915 – ~~Senator Middleton~~ Senators Middleton, Dyson, Harris, and Colburn

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 678)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 679)

The Bill was then sent to the House of Delegates.

Senate Bill 930 – Senator Colburn

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

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

Affirmative – 47 Negative – 0 (See Roll Call No. 680)

The Bill was then sent to the House of Delegates.

Senate Bill 931 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 681)

The Bill was then sent to the House of Delegates.

Senate Bill 951 – Senators Miller and Dyson

AN ACT concerning

Public Safety – Industrialized ~~Building – Definition~~ Buildings – Exemptions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 682)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #55

Senate Bill 403 – Senator Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

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

Affirmative – 24 Negative – 23 (See Roll Call No. 683)

The Bill was then sent to the House of Delegates.

Senate Bill 404 – Senator Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

Read the third time and failed for want of a constitutional majority:

Affirmative – 28 Negative – 19 (See Roll Call No. 684)

Senate Bill 580 – Senators Conway, Colburn, Lenett, and Stoltzfus

AN ACT concerning

Radiation Oncology/ Therapy Technologists, Medical Radiation Technologists, Radiologist Assistants, and Nuclear Medicine Technologists – Licensure

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

Affirmative – 47 Negative – 0 (See Roll Call No. 685)

The Bill was then sent to the House of Delegates.

Senate Bill 717 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 686)

The Bill was then sent to the House of Delegates.

Senate Bill 742 – Senator Zirkin

AN ACT concerning

Human Services – Residential Child Care Program – Bill of Rights

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

Affirmative – 45 Negative – 2 (See Roll Call No. 687)

The Bill was then sent to the House of Delegates.

Senate Bill 782 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Statement of Need

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

Affirmative – 46 Negative – 1 (See Roll Call No. 688)

The Bill was then sent to the House of Delegates.

Senate Bill 783 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Certification of ~~Direct Care Workers~~ Residential Child Care Program Professionals

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

Affirmative – 44 Negative – 3 (See Roll Call No. 689)

The Bill was then sent to the House of Delegates.

Senate Bill 826 – ~~Senator Conway~~ Senators Conway and Harrington

AN ACT concerning

HIV Testing – Informed Consent and Treatment ~~– Pregnant Women~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 690)

The Bill was then sent to the House of Delegates.

Senate Bill 882 – Senator Middleton

AN ACT concerning

Certified Professional, Associate ~~Counselor~~, and Supervised Counselors–Alcohol and Drug – Qualifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 691)

The Bill was then sent to the House of Delegates.

Senate Bill 889 – Senator Dyson

AN ACT concerning

Nurse Practitioners – Authority to Certify

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

Affirmative – 46 Negative – 1 (See Roll Call No. 692)

The Bill was then sent to the House of Delegates.

Senate Bill 974 – Senator Middleton

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

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

Affirmative – 35 Negative – 12 (See Roll Call No. 693)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #56

Senate Bill 76 – Senators Conway, Della, Exum, Gladden, Jones, Kelley, McFadden, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Procedure – Custodial Interrogation – ~~Electronic~~ Recordation

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

Affirmative – 43 Negative – 4 (See Roll Call No. 694)

The Bill was then sent to the House of Delegates.

Senate Bill 125 – Senators Brochin, Madaleno, Pinsky, and Pugh

AN ACT concerning

Courts – Service of Process – Increase in Sheriff's Fees – Distribution to Rental Allowance Program Fund

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

Affirmative – 26 Negative – 21 (See Roll Call No. 695)

The Bill was then sent to the House of Delegates.

Senate Bill 393 – Senators Forehand, Conway, Garagiola, Jones, Kelley, King, Madaleno, Pinsky, Pugh, and Raskin

AN ACT concerning

Domestic Violence – Permanent Protective Order After Conviction and Imprisonment

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

Affirmative – 47 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the House of Delegates.

Senate Bill 411 – Senator Edwards

AN ACT concerning

Allegany County – ~~Investment for~~ Video Lottery Construction – ~~Reimbursement for~~ Local Impact Grants – Rocky Gap Construction Costs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 697)

The Bill was then sent to the House of Delegates.

Senate Bill 493 – Senator Frosh

AN ACT concerning

Lawyers – Payment of Taxes and Unemployment Insurance Contributions

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

Affirmative – 46 Negative – 1 (See Roll Call No. 698)

The Bill was then sent to the House of Delegates.

Senate Bill 528 – Senator Raskin

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil Relief – Waiver of Sovereign Immunity

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

Affirmative – 43 Negative – 4 (See Roll Call No. 699)

The Bill was then sent to the House of Delegates.

Senate Bill 551 – Senator Gladden

AN ACT concerning

Family Law – ~~CINA, Guardianship, Adoption, and Custody Proceedings – Blindness of Parent, Guardian, or Custodian~~ Child Custody Determinations – Prohibition Against Consideration of Disabilities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 700)

The Bill was then sent to the House of Delegates.

Senate Bill 579 – Senator Forehand

AN ACT concerning

Immunity from Liability – ~~Medical Emergency –~~ Use of Automated External Defibrillator

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

Affirmative – 47 Negative – 0 (See Roll Call No. 701)

The Bill was then sent to the House of Delegates.

Senate Bill 932 – Senator Colburn

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 702)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #2

House Bill 612 – Delegates Kullen, Elmore, Haddaway, Mathias, Smigiel, and Sossi

~~EMERGENCY BILL~~

AN ACT concerning

Property Tax ~~Assessment~~ Credit – Commercial Waterfront Property

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

Affirmative – 47 Negative – 0 (See Roll Call No. 703)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #57

Senate Bill 211 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Garagiola, Jones, Kasemeyer, King, Lenett, Madaleno, McFadden, Miller~~, Mooney~~, Munson, Robey, ~~and Stone~~ Stone, Forehand, Jacobs, and Simonaire

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence~~,~~ and Burglary~~, and Breaking and Entering a Motor Vehicle~~ – Sample Collections on ~~Arrest~~ Charge – Postconviction DNA Testing

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

Affirmative – 35 Negative – 12 (See Roll Call No. 704)

The Bill was then sent to the House of Delegates.

Senate Bill 413 – Senators Stone and Haines

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

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

Affirmative – 31 Negative – 16 (See Roll Call No. 705)

The Bill was then sent to the House of Delegates.

Senate Bill 468 – Senator Stoltzfus

AN ACT concerning

Somerset County – Property Tax Credit ~~for Assessment Increases~~

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

Affirmative – 47 Negative – 0 (See Roll Call No. 706)

The Bill was then sent to the House of Delegates.

Senate Bill 662 – ~~Senator Middleton~~ Senators Middleton, Currie, Kasemeyer, McFadden, DeGrange, Jones, Madaleno, Kramer, Brinkley, Munson, Peters, Robey, King, Edwards, and Zirkin

AN ACT concerning

Agricultural Land Transfer Tax – ~~Rates~~ Surcharge and Distribution of Revenue

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

Affirmative – 38 Negative – 9 (See Roll Call No. 707)

The Bill was then sent to the House of Delegates.

Senate Bill 676 – Senators Stoltzfus, Astle, Colburn, Dyson, Glassman, Haines, and Jacobs

~~EMERGENCY BILL~~

AN ACT concerning

Property Tax ~~Assessment~~ Credit – Commercial Waterfront Property

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

Affirmative – 47 Negative – 0 (See Roll Call No. 708)

The Bill was then sent to the House of Delegates.

Senate Bill 703 – Senator Zirkin

AN ACT concerning

Commission on Land Use at the Rosewood Center

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

Affirmative – 45 Negative – 1 (See Roll Call No. 709)

The Bill was then sent to the House of Delegates.

Senate Bill 755 – Senator Dyson

AN ACT concerning

Election Law – Slot Machine Gaming Referendum – Campaign Finance Reports ~~by Corporations~~

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

Affirmative – 47 Negative – 0 (See Roll Call No. 710)

The Bill was then sent to the House of Delegates.

Senate Bill 760 – Senator Stone

AN ACT concerning

~~Homestead~~ Property Tax Credit – Residence of Homeowner's Family Member

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

Affirmative – 47 Negative – 0 (See Roll Call No. 711)

The Bill was then sent to the House of Delegates.

Senate Bill 810 – Senator Pipkin

AN ACT concerning

Transportation – Maryland Emergency Medical System Operations Fund – Transport by Privately Owned Helicopter

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

Affirmative – 43 Negative – 3 (See Roll Call No. 712)

The Bill was then sent to the House of Delegates.

Senate Bill 816 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credit – Historically Operated Amusement Park

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

Affirmative – 45 Negative – 1 (See Roll Call No. 713)

The Bill was then sent to the House of Delegates.

Senate Bill 953 – Senator Edwards

AN ACT concerning

Garrett County – Local Tax – Date of Payment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 714)

The Bill was then sent to the House of Delegates.

Senate Bill 999 – Senator Stoltzfus

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

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

Affirmative – 46 Negative – 1 (See Roll Call No. 715)

The Bill was then sent to the House of Delegates.

Senate Bill 1000 – Senator Harrington

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 716)

The Bill was then sent to the House of Delegates.

RECONSIDERATION

Senator Zirkin moved to reconsider the vote by which **Senate Bill 404** failed Third Reading.

The motion was adopted by roll call vote as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 717)

Senate Bill 404 – Senator Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

Read the third time and failed for want of a constitutional majority:

Affirmative – 28 Negative – 19 (See Roll Call No. 718)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #30

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

SB0293/748671/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 293
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Frosh and Gladden" and substitute "Gladden and Frosh"; in line 2, before "**Orphans**'" insert "**Baltimore City –** "; in line 4, strike "certain" and substitute "judges of the"; and in line 5, strike "judges under certain circumstances" and substitute "for Baltimore City".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "**EXCEPT**" in line 23 on page 1 down through "**THE**" in line 1 on page 2 and substitute "**THE**".

On page 2, in line 3, strike "**IN THAT CITY OR COUNTY**" and substitute "**FOR BALTIMORE CITY**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 14 through 18, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects only the City of Baltimore and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments apply.".

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 955 – Senator Harrington

AN ACT concerning

Brian Moore Student Health and Fitness Act of Maryland

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0955/424239/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 955
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Harrington" and substitute "Senators Harrington and Forehand"; in line 2, strike "Brian" and substitute "Bryan"; strike beginning with "requiring" in line 5 down through "student;" in line 6; and strike beginning with "requiring" in line 8 down through "graduate;" in line 9.

AMENDMENT NO. 2

On page 3, in line 1, strike "**8**" and substitute "**5**"; strike beginning with "**A**S" in line 9 down through "**(3)**" in line 12; strike beginning with "**A**" in line 16 down through "**(D)**" in line 19; and in line 21, strike "**(E)**" and substitute "**(D)**".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2008.

The motion was adopted.

LAID OVER BILLS

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

Senate Bill 373 – Senators DeGrange, Brinkley, Currie, Della, Dyson, King, Klausmeier, McFadden, Miller, Munson, Peters, Robey, Stoltzfus, and Stone

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

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

SB0373/999535/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 373
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "year;" insert "establishing the Building Opportunities for All Students and Teachers Reserve Fund; authorizing the Governor to include an appropriation to the Fund in the annual budget bill; requiring the Comptroller to transfer certain amounts from the Fund to the General Fund under certain circumstances;".

AMENDMENT NO. 2

On page 7, in line 31, after "**(G)**" insert: "**(1) IN THIS SUBSECTION, "RESERVE FUND" MEANS THE BUILDING OPPORTUNITIES FOR ALL STUDENTS AND TEACHERS RESERVE FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

(2) (I) THERE IS A BUILDING OPPORTUNITIES FOR ALL STUDENTS AND TEACHERS RESERVE FUND WHICH IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE MONEY IN THE RESERVE FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND.

(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, THE DEPARTMENT MAY NOT ISSUE INITIAL TAX CREDIT CERTIFICATES FOR CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(II) IF THE AGGREGATE CREDIT AMOUNTS UNDER INITIAL TAX CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR TOTAL LESS THAN THE

AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR, ANY EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ISSUED UNDER INITIAL TAX CREDIT CERTIFICATES FOR THE NEXT YEAR.

(III) FOR ANY FISCAL YEAR, IF FUNDS ARE TRANSFERRED FROM THE RESERVE FUND UNDER THE AUTHORITY OF ANY PROVISION OF LAW OTHER THAN UNDER PARAGRAPH (6) OF THIS SUBSECTION, THE MAXIMUM CREDIT AMOUNTS IN THE AGGREGATE FOR WHICH THE DEPARTMENT MAY ISSUE INITIAL TAX CREDIT CERTIFICATES SHALL BE REDUCED BY THE AMOUNT TRANSFERRED.

(4) FOR EACH FISCAL YEAR, THE GOVERNOR MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE RESERVE FUND.

(5) NOTWITHSTANDING THE PROVISIONS OF § 7–213 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE GOVERNOR MAY NOT REDUCE AN APPROPRIATION TO THE RESERVE FUND IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(6) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, MONEY APPROPRIATED IN THE RESERVE FUND SHALL REMAIN IN THE RESERVE FUND.

(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER AS TO EACH FINAL CREDIT CERTIFICATE ISSUED DURING THE QUARTER:

A. THE MAXIMUM CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE; AND

B. THE FINAL CERTIFIED CREDIT AMOUNT.

2. ON NOTIFICATION THAT A FINAL CREDIT HAS BEEN ISSUED, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE FROM THE RESERVE FUND TO THE GENERAL FUND.”.

AMENDMENT NO. 3

On page 7, in line 31, strike "**(1)**" and substitute: "**(7)**"; in the same line, strike "**(2)**" and substitute "**(8)**"; and in line 35, strike "**(2)**" and substitute "**(8)**".

On page 8, in line 4, strike "**(3)**" and substitute "**(9)**".

The preceding 3 amendments were read and adopted.

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

Affirmative – 33 Negative – 14 (See Roll Call No. 719)

FLOOR AMENDMENT

SB0373/783622/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 373
(First Reading File Bill)

On page 4, in line 17, strike "**AND**"; and in line 19, after "**AMENDED**" insert "**; AND**

(IV) DOES NOT HAVE ANY POLICY PROHIBITING A STUDENT FROM ATTENDING THE SCHOOL BECAUSE OF A STUDENT'S:

1. ETHNICITY;

2. RACE;

3. RELIGION;

4. NATIONAL ORIGIN;

5. COLOR; OR

6. DISABILITY".

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

Affirmative – 21 Negative – 24 (See Roll Call No. 720)

FLOOR AMENDMENT

SB0373/493127/2

BY: Senator Madaleno

AMENDMENT TO SENATE BILL 373
(First Reading File Bill)

On page 4, in line 17, strike "**AND**"; after line 17, insert:

"**(III) HAS AT LEAST 20% OF THE SCHOOL'S STUDENT ENROLLMENT LIVING IN POVERTY; AND**";

and in line 18, strike "**(III)**" and substitute "**(IV)**".

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

Affirmative – 18 Negative – 29 (See Roll Call No. 721)

FLOOR AMENDMENT

SB0373/723722/1

BY: Senator Madaleno

AMENDMENT TO SENATE BILL 373
(First Reading File Bill)

On page 4, in line 22, strike "**75%**" and substitute "**26%**".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 722)

FLOOR AMENDMENT

SB0373/353721/1

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 373
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 26, after "Act;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 8, strike beginning with "shall" in line 25 down through "and" in line 26; and after line 27, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 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 rejected by a roll call vote as follows:

Affirmative – 18 Negative – 27 (See Roll Call No. 723)

FLOOR AMENDMENT

SB0373/263621/1

BY: Senator Raskin

AMENDMENT TO SENATE BILL 373
(First Reading File Bill)

On page 3, in line 15, after "**STATE**" insert "**AND WHO TAKE THE MARYLAND SCHOOL ASSESSMENTS OR THE MARYLAND HIGH SCHOOL ASSESSMENTS**".

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

Affirmative – 14 Negative – 33 (See Roll Call No. 724)

Read the second time and ordered prepared for Third Reading.

Senate Bill 131 – Senators King, Forehand, Peters, and Raskin

AN ACT concerning

Municipal Corporations – Hotel Rental Tax

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

SB0131/309436/2

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 131
(First Reading File Bill)

On page 2, in line 28, after "**IF**" insert "**:**

(I)";

and in line 29, after "**ROOMS**" insert "**; OR**

(II) THE MUNICIPAL CORPORATION IS LOCATED WITHIN A COUNTY THAT:

1. DISTRIBUTES AT LEAST 50% OF TOTAL HOTEL TAX REVENUES TO PROMOTE TOURISM WITHIN THE COUNTY; OR

2. DOES NOT IMPOSE A TAX ON A TRANSIENT CHARGE PAID TO A HOTEL".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 744 – Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Construction Services – Training

Reassigned to the Committee on Judicial Proceedings under Rule 33(d).

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 398 – Delegates Nathan–Pulliam, Benson, G. Clagett, Elliott, Manno, Montgomery, Oaks, Riley, Tarrant, and V. Turner

AN ACT concerning

~~State Government – Administrative Procedure Act – Scope of Judicial Review~~
Task Force on the Administrative Procedure Act

FOR the purpose of establishing the Task Force on the Administrative Procedure Act; providing for the membership and chair of the Task Force; requiring the ~~Department of Legislative Services~~ Office of the Attorney General to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; providing for the duties of the Task Force; requiring the Task Force to submit a certain report 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 on the Administrative Procedure Act. ~~expanding the circumstances under which a court may reverse or modify a final decision in certain contested cases under the Administrative Procedure Act; and generally relating to judicial review of an administrative decision.~~

~~BY repealing and reenacting, without amendments,~~
~~Article – State Government~~
~~Section 10–222(a)~~

~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Government~~
~~Section 10–222(h)~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2007 Supplement)~~

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

House Bill 518 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – State Matching Stipends – National Certification

FOR the purpose of requiring the Governor to include in each year's operating budget funding for a certain stipend for certain teachers and nonadministrative school–based employees who hold certain certificates and who are employed by the Anne Arundel County Board of Education; and generally relating to State matching stipends for qualified teachers and employees in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–306
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON FINANCE REPORT #19

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

Senate Bill 458 – Senators Astle, Forehand, Jacobs, and Middleton

AN ACT concerning

Tourism Promotion Act of 2008

SB0458/337476/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 458
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "for" in line 5 down through "Fund;" in line 17 and substitute "requiring the Comptroller, on or before a certain date each year, to make a certain calculation regarding certain annual sales and use tax revenues collected on the retail sale of tourist–oriented goods and services under certain codes after consultation with the Department of Business and Economic Development; requiring the Comptroller to report by a certain time on a certain calculation to the Governor, certain agencies, and the General Assembly; requiring the Governor to consider whether to include a certain appropriation to the Maryland Tourism Development Board Fund in the proposed State budget under certain circumstances; providing that certain funding is not required to be included in the State budget; stating the intent of the General Assembly;"; strike beginning with "requiring" in line 20 down through "Act;" in line 22; in line 23, strike "of Business and Economic Development"; and in line 25, strike "and provide a certain recommendation" and substitute "; providing for the effective date of certain provisions of this Act".

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 6 on page 2, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–214 and 4–216
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 34 on page 2 through line 30 on page 6, inclusive, and substitute:

"Article – Economic Development

4–214.

The Board shall:

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

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

(3) BEGINNING IN FISCAL YEAR 2011, PROVIDE GRANTS OF NOT LESS THAN $2,500,000 IN TOTAL EACH FISCAL YEAR TO DESTINATION MARKETING ORGANIZATIONS FOR THE PURPOSE OF ATTRACTING VISITORS TO THE STATE.

4–216.

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

(2) "TOURISM TAX INCREMENT" MEANS THE AMOUNT, IF ANY, BY WHICH THE TOURISM TAX REVENUES COLLECTED IN THE FISCAL YEAR 2 YEARS BEFORE A PARTICULAR FISCAL YEAR EXCEEDS THE TOURISM TAX REVENUES COLLECTED IN THE FISCAL YEAR 3 YEARS BEFORE THE PARTICULAR FISCAL YEAR.

(3) "TOURISM TAX REVENUES" MEANS SALES AND USE TAX REVENUES COLLECTED ON THE RETAIL SALE OF TOURIST–ORIENTED GOODS AND SERVICES, AS DETERMINED BY THE COMPTROLLER UNDER SUBSECTION (C)(3) OF THIS SECTION.

(B) The Governor shall include in the annual budget bill a proposed General Fund appropriation to the Fund in an amount not less than $6,000,000 for each fiscal year.

(C) (1) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COMPTROLLER SHALL CALCULATE THE AMOUNT OF THE QUALIFYING TOURISM TAX INCREMENT FOR THE CURRENT FISCAL YEAR IN ACCORDANCE WITH

PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE QUALIFYING TOURISM TAX INCREMENT IS:

(I) IF THE TOURISM TAX INCREMENT EXCEEDS 3% OF THE TOURISM TAX REVENUES COLLECTED IN THE FISCAL YEAR 3 YEARS BEFORE THE CURRENT FISCAL YEAR, ONE–HALF OF THE AMOUNT OF THE TOURISM TAX INCREMENT ABOVE THE 3% INCREASE; OR

(II) IF THE TOURISM TAX INCREMENT DOES NOT EXCEED 3%, ZERO.

(3) THE COMPTROLLER SHALL:

(I) DETERMINE THE CLASSIFICATION CODES THAT SHALL BE INCLUDED IN TOURISM TAX REVENUES UNDER THIS SUBSECTION AFTER CONSULTING WITH THE DEPARTMENT; AND

(II) ON OR BEFORE AUGUST 1 OF EACH YEAR, REPORT THE AMOUNT OF THE QUALIFYING TOURISM TAX INCREMENT TO THE GOVERNOR, THE DEPARTMENT, THE DEPARTMENT OF BUDGET AND MANAGEMENT, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(4) THE GOVERNOR SHALL CONSIDER WHETHER TO INCLUDE THE AMOUNT OF THE QUALIFYING TOURISM TAX INCREMENT IN THE APPROPRIATION TO THE FUND IN THE PROPOSED STATE BUDGET FOR THE NEXT FISCAL YEAR, IN ADDITION TO THE AMOUNT TO BE INCLUDED IN THE BUDGET BILL UNDER SUBSECTION (B) OF THIS SECTION.

(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE FUNDING IN THE STATE BUDGET OF THE QUALIFYING TOURISM TAX INCREMENT.

(6) IF THE PROPOSED STATE BUDGET FOR A PARTICULAR FISCAL YEAR INCLUDES AN APPROPRIATION TO THE FUND UNDER THIS SUBSECTION, IT

IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE TOTAL ANNUAL FUNDING APPROPRIATED TO THE FUND IN ANY FISCAL YEAR NOT EXCEED BY MORE THAN $5,000,000 THE SUM OF:

(I) THE QUALIFYING TOURISM TAX INCREMENT FOR THE FISCAL YEAR IMMEDIATELY PRECEDING THE PARTICULAR FISCAL YEAR; AND

(II) THE AMOUNT STATED IN SUBSECTION (B) OF THIS SECTION.

(D) ON OR BEFORE OCTOBER 1 OF EACH YEAR BEGINNING IN 2012, IN COOPERATION WITH THE BOARD AND THE MARYLAND ASSOCIATION OF DESTINATION MARKETING ORGANIZATIONS, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECTIVENESS OF THE FUNDING PROVIDED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IN INCREASING VISITOR ATTENDANCE AND VISITOR SPENDING IN MARYLAND.".

AMENDMENT NO. 3

On pages 6 and 7, strike in their entirety the lines beginning with line 37 on page 6 through line 14 on page 7, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before August 1, 2008, the Comptroller shall calculate and report the amount of the qualifying tourism tax increment for fiscal year 2009 as provided under § 4–216(c) of the Economic Development Article, as enacted by this Act. For purposes of determining the qualifying tourism tax increment under § 4–216 of the Economic Development Article, as enacted by this Act, for fiscal years 2010 and 2011 only, the Comptroller shall adjust the calculation of revenues based on a 5% sales and use tax rate for fiscal years 2008 and 2009.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2008.";

in line 15, strike "4." and substitute "5."; and in the same line, after "That" insert ", except as provided in 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 FINANCE REPORT #20

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 204 – The President (By Request – Administration) and Senators Pugh and Garagiola

AN ACT concerning

Maryland Transit Administration – Transit–Oriented Development

SB0204/127478/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 204
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "objectives;" insert "providing for the construction of certain provisions of this Act;"; and in line 6, after "terms;" insert "declaring the intent of the General Assembly for local governments to coordinate with the Maryland Transit Administration in a certain manner;".

On page 2, after line 2, insert:

"WHEREAS, It is in the interest of the State to support local governments as they exercise their land use authority to develop around planned transit stations in a manner that improves the efficiency and effectiveness of planned transit systems; and".

AMENDMENT NO. 2

On page 4, in line 2, strike the first "**THE**" and substitute "**:**

(I) THE";

and in line 4, after "**PLANNING**" insert "**; AND**

(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA";

in line 22, after "(a)" insert "**(1)**"; and after line 29, insert:

"**(2) THE ESTABLISHMENT OF THE REALIZATION OF TRANSIT–ORIENTED DEVELOPMENT AS A TRANSPORTATION PURPOSE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO:**

(I) LIMIT THE AUTHORITY OF LOCAL GOVERNMENTS TO GOVERN LAND USE AS ESTABLISHED UNDER ANY OTHER LAW; OR

(II) GRANT THE STATE OR A DEPARTMENT OF THE STATE ADDITIONAL AUTHORITY TO SUPERSEDE LOCAL LAND USE AND PLANNING AUTHORITY.".

AMENDMENT NO. 3

On page 5, after line 4, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in order for areas with planned transit stations to be considered for designation as a transit–oriented development, local governments shall coordinate with the Maryland Transit Administration on land–use planning elements such as right–of–way preservation; density; pedestrian, bicycle, bus, and automobile access; project financing mechanisms; and other critical design elements.";

and in line 5, 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 with amendments:

Senate Bill 417 – Senators Edwards, Brinkley, Kittleman, and Munson

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Energy Efficiency and Conservation Programs and Services – Prohibition of Surcharge Without Customer Consent

SB0417/127371/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 417
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Munson" and substitute "Munson, and Pipkin"; in line 3, strike "Prohibition of Surcharge Without"; in the same line, strike "Consent" and substitute "Notification and Report"; and strike beginning with "prohibiting" in line 4 down through "surcharge;" in line 12 and substitute "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;".

AMENDMENT NO. 2

On page 2, strike beginning with "**(1)**" in line 14 down through "**SURCHARGE**" in line 26 and substitute "**AT LEAST ONCE EACH YEAR, EACH ELECTRIC COMPANY AND GAS COMPANY SHALL NOTIFY AFFECTED CUSTOMERS OF THE ENERGY EFFICIENCY AND CONSERVATION CHARGES IMPOSED AND BENEFITS CONFERRED BY:**

(1) PUBLICATION ON THE COMPANY'S WEBSITE; AND

(2) INCLUSION WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE";

in line 27, strike "2001," and substitute "**2009, AND EVERY 2 YEARS THEREAFTER**"; and in line 28, strike "subject to" and substitute "**IN ACCORDANCE WITH**".

On page 3, strike in their entirety lines 8 through 13, inclusive; and in line 14, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 521 – Senators DeGrange, Astle, Garagiola, Kasemeyer, Klausmeier, Robey, and Rosapepe

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

SB0521/867077/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 521
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "or sale"; in line 5, after "State;" insert "providing that certain provisions of law do not apply to certain transactions;"; in line 6, after "records;" insert "requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; authorizing certain law enforcement units to issue certain waivers under certain circumstances;"; strike beginning with "requiring" in line 9 down through "purchased;" in line 12; in line 15, after "documentation;" insert "authorizing State or local law enforcement personnel to request information from certain records

under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances;"; and in line 25, strike "17–1001(e)" and substitute "12–102(a), 17–1001(e)".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"12–102.

(a) This title does not apply to a transaction that involves:

(1) merchandise acquired from an established manufacturer or dealer who holds a license under this title, other than a pawnbroker, if the dealer who acquires the merchandise keeps an invoice or other customary proof of origin for the merchandise;

(2) a metal acquired for use in dentistry by a dentist licensed to practice dentistry under Title 4 of the Health Occupations Article; **[**or**]**

(3) coins or numismatic items**; OR**

(4) THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT TO THE RECORD AND REPORTING REQUIREMENTS UNDER § 17–1011 OF THIS ARTICLE.".

AMENDMENT NO. 3

On page 3, in line 5, strike "stoves" and substitute "**STREET SIGNS**"; in line 6, strike "plumbing fixtures and supplies" and substitute "**GUARD RAILS**"; strike beginning with "(4)" in line 7 down through "machinery;" in line 12; in lines 13, 16, 18, 19, 20, 21, 22, and 23, strike "**(10)**", "**(11)**", "**(12)**", "**(13)**", "**(14)**", "**(15)**", "**(16)**", and "**(17)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; and in line 23, after "material" insert "**COMMONLY ASSOCIATED WITH PUBLIC UTILITY MAINTENANCE**".

On page 5, in line 9, after "**TO**" insert "**AN**"; strike beginning with "**DISMANTLERS**" in line 10 down through "**15–501**" in line 11 and substitute "**DISMANTLER AND RECYCLER OR SCRAP PROCESSOR LICENSED UNDER TITLE 15, SUBTITLE 5**"; in lines 12 and 15, in each instance, strike "**OR SALE**"; in lines 13

and 14, strike "**A WRITTEN**" and substitute "**AN ACCURATE**"; in line 18, strike "**OR RECEIVED**"; after line 21, insert:

"**(V) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;**";

in lines 22 and 27, strike "**(V)**" and "**(VI)**", respectively, and substitute "**(VI)**" and "**(VII)**", respectively; in lines 23 and 27, in each instance, strike "**OR TO**"; in lines 24 and 26, in each instance, strike "**OR SOLD**"; in line 28, strike "**OR SELLS**"; and in line 30, strike "**NAME, DATE OF BIRTH,**" and substitute "**DATE OF BIRTH**".

AMENDMENT NO. 4

On page 6, after line 12, insert:

"**(3) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE KEPT IN ELECTRONIC FORM.**

(4) (I) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A COPY OF EACH RECORD REQUIRED UNDER THIS SUBSECTION TO THE PRIMARY LAW ENFORCEMENT UNIT IN ACCORDANCE WITH SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH.

(II) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A RECORD BY TRANSMITTING A COPY OF THE RECORDS ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT, BY THE END OF EACH BUSINESS DAY.

(III) EACH COPY OF A RECORD, SUBMITTED TO THE PRIMARY LAW ENFORCEMENT UNIT SHALL INCLUDE:

1. THE DATE AND TIME OF PURCHASE;

2. A DESCRIPTION OF THE JUNK OR SCRAP METAL, INCLUDING ITS WEIGHT, IF PAYMENT IS BASED ON WEIGHT; AND

3. WHETHER THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL EXCEEDS $500.

(IV) A COPY OF A RECORD SUBMITTED UNDER THIS PARAGRAPH:

1. SHALL BE KEPT CONFIDENTIAL;

2. IS NOT A PUBLIC RECORD; AND

3. IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(V) A LAW ENFORCEMENT UNIT MAY DESTROY THE COPY OF A RECORD SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LAW ENFORCEMENT UNIT RECEIVES THE COPY.

(5) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (3) OF THIS SUBSECTION OR THE TRANSMISSION OF ELECTRONIC RECORDS UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION BY A JUNK DEALER OR SCRAP METAL PROCESSOR.

(II) ANY WAIVERS GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LIMITED TO AUTHORIZING A JUNK DEALER OR SCRAP METAL PROCESSOR TO HOLD WRITTEN RECORDS OR TO TRANSMIT RECORDS BY FACSIMILE OR BY MAIL.".

AMENDMENT NO. 5

On page 6, in lines 16 and 17, strike "**3 YEARS**" and substitute "**1 YEAR**"; strike in their entirety lines 22 through 29, inclusive; and in line 30, strike "**(E)**" and substitute "**(D)**".

On page 7, strike in their entirety lines 1 through 10, inclusive; after line 10, insert:

"**(E) (1) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL CONDUCTING AN INVESTIGATION IN THE AREA WHERE THE BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED MAY REQUEST**

INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(2) (I) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY PROVIDES REASONABLE CAUSE TO BELIEVE THAT ITEMS OF SCRAP METAL IN POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR ARE STOLEN, THEN THE LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.

(II) THE WRITTEN HOLD NOTICE SHALL:

1. IDENTIFY THE ITEMS OF REGULATED SCRAP METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND

2. INFORM THE JUNK DEALER OR SCRAP METAL PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP METAL.

(III) FOR 10 DAYS AFTER THE DATE OF RECEIVING A HOLD NOTICE, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PROCESS OR REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S PLACE OF BUSINESS ANY ITEMS OF REGULATED SCRAP METAL IDENTIFIED IN THE HOLD NOTICE, UNLESS THE ITEM IS RELEASED EARLIER BY THE LAW ENFORCEMENT AGENCY OR BY COURT ORDER.";

in lines 11 and 15, strike "**(G)**" and "**(H)**", respectively, and substitute "**(F)**" and "**(G)**", respectively; and in line 13, strike "**OR SOLD**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 553 – Senator Gladden

AN ACT concerning

Insurance – Slavery Era Insurance Policies – Reporting

SB0553/177272/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 553
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden, Exum, Kelley, Garagiola, and Pugh".

On page 3, in line 4, after "**ISSUED**" insert "**IN THE STATE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0553/523726/1

BY: Senator Raskin

AMENDMENT TO SENATE BILL 553, AS AMENDED

In the Finance Committee Amendment (SB0553/177272/1), in line 2, strike "and Pugh" and substitute "Pugh, Raskin, and Jones".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 722 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Registration

SB0722/467276/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 722
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "person" and substitute "pharmacy benefits manager"; strike beginning with "the" in line 4 down through "manager" in line 5 and substitute "providing pharmacy benefits management services"; strike beginning with "exempting" in line 5 down through "circumstances;" in line 9; in line 12, strike "applicants" and substitute "pharmacy benefits managers"; strike beginning with "authorizing" in line 16 down through "requirements;" in line 22; strike beginning with "an" in line 22 down through "organization" in line 23 and substitute "a purchaser"; in line 25, strike "requiring" and substitute "authorizing"; and strike beginning with "requiring" in line 28 down through "date;" in line 29 and substitute "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;".

On pages 1 and 2, strike beginning with "altering" in line 29 on page 1 down through "requirements;" in line 1 on page 2.

On page 2 in line 8, strike "15–1613" and substitute "15–1609"; and strike in their entirety lines 17 through 26, inclusive.

AMENDMENT NO. 2

On page 2, after line 33, insert:

"**(B) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.**

(C) "ERISA" HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.".

On pages 2 and 3, strike in their entirety the lines beginning with line 34 on page 2 through line 7 on page 3, inclusive, and substitute:

"**(D) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.**

(E) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT, AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.".

On page 3, in line 8, strike "**(C)**" and substitute "**(F)**"; and strike in their entirety lines 10 through 15, inclusive, and substitute:

"**(G) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:**

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ARRANGEMENT AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 17 on page 3 through line 6 on page 4, inclusive.

AMENDMENT NO. 4

On page 4, in line 7, strike "**PERSON**" and substitute "**PHARMACY BENEFITS MANAGER**"; in lines 7 and 8, strike "**BEFORE THE PERSON ACTS AS OR REPRESENTS ITSELF**"; in line 9, strike "**IN THE STATE**" and substitute "**BEFORE PROVIDING PHARMACY BENEFITS MANAGEMENT SERVICES IN THE STATE TO PURCHASERS**"; strike beginning with "**THE**" in line 15 down through "**REGULATION**" in line 17 and substitute "**SUBJECT TO THE PROVISIONS OF § 15–1604 OF THIS SUBTITLE, THE COMMISSIONER SHALL REGISTER EACH PHARMACY BENEFITS MANAGER THAT MEETS THE REQUIREMENTS OF THIS SECTION**"; strike in their entirety lines 18 through 20, inclusive, and substitute:

"**15–1603.**

(A) A PHARMACY BENEFITS MANAGER REGISTRATION EXPIRES ON THE ANNIVERSARY DATE THAT OCCURS ON THE DATE 2 YEARS FOLLOWING THE DATE THE COMMISSIONER ISSUED THE REGISTRATION, UNLESS IT IS RENEWED AS PROVIDED UNDER THIS SECTION.";

and strike beginning with "**BEFORE**" in line 21 down through "**REGISTRANT**" in line 22 and substitute "**A PHARMACY BENEFITS MANAGER MAY RENEW ITS REGISTRATION FOR AN ADDITIONAL 2–YEAR TERM, IF THE PHARMACY BENEFITS MANAGER**".

AMENDMENT NO. 5

On page 4, in line 28, after "**A**" insert "**PHARMACY BENEFITS MANAGER**"; in line 29, strike "**TIMELY IF**" and substitute "**MADE IN A TIMELY MANNER IF IT IS**"; in lines 29 and 30, strike "**JUNE 30 OF THE YEAR OF THE RENEWAL**" and substitute "**THE DATE THE PHARMACY BENEFITS MANAGER'S REGISTRATION EXPIRES**"; and after line 30, insert:

"**(D) SUBJECT TO THE PROVISIONS OF § 15–1604 OF THIS SUBTITLE, THE COMMISSIONER SHALL RENEW THE REGISTRATION OF EACH PHARMACY BENEFITS MANAGER THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

15–1604.

(A) SUBJECT TO THE HEARING PROVISIONS OF TITLE 2 OF THIS ARTICLE, THE COMMISSIONER MAY DENY A REGISTRATION TO A PHARMACY

BENEFITS MANAGER APPLICANT OR REFUSE TO RENEW, SUSPEND, OR REVOKE THE REGISTRATION OF A PHARMACY BENEFITS MANAGER IF THE PHARMACY BENEFITS MANAGER, OR AN OFFICER, DIRECTOR, OR EMPLOYEE OF THE PHARMACY BENEFITS MANAGER:

(1) KNOWINGLY MAKES A MATERIAL MISSTATEMENT OR MISREPRESENTATION IN AN APPLICATION FOR REGISTRATION;

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION;

(3) IN CONNECTION WITH THE ADMINISTRATION OF PHARMACY BENEFITS MANAGEMENT SERVICES, COMMITS FRAUD OR ENGAGES IN ILLEGAL OR DISHONEST ACTIVITIES; OR

(4) VIOLATES ANY PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE.

(B) THIS SECTION DOES NOT LIMIT ANY OTHER REGULATORY AUTHORITY OF THE COMMISSIONER UNDER THIS ARTICLE.

15–1605.

A PHARMACY BENEFITS MANAGER MAY NOT SHIP, MAIL, OR DELIVER PRESCRIPTION DRUGS OR DEVICES TO A PERSON IN THE STATE THROUGH A NONRESIDENT PHARMACY UNLESS THE NONRESIDENT PHARMACY HOLDS A PERMIT ISSUED IN ACCORDANCE WITH THE PROVISIONS OF § 12–403 OF THE HEALTH OCCUPATIONS ARTICLE.".

On page 5, strike in their entirety lines 1 through 16, inclusive.

AMENDMENT NO. 6

On page 5, strike in their entirety lines 18 through 27, inclusive, and substitute:

"**(A) WHENEVER THE COMMISSIONER CONSIDERS IT ADVISABLE, THE COMMISSIONER MAY EXAMINE THE AFFAIRS, TRANSACTIONS, ACCOUNTS, AND RECORDS OF A REGISTERED PHARMACY BENEFITS MANAGER.**

(B) THE EXAMINATION SHALL BE CONDUCTED IN ACCORDANCE WITH § 2–207 OF THIS ARTICLE.

(C) THE EXPENSE OF THE EXAMINATION SHALL BE PAID IN ACCORDANCE WITH § 2–208 OF THIS ARTICLE.

(D) THE REPORTS OF THE EXAMINATION AND INVESTIGATION SHALL BE ISSUED IN ACCORDANCE WITH § 2–209 OF THIS ARTICLE.".

AMENDMENT NO. 7

On pages 6 and 7, strike in their entirety the lines beginning with line 1 on page 6 through line 20 on page 7, inclusive, and substitute:

"**A PHARMACY BENEFITS MANAGER SHALL MAINTAIN ADEQUATE BOOKS AND RECORDS ABOUT EACH PURCHASER FOR WHICH THE PHARMACY BENEFITS MANAGER PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES:**

(1) IN ACCORDANCE WITH PRUDENT STANDARDS OF RECORD KEEPING;

(2) FOR THE DURATION OF THE AGREEMENT BETWEEN THE PHARMACY BENEFITS MANAGER AND THE PURCHASER; AND

(3) FOR 3 YEARS AFTER THE PHARMACY BENEFITS MANAGER CEASES TO PROVIDE PHARMACY BENEFITS MANAGEMENT SERVICES FOR THE PURCHASER.

15–1608.

(A) IF THE COMMISSIONER DETERMINES THAT A PHARMACY BENEFITS MANAGER HAS VIOLATED ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE, THE COMMISSIONER MAY ISSUE AN ORDER THAT REQUIRES THE PHARMACY BENEFITS MANAGER TO:

(1) CEASE AND DESIST FROM THE IDENTIFIED VIOLATION AND FURTHER SIMILAR VIOLATIONS;

(2) TAKE SPECIFIC AFFIRMATIVE ACTION TO CORRECT THE VIOLATION; OR

(3) MAKE RESTITUTION OF MONEY, PROPERTY, OR OTHER ASSETS TO A PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE VIOLATION.

(B) (1) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY BENEFITS MANAGER THAT IS REGISTERED UNDER THIS SUBTITLE IN THE MANNER PROVIDED IN § 2–204 OF THIS ARTICLE.

(2) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY BENEFITS MANAGER THAT IS NOT REGISTERED UNDER THIS SUBTITLE IN THE MANNER PROVIDED IN § 4–206 OR § 4–207 OF THIS ARTICLE FOR SERVICE ON AN UNAUTHORIZED INSURER THAT DOES AN ACT OF INSURANCE BUSINESS IN THE STATE.

(3) A REQUEST FOR A HEARING ON ANY ORDER ISSUED UNDER THIS SECTION DOES NOT STAY THAT PORTION OF THE ORDER THAT REQUIRES THE PHARMACY BENEFITS MANAGER TO CEASE AND DESIST FROM CONDUCT IDENTIFIED IN THE ORDER.

(4) THE COMMISSIONER MAY FILE A PETITION IN THE CIRCUIT COURT OF ANY COUNTY TO ENFORCE AN ORDER ISSUED UNDER THIS SECTION, WHETHER OR NOT A HEARING HAS BEEN REQUESTED OR, IF REQUESTED, WHETHER OR NOT A HEARING HAS BEEN HELD.

(5) IF THE COMMISSIONER PREVAILS IN AN ACTION BROUGHT UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER, FOR THE USE OF THE STATE, REASONABLE ATTORNEY'S FEES AND THE COSTS OF THE ACTION.

(C) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY IMPOSE A

CIVIL PENALTY NOT EXCEEDING $10,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(D) THIS SECTION DOES NOT LIMIT ANY OTHER REGULATORY AUTHORITY OF THE COMMISSIONER UNDER THIS ARTICLE.

15–1609.

A PURCHASER MAY NOT ENTER INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER THAT HAS NOT REGISTERED WITH THE COMMISSIONER.".

AMENDMENT NO. 8

On pages 7 through 9, strike in their entirety the lines beginning with line 25 on page 7 through line 33 on page 9, 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 723 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Prescription Drug Substitution

SB0723/927171/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Prescription Drug Substitution" and substitute "Therapeutic Interchanges"; strike beginning with "from substituting" in line 3 down

through "prescribed" in line 4 and substitute "or its agent from requesting a therapeutic interchange"; strike beginning with "requiring" in line 5 down through the semicolon in line 6; in line 7, after "manager" insert "or its agent"; in the same line, strike "drug substitution" and substitute "therapeutic interchange"; strike beginning with "providing" in line 8 down through "information" in line 11 and substitute "requiring a pharmacy benefits manager or its agent to disclose certain information to a beneficiary and include a certain insert and a certain telephone number with the prescription drug dispensed; requiring a pharmacy benefits manager or its agent to cancel and reverse a therapeutic interchange under certain circumstances; requiring a pharmacy benefits manager or its agent to take certain actions if a therapeutic interchange is reversed"; in line 13, after the first semicolon insert "requiring certain disclosures to comply with certain privacy standards; requiring a pharmacy benefits manager to establish certain policies and procedures; making certain provisions applicable to health maintenance organizations;"; in line 17, after "15–1601" insert "and 15–1602"; and after line 20, insert:

"BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 1 through 6, strike in their entirety the lines beginning with line 25 on page 1 through line 11 on page 6, inclusive, and substitute:

"**15–1601.**

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

(B) "AGENT" MEANS A PHARMACY, A PHARMACIST, A MAIL ORDER PHARMACY, OR A NONRESIDENT PHARMACY ACTING ON BEHALF OR AT THE DIRECTION OF A PHARMACY BENEFITS MANAGER.

(C) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.

(D) "ERISA" HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(E) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.

(F) "NONRESIDENT PHARMACY" HAS THE MEANING STATED IN § 12–403 OF THE HEALTH OCCUPATIONS ARTICLE.

(G) "PHARMACIST" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(H) "PHARMACY" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(I) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT, AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

(J) "PHARMACY BENEFITS MANAGER" MEANS A PERSON THAT PERFORMS PHARMACY BENEFITS MANAGEMENT SERVICES.

(K) "PHARMACY AND THERAPEUTICS COMMITTEE" MEANS A COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER TO:

(1) OBJECTIVELY APPRAISE AND EVALUATE PRESCRIPTION DRUGS; AND

(2) MAKE RECOMMENDATIONS TO A PURCHASER REGARDING THE SELECTION OF DRUGS FOR THE PURCHASER'S FORMULARY.

(L) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ARRANGEMENT AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.

(M) (1) "THERAPEUTIC INTERCHANGE" MEANS ANY CHANGE FROM ONE PRESCRIPTION DRUG TO ANOTHER.

(2) "THERAPEUTIC INTERCHANGE" DOES NOT INCLUDE:

(I) A CHANGE INITIATED PURSUANT TO A DRUG UTILIZATION REVIEW;

(II) A CHANGE INITIATED FOR PATIENT SAFETY REASONS;

(III) A CHANGE REQUIRED DUE TO MARKET UNAVAILABILITY OF THE CURRENTLY PRESCRIBED DRUG;

(IV) A CHANGE FROM A BRAND NAME DRUG TO A GENERIC DRUG IN ACCORDANCE WITH § 12–504 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(V) A CHANGE REQUIRED FOR COVERAGE REASONS BECAUSE THE ORIGINALLY PRESCRIBED DRUG IS NOT COVERED BY THE BENEFICIARY'S FORMULARY OR PLAN.

(N) "THERAPEUTIC INTERCHANGE SOLICITATION" MEANS ANY COMMUNICATION BY A PHARMACY BENEFITS MANAGER FOR THE PURPOSE OF REQUESTING A THERAPEUTIC INTERCHANGE.

15–1602.

(A) A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT REQUEST A THERAPEUTIC INTERCHANGE UNLESS:

(1) THE PROPOSED THERAPEUTIC INTERCHANGE IS FOR MEDICAL REASONS THAT BENEFIT THE BENEFICIARY; OR

(2) THE PROPOSED THERAPEUTIC INTERCHANGE WILL RESULT IN FINANCIAL SAVINGS AND BENEFITS TO THE PURCHASER OR THE BENEFICIARY.

(B) (1) BEFORE MAKING A THERAPEUTIC INTERCHANGE, A PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL OBTAIN AUTHORIZATION FROM A PRESCRIBER OR AN INDIVIDUAL AUTHORIZED BY THE PRESCRIBER.

(C) IN ANY THERAPEUTIC INTERCHANGE SOLICITATION, THE FOLLOWING SHALL BE DISCLOSED TO THE PRESCRIBER:

(1) THAT A THERAPEUTIC INTERCHANGE IS BEING SOLICITED;

(2) THE CIRCUMSTANCES UNDER WHICH THE ORIGINALLY PRESCRIBED DRUG WILL BE COVERED BY THE PURCHASER;

(3) THE DIFFERENCE IN COPAYMENTS OR COINSURANCE TO BE PAID BY THE BENEFICIARY TO OBTAIN THE PROPOSED DRUG;

(4) THE CIRCUMSTANCES AND EXTENT TO WHICH HEALTH CARE COSTS RELATED TO THE THERAPEUTIC INTERCHANGE WILL BE COMPENSATED; AND

(5) ANY CLINICALLY SIGNIFICANT DIFFERENCES, AS DETERMINED BY A PHARMACY AND THERAPEUTICS COMMITTEE OF THE PHARMACY BENEFITS MANAGER, WITH RESPECT TO EFFICACY, SIDE EFFECTS, AND POTENTIAL IMPACT ON HEALTH AND SAFETY.

(D) WHEN SOLICITING A THERAPEUTIC INTERCHANGE FROM A PRESCRIBER, A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT MAKE A

CLAIM THAT THE THERAPEUTIC INTERCHANGE WILL SAVE THE PURCHASER MONEY UNLESS THE CLAIM CAN BE SUBSTANTIATED.

(E) IF THE PHARMACY BENEFITS MANAGER OR ITS AGENT RECEIVES PAYMENT FOR MAKING A THERAPEUTIC INTERCHANGE FROM A PHARMACEUTICAL MANUFACTURER OR OTHER PERSON, INCLUDING THE PHARMACY BENEFITS MANAGER, THAT IS NOT REFLECTED IN COST SAVINGS TO THE PURCHASER, THE EXISTENCE OF THE PAYMENT SHALL BE COMMUNICATED TO THE PRESCRIBER AT THE TIME OF THE THERAPEUTIC INTERCHANGE SOLICITATION.

(F) IF A THERAPEUTIC INTERCHANGE OCCURS, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL:

(1) DISCLOSE TO THE BENEFICIARY, ORALLY OR IN WRITING:

(I) THAT THE PHARMACY BENEFITS MANAGER OR ITS AGENT REQUESTED A THERAPEUTIC INTERCHANGE BY CONTACTING THE BENEFICIARY'S PRESCRIBER;

(II) THE PRESCRIBER APPROVED THE THERAPEUTIC INTERCHANGE;

(III) THE NAMES OF THE ORIGINALLY PRESCRIBED DRUG AND THE DRUG DISPENSED PURSUANT TO THE THERAPEUTIC INTERCHANGE;

(IV) THE DIFFERENCE IN COPAYMENTS OR COINSURANCE TO BE PAID BY THE BENEFICIARY TO OBTAIN THE DRUG DISPENSED PURSUANT TO THE THERAPEUTIC INTERCHANGE;

(V) THE CIRCUMSTANCES UNDER WHICH THE ORIGINALLY PRESCRIBED DRUG WILL BE COVERED;

(VI) THE CIRCUMSTANCES UNDER AND THE EXTENT TO WHICH HEALTH CARE COSTS RELATED TO THE THERAPEUTIC INTERCHANGE WILL BE COMPENSATED; AND

(VII) THAT THE BENEFICIARY MAY DECLINE THE THERAPEUTIC INTERCHANGE IF THE ORIGINALLY PRESCRIBED DRUG REMAINS ON THE BENEFICIARY'S FORMULARY, AND THE BENEFICIARY IS WILLING TO PAY ANY DIFFERENCE IN THE COPAYMENT OR COINSURANCE; AND

(2) INCLUDE WITH THE PRESCRIPTION DRUG DISPENSED:

(I) A PATIENT PACKAGE INSERT ABOUT POTENTIAL SIDE EFFECTS; AND

(II) A TOLL–FREE TELEPHONE NUMBER TO COMMUNICATE WITH THE PHARMACY BENEFITS MANAGER.

(G) (1) A PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL CANCEL AND REVERSE A THERAPEUTIC INTERCHANGE ON WRITTEN OR VERBAL INSTRUCTIONS FROM A PRESCRIBER, THE BENEFICIARY, OR THE BENEFICIARY'S REPRESENTATIVE.

(2) IF A THERAPEUTIC INTERCHANGE IS REVERSED, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL:

(I) OBTAIN A PRESCRIPTION FOR AND DISPENSE THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG; AND

(II) CHARGE THE BENEFICIARY NO MORE THAN ONE COPAYMENT.

(3) IF THE THERAPEUTIC INTERCHANGE OCCURRED THROUGH A MAIL ORDER PHARMACY AND A BENEFICIARY WILL EXHAUST AN EXISTING SUPPLY OF THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG BEFORE A REPLACEMENT SHIPMENT WILL ARRIVE TO THE BENEFICIARY, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL ARRANGE FOR DISPENSING OF AN APPROPRIATE QUANTITY OF REPLACEMENT PRESCRIPTION DRUGS AT A LOCAL COMMUNITY PHARMACY AT NO ADDITIONAL COST TO THE BENEFICIARY.

(4) A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT BE REQUIRED TO CANCEL AND REVERSE A THERAPEUTIC INTERCHANGE IF A BENEFICIARY IS UNWILLING TO PAY A HIGHER COPAYMENT OR COINSURANCE ASSOCIATED WITH THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG.

(H) (1) A PHARMACY BENEFITS MANAGER SHALL MAINTAIN A TOLL–FREE TELEPHONE NUMBER MONDAY THROUGH SATURDAY FOR PRESCRIBERS, PHARMACIES, PHARMACISTS, AND BENEFICIARIES TO REQUEST INFORMATION REGARDING A THERAPEUTIC INTERCHANGE.

(2) THE TOLL–FREE TELEPHONE NUMBER SHALL BE ACCESSIBLE FROM 8 A.M. UNTIL AT LEAST 8 P.M. EASTERN STANDARD TIME.

(I) ALL DISCLOSURES MADE UNDER THIS SECTION SHALL COMPLY WITH THE PRIVACY STANDARDS SET FORTH IN STATE AND FEDERAL LAW.

(J) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH APPROPRIATE POLICIES AND PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

(K) (1) THE COMMISSIONER MAY ASSESS A CIVIL PENALTY NOT EXCEEDING $10,000 FOR EACH VIOLATION OF THIS SECTION.

(2) IN ADDITION TO OR INSTEAD OF ASSESSING A CIVIL PENALTY, THE COMMISSIONER MAY REQUIRE THE PHARMACY BENEFITS MANAGER TO MAKE RESTITUTION TO ANY PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS SECTION.

Article – Health – General

19–706.

(PPP) THE PROVISIONS OF TITLE 15, SUBTITLE 16 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.”.

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.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 811 – Senator Pipkin

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

SB0811/987479/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 811
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "circumstances;" insert "authorizing a provider contract, notwithstanding certain provisions of law, to include a provision that requires a provider, as a condition of participation, to accept a certain schedule of applicable fees; providing for a certain exception; requiring a provider that elects to terminate participation on a certain provider panel to provide certain notification and continue to furnish certain health care services for a certain period of time; providing for the application of this Act; providing for a delayed effective date; making certain provisions of law applicable to health maintenance organizations;".

On page 2, after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–706(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 5, in line 19, strike "**ORGANIZATIONS**" and substitute "**ORGANIZATIONS, INSURERS,**".

AMENDMENT NO. 3

On page 6, in line 23, after "**(C)**" insert "**(1) THIS SUBSECTION DOES NOT APPLY TO A PROVIDER CONTRACT FOR A DENTAL PROVIDER PANEL.**

(2)";

strike beginning with the colon in line 23 down through "**(1)**" in line 24; strike beginning with the semicolon in line 24 down through "**PANEL**" in line 28; and in line 29, after "**(1)**" insert "**THIS SUBSECTION DOES NOT APPLY TO A PROVIDER CONTRACT FOR A DENTAL PROVIDER PANEL.**

(2)".

AMENDMENT NO. 4

On page 7, in line 1, strike "**(2)**" and substitute "**(3)**"; and after line 4, insert:

"**(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A PROVIDER CONTRACT MAY INCLUDE A PROVISION THAT REQUIRES A PROVIDER, AS A CONDITION OF PARTICIPATION, TO ACCEPT EACH SCHEDULE OF APPLICABLE FEES FOR A CARRIER THAT IS NOT AFFILIATED THROUGH COMMON OWNERSHIP WITH THE ENTITY ARRANGING THE PROVIDER PANEL.**

(E) IF A PROVIDER ELECTS TO TERMINATE PARTICIPATION ON A PROVIDER PANEL, THE PROVIDER SHALL:

(1) NOTIFY THE CARRIER AT LEAST 90 DAYS BEFORE THE DATE OF TERMINATION; AND

(2) FOR AT LEAST 90 DAYS AFTER THE DATE OF THE NOTICE OF TERMINATION, CONTINUE TO FURNISH HEALTH CARE SERVICES TO AN ENROLLEE OF THE CARRIER FOR WHOM THE PROVIDER WAS RESPONSIBLE FOR THE DELIVERY OF HEALTH CARE SERVICES BEFORE THE NOTICE OF TERMINATION.

Article – Health – General

19–706.

(i) The provisions of §§ 12–203(g), 15–105, 15–112, **15–112.2,** 15–113, 15–804, 15–812, 15–826, 15–828, and 15–836 of the Insurance Article shall apply to health maintenance organizations.".

AMENDMENT NO. 5

On page 7, in line 5, after "2." insert "AND BE IT FURTHER ENACTED, That this Act shall apply to all provider contracts issued or delivered in the State on or after June 1, 2010, or, for provider contracts in effect in the State on June 1, 2010, but not subject to renewal in 2010, no later than December 31, 2010.

SECTION 3.";

and in line 6, strike "2008" and substitute "2010".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 725)

ADJOURNMENT

At 12:50 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day, March 24, 2008, Calendar Day, Wednesday, March 26, 2008.

Annapolis, Maryland
Legislative Day: March 24, 2008
Calendar Day: Wednesday, March 26, 2008
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Pastor Dan Mucci, Abundant Life Church, guest of Senator DeGrange.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 23, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 727)

LAID OVER BILLS

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

Senate Bill 723 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Prescription Drug Substitution

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0723/927171/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Prescription Drug Substitution" and substitute "Therapeutic Interchanges"; strike beginning with "from substituting" in line 3 down through "prescribed" in line 4 and substitute "or its agent from requesting a therapeutic interchange"; strike beginning with "requiring" in line 5 down through the semicolon in line 6; in line 7, after "manager" insert "or its agent"; in the same line, strike "drug substitution" and substitute "therapeutic interchange"; strike beginning with "providing" in line 8 down through "information" in line 11 and substitute "requiring a pharmacy benefits manager or its agent to disclose certain information to a beneficiary and include a certain insert and a certain telephone number with the prescription drug dispensed; requiring a pharmacy benefits manager or its agent to cancel and reverse a therapeutic interchange under certain circumstances; requiring a pharmacy benefits manager or its agent to take certain actions if a therapeutic interchange is reversed"; in line 13, after the first semicolon insert "requiring certain disclosures to comply with certain privacy standards; requiring a pharmacy benefits manager to establish certain policies and procedures; making certain provisions applicable to health maintenance organizations;"; in line 17, after "15–1601" insert "and 15–1602"; and after line 20, insert:

"BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 1 through 6, strike in their entirety the lines beginning with line 25 on page 1 through line 11 on page 6, inclusive, and substitute:

"**15–1601.**

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

(B) "AGENT" MEANS A PHARMACY, A PHARMACIST, A MAIL ORDER PHARMACY, OR A NONRESIDENT PHARMACY ACTING ON BEHALF OR AT THE DIRECTION OF A PHARMACY BENEFITS MANAGER.

(C) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.

(D) "ERISA" HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(E) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.

(F) "NONRESIDENT PHARMACY" HAS THE MEANING STATED IN § 12–403 OF THE HEALTH OCCUPATIONS ARTICLE.

(G) "PHARMACIST" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(H) "PHARMACY" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(I) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT, AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

(J) "PHARMACY BENEFITS MANAGER" MEANS A PERSON THAT PERFORMS PHARMACY BENEFITS MANAGEMENT SERVICES.

(K) "PHARMACY AND THERAPEUTICS COMMITTEE" MEANS A COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER TO:

(1) OBJECTIVELY APPRAISE AND EVALUATE PRESCRIPTION DRUGS; AND

(2) MAKE RECOMMENDATIONS TO A PURCHASER REGARDING THE SELECTION OF DRUGS FOR THE PURCHASER'S FORMULARY.

(L) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ARRANGEMENT AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.

(M) (1) "THERAPEUTIC INTERCHANGE" MEANS ANY CHANGE FROM ONE PRESCRIPTION DRUG TO ANOTHER.

(2) "THERAPEUTIC INTERCHANGE" DOES NOT INCLUDE:

(I) A CHANGE INITIATED PURSUANT TO A DRUG UTILIZATION REVIEW;

(II) A CHANGE INITIATED FOR PATIENT SAFETY REASONS;

(III) A CHANGE REQUIRED DUE TO MARKET UNAVAILABILITY OF THE CURRENTLY PRESCRIBED DRUG;

(IV) A CHANGE FROM A BRAND NAME DRUG TO A GENERIC DRUG IN ACCORDANCE WITH § 12–504 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(V) A CHANGE REQUIRED FOR COVERAGE REASONS BECAUSE THE ORIGINALLY PRESCRIBED DRUG IS NOT COVERED BY THE BENEFICIARY'S FORMULARY OR PLAN.

(N) "THERAPEUTIC INTERCHANGE SOLICITATION" MEANS ANY COMMUNICATION BY A PHARMACY BENEFITS MANAGER FOR THE PURPOSE OF REQUESTING A THERAPEUTIC INTERCHANGE.

15–1602.

(A) A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT REQUEST A THERAPEUTIC INTERCHANGE UNLESS:

(1) THE PROPOSED THERAPEUTIC INTERCHANGE IS FOR MEDICAL REASONS THAT BENEFIT THE BENEFICIARY; OR

(2) THE PROPOSED THERAPEUTIC INTERCHANGE WILL RESULT IN FINANCIAL SAVINGS AND BENEFITS TO THE PURCHASER OR THE BENEFICIARY.

(B) (1) BEFORE MAKING A THERAPEUTIC INTERCHANGE, A PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL OBTAIN AUTHORIZATION FROM A PRESCRIBER OR AN INDIVIDUAL AUTHORIZED BY THE PRESCRIBER.

(C) IN ANY THERAPEUTIC INTERCHANGE SOLICITATION, THE FOLLOWING SHALL BE DISCLOSED TO THE PRESCRIBER:

(1) THAT A THERAPEUTIC INTERCHANGE IS BEING SOLICITED;

(2) THE CIRCUMSTANCES UNDER WHICH THE ORIGINALLY PRESCRIBED DRUG WILL BE COVERED BY THE PURCHASER;

(3) THE DIFFERENCE IN COPAYMENTS OR COINSURANCE TO BE PAID BY THE BENEFICIARY TO OBTAIN THE PROPOSED DRUG;

(4) THE CIRCUMSTANCES AND EXTENT TO WHICH HEALTH CARE COSTS RELATED TO THE THERAPEUTIC INTERCHANGE WILL BE COMPENSATED; AND

(5) ANY CLINICALLY SIGNIFICANT DIFFERENCES, AS DETERMINED BY A PHARMACY AND THERAPEUTICS COMMITTEE OF THE

PHARMACY BENEFITS MANAGER, WITH RESPECT TO EFFICACY, SIDE EFFECTS, AND POTENTIAL IMPACT ON HEALTH AND SAFETY.

(D) WHEN SOLICITING A THERAPEUTIC INTERCHANGE FROM A PRESCRIBER, A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT MAKE A CLAIM THAT THE THERAPEUTIC INTERCHANGE WILL SAVE THE PURCHASER MONEY UNLESS THE CLAIM CAN BE SUBSTANTIATED.

(E) IF THE PHARMACY BENEFITS MANAGER OR ITS AGENT RECEIVES PAYMENT FOR MAKING A THERAPEUTIC INTERCHANGE FROM A PHARMACEUTICAL MANUFACTURER OR OTHER PERSON, INCLUDING THE PHARMACY BENEFITS MANAGER, THAT IS NOT REFLECTED IN COST SAVINGS TO THE PURCHASER, THE EXISTENCE OF THE PAYMENT SHALL BE COMMUNICATED TO THE PRESCRIBER AT THE TIME OF THE THERAPEUTIC INTERCHANGE SOLICITATION.

(F) IF A THERAPEUTIC INTERCHANGE OCCURS, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL:

(1) DISCLOSE TO THE BENEFICIARY, ORALLY OR IN WRITING:

(I) THAT THE PHARMACY BENEFITS MANAGER OR ITS AGENT REQUESTED A THERAPEUTIC INTERCHANGE BY CONTACTING THE BENEFICIARY'S PRESCRIBER;

(II) THE PRESCRIBER APPROVED THE THERAPEUTIC INTERCHANGE;

(III) THE NAMES OF THE ORIGINALLY PRESCRIBED DRUG AND THE DRUG DISPENSED PURSUANT TO THE THERAPEUTIC INTERCHANGE;

(IV) THE DIFFERENCE IN COPAYMENTS OR COINSURANCE TO BE PAID BY THE BENEFICIARY TO OBTAIN THE DRUG DISPENSED PURSUANT TO THE THERAPEUTIC INTERCHANGE;

(V) THE CIRCUMSTANCES UNDER WHICH THE ORIGINALLY

PRESCRIBED DRUG WILL BE COVERED;

(VI) THE CIRCUMSTANCES UNDER AND THE EXTENT TO WHICH HEALTH CARE COSTS RELATED TO THE THERAPEUTIC INTERCHANGE WILL BE COMPENSATED; AND

(VII) THAT THE BENEFICIARY MAY DECLINE THE THERAPEUTIC INTERCHANGE IF THE ORIGINALLY PRESCRIBED DRUG REMAINS ON THE BENEFICIARY'S FORMULARY, AND THE BENEFICIARY IS WILLING TO PAY ANY DIFFERENCE IN THE COPAYMENT OR COINSURANCE; AND

(2) INCLUDE WITH THE PRESCRIPTION DRUG DISPENSED:

(I) A PATIENT PACKAGE INSERT ABOUT POTENTIAL SIDE EFFECTS; AND

(II) A TOLL–FREE TELEPHONE NUMBER TO COMMUNICATE WITH THE PHARMACY BENEFITS MANAGER.

(G) (1) A PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL CANCEL AND REVERSE A THERAPEUTIC INTERCHANGE ON WRITTEN OR VERBAL INSTRUCTIONS FROM A PRESCRIBER, THE BENEFICIARY, OR THE BENEFICIARY'S REPRESENTATIVE.

(2) IF A THERAPEUTIC INTERCHANGE IS REVERSED, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL:

(I) OBTAIN A PRESCRIPTION FOR AND DISPENSE THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG; AND

(II) CHARGE THE BENEFICIARY NO MORE THAN ONE COPAYMENT.

(3) IF THE THERAPEUTIC INTERCHANGE OCCURRED THROUGH A MAIL ORDER PHARMACY AND A BENEFICIARY WILL EXHAUST AN EXISTING SUPPLY OF THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG BEFORE A

REPLACEMENT SHIPMENT WILL ARRIVE TO THE BENEFICIARY, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL ARRANGE FOR DISPENSING OF AN APPROPRIATE QUANTITY OF REPLACEMENT PRESCRIPTION DRUGS AT A LOCAL COMMUNITY PHARMACY AT NO ADDITIONAL COST TO THE BENEFICIARY.

(4) A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT BE REQUIRED TO CANCEL AND REVERSE A THERAPEUTIC INTERCHANGE IF A BENEFICIARY IS UNWILLING TO PAY A HIGHER COPAYMENT OR COINSURANCE ASSOCIATED WITH THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG.

(H) (1) A PHARMACY BENEFITS MANAGER SHALL MAINTAIN A TOLL–FREE TELEPHONE NUMBER MONDAY THROUGH SATURDAY FOR PRESCRIBERS, PHARMACIES, PHARMACISTS, AND BENEFICIARIES TO REQUEST INFORMATION REGARDING A THERAPEUTIC INTERCHANGE.

(2) THE TOLL–FREE TELEPHONE NUMBER SHALL BE ACCESSIBLE FROM 8 A.M. UNTIL AT LEAST 8 P.M. EASTERN STANDARD TIME.

(I) ALL DISCLOSURES MADE UNDER THIS SECTION SHALL COMPLY WITH THE PRIVACY STANDARDS SET FORTH IN STATE AND FEDERAL LAW.

(J) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH APPROPRIATE POLICIES AND PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

(K) (1) THE COMMISSIONER MAY ASSESS A CIVIL PENALTY NOT EXCEEDING $10,000 FOR EACH VIOLATION OF THIS SECTION.

(2) IN ADDITION TO OR INSTEAD OF ASSESSING A CIVIL PENALTY, THE COMMISSIONER MAY REQUIRE THE PHARMACY BENEFITS MANAGER TO MAKE RESTITUTION TO ANY PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS SECTION.

Article – Health – General

19–706.

(PPP) THE PROVISIONS OF TITLE 15, SUBTITLE 16 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #58

Senate Bill 131 – Senators King, Forehand, Peters, and Raskin

AN ACT concerning

Municipal Corporations – Hotel Rental Tax

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

Affirmative – 31 Negative – 16 (See Roll Call No. 728)

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.
William R. Brody, M.D., Ph.D.	The President and All Members	517

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 729)

THIRD READING CALENDAR (SENATE BILLS) #58

Senate Bill 204 – The President (By Request – Administration) and Senators Pugh and Garagiola

AN ACT concerning

Maryland Transit Administration – Transit–Oriented Development

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

Affirmative – 44 Negative – 3 (See Roll Call No. 730)

The Bill was then sent to the House of Delegates.

Senate Bill 293 – Senators ~~Frosh and Gladden~~ Gladden and Frosh

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

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

Affirmative – 42 Negative – 4 (See Roll Call No. 731)

The Bill was then sent to the House of Delegates.

Senate Bill 373 – Senators DeGrange, Brinkley, Currie, Della, Dyson, King, Klausmeier, McFadden, Miller, Munson, Peters, Robey, Stoltzfus, and Stone

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

Senator DeGrange moved, duly seconded, to make the Bill a Special Order for the end of Third Reading calendar.

The motion was adopted.

Senate Bill 417 – Senators Edwards, Brinkley, Kittleman, ~~and Munson~~ Munson, and Pipkin

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Energy Efficiency and Conservation Programs and Services – ~~Prohibition of Surcharge Without~~ Customer ~~Consent~~ Notification and Report

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

Affirmative – 47 Negative – 0 (See Roll Call No. 732)

The Bill was then sent to the House of Delegates.

Senate Bill 458 – Senators Astle, Forehand, Jacobs, and Middleton

AN ACT concerning

Tourism Promotion Act of 2008

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

Affirmative – 45 Negative – 2 (See Roll Call No. 733)

The Bill was then sent to the House of Delegates.

Senate Bill 521 – Senators DeGrange, Astle, Garagiola, Kasemeyer, Klausmeier, Robey, and Rosapepe

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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

Affirmative – 47 Negative – 0 (See Roll Call No. 734)

The Bill was then sent to the House of Delegates.

Senate Bill 553 – ~~Senator Gladden~~ Senators Gladden, Exum, Kelley, Garagiola, ~~and Pugh~~ Pugh, Raskin, and Jones

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AN ACT concerning

Insurance – Slavery Era Insurance Policies – Reporting

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

Affirmative – 47 Negative – 0 (See Roll Call No. 735)

The Bill was then sent to the House of Delegates.

Senate Bill 722 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Registration

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

Affirmative – 47 Negative – 0 (See Roll Call No. 736)

The Bill was then sent to the House of Delegates.

Senate Bill 811 – Senator Pipkin

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

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

Affirmative – 43 Negative – 3 (See Roll Call No. 737)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #25

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

House Bill 1240 – Delegate Frush

AN ACT concerning

~~Juvenile Justice – Disposition on Petition~~ Education – Student Discipline – Alternative Education Program

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #26

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

Senate Bill 764 – Senator Conway

AN ACT concerning

State Board of Dental Examiners – Nomination of Members – Investigation and Disciplinary Procedures – Data Collection

SB0764/874635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 764
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "State Board of Dental Examiners Nomination and Disciplinary Processes – Task Force on the Discipline of Health Care Professionals and Improved Patient Care"; strike beginning with "certain" in line 4 down through the second "to" in line 5 and substitute "the State Board of Dental Examiners to conduct a certain solicitation and balloting process and"; in line 7, strike "State Board of Dental Examiners" and substitute "Board"; in lines 7 and 8, strike "that individuals on certain lists reflect" and substitute "the Board to develop guidelines for certain solicitations and ballots that to the extent possible will result in a certain Board composition reflecting"; strike beginning with "requiring" in line 9 down through "delays;" in line 23; and in line 24, after "regulations" insert "in consultation with the Office of the Attorney General and the Secretary of the Department of Health and Mental Hygiene".

On pages 1 and 2, strike beginning with "requiring" in line 29 on page 1 down through "general;" in line 1 on page 2.

On page 2, in line 2, after "date;" insert "establishing a Task Force on the Discipline of Health Care Professionals and Improved Patient Care; 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 study certain issues, issue certain recommendations, and report to the Governor and certain committees of the General Assembly on or before a certain date;"; in the same line, after "Examiners" insert "and the Task Force on the Discipline of Health Care Professionals and Improved Patient Care"; and in line 5, strike ", 4–203, 4–204(c), and 4–316" and substitute "and (b)".

AMENDMENT NO. 2

On page 2, in line 17, strike "The" and substitute "**SUBJECT TO SUBSECTION (B)(1) OF THIS SECTION, THE**"; strike beginning with "**ESTABLISHED**" in line 20 down through "**DENTISTRY**" in line 21 and substitute "**BOARD**"; strike in their entirety lines 25 through 27, inclusive; in line 28, strike "The" and substitute "**SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, THE**"; and strike beginning with "**ESTABLISHED**" in line 30 down through "**HYGIENE**" in line 32 and substitute "**BOARD**".

On page 3, strike in their entirety lines 3 through 5, inclusive; and after line 10, insert:

"(b) **[**(1) At a joint meeting held by the Maryland State Dental Association and the Maryland Dental Society called to choose nominees for a dentist vacancy on the Board, a majority of the dentists present at the meeting shall choose the list of names of dentist nominees to the Board for submission to the Governor.

(2) At a meeting held by the Maryland Dental Hygienists' Association called to choose nominees for a dental hygienist vacancy on the Board, a majority of the dental hygienists present at the meeting shall choose the list of names of dental hygienist nominees to the Board for submission to the Governor.

(3) At least 2 weeks before a meeting is held under paragraph (1) of this subsection, the secretaries of the appropriate organizations shall mail to each licensed practitioner actively practicing in Maryland, at the address appearing in their records or the records of the Board, a notice that states the time, place, and purpose of the meeting.

(4) At least 2 weeks before a meeting is held under paragraph (2) of this subsection, the Secretary of the Maryland Dental Hygienists' Association shall

mail to each licensed dental hygienist, at the address appearing in their records or the records of the Board, a notice that states the time, place, and purpose of the meeting.]

(1) FOR EACH LICENSED DENTIST VACANCY, THE BOARD SHALL:

(I) SEND BY MAIL A WRITTEN SOLICITATION FOR NOMINATIONS TO FILL THE VACANCY TO:

1. EACH DENTIST LICENSED BY THE BOARD; AND

2. EACH STATE DENTAL ORGANIZATION AFFILIATED WITH A NATIONAL ORGANIZATION; AND

(II) CONDUCT A BALLOTING PROCESS BY WHICH EACH DENTIST LICENSED BY THE STATE IS ELIGIBLE TO VOTE TO SELECT THE NAMES OF THE LICENSED DENTISTS TO BE SUBMITTED TO THE GOVERNOR.

(2) FOR EACH LICENSED DENTAL HYGIENIST VACANCY, THE BOARD SHALL:

(I) SEND BY MAIL A WRITTEN SOLICITATION FOR NOMINATIONS TO FILL THE VACANCY TO:

1. EACH DENTAL HYGIENIST LICENSED BY THE BOARD; AND

2. EACH STATE DENTAL HYGIENIST ORGANIZATION AFFILIATED WITH A NATIONAL ORGANIZATION; AND

(II) CONDUCT A BALLOTING PROCESS BY WHICH EACH DENTAL HYGIENIST LICENSED BY THE STATE IS ELIGIBLE TO VOTE TO SELECT THE NAMES OF THE LICENSED DENTAL HYGIENISTS TO BE SUBMITTED TO THE GOVERNOR.

(3) THE BOARD SHALL DEVELOP GUIDELINES FOR THE SOLICITATION OF NOMINATIONS AND BALLOTING PROCESS THAT TO THE

EXTENT POSSIBLE WILL RESULT IN THE OVERALL COMPOSITION OF THE BOARD REASONABLY REFLECTING THE GEOGRAPHIC, RACIAL, ETHNIC, AND GENDER DIVERSITY OF THE STATE.".

On pages 3 through 5, strike in their entirety the lines beginning with line 11 on page 3 through line 12 on page 5, inclusive.

AMENDMENT NO. 3

On page 5, strike beginning with "each" in line 16 down through "dentistry" in line 18 and substitute "the Office of the Attorney General and the Secretary of the Department of Health and Mental Hygiene"; in line 24, before "a" insert "to assure that similar acts of misconduct receive similar penalties,"; in line 28, after "length" insert "and conditions for completion of probationary periods"; in line 29, after "process;" insert "and"; and strike beginning with "; and" in line 32 down through "if:" in line 33 and substitute a period.

AMENDMENT NO. 4

On page 6, strike in their entirety lines 1 through 4, inclusive; in lines 7 and 9, in each instance, after "race" insert ", gender,"; in line 10, strike the first "of" and substitute "including standard definitions and written guidelines for"; strike beginning with "that" in line 20 down through "State" in line 24 and substitute "in accordance with § 4–202(a) and (b) of the Health Occupations Article, as enacted by Section 1 of this Act"; strike in their entirety lines 25 through 27, inclusive; in line 28, strike "5." and substitute "4."; and in line 31, after "of" insert "Section 1 through Section 3 of".

AMENDMENT NO. 5

On page 6, after line 31, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Discipline of Health Care Professionals and Improved Patient Care.

(b) The Task Force consists of the following members:

(1) one member of the House of Delegates, appointed by the Speaker of the House;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(4) the Attorney General, or the Attorney General's designee;

(5) the Chief Administrative Law Judge, or the Chief Judge's designee;

(6) two current health occupation board members, appointed by the Secretary of Health and Mental Hygiene;

(7) two current executive directors or administrators for health occupation boards that may not be from the same boards as the representatives in item (5) of this subsection, appointed by the Secretary of Health and Mental Hygiene; and

(8) nine individuals appointed by the Governor having expertise in professional disciplinary matters including at least:

(i) two representatives of a patient advocacy organization;

(ii) two attorneys from the Maryland State Bar Association's Health Law Section with experience in representing health professionals;

(iii) two representatives of professional health care associations; and

(iv) two consumers of health care services.

(c) (1) The Secretary of Health and Mental Hygiene shall:

(i) appoint the chair of the Task Force;

(ii) establish subcommittees and appoint subcommittee chairs as necessary to facilitate the work of the Task Force; and

(iii) in conjunction with the Attorney General, provide staff support for the Task Force from the Department and the health occupation boards.

(2) To the extent practicable, the members appointed to the Task Force shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of this State.

(3) A member of the Task Force may not receive compensation as a member of the Task Force but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) In performing its duties, the Task Force shall:

(1) consult with individuals and entities that the chair of the Task Force deems appropriate; and

(2) consider a broad range of viewpoints including those presented by organizations representing the interests of patients, licensees, payors, law enforcement, and other groups involved in the disciplinary system.

(e) The Task Force shall issue recommendations regarding:

(1) practices and procedures supporting the fundamental goals and objectives of the disciplinary programs of the health occupation boards;

(2) potential changes to the organizational structure of the health occupation boards and the relationship of all boards to the Department; and

(3) measures that will otherwise enhance the fair, consistent, and speedy resolution of reports concerning substandard, illegal, or unethical practices by health care professionals.

(f) The issues to be studied by the Task Force include:

(1) the extent to which the current disciplinary system:

(i) adequately protects patients from serious risks due to incompetent or unethical practices by licensees;

(ii) creates a burden to licensees that may be lessened, while ensuring continued protective and regulatory oversight;

(iii) uses mentors and the cost to licensees associated with using them;

(iv) adequately provides due process to licensees; and

(v) could be modified to more effectively protect patients, minimize incompetent or unethical behavior by licensees, provide more effective due process for licensees, and support the professional growth and development of all Maryland licensees;

(2) potential changes in the disciplinary program of the health occupation boards that will:

(i) increase the transparency of disciplinary procedures for members of the public and the regulated community;

(ii) improve the complaint process by addressing the roles of the boards, investigators, and assistant attorneys general including who may initiate complaints;

(iii) increase the consistency and fairness of disciplinary outcomes;

(iv) a statute of limitations for complaints to be brought against licensees;

(v) speed the resolution of meritorious complaints and the disposition of proceedings that do not require a public disciplinary order;

(vi) from the time a complaint is filed, specify a reasonable period of time in which a board will conclude its action unless the board can demonstrate delays outside of its control;

(vii) utilize the Office of Administrative Hearings more effectively;

(viii) under certain circumstances, expunge disciplinary proceedings from a licensee's file after a specified period time; and

(ix) increase the wider adoption of consistent procedures and best practices by all boards including tracking of disciplinary data;

(3) an assessment of whether the current relationship between individual boards, the Department, and the Office of the Attorney General should be modified in connection with the disciplinary process of the board including:

(i) oversight of the board by the Department;

(ii) the role of an assistant attorney general in the investigation process; and

(iii) the length of time an assistant attorney general works for an individual board and the potential of having the assistant attorneys general rotate among the boards; and

(4) the extent to which the current disciplinary system has a differential impact on various groups of licensees and potential strategies for minimizing differences while improving the overall quality of health care services.

(g) On or before December 1, 2008, the Task Force shall report its final recommendations to the Governor and, subject to § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take effect July 1, 2008. It shall remain effective for a period of 1 year and, at the end of June 30, 2009, with no further action required by the General Assembly, Section 5 of this Act shall be abrogated and of no further force and effect.";

in line 32, strike "6." and substitute "7."; and in the same line, after "That" insert ", subject to the provisions of Section 6 of this Act,".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 960 – Senator Klausmeier

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Licensure of Massage Therapists

SB0960/434639/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 960
(First Reading File Bill)

On page 13, in line 25, strike the bracket; in the same line, strike "(i) After January 1, 2002, has" and substitute "**HAS**"; in line 28, strike "or"; in line 29, before "(ii)" insert "**[**"; in line 32, strike the brackets; and in the same line, strike "**(3)**".

On page 14, in line 5, strike the brackets; and in the same line, strike "**(4)**".

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 #31

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

Senate Bill 56 – Senators Zirkin, Brochin, Currie, Haines, Jacobs, Kittleman, Kramer, Mooney, Muse, Raskin, Robey, and Stoltzfus

AN ACT concerning

Sex Offender Registry – Identifying Information

SB0056/708677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 56
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stoltzfus" and substitute "Stoltzfus, Forehand, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 2, strike "Identifying" and substitute "Additional"; in line 3, strike "that"; in the same line, after the second "the" insert "inclusion of certain additional information in a"; strike beginning with the second "of" in line 3 down through "used" in line 7 and substitute "for the sex offender registry"; and in line 7, strike "sex" and substitute "certain".

AMENDMENT NO. 3

On page 2, in line 10, strike "**CURRENT OR FORMER**"; in the same line, before "**NAMES**" insert "**FORMER**"; strike beginning with "**NICKNAMES**" in line 10 down through "**IDENTITIES,**" in line 11 and substitute "**ELECTRONIC MAIL ADDRESSES,**"; in line 11, after "**NAMES**" insert "**OR IDENTITIES**"; strike beginning with "**INTERNET**" in line 11 down through "**AND**" in line 12; in line 12, before "that" insert "**, AND ELECTRONIC CHAT ROOM IDENTITIES**"; in line 15, strike "and"; after line 15, insert:

"**(10) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR IDENTIFICATION CARD;**

(11) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY VEHICLE OWNED OR REGULARLY OPERATED BY THE REGISTRANT; AND";

and in line 16, strike "(10)" and substitute "**(12)**".

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 265 – Senators Stone, Frosh, Gladden, Muse, and Raskin

AN ACT concerning

State Government – Administrative Procedure Act – Scope of Judicial Review

SB0265/988471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "Task Force on the Administrative Procedure Act"; in line 4, after "of" insert "establishing the Task Force on the Administrative Procedure Act; providing for the membership and chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; providing for the duties of the Task Force; requiring the Task Force to submit a certain report 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 on the Administrative Procedure Act."; and strike beginning with "expanding" in line 4 down through "Supplement)" in line 17.

AMENDMENT NO. 2

On page 1, in line 19, strike "the Laws of Maryland read as follows"; after line 19, insert:

"(a) There is a Task Force on the Administrative Procedure Act.

(b) The Task Force consists of the following members:

(1) one member of the House of Delegates, appointed by the Speaker of the House;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(3) the Attorney General, or the Attorney General's designee;

(4) the Chief Administrative Law Judge of the Office of Administrative Hearings, or the Chief Administrative Law Judge's designee;

(5) a Maryland judge, appointed by the Chief Judge of the Court of Appeals;

(6) the secretary of an executive branch department, appointed by the Governor, or the secretary's designee;

(7) one member each from a pharmacy, dental, and medical professional organization;

(8) two representatives of the Administrative Law section of the Maryland State Bar Association who are familiar with administrative law but who do not work for the government, appointed by the Bar Association;

(9) a representative of the American Federation of State, County, and Municipal Employees, appointed by the officers of the American Federation of State, County and Municipal Employees;

(10) a representative of the Firefighters Union; and

(11) two law professors who specialize in administrative law, one appointed by the Dean of the University of Maryland and one by the Dean of the University of Baltimore Law Schools.

(c) The members of the Task Force shall reflect the geographic, ethnic, and cultural diversity of the State.

(d) The members of the Task Force shall select a Chair of the Task Force from among the members.

(e) The Department of Legislative Services shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) The Task Force shall study the judicial review procedures of the Administrative Procedure Act to determine whether it is desirable and in the public interest for the judicial review procedures in the Act to be revised and updated.

(h) The Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on or before December 31, 2009.".

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 23 on page 2, inclusive.

On page 2, in line 25, after "2008." insert "It shall remain effective for a period of 1 year and 6 months and, at the end of March 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 766 – Senator Conway

AN ACT concerning

Maryland Revised Anatomical Gift Act

SB0766/498479/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 766
(First Reading File Bill)

On page 1, in line 2, strike "Revised"; in the same line, strike "Act" and substitute "Donor Registry"; and strike beginning with "repealing" in line 3 down through "actions;" in line 26 and substitute "establishing that certain donors may make certain gifts by authorizing that certain statements or symbols be included on a certain registry;".

On page 2, strike beginning with "providing" in line 2 down through "necessary;" in line 13; in lines 13 and 14, strike "motor vehicle"; strike beginning with "repealing" in line 16 down through "date;" in line 19; in line 22, after "repealing" insert "and reenacting, with amendments,"; strike beginning with "4–501" in line 24 down through "Act" in line 25 and substitute "4–505(c) and 4–512"; strike beginning with "4–501" in line 30 down through "Act"" in line 31 and substitute "4–512"; in line 36, strike "5–408, 5–604.1,"; and in the same line, strike ", and 19–310(a)".

On pages 3 through 29, strike in their entirety the lines beginning with line 6 on page 3 through line 7 on page 29, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

4–505.

(c) **(1)** A gift of all or part of the body for purposes of this subtitle also may be made by a designation on the donor's driver's license or identification card under § 12–303 of the Transportation Article.

(2) A DONOR MAY MAKE A GIFT BY AUTHORIZING THAT A STATEMENT OR SYMBOL INDICATING THAT THE DONOR HAS MADE A GIFT BE INCLUDED ON A DONOR REGISTRY.

4–512.

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

(2) "DONOR" MEANS AN INDIVIDUAL WHOSE BODY OR PART IS THE SUBJECT OF AN ANATOMICAL GIFT.

(3) "DONOR REGISTRY" MEANS A DATABASE THAT CONTAINS RECORDS OF ANATOMICAL GIFTS AND AMENDMENTS TO ANATOMICAL GIFTS.

(4) "EYE BANK" MEANS A PERSON THAT:

(I) IS LICENSED, ACCREDITED, OR REGULATED UNDER FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING, STORAGE, OR DISTRIBUTION OF HUMAN EYES OR PORTIONS OF HUMAN EYES;

(II) IS ACCREDITED BY THE EYE BANK ASSOCIATION OF AMERICA OR THE AMERICAN ASSOCIATION OF TISSUE BANKS; AND

(III) HAS A PERMIT ISSUED IN ACCORDANCE WITH TITLE 17, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.

(5) "ORGAN PROCUREMENT ORGANIZATION" MEANS A PERSON DESIGNATED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS AN ORGAN PROCUREMENT ORGANIZATION.

(6) "PROCUREMENT ORGANIZATION" MEANS AN EYE BANK, ORGAN PROCUREMENT ORGANIZATION, OR TISSUE BANK.

(7) (I) "PROSPECTIVE DONOR" MEANS AN INDIVIDUAL WHO IS DEAD OR WHOSE DEATH IS IMMINENT AND HAS BEEN DETERMINED BY A PROCUREMENT ORGANIZATION TO HAVE A PART THAT COULD BE MEDICALLY SUITABLE FOR TRANSPLANTATION, THERAPY, RESEARCH, OR EDUCATION.

(II) "PROSPECTIVE DONOR" DOES NOT INCLUDE AN INDIVIDUAL WHO HAS MADE A REFUSAL.

(8) "QUALIFIED NONPROFIT ENTITY" MEANS A PROCUREMENT ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE OR AN ENTITY EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE THAT ACTIVELY FUNCTIONS IN A SUPPORTING RELATIONSHIP TO ONE OR MORE PROCUREMENT ORGANIZATIONS IF THE PROCUREMENT ORGANIZATION OR OTHER ENTITY HAS A BOARD OF DIRECTORS WHOSE MEMBERS ARE EXPERIENCED IN:

(I) ORGAN, TISSUE, AND EYE DONATION;

(II) WORKING WITH DONORS AND DONOR FAMILIES; AND

(III) EDUCATING THE PUBLIC ABOUT THE IMPORTANCE OF THE PROCESS OF ORGAN, TISSUE, AND EYE DONATION.

(9) "TISSUE BANK" MEANS A PERSON THAT:

(I) IS LICENSED, ACCREDITED, OR REGULATED UNDER FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING, STORAGE, OR DISTRIBUTION OF TISSUE;

(II) IS ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS; AND

(III) HAS A PERMIT ISSUED IN ACCORDANCE WITH TITLE 17, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.

(B) (1) ON OR BEFORE APRIL 1, 2009, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL CONTRACT WITH A QUALIFIED NONPROFIT ENTITY FOR THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A DONOR REGISTRY.

(2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL

USE FUNDS FROM THE ORGAN AND TISSUE DONOR AWARENESS FUND ESTABLISHED UNDER TITLE 13, SUBTITLE 9 OF THE HEALTH – GENERAL ARTICLE OR ANY OTHER FUNDS AS MAY BE APPROPRIATE TO COMPENSATE THE NONPROFIT ENTITY CONTRACTED WITH UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE REASONABLE COST OF ESTABLISHING, MAINTAINING, AND OPERATING THE DONOR REGISTRY, INCLUDING THE REASONABLE COST OF PUBLIC EDUCATION PROGRAMS TO INCREASE PUBLIC AWARENESS ABOUT THE EXISTENCE AND PURPOSE OF THE REGISTRY AND ORGAN, TISSUE, AND EYE DONATION.

(C) THE MOTOR VEHICLE ADMINISTRATION SHALL COOPERATE WITH THE QUALIFIED NONPROFIT ENTITY CONTRACTED WITH UNDER SUBSECTION (B)(1) OF THIS SECTION FOR THE PURPOSE OF TRANSFERRING TO THE DONOR REGISTRY ALL RELEVANT INFORMATION REGARDING A DONOR'S MAKING, AMENDMENT TO, OR REVOCATION OF AN ANATOMICAL GIFT.

(D) A DONOR REGISTRY SHALL BE ACCESSIBLE 24 HOURS A DAY AND 7 DAYS A WEEK TO ALLOW:

(1) A DONOR TO INCLUDE ON THE DONOR REGISTRY A STATEMENT OR SYMBOL THAT THE DONOR HAS MADE OR AMENDED AN ANATOMICAL GIFT;

(2) A DONOR TO REVOKE AN ANATOMICAL GIFT; OR

(3) A PROCUREMENT ORGANIZATION TO OBTAIN RELEVANT INFORMATION ON THE DONOR REGISTRY TO DETERMINE, AT THE DEATH OR IMMINENT DEATH OF A DONOR OR A PROSPECTIVE DONOR, WHETHER THE DONOR OR PROSPECTIVE DONOR HAS MADE, AMENDED, OR REVOKED AN ANATOMICAL GIFT.

(E) PERSONALLY IDENTIFIABLE INFORMATION ON A DONOR REGISTRY ABOUT A DONOR OR PROSPECTIVE DONOR MAY NOT BE USED OR DISCLOSED WITHOUT THE EXPRESS CONSENT OF THE DONOR, PROSPECTIVE DONOR, OR PERSON THAT MADE THE ANATOMICAL GIFT FOR ANY PURPOSE OTHER THAN TO DETERMINE, AT THE DEATH OR IMMINENT DEATH OF THE DONOR OR

PROSPECTIVE DONOR, WHETHER THE DONOR OR PROSPECTIVE DONOR HAS MADE OR AMENDED AN ANATOMICAL GIFT.

(F) (1) THIS SECTION DOES NOT PROHIBIT A PERSON FROM CREATING OR MAINTAINING A DONOR REGISTRY THAT IS NOT ESTABLISHED BY OR UNDER CONTRACT WITH THE STATE.

(2) A REGISTRY THAT IS NOT ESTABLISHED BY OR UNDER CONTRACT WITH THE STATE SHALL COMPLY WITH SUBSECTIONS (D) AND (E) OF THIS SECTION.

[4–512.**] 4–513.**

This subtitle may be cited as the Maryland Anatomical Gift Act.

Article – Health – General".

On page 29 in line 25, strike "**4–516**" and substitute "**4–512**".

On pages 29 through 33, strike in their entirety the lines beginning with line 31 on page 29 through line 22 on page 33, inclusive.

On pages 34 and 35, strike in their entirety the lines beginning with line 1 on page 34 through line 14 on page 35, inclusive.

On page 35, in line 15, strike "4." and substitute "2.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 955 – Senator Harrington

AN ACT concerning

Brian Moore Student Health and Fitness Act of Maryland

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0955/424239/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 955
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Harrington" and substitute "Senators Harrington and Forehand"; in line 2, strike "Brian" and substitute "Bryan"; strike beginning with "requiring" in line 5 down through "student;" in line 6; and strike beginning with "requiring" in line 8 down through "graduate;" in line 9.

AMENDMENT NO. 2

On page 3, in line 1, strike "**8**" and substitute "**5**"; strike beginning with "**AS**" in line 9 down through "**(3)**" in line 12; strike beginning with "**A**" in line 16 down through "**(D)**" in line 19; and in line 21, strike "**(E)**" and substitute "**(D)**".

The preceding 2 amendments were read only.

Senator Harrington moved, duly seconded, to make the Bill and Amendments a Special Order for March 27, 2008.

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **SB 0182**
SPONSOR: Chr B&T (Dept)
SUBJECT: Maryland Transportation Authority
By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

The House appoints:
Delegate Gaines, Chairman
Delegate Levy, and
Delegate Aumann.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0545**
SPONSOR: Chr B&T
SUBJECT: Health Care Funds – Transfers and Disbursements

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

The House appoints:
Delegate Proctor, Chairman
Delegate James, and
Delegate Griffith.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

SPECIAL ORDERS

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

Senate Bill 373 – Senators DeGrange, Brinkley, Currie, Della, Dyson, King, Klausmeier, McFadden, Miller, Munson, Peters, Robey, Stoltzfus, and Stone

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

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

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

Affirmative – 30 Negative – 17 (See Roll Call No. 738)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 478 – Chair, Environmental Matters Committee and Chair, Judiciary Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Commercial Drivers' Licenses

FOR the purpose of prohibiting the Motor Vehicle Administration from expunging certain driving records of certain individuals under certain circumstances; expanding the circumstances under which an individual is subject to disqualification from holding a commercial driver's license; providing that, on

termination of a disqualification period of less than 1 year for holding a commercial driver's license, the holder of the license may apply for reinstatement of the license and the Administration shall reissue the license when the applicant pays any required reinstatement fees; altering the definition of "commercial motor vehicle"; prohibiting a person from driving a commercial motor vehicle on a highway or certain other property under certain circumstances; altering the circumstances under which certain offenses may be considered by the Administration for purposes of disqualifications from holding a commercial driver's license; providing that, for purposes of certain commercial driver's license disqualifications, a person may not drive, operate, or be in physical control of a commercial motor vehicle under certain circumstances; requiring the Administration to maintain certain records relating to holding a commercial driver's license; requiring the Administration to suspend under certain circumstances the commercial driver's license of a person who fails to comply with certain court notices to appear in court or pay a fine; requiring the Administration to cooperate with other states' driver licensing authorities to develop certain procedures; making a certain stylistic change; and generally relating to commercial drivers' licenses.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–117.1, 16–205.1(b), 16–208.1, 16–803(c), 16–808, 16–812, 16–813, and 16–819
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 26–207
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–815
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 794 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – County Commissioners

FOR the purpose of altering the boundaries for the County Commissioner Districts in Carroll County; establishing certain eligibility criteria for individuals serving as County Commissioners for Carroll County; repealing a certain requirement that a certain Commission Redistricting Committee recommend provisions for staggered terms of office for certain County Commissioners; making this Act an emergency measure; and generally relating to the County Commissioners of Carroll County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Carroll County
Section 3–101
Article 7 – Public Local Laws of Maryland
(2004 Edition and November 2007 Supplement, as amended)

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

House Bill 1135 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Local Ordinance Creating a County Police Department – Submission to Local Referendum

FOR the purpose of requiring the County Commissioners of Carroll County to submit an ordinance to a certain referendum under certain circumstances; requiring the County Commissioners to take certain actions to provide for and hold a certain referendum under certain circumstances; making the provisions of a certain local law effective on a certain date under certain circumstances; prohibiting the implementation of a certain local law under certain circumstances; making this Act an emergency measure; providing for the termination of this Act; and generally relating to a local referendum on the creation of a police department for Carroll County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 3(q)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1382 – Howard County Delegation

AN ACT concerning

Howard County – Mobile Home Parks – Right of First Refusal
Ho. Co. 13–08

FOR the purpose of requiring owners of mobile home parks in Howard County to notify all residents of the park and the director of the Howard County Department of Housing and Community Development of an offer to buy or sell the park; establishing notice requirements; establishing the right of the residents or a certain homeowners association to make an offer to buy the park under certain circumstances; requiring the park owner to accept the offer under certain circumstances; requiring the park owner to provide additional notice to certain persons and to accept a certain offer under certain circumstances; providing for certain exemptions from this Act; providing for the application of this Act; prohibiting a certain deed transferring title to certain land from being executed and recorded unless certain conditions are satisfied; and generally relating to the sale of mobile home parks in Howard County.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8A–101(d), (e), and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 8A–802
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1391 – Delegates Mizeur, Hammen, Benson, Donoghue, Elliott, Gutierrez, Hixson, Howard, Ivey, Kipke, Lafferty, McIntosh, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, ~~and Schuh~~ Schuh, Bromwell, Costa, Hubbard, Kullen, Montgomery, Oaks, V. Turner, Weldon, Hucker, Bartlett, Barve, Cardin, Doory, Elmore, Frick, George, Gilchrist, Jennings, Kaiser, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, F. Turner, and Walker

AN ACT concerning

Kids First Act

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 a

tax return for a certain tax year does not exceed a certain ~~amount~~ income eligibility standard; requiring a taxpayer to report on the income tax return in a certain form the presence or absence of certain health care coverage for each dependent child; requiring the Comptroller, under certain circumstances, to send a taxpayer applications for the Maryland Medical Assistance Program and the Maryland Children's Health Program; ~~requiring the Comptroller to adopt certain regulations;~~ requiring the Department of Health and Mental Hygiene, in consultation with certain other State agencies, to study, make recommendations, and report on health care coverage and enrollment for certain children; requiring the Comptroller to publicize ~~widely the requirements of this Act for a certain purpose~~ the availability of the Maryland Medical Assistance Program and the Maryland Children's Health Program to certain taxpayers; ~~prohibiting a taxpayer from deducting a certain exemption for a dependent child unless the dependent child had health care coverage; providing for certain exceptions~~ requiring the Maryland Health Care Commission and the Office of the Comptroller to study and make recommendations on the implementation of a certain health care coverage mandate and to report on their study and recommendations to the Governor and the General Assembly on or before certain dates; requiring the transfer of certain funds from the Maryland Health Care Provider Rate Stabilization Fund to the Office of the Comptroller for a certain purpose; defining a certain ~~terms~~ term; making a certain technical correction; ~~providing for the application of certain provisions of this Act; providing for delayed effective dates for certain provisions~~ providing for the termination of this Act; and generally relating to health care coverage and income tax exemptions for dependent children.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1301(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–211
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 adding to
Article – Tax – General
Section 10–211.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1512 – Delegate V. Clagett

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.

House Bill 1514 – Delegate Hucker

AN ACT concerning

State Department of Transportation – Board of Review – Repeal

FOR the purpose of repealing provisions of law relating to the Board of Review of the State Department of Transportation; abolishing the Board of Review of the Department; and generally relating to the Board of Review of the State Department of Transportation.

BY repealing
Article – Transportation
Section 2–501 through 2–506 and the subtitle "Subtitle 5. Board of Review of Department"
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1522 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Fund – Allocations to and Disbursements from the Medical Assistance Program Account

FOR the purpose of altering the allocation by the Maryland Insurance Commissioner of certain revenue in the Maryland Health Care Provider Rate Stabilization Fund to the Medical Assistance Program Account; requiring the Commissioner to allocate certain revenue in the Fund to the Office of the Comptroller in certain fiscal years for a certain purpose; providing that certain revenue in the Fund after a certain fiscal year shall accrue to the Medical Assistance Program Account; expanding the health care providers who are eligible to receive certain payments from the Medical Assistance Program Account to include a health care practitioner licensed under the Maryland Dentistry Act; including the Maryland State Dental Association and the Maryland Dental Society among the groups that determine, in consultation with the Secretary of Health and Mental Hygiene, health care provider rate increases payable from the Fund; defining a certain term; and generally relating to allocations to and disbursements from the Medical Assistance Program Account in the Maryland Health Care Provider Rate Stabilization Fund.

BY repealing and reenacting, without amendments,
Article – Insurance

Section 19–801 and 19–802
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–803 and 19–807
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1542 – Frederick County Delegation

EMERGENCY BILL

AN ACT concerning

Frederick County – Land Use or Zoning Ordinances – Amendments

FOR the purpose of authorizing an individual Commissioner, on the Commissioner's own behalf or on behalf of any other individual, group, or organization, to initiate an application for an amendment to a county land use or zoning ordinance in Frederick County under certain circumstances; defining a certain term; making this Act an emergency measure; and generally relating to amendments to land use or zoning ordinances in Frederick County.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 14.06
Annotated Code of Maryland
(2003 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 47 Members present.

(See Roll Call No. 739)

ADJOURNMENT

At 10:55 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day, March 25, 2008, Calendar Day, Thursday, March 27, 2008.