JOURNAL

of

PROCEEDINGS

of the

SENATE

of

MARYLAND

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VOLUME IV

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2008 SENATE JOURNAL
INDEX OF DAYS

Legislative Day	Page
January 9	1
January 10	76
January 11	84
January 14	93
January 15	104
January 16	109
January 17	131
January 18	143
January 22	210
January 23	214
January 24	241
January 25	258
January 28	275
January 29	307
January 30	310
January 31	338
February 1	392
February 5	624
February 6	640
February 7	651
February 8	672
February 11	694
February 12	714
February 13	723
February 14	748
February 15	777
February 18	813
February 19	857
February 20	872
February 21	891
February 22	908
February 25	937
February 26	960
February 27	973
February 28	984
February 29	1013
March 3	1046
March 4	1097
March 5	1117
March 6	1140
March 7	1163
March 10	1242
March 11	1316
March 12	1376
March 13	1444
March 14	1500
March 17	1565
March 18	1637
March 19	1681
March 20	1784
March 21	1964
March 22	2230
March 23	2432
March 24	2489
March 25	2531
March 26	2604
March 27	2727
March 28	2760
March 29	2813
March 30	2882
March 31	3013
April 1	3081
April 2	3184
April 3	3444
April 4	3530
April 5	3615

Annapolis, Maryland
Legislative Day: March 25, 2008
Calendar Day: Thursday, March 27, 2008
10:00 A.M. Session

The Senate met at 10:16 A.M.–

Prayer by Reverend Rick Edmund, Smith Island United Methodist Church, guest of Senator Stoltzfus.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 24, 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. 741)

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 and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0955/703923/1

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 955, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Education, Health, and Environmental Affairs Committee Amendments (SB0955/424239/2).

AMENDMENT NO. 2

On page 1 of the bill, strike line 2 in its entirety and substitute "Task Force on Student Physical Fitness in Maryland Public Schools"; in line 3, after "of" insert "establishing a Task Force on Student Physical Fitness in Maryland Public Schools; 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 Student Physical Fitness in Maryland Public Schools"; and strike beginning with "requiring" in line 3 down through "fitness" in line 11.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 12 on page 1 through line 18 on page 2, inclusive.

AMENDMENT NO. 2

On page 2 of the bill, in line 20, strike "the Laws of Maryland read as follows"; after line 20, insert:

"(a) There is a Task Force on Student Physical Fitness in Maryland Public Schools.

(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) one representative of the Department of Health and Mental Hygiene, appointed by the Secretary of Health and Mental Hygiene; and

(4) the following members appointed by the Governor:

(i) one representative of the State Department of Education;

(ii) one representative of the Maryland Association of Boards of Education;

(iii) one representative of the Maryland Association of Counties;

(iv) one representative of the American Diabetes Association;

(v) one representative of the American Heart Association;

(vi) one representative of the American Cancer Society;

(vii) one representative of the Personal Development, Health & Physical Education Teachers Association; and

(viii) one representative of the National Parent Teachers Association.

(c) The members of the Task Force shall elect a chair from among the members of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) 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.

(f) The Task Force shall study:

(1) the advisability of requiring all public schools in the State to provide a minimum amount of physical activity or physical education to students in the public school system each week;

(2) the effects on childhood obesity and related health issues of requiring students to participate in a minimum amount of physical activity or physical education each week;

(3) the monetary costs of requiring public schools to provide a minimum amount of physical activity or physical education for students, how these costs may be minimized, and whether additional outside funding resources are available for these purposes; and

(4) and analyze the results obtained by any local school systems in the State and other states that have current physical activity or physical education requirements.

(g) On or before November 20, 2008, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On pages 2 and 3 of the bill, strike in their entirety the lines beginning with line 21 on page 2 through line 30 on page 3, inclusive.

On page 3 of the bill, in line 31, strike "4." and substitute "2."; in line 32, strike "October" and substitute "July"; and in the same line, after "2008." insert "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, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 742)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #59

Senate Bill 56 – Senators Zirkin, Brochin, Currie, Haines, Jacobs, Kittleman, Kramer, Mooney, Muse, Raskin, Robey, ~~and Stoltzfus~~ Stoltzfus, Forehand, Simonaire, and Stone

AN ACT concerning

Sex Offender Registry – ~~Identifying~~ Additional Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 743)

The Bill was then sent to the House of Delegates.

Senate Bill 265 – Senators Stone, Frosh, Gladden, Muse, and Raskin

AN ACT concerning

~~**State Government – Administrative Procedure Act – Scope of Judicial Review**~~
Task Force on the Administrative Procedure Act

Senator Stoltzfus moved, duly seconded, to make the Bill a Special Order for March 28, 2008.

The motion was adopted.

Senate Bill 723 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – ~~Prescription Drug Substitution~~ Therapeutic Interchanges

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

Affirmative – 45 Negative – 0 (See Roll Call No. 744)

The Bill was then sent to the House of Delegates.

Senate Bill 764 – Senator Conway

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 745)

The Bill was then sent to the House of Delegates.

Senate Bill 766 – Senator Conway

AN ACT concerning

Maryland ~~Revised~~ Anatomical Gift ~~Act~~ Donor Registry

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

Affirmative – 44 Negative – 2 (See Roll Call No. 746)

The Bill was then sent to the House of Delegates.

Senate Bill 960 – Senator Klausmeier

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Licensure of Massage Therapists

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

Affirmative – 46 Negative – 0 (See Roll Call No. 747)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #27

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

Senate Bill 969 – Senator Della

AN ACT concerning

State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #13

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

Senate Bill 314 – Senators Currie and Kasemeyer

AN ACT concerning

Tax Credits for Individuals Facing Employment Barriers – Sunset Extension

SB0314/839835/2

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Tax Credits for Individuals Facing Employment Barriers" and substitute "State Employment Opportunity Credit"; strike beginning with "or" in line 5 down through "disabilities" in line 6; and strike beginning with "certain" in line 6 down through "barriers" in line 7 and substitute "the State Employment Opportunity Credit".

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 13, strike "**2014**" and substitute "**2012**"; in line 16, strike "**2011**" and substitute "**2009**"; in line 19, strike "**2014**" and substitute "**2012**"; in line 20, strike "**16**" and substitute "**14**"; and in line 21, strike "**2011**" and substitute "**2009**".

On pages 2 and 3, strike in their entirety the lines beginning with line 23 on page 2 through line 17 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.

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

Senate Bill 480 – Senators DeGrange, Jones, King, Madaleno, McFadden, and Munson

AN ACT concerning

Correctional Officers' Retirement System – Membership

SB0480/829436/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 480
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Correctional Officers' Retirement System – Membership" and substitute "State Retirement and Pension System – Membership and System Study"; in line 3, after the first "of" insert "altering certain criteria for consideration by a certain actuarial consulting firm for a certain study of the State Retirement and Pension System;"; in line 12, after "System" insert "and a study of the State Retirement and Pension System"; and in line 15, after "Section" insert "21–125.1,".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"21–125.1.

(a) Beginning on or before September 1, 2008, and every 5 years thereafter, the Joint Committee on Pensions shall commission an actuarial consulting firm to conduct a study of the several systems in addition to the actuarial investigation and valuation performed by the actuary under § 21–125 of this subtitle and a comparison of the several systems with other similarly situated public pension plans.

(b) The actuarial consulting firm shall consider the following issues with regard to the several systems and other similarly situated public pension plans:

(1) the funding status of the State Retirement and Pension System, including its current unfunded accrued liability;

(2) the composition of the several systems, including:

(i) the number of active members, retirees, disability retirees, and beneficiaries of all retirees;

(ii) the average annual salaries of the active members in the various plans in the State Retirement and Pension System;

(iii) the average annual benefits of the retirees and beneficiaries of the State Retirement and Pension System; and

(iv) the average [age] **AGE, LIFE EXPECTANCY,** and years of service of active members retiring from the various plans in the State Retirement and Pension System; and

(3) the benefit levels provided by the various State systems, including a comparison of member contribution rates and the accrual rates.

(c) The findings of the actuarial consulting firm shall be submitted to the Joint Committee on Pensions on or before December 31, of the year of study, in accordance with § 2–1246 of the State Government Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 803 – Senators Robey, DeGrange, and Peters

AN ACT concerning

Law Enforcement Officers' Pension System – Membership – Retired Pilots with the Maryland State Police

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 934 – Senator Harrington

AN ACT concerning

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

SB0934/589234/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 934
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Harrington" and substitute "Senators Harrington, Currie, and Peters"; and strike in their entirety lines 9 through 18, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Economic Development
Section 12–201(i) and 12–204(a)
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 12–207
Annotated Code of Maryland
(As enacted by Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008)".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 3 on page 4, inclusive, and substitute:

"Article – Economic Development

12–201.

(i) "Issuer" means a political subdivision or the revenue authority of Prince George's County that issues a bond under this subtitle.

12–204.

(a) Notwithstanding any limitation of law, an issuer may issue bonds from time to time to finance the development of an industrial, commercial, or residential area.

12–207.

(a) Bond proceeds may be used only:

(1) to buy, lease, condemn, or otherwise acquire property, or an interest in property:

(i) in the development district; or

(ii) needed for a right–of–way or other easement to or from the development district;

(2) for site removal;

(3) for surveys and studies;

(4) to relocate businesses or residents;

(5) to install utilities, construct parks and playgrounds, and for other needed improvements including:

(i) roads to, from, or in the development district;

(ii) parking; and

(iii) lighting;

(6) to construct or rehabilitate buildings for a governmental purpose or use;

(7) for reserves or capitalized interest;

(8) for necessary costs to issue bonds; and

(9) to pay the principal of and interest on loans, advances, or indebtedness that a political subdivision incurs for a purpose specified in this section.

(b) **(1)** In addition to the purposes listed in subsection (a) of this section, the proceeds from bonds that Prince George's County or the revenue authority of Prince George's County issues may be used:

[(1)**]** **(I)** for convention, conference, or visitors' centers;

[(2)**]** **(II)** to maintain infrastructure improvements and convention, conference, or visitors' centers; **[**and**]**

[(3)**]** **(III)** to market development district facilities and other improvements**; AND**

(IV) FOR THE PURPOSE OF ENCOURAGING REDEVELOPMENT IN THOSE AREAS LISTED IN PARAGRAPH (2) OF THIS SUBSECTION, TO INSTALL INFRASTRUCTURE IMPROVEMENTS, INCLUDING:

1. STREETS;

2. PARKING STRUCTURES OF ANY TYPE WHETHER FOR PUBLIC OR PRIVATE USE;

3. UTILITIES;

4. STREET LIGHTS;

5. STORMWATER MANAGEMENT AND STORM DRAIN FACILITIES;

6. FENCING;

7. NOISE WALLS;

8. RETAINING WALLS;

9. TRAILS;

10. SIDEWALKS;

11. PEDESTRIAN AND VEHICULAR BRIDGES; AND

12. PARK FACILITIES.

(2) THE PURPOSE OF THE AUTHORITY GRANTED BY PARAGRAPH (1)(IV) OF THIS SUBSECTION IS TO ENCOURAGE REDEVELOPMENT IN:

(I) REVITALIZATION AREAS DESIGNATED BY THE COUNTY;

(II) MIXED USE CENTERS;

(III) BLIGHTED AREAS; AND

(IV) THE DEVELOPED TIER, GROWTH CORRIDORS, AND GROWTH CENTERS, AS DEFINED IN THE COUNTY GENERAL PLAN.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 945 – Senator Kasemeyer

AN ACT concerning

Local Governments – Postemployment Benefits – Investment of Funds

SB0945/219036/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 945
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "accounts;" insert "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 in line 12, after "22(b)" insert "and 22G(c)".

AMENDMENT NO. 2

On page 2, after line 24, insert:

"22G.

(c) (1) The governing authority of any local government having funds which are available for investment and which are not required by law or by any covenant or agreement with bondholders or others to be segregated and invested in a different manner may direct its financial officer to remit funds to the Treasurer for investment as part of the Local Government Investment Pool.

(2) THE GOVERNING AUTHORITY OF ANY LOCAL GOVERNMENT HAVING FUNDS INTENDED FOR OTHER POSTEMPLOYMENT BENEFITS THAT ARE AVAILABLE FOR INVESTMENT, AS AUTHORIZED UNDER § 22 OF THIS ARTICLE, MAY DIRECT ITS FINANCIAL OFFICER TO REMIT THOSE FUNDS TO THE TREASURER FOR INVESTMENT AS PART OF THE INVESTMENT POOL.

[(2)**](3)** Upon determination by the local governing authority that it is in the best interest of the local government to deposit funds in the Investment Pool, it shall adopt and file with the Treasurer a certified copy of a resolution or ordinance authorizing investment of its funds in the Investment Pool. The resolution or

ordinance shall name the local government official or officials responsible for deposit and withdrawal of such funds.

[(3)**](4)** The resolution or ordinance filed with the Treasurer shall be accompanied by a statement as to the approximate cash flow requirements of the local government for the invested funds. Subsequent deposits into the Investment Pool shall be accompanied by a statement as to the intended duration of the investment or the anticipated date of withdrawal of the funds from the Pool.".

AMENDMENT NO. 3

On page 2, in line 26, strike "October" and substitute "July".

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 981 – Senator Robey

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

SB098/419530/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 981
(First Reading File Bill)

On page 2, in lines 9 and 10, strike "**JUNE 30**" and substitute "**JANUARY 1**"; in line 10, after "**TITLE**" insert "**FOR A MANUFACTURING EXEMPTION**"; in line 11, strike "**AN**" and substitute "**THE FIRST**"; and in the same line, after "**NOTICE**" insert "**FOR A TAXABLE YEAR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #14

CONSENT CALENDAR #9

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

House Bill 429 – Harford County Delegation

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 445 – St. Mary's County Delegation

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 471 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Public Facility Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 588 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – Pensions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1064 – Delegates Conway and Mathias

AN ACT concerning

Convention Center – Bond Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1338 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1596 – Delegate Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

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:

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

HB1604/369839/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1604
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Municipal Parks" and substitute "Community Parks and Playgrounds"; in line 7, strike "Municipal Parks" and substitute "Community Parks and Playgrounds"; and in line 13, strike "Municipal Parks" and substitute "Community Parks and Playgrounds".

AMENDMENT NO. 2

On page 2, in line 3, strike "Municipal Parks" and substitute "Community Parks and Playgrounds".

On page 3, in line 20, strike "**MUNICIPAL PARKS**" and substitute "**COMMUNITY PARKS AND PLAYGROUNDS**"; in lines 22 and 23, strike "**MUNICIPAL PARKS**" and substitute "**COMMUNITY PARKS AND PLAYGROUNDS**"; and in line 33, after "**TO**" insert "**REHABILITATE, EXPAND, OR IMPROVE EXISTING PARKS, PURCHASE LAND TO CREATE NEW PARKS, DEVELOP NEW PARKS, OR TO PURCHASE AND INSTALL PLAYGROUND EQUIPMENT IN URBAN NEIGHBORHOODS AND RURAL AREAS THROUGHOUT THE STATE.**".

On page 4, in line 2, strike the colon; strike in their entirety lines 3 through 10, inclusive; and in line 11, strike "**MUNICIPAL PARKS**" and substitute "**COMMUNITY PARKS AND PLAYGROUNDS**".

On page 5, in line 3, strike "Municipal Parks" and substitute "Community Parks and Playgrounds".

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:

House Bill 402 – St. Mary's County Delegation

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #21

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

Senate Bill 205 – The President (By Request – Administration) and Senators Frosh, Garagiola, Forehand, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

SB0205/757577/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 205
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "year;" insert "requiring the Public Service Commission to make certain calculations each year and to report those calculations to the General Assembly each year as part of its annual report;"; in the same line, strike "small" and substitute "certain"; in line 8, strike "Public Service"; in line 11, strike "measures" and substitute "programs"; strike beginning with "requiring" in line 18 down through "customers;" in line 20 and substitute "requiring the Commission to monitor and analyze the impact of certain programs and services; requiring the Commission to direct the electric companies to include certain information in a certain annual update;"; in line 24, after "implementation;" insert "authorizing the Commission to impose a certain special assessment on certain electric companies for a certain fiscal year; authorizing amounts collected from a special assessment to be expended in accordance with an approved budget amendment for certain expenses; stating the intent of the General Assembly that the annual State budget beginning in a certain fiscal year include certain amounts for the implementation of this Act; requiring, on or before a certain date, the Administration to review the anticipated achievement of certain goals for a certain purpose and, after providing opportunity for public comment, report its findings to certain committees; requiring the Administration, on or before a certain date, to study the feasibility of setting certain targets for natural gas companies and, after providing opportunity for public comment, report its findings to certain committees;"; in line 25, strike "measures" and substitute "programs"; and strike line 28 in its entirety and substitute "Section 7–211".

On page 2, strike in their entirety lines 2 through 6, inclusive.

AMENDMENT NO. 2

On page 2, in line 13, after "**(2)**" insert "**"DEMAND RESPONSE PROGRAM" MEANS A PROGRAM ESTABLISHED BY AN ELECTRIC COMPANY THAT PROMOTES**

CHANGES IN ELECTRIC USAGE BY CUSTOMERS FROM THEIR NORMAL CONSUMPTION PATTERNS IN RESPONSE TO:

(I) CHANGES IN THE PRICE OF ELECTRICITY OVER TIME; OR

(II) INCENTIVES DESIGNED TO INDUCE LOWER ELECTRICITY USE AT TIMES OF HIGH WHOLESALE MARKET PRICES OR WHEN SYSTEM RELIABILITY IS JEOPARDIZED.

(3) "ELECTRICITY CONSUMPTION" AND "ELECTRICITY CONSUMED" MEAN THE SUM OF RETAIL ELECTRICITY SALES TO ALL CUSTOMERS AND REPORTED ELECTRICITY LOSSES WITHIN THE ELECTRIC DISTRIBUTION SYSTEM.

(4)";

in line 16, strike "**(3)**" and substitute "**(5) "PER CAPITA ELECTRICITY CONSUMPTION" MEANS THE RESULT CALCULATED BY DIVIDING THE TOTAL GIGAWATT–HOURS OF ELECTRICITY CONSUMED BY ELECTRICITY CUSTOMERS IN THE STATE AS OF DECEMBER 31 OF A YEAR, AS DETERMINED BY THE COMMISSION, BY THE POPULATION OF THE STATE AS OF DECEMBER 31 OF THAT YEAR, AS DETERMINED BY THE DEPARTMENT OF PLANNING.**

(6)";

in line 23, after "**EFFICIENCY**" insert "**, CONSERVATION, AND DEMAND RESPONSE**"; in line 27, after "**IN**" insert "**PER CAPITA**"; after line 28, insert:

"**(C) BEGINNING WITH THE 2008 CALENDAR YEAR AND EACH YEAR THEREAFTER, THE COMMISSION SHALL CALCULATE:**

(1) THE PER CAPITA ELECTRICITY CONSUMPTION FOR THAT YEAR; AND

(2) THE PEAK DEMAND FOR THAT YEAR.";

in line 29, strike "**(C)**" and substitute "**(D)**".

On page 3, in line 1, strike "**(D)**" and substitute "**(E)**"; in line 2, strike "**SMALL RURAL**" and substitute "**EACH**"; in the same line, after "**COOPERATIVE**" insert "**THAT SERVES A POPULATION OF LESS THAN 250,000 IN ITS SERVICE TERRITORY**"; in the same line, strike "**THESE**" and substitute "**ENERGY EFFICIENCY AND CONSERVATION**"; in line 4, strike "**(E)**" and substitute "**(F)**"; in line 15, strike "**(F)**" and substitute "**(G)**"; in the same line, strike "**ON**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ON**"; in line 16, after "**SHALL**" insert "**:**

(1) TO THE EXTENT THE COMMISSION DETERMINES THAT COST–EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES ARE AVAILABLE, FOR EACH AFFECTED CLASS,";

in line 18, strike "**MEASURES**" and substitute "**PROGRAMS**"; in line 19, strike "**ENERGY**" and substitute "**ELECTRICITY**"; strike beginning with "**THE**" in line 19 down through "**A**" in line 21 and substitute "**A TARGETED**"; in line 24, strike "**A**" and substitute "**REQUIRE EACH ELECTRIC COMPANY TO IMPLEMENT A COST–EFFECTIVE DEMAND RESPONSE PROGRAM IN THE ELECTRIC COMPANY'S SERVICE TERRITORY THAT IS DESIGNED TO ACHIEVE A TARGETED**"; in line 25, after "**IN**" insert "**PER CAPITA**"; strike in their entirety lines 28 through 31, inclusive, and substitute:

"**(H) (1) (I) ON OR BEFORE JULY 1, 2008, AND EVERY 3 YEARS THEREAFTER, AN ELECTRIC COMPANY SHALL CONSULT WITH THE MARYLAND ENERGY ADMINISTRATION REGARDING THE DESIGN AND ADEQUACY OF ITS PLAN TO ACHIEVE THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGETS SPECIFIED IN SUBSECTION (G) OF THIS SECTION.**

(II) AN ELECTRIC COMPANY SHALL PROVIDE THE MARYLAND ENERGY ADMINISTRATION WITH ANY ADDITIONAL INFORMATION REGARDING THE PLAN THAT THE ADMINISTRATION REQUESTS.

(2) ON OR BEFORE SEPTEMBER 1, 2008, AND EVERY 3 YEARS THEREAFTER, AN ELECTRIC COMPANY SHALL SUBMIT ITS PLAN TO THE

COMMISSION THAT DETAILS THE ELECTRIC COMPANY'S PROPOSALS FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGETS SPECIFIED IN SUBSECTION (G) OF THIS SECTION FOR THE 3 SUBSEQUENT CALENDAR YEARS.

(3) THE COMMISSION SHALL CONSIDER ANY WRITTEN FINDINGS PROVIDED BY THE MARYLAND ENERGY ADMINISTRATION REGARDING THE DESIGN AND ADEQUACY OF THE PLAN.";

in line 32, strike "**(II)**" and substitute "**(4)**"; in line 33, after "**COMMISSION**" insert "**AND THE MARYLAND ENERGY ADMINISTRATION**"; and in line 35, strike "**(F)**" and substitute "**(G)**".

AMENDMENT NO. 3

On page 4, strike in their entirety lines 1 through 5, inclusive; in line 6, strike "**(3)**" and substitute "**(5)**"; in the same line, strike "**THE**" and substitute "**THE PROPOSED ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES AND THE PROPOSED DEMAND RESPONSE**"; in line 10, after "**APPROPRIATE**" insert "**, INCLUDING LOW–INCOME COMMUNITIES AND LOW– TO MODERATE– INCOME COMMUNITIES**"; strike in their entirety lines 11 through 15, inclusive; in line 16, strike "**(5)**" and substitute "**(6)**"; in line 19, strike "**(F)**" and substitute "**(G)**"; strike in their entirety lines 20 through 22, inclusive, and substitute:

"**(I) (1) IN DETERMINING WHETHER A PROGRAM OR SERVICE ENCOURAGES AND PROMOTES THE EFFICIENT USE AND CONSERVATION OF ENERGY, THE COMMISSION SHALL CONSIDER:**

(I) THE IMPACT ON JOBS;

(II) THE IMPACT ON THE ENVIRONMENT;

(III) THE IMPACT ON RATES OF EACH RATEPAYER CLASS; AND

(IV) THE COST–EFFECTIVENESS.

(2) THE COMMISSION SHALL MONITOR AND ANALYZE THE IMPACT OF EACH PROGRAM AND SERVICE TO ENSURE THAT THE OUTCOME OF EACH PROGRAM AND SERVICE PROVIDES THE BEST POSSIBLE RESULTS.

(3) IN MONITORING AND ANALYZING THE IMPACT OF A PROGRAM OR SERVICE UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF THE COMMISSION FINDS THAT THE OUTCOME OF THE PROGRAM OR SERVICES MAY NOT BE PROVIDING THE BEST POSSIBLE RESULTS, THE COMMISSION SHALL DIRECT THE ELECTRIC COMPANY TO INCLUDE IN ITS ANNUAL UPDATE UNDER SUBSECTION (H)(4) OF THIS SECTION SPECIFIC MEASURES TO ADDRESS THE FINDINGS.

(J) (1) 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.

(2) THE NOTICE SHALL BE PROVIDED BY PUBLICATION ON THE COMPANY'S WEBSITE AND INCLUSION WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE.";

in line 23, strike "**(H)**" and substitute "**(K)**"; in the same line, strike "(1)"; strike beginning with "**FEBRUARY**" in line 23 down through "**THEREAFTER**" in line 24 and substitute "**MARCH 1 OF EACH YEAR**"; in lines 27 and 29, strike "(i)" and "(ii)", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 28, strike "; and" and substitute "**, INCLUDING AN EVALUATION OF THE IMPACT OF THE PROGRAMS AND SERVICES THAT ARE DIRECTED TO LOW–INCOME COMMUNITIES, LOW– TO MODERATE–INCOME COMMUNITIES TO THE EXTENT POSSIBLE, AND OTHER PARTICULAR CLASSES OF RATEPAYERS;**"; and in line 30, after "services" insert "**; AND**

(3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE PER CAPITA ELECTRICITY CONSUMPTION AND THE PEAK DEMAND FOR THE PREVIOUS CALENDAR YEAR".

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety lines beginning with line 31 on page 4 through line 2 on page 6, inclusive.

On page 6, after line 10, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding any other provision of law, for fiscal year 2009 only, in addition to the amounts appropriated in the budget bill for fiscal 2009 and in accordance with § 2–110 of the Public Utility Companies Article, the Public Service Commission may impose up to $600,000 as a special assessment for the Commission and the Office of People's Counsel to accomplish the requirements of this Act.

(2) Of the $600,000 that may be collected under paragraph (1) of this subsection:

(i) up to $500,000 may be expended in accordance with an approved budget amendment for consultants, personnel, and related expenses of the Commission, as deemed necessary by the Commission to accomplish the requirements of this Act; and

(ii) up to $100,000 may be expended in accordance with an approved budget amendment for consultants, personnel, and related expenses of the Office of People's Counsel, as deemed necessary by the Office of People's Counsel to accomplish the requirements of this Act.

(3) The special assessment shall be imposed only on those electric companies otherwise subject to the assessment under § 2–110 of the Public Utility Companies Article.

(4) The bill sent to each electric company subject to the assessment shall equal the product of multiplying:

(i) the amount authorized to be collected under this subsection; and

(ii) the ratio of gross operating revenues of the entity subject to the assessment to the total gross operating revenues for all entities subject to the assessment.

(b) It is the intent of the General Assembly that, beginning with fiscal year 2010, the annual State budget include amounts for the Public Service Commission and

the Office of People's Counsel for the implementation of this Act, including consultants, personnel, and related expenses.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the Maryland Energy Administration, in consultation with the Public Service Commission, shall:

(1) review the anticipated achievement of the goals specified under § 7–211(b)(2) of this Act for purposes of determining whether electricity consumption and peak demand reduction targets should be set beyond 2015; and

(2) after providing opportunity for public comment, report its findings, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 31, 2012, the Maryland Energy Administration, in consultation with the Public Service Commission, shall:

(1) study the feasibility of setting energy savings targets in 2015 and 2020 for natural gas companies; and

(2) after providing opportunity for public comment, report its findings, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.";

in line 11, strike "3." and substitute "6."; and in line 12, strike "July" and substitute "June".

The preceding 4 amendments were read only.

Senator Brinkley 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 209 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

Renewable Portfolio Standard Percentage Requirements – Acceleration

SB0209/737978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 209
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "payment;" insert "providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 3, in line 1, strike the brackets; in the same line, strike "**4.02%**"; in line 3, strike the brackets; in the same line, strike "**6.05%**"; in line 5, strike "**6.08%**" and substitute "**5.0%**"; and in line 7, strike "**8.12%**" and substitute "**6.5%**".

On page 3, after line 29, insert:

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

Article – Public Utility Companies".

On page 5, after line 4, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2011."; in line 5, strike "2." and substitute "4."; in the same line, after "That" insert ", except as provided in Section 3 of this Act,"; and in line 6, strike "October 1, 2008" and substitute "January 1, 2009".

The preceding 2 amendments were read only.

Senator Garagiola 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 1008 – Senator Middleton

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

SB1008/317974/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1008
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "manner;" insert "requiring certain home builders to disclose certain information to a prospective home buyer;".

AMENDMENT NO. 2

On page 5, in line 25, after "**INCLUDE**" insert "**:**

(I)";

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

(II) AN EMPLOYEE OR OFFICER AGENT FOR A NONPROFIT ORGANIZATION, WITH AT LEAST A 5–YEAR EXEMPLARY RECORD IN THE STATE AS A DEVELOPER OF AFFORDABLE HOUSING FOR PERSONS WITH LOW TO MODERATE INCOMES, IN THE INITIAL SALE OF A HOME IF:

1. THE HOME IS CONSTRUCTED OR REHABILITATED BY THE NONPROFIT ORGANIZATION; AND

2. THE PURCHASER OF THE HOME IS USING FEDERAL, STATE, OR LOCAL GOVERNMENT OR OTHER SUBSIDIZED FINANCING ADMINISTERED BY THE NONPROFIT ORGANIZATION FOR THE PURPOSE OF ASSISTING INDIVIDUALS WITH LOW TO MODERATE INCOMES TO PURCHASE HOMES".

AMENDMENT NO. 3

On page 14, after line 18, insert:

"**(C) (1) A HOME BUILDER SHALL PROVIDE EACH PROSPECTIVE HOME BUYER WITH A DISCLOSURE THAT STATES: "THE SALES REPRESENTATIVE WORKS FOR THE HOME BUILDER, WHICH MEANS THAT HE OR SHE MAY ASSIST THE BUYER IN PURCHASING THE PROPERTY, BUT HIS OR HER DUTY OF LOYALTY IN ONLY TO THE HOME BUILDER.".**

(2) THE DISCLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN AT LEAST 12–POINT BOLD TYPE AND SHALL BE INCLUDED WITH:

(I) ANY WRITTEN MATERIALS MADE AVAILABLE TO CONSUMERS AT THE PROPERTY AT WHICH A REGISTERED SALES REPRESENTATIVE PRIMARILY PERFORMS WORK THAT REQUIRES REGISTRATION UNDER THIS TITLE; AND

(II) THE FIRST AGREEMENT SIGNED BY THE CONSUMER.".

AMENDMENT NO. 4

On page 17, in line 22, strike "**ARISES**" and substitute "**ARISE**"; and in line 23, after "**HOME**" insert "**OR THE BREACH OF AN EXPRESS OR IMPLIED WARRANTY, AS DEFINED IN §§ 10–202 AND 10–203 OF THE REAL PROPERTY ARTICLE**".

On page 21, in line 26, after "**(G)**" insert "**(1)**"; in line 29, after "**WARRANTY**" insert "**UNDER § 10–204 OF THE REAL PROPERTY ARTICLE**"; and after line 29, insert:

"**(2) IF A CLAIMANT HAS FILED A CLAIM WITH A NEW HOME WARRANTY SECURITY PLAN, A CLAIMANT MAY BRING A CLAIM AGAINST THE**

GUARANTY FUND WITHIN 4 MONTHS AFTER THE CLAIMS PROCESS OF THE HOME WARRANTY SECURITY PLAN IS EXHAUSTED.".

On page 22, in line 6, strike the first "**THAT**" and substitute "**WHETHER**"; and in line 23, strike "**IN ACCORDANCE WITH**" and substitute "**, TAKING INTO CONSIDERATION APPLICABLE LAWS, INCLUDING EXPRESS AND IMPLIED WARRANTIES AND**".

AMENDMENT NO. 5

On page 23, in line 8, after "**AUTHORIZES**" insert "**:**

(I)";

and in line 11, after "**ARBITRATION**" insert "**; OR**

(II) IF THE CLAIMANT'S NEW HOME CONTRACT PROVIDES FOR MUTUAL SELECTION OF THE ARBITRATION SERVICE AND THE CLAIMANT AND REGISTRANT HAVE MUTUALLY AGREED ON AN ARBITRATION SERVICE, THE CLAIMANT MUST SUBMIT THE DISPUTE TO ARBITRATION PRIOR TO SEEKING RECOVERY FROM THE GUARANTY FUND".

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 #22

CONSENT CALENDAR #8

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

House Bill 17 – Delegate Sossi

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 64 – Delegate Kipke

AN ACT concerning

Fallen Soldier Privacy Act of 2008

HB0064/627477/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 64
(Third Reading File Bill)

On page 2, in line 13, strike "**SECTION**" and substitute "**SUBTITLE**"; and in line 21, strike "**SECTION**" and substitute "**SUBTITLE**".

On page 3, in line 32, strike "**SECTION**" and substitute "**SUBTITLE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 118 – Delegates Frush and Hubbard

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 340 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

Public Utility Companies – Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park – Exemption from Motor Carrier Permit Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 458 – Delegate G. Clagett

AN ACT concerning

State Personnel – Executive Pay ~~Plan~~ Plans – Reporting Requirements – ~~Repeal~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 608 – Delegates Kelly, Bartlett, Beidle, Beitzel, Conaway, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Jennings, Kipke, McComas, McDonough, McKee, Myers, Norman, O'Donnell, Riley, Schuh, Shank, Smigiel, Sophocleus, Sossi, Stull, ~~and Weldon~~ Weldon, Hecht, Manno, Mathias, and Taylor

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Energy Efficiency and Conservation Programs and Services – ~~Prohibition of Surcharge Without~~ Customer ~~Consent~~ Notification and Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 872 – Delegates Pendergrass, Bobo, DeBoy, Guzzone, Malone, ~~and F. Turner~~ F. Turner, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 915 – Delegate Love

AN ACT concerning

Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1059 – Delegates Hubbard, Benson, Costa, Elliott, Gaines, Guzzone, Hucker, Kipke, Kullen, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Bromwell, Donoghue, Kach, McDonough, Mizeur, Morhaim, and Reznik

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date Extension and Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1166 – ~~Delegate Davis~~ Delegates Davis, Haddaway, Hecht, King, Manno, Mathias, Miller, Minnick, Vaughn, and Walkup

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

HB1166/787575/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1166
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike "7–704(a)(4)" and substitute "7–704(a)(2)(i)1. and (4)"; and in line 6, after "litter;" insert "providing that poultry litter–to–energy is eligible for inclusion in meeting the Tier 1 renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland;".

AMENDMENT NO. 2

On page 2, after line 27, insert:

"(a) (2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, energy from a Tier 1 renewable source under § 7–701(l)(1) **OR (9)** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.";

and in line 28, strike "(a)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 63 – Delegate Branch

AN ACT concerning

Elevator Safety Review Board Fund

HB0063/447672/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 63
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "certain inspections, certain registrations, and"; strike beginning with "providing" in line 7 down through "year;" in line 10; and in line 14, strike "12–809 and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 10 on page 3, inclusive.

On page 4, strike in their entirety lines 18 through 30, 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:

House Bill 852 – Delegates Davis, Feldman, Haddaway, Hecht, Impallaria, Jameson, Krysiak, Love, Manno, Mathias, McHale, Miller~~, Minnick~~, Vaughn, Walkup, and Wood

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

Favorable report adopted by a roll call vote as follows:

Affirmative – 34 Negative – 10 (See Roll Call No. 748)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1301 – Delegates Frick, McIntosh, Gutierrez, Waldstreicher, Carr, Ali, Barkley, Barve, Beidle, Benson, Bronrott, V. Clagett, Dumais, Feldman, Frush, Gilchrist, Healey, Heller, Hixson, Hucker, Kaiser, Kramer, Lee, Malone, Manno, McComas, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Niemann, Reznik, Rice, Shewell, Simmons, Sossi, and Taylor

AN ACT concerning

The Jane E. Lawton Loan Program

HB1301/537577/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1301
(Third Reading File Bill)

On page 7, strike beginning with the comma in line 27 down through "**FUND**" in line 28.

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 #23

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

House Bill 287 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Department of Detention Facilities ~~Correctional Employees~~ Employment Applicants – Polygraph Examinations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

Reorganization of State Government – Department of Information Technology

HB0362/777070/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 362
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Technology;" insert "requiring the Secretary to provide a certain annual report on certain technology development projects to the Department of Legislative Services;".

AMENDMENT NO. 2

On page 17, after line 22, insert:

"**(M) ON OR BEFORE JANUARY 15 OF EACH YEAR, FOR EACH MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT CURRENTLY IN DEVELOPMENT OR FOR WHICH OPERATIONS AND MAINTENANCE FUNDING IS BEING PROVIDED IN ACCORDANCE WITH § 3A–309(I)(3) OF THIS SUBTITLE, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY SHALL PROVIDE A SUMMARY REPORT TO THE DEPARTMENT OF LEGISLATIVE SERVICES WITH THE MOST UP–TO–DATE PROJECT INFORMATION INCLUDING:**

(1) PROJECT STATUS;

(2) ANY SCHEDULE, COST, AND SCOPE CHANGES SINCE THE LAST ANNUAL REPORT;

(3) A RISK ASSESSMENT INCLUDING ANY PROBLEMS IDENTIFIED BY ANY INTERNAL OR EXTERNAL REVIEW AND ANY CORRECTIVE ACTIONS TAKEN; AND

(4) ANY CHANGE IN THE MONITORING OR OVERSIGHT STATUS.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 373 – The Speaker (By Request – Administration) and Delegates McIntosh, Howard, Ali, Barve, Bronrott, Burns, Cardin, Conaway, Gaines, Glenn, Griffith, Guzzone, Haynes, Kirk, Lafferty, Montgomery, Oaks, Rosenberg, Sophocleus, Stukes, Vaughn, ~~and Walker~~ Walker, Healey, Frush, Stull, Carr, Stein, Malone, Norman, Hucker, Weir, Holmes, V. Clagett, Niemann, and Beidle

AN ACT concerning

Maryland Transit Administration – Transit–Oriented Development

HB0373/147473/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 373
(Third 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, strike "providing for the construction of this Act;" and substitute "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 9, 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 5, in line 1, after "(a)" insert "**(1)**"; and after line 8, 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, strike in their entirety lines 18 through 23, inclusive, and substitute:

"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.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 404 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Fraud – Required Disclosure Statements

HB0404/477979/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 404
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "date;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, after line 7, insert:

"**(A) IN THIS SECTION, "CLAIM FORM" MEANS ANY DOCUMENT SUPPLIED BY AN INSURER TO A CLAIMANT THAT A CLAIMANT IS REQUIRED TO COMPLETE AND SUBMIT IN SUPPORT OF A CLAIM FOR BENEFITS.**";

in line 8, strike "**(A)**" and substitute "**(B)**"; in the same line, strike "**(B)**" and substitute "**(C)**"; in line 29, strike "**(B)**" and substitute "**(C)**"; and in the same line, strike "**(A)(1)**" and substitute "**(B)(1)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 405 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Homeowner's Insurance – Loss from Water and Sewer Backup – Offer of Coverage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Financing Transactions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 416 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – State Collection of the Federal Unemployment Insurance Tax

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 419 – Delegates Elliott, Ali, Bartlett, Beitzel, Bromwell, Cane, Costa, DeBoy, Frush, George, Norman, Hammen, Hecht, Hubbard, Impallaria, Kach, King, Kipke, Kirk, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk,

Pendergrass, Proctor, Reznik, Riley, Rudolph, Smigiel, Sophocleus, Sossi, Stukes, Stull, V. Turner, Walkup, Weir, ~~and Weldon~~ Weldon, Benson, and Donoghue

AN ACT concerning

Pharmacy Benefits Managers – Registration

HB0419/417176/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 419
(Third Reading File Bill)

On page 5, in line 13, strike "**ASSOCIATION**" and substitute "**ARRANGEMENT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 750 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Cancellation of Binders or Policies – Certificate of Mail

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 933 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission Park Police – Workers' Compensation – Lyme Disease Presumption
PG/MC 101–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #24

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

Senate Bill 203 – The President (By Request – Administration)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

SB0203/147675/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 203
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "Council;" insert "providing for the membership of the Transition Council;"; in lines 9 and 13, in each instance, after "Department" insert "of Labor, Licensing, and Regulation"; in line 15, after "purposes;" insert "altering a certain definition;"; in the same line, after "terms;" insert "requiring the Department of Labor, Licensing, and Regulation to be responsible for the development of a certain State plan and its submission to the federal Department of Education; declaring that the State assents to certain federal acts; requiring the State Treasurer to be the custodian of certain money received under certain federal acts; requiring the departments to cooperate with certain federal agencies to administer certain federal acts and take certain actions in connection with certain federal acts; requiring that certain services, programs, and grants in the State transfer to the Department of

Labor, Licensing, and Regulation by a certain date; requiring that certain funds be included in a certain budget for a certain fiscal year; authorizing the Governor to transfer certain appropriations; authorizing certain grants and funding contracts to continue for a certain time period under certain circumstances; requiring the departments to consult over certain grants and contracts;".

On page 2, in line 24, strike "11–807" and substitute "11–808"; and in line 25, strike "11–905" and substitute "11–907".

AMENDMENT NO. 2

On page 7, in line 13, strike "Vocational Education Act of 1963" and substitute "**CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT**".

On page 8, in line 4, strike "and"; and in line 5, after "(3)" insert "**FACILITATE THE TRANSFER OF FEDERAL FUNDS TO THE APPROPRIATE OPERATIONAL ENTITY; AND**

(4)".

AMENDMENT NO. 3

On page 15, in line 28, after "**(1)**" insert "**ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT;**

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER;

(3)";

in line 28, strike "**CHAIR**" and substitute "**COCHAIR**"; and in line 29, strike "**(2)**" and substitute "**(4)**".

On page 16, in lines 1, 3, 4, 5, 7, 9, 11, and 13, strike "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively; in line 3, strike "**SCHOOLS**" and substitute "**SCHOOLS, WHO SHALL SERVE AS COCHAIR**"; in line 12, strike "**AND**"; and in line 14, strike "**BOARD**" and substitute "**BOARD; AND**

(13) TEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING REPRESENTATIVES FROM THE FOLLOWING COMMUNITIES OF INTEREST:

(I) FAMILY LITERACY;

(II) ADULT BASIC EDUCATION;

(III) CAREER AND TECHNICAL EDUCATION;

(IV) WORKPLACE LITERACY;

(V) CORRECTIONAL EDUCATION;

(VI) COMMUNITY LIBRARIES;

(VII) ENGLISH AS A SECOND LANGUAGE PROVIDERS;

(VIII) ORGANIZED LABOR;

(IX) EMPLOYERS; AND

(X) NONPROFIT ORGANIZATIONS INVOLVED IN PROGRAMS TO PROMOTE ECONOMIC SELF–SUFFICIENCY".

AMENDMENT NO. 4

On pages 16 and 17, strike in their entirety the lines beginning with line 16 on page 16 through line 6 on page 17, inclusive, and substitute:

"**(1) DEVELOP A PLAN FOR THE SEAMLESS TRANSITION OF THE ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS FROM THE STATE DEPARTMENT OF EDUCATION TO THE DEPARTMENT;**

(2) ACTIVELY ASSIST IN THE DEVELOPMENT OF A NEW STATE PLAN FOR ADULT EDUCATION;

(3) IDENTIFY EXISTING ADULT EDUCATION PROGRAMS IN OTHER UNITS OF STATE GOVERNMENT AND DEVELOP STRATEGIES TO MAKE THE AGENCIES PART OF A COORDINATED PROGRAM;

(4) RECOMMEND A FRAMEWORK FOR A NEW STATE SYSTEM OF DELIVERING ADULT EDUCATION AND WORKFORCE PROGRAMS THROUGH THE DEPARTMENT THAT:

(I) PROVIDES FOR THE EFFECTIVE ALIGNMENT OF ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS WITH WORKFORCE DEVELOPMENT PROGRAMS;

(II) TRACKS OUTCOMES OF ADULT EDUCATION STUDENTS; AND

(III) IS CONSISTENT WITH APPLICABLE FEDERAL LAWS;

(5) REVIEW THE OVERLAPPING RESPONSIBILITIES OF CORRECTIONAL EDUCATION AS THEY RELATE TO IMPLEMENTATION OF ADULT CORRECTIONAL EDUCATION AND JUVENILE SERVICES EDUCATION;

(6) DETERMINE THE ADVISABILITY OF TRANSFERRING CORRECTIONAL EDUCATION SERVICES IN LIGHT OF THE POTENTIAL NEGATIVE IMPACT THE TRANSFER COULD HAVE ON THE EFFECTIVE OPERATION OF JUVENILE SERVICES EDUCATION; AND

(7) RECOMMEND THE COMPOSITION AND RESPONSIBILITIES OF A STATE ADVISORY COUNCIL ON ADULT EDUCATION, LITERACY, AND WORKFORCE DEVELOPMENT.".

On page 17, in line 9, strike "**THE**" and substitute "**ON OR BEFORE DECEMBER 31, 2008, THE**"; and in lines 9 and 10, strike "**ON OR BEFORE DECEMBER 31, 2009**".

AMENDMENT NO. 5

On page 17, in line 9, after "**(E)**" insert "**(1)**"; after line 13, insert:

"**(2) THE REPORT SHALL INCLUDE A SUMMARY OF THE PLAN FOR THE SEAMLESS TRANSITION OF THE ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS FROM THE STATE DEPARTMENT OF EDUCATION INCLUDING:**

(I) STRATEGIES FOR ENSURING PROGRAM CONTINUITY FOR CLIENTS OF THE AFFECTED PROGRAMS;

(II) STRATEGIES FOR ENSURING CONTINUITY IN THE STATE ADMINISTRATION OF AFFECTED GRANT PROGRAMS;

(III) PROVISIONS REGARDING AFFECTED EMPLOYEES, INCLUDING A SPECIFIC ANALYSIS OF THE TRANSFER OF EMPLOYEES WITH SHARED RESPONSIBILITIES FOR ADULT CORRECTIONAL EDUCATION AND JUVENILE SERVICES EDUCATION SUCH AS GRANT MANAGERS AND PROGRAM COORDINATORS;

(IV) STRATEGIES FOR COORDINATING THE ACTIVITIES AND RESPONSIBILITIES OF UNITS OF STATE GOVERNMENT INVOLVED IN ADMINISTERING THE TRANSFERRED PROGRAMS; AND

(V) STRATEGIES FOR ADDRESSING POTENTIAL CHALLENGES TO IMPLEMENTING THE TRANSITION OF THE AFFECTED PROGRAMS IN A MANNER THAT ENSURES THE CONTINUED DELIVERY OF QUALITY CONTENT TO CLIENTS OF THE AFFECTED PROGRAMS.";

after line 14, insert:

"**THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE STATE PLAN FOR ADULT EDUCATION AND LITERACY SERVICES AND ITS SUBMISSION TO THE FEDERAL DEPARTMENT OF EDUCATION.**

11–805.";

and in line 29, strike "**11–805.**" and substitute "**11–806.**".

On page 18, in line 14, strike "**11–806.**" and substitute "**11–807.**"; and in line 17, strike "**DEPARTMENT**" and substitute "**SECRETARY**".

On page 19, in line 8, strike "**11–807.**" and substitute "**11–808.**".

AMENDMENT NO. 6

On page 20, in line 6, strike "**DEPARTMENT**" and substitute "**SECRETARY**"; in line 14, strike "**SIX**" and substitute "**SEVEN**"; in line 24, strike "**AND**"; after line 24, insert:

"**(V) AN OFFICIAL FROM A LOCAL CORRECTIONAL FACILITY; AND**";

and in line 25, strike "**(V)**" and substitute "**(VI)**".

On page 23, in line 24, after "**(A)**" insert "**THE DEPARTMENT IS RESPONSIBLE FOR THE PROVISION OF EDUCATION AND WORKFORCE SKILLS TRAINING PROGRAMS IN THE ADULT CORRECTIONAL INSTITUTIONS IN THE STATE.**

(B)";

and in lines 24 and 25, strike "**OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION**".

On page 24, in lines 1 and 3, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; after line 12, insert:

"**IN THIS SUBTITLE, "FEDERAL ACTS" MEANS THE ACTS OF CONGRESS THAT AUTHORIZE FUNDING FOR EDUCATION, LIBRARY SERVICES, AND WORKFORCE DEVELOPMENT TRAINING FOR INMATES IN ADULT CORRECTIONAL FACILITIES, AND ANY AMENDMENTS TO THOSE ACTS.**

11–905.

(A) THE STATE OF MARYLAND ASSENTS TO THE FEDERAL ACTS.

(B) THE STATE TREASURER SHALL:

(1) BE THE CUSTODIAN OF ANY MONEY RECEIVED UNDER THE FEDERAL ACTS; AND

(2) DISBURSE THIS MONEY IN ACCORDANCE WITH THE FEDERAL ACTS.

(C) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION AND THE STATE BOARD OF EDUCATION, AS APPROPRIATE, SHALL:

(1) COOPERATE WITH THE APPROPRIATE FEDERAL AGENCIES IN ADMINISTERING THE FEDERAL ACTS;

(2) DO ANYTHING NECESSARY TO SECURE THE BENEFITS OF THE FEDERAL ACTS;

(3) FACILITATE THE TRANSFER OF FUNDS TO THE APPROPRIATE OPERATIONAL AGENCY; AND

(4) REPRESENT THIS STATE IN ALL MATTERS RELATING TO THE ADMINISTRATION OF THE FEDERAL ACTS.

11–906.";

strike beginning with "**EDUCATION**" in line 15 down through "**COUNCIL**" in line 16 and substitute "**EDUCATION AND WORKFORCE TRAINING AND COORDINATING COUNCIL**"; and in line 27, strike "**11–905.**" and substitute "**11–907.**".

AMENDMENT NO. 7

On page 25, after line 8, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) The responsibility for the provision of adult education and literary services in the State shall be transferred to the Department of Labor, Licensing, and Regulation on July 1, 2009.

(2) The responsibility for the provision of education and workforce skills training programs in the adult correctional institutions in the State shall be transferred to the Department of Labor, Licensing, and Regulation on July 1, 2009.

(b) (1) Funding for the services and programs transferred to the Department under subsection (a) of this section shall be included in the fiscal 2010 budget of the Department.

(2) Federal fund grants directed to the State through other State agencies shall be transferred to the Department on July 1, 2009.";

after line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That, pursuant to § 7–209(e)(2)(iv) of the State Finance and Procurement Article, the Governor is authorized to transfer appropriations, including general funds, special funds, and federal funds, from the State Department of Education to the Department of Labor, Licensing, and Regulation as necessary to carry out the provisions of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the availability of State or federal funds, the consent of the grantees or contractors, and satisfactory performance of services, all adult education, family literacy, and correctional education grants and funding contracts, within the scope of Section 1 of this Act and awarded prior to the effective date of this Act, shall be continued, without the need for rebidding, through Fiscal Year 2009 and Fiscal Year 2010.

SECTION 8. AND BE IT FURTHER ENACTED, That any new grants or funding contracts awarded between July 1, 2008 and June 30, 2009 for adult education, family literacy, and correctional education, within the scope of Section 1 of this Act, shall be awarded only after consultation between the State Department of Education and the Department of Labor, Licensing, and Regulation.";

and in lines 9, 15, 19, 25, 34, and 40, strike "3.", "4.", "5.", "6.", "7.", and "8.", respectively, and substitute "4.", "5.", "9.", "10.", "11.", and "12.", respectively.

The preceding 7 amendments were read only.

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

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 626 – Delegate Niemann

AN ACT concerning

Business Regulation – Maryland Real Estate Brokers Act – Violations and Penalties

FOR the purpose of altering the maximum penalties that may be imposed by a court or the State Real Estate Commission for certain violations of the Maryland Real Estate Brokers Act; altering the provisions of the Maryland Real Estate Brokers Act, a violation of which is subject to certain criminal penalties; providing that a person who violates the Maryland Real Estate Brokers Act is subject to certain provisions regarding statute of limitations and in banc review; and generally relating to violations and penalties under the Maryland Real Estate Brokers Act.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–530 and 17–532
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–613
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 795 – Delegates Reznik, Ali, Cardin, Conaway, Davis, Feldman, Frick, Haddaway, Hammen, Ivey, Kaiser, King, Kipke, Manno, Rice, Schuler, Taylor, Vaughn, and Walker

AN ACT concerning

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

FOR the purpose of prohibiting a person from participating as a mixed martial ~~artist~~ arts contestant in a certain contest in the State unless the person has a license issued by the State Athletic Commission; exempting certain amateur mixed martial arts from the requirements of this Act under certain circumstances; requiring a mixed martial ~~artist~~ arts contestant licensee to be examined by a certain physician under certain circumstances; requiring an applicant for a mixed martial ~~artist~~ arts contestant license or licensee to provide certain documentary evidence about the results of certain medical tests under certain circumstances; establishing certain application fees for certain licenses; establishing the scope of a mixed martial ~~artist~~ arts contestant license; altering the scope of certain licenses; requiring the Commission to adopt certain regulations; authorizing the Commission to deny, reprimand, suspend, or revoke a mixed martial ~~artist~~ arts contestant license under certain circumstances; requiring the Commission to suspend or revoke a mixed martial ~~artist~~ arts contestant license under certain circumstances; requiring the Commission to require an individual to be examined by a certain physician before the individual may participate as a mixed martial ~~artist~~ arts contestant in a contest under certain circumstances; authorizing the Commission to prohibit the individual from participating in a contest as a mixed martial ~~artist~~ arts contestant under certain circumstances; authorizing a mixed martial ~~artist~~ arts contestant to enter the ring only under certain circumstances; requiring a mixed martial ~~artist~~ arts contestant to submit to a certain urine test ~~and to wear certain gloves under certain circumstances~~; repealing certain requirements that a boxer or kick boxer wear certain gloves under certain circumstances; extending the application of certain prohibited acts and certain penalties to mixed martial ~~artists~~ arts contestants; altering certain prohibited acts; extending the application of the boxing and wrestling tax to gross receipts derived from mixed martial arts contests; altering the penalty for failure to pay a certain tax; providing for the applicability of certain provisions of this Act; defining a certain term; altering certain definitions; making stylistic changes; and generally relating to ~~the~~ certain licensing ~~of mixed martial artists and the~~ and regulation ~~of mixed martial arts contests~~ under the State Athletic Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4–101; and 4–301, 4–302, 4–303(a), 4–304(a), 4–304.1(a) and (b), 4–305(a), 4–308, 4–310, 4–314(a) and (c), 4–315, 4–316, 4–320, and 4–321 to be under the amended subtitle "Subtitle 3. Boxing, Kick Boxing, Wrestling, and Mixed Martial Arts"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General

Section 6–101
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 6–102
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1214 – Delegates Hecht, Harrison, Krysiak, and McHale

AN ACT concerning

Maryland Not–For–Profit Development Center Program

FOR the purpose of establishing the Maryland Not–For–Profit Development Center Program in the Department of Business and Economic Development; requiring the Program to provide certain training and technical assistance services to certain not–for–profit entities; establishing the Maryland Not–For–Profit Development Center Program Fund; establishing certain moneys and fees to be distributed to the Fund; providing for the purpose of the Fund; requiring the Department to designate a certain number of organizations to implement the Program and providing certain criteria for the designations; defining certain terms; increasing the amount of a certain processing fee paid by certain nonstock corporations under certain circumstances and requiring a portion of the processing fee to be credited to the Fund; and generally relating to the Maryland Not–For–Profit Development Center Program.

BY adding to
Article – Economic Development
Section 5–1201 through 5–1205 to be under the new subtitle "Subtitle 12. Maryland Not–For–Profit Development Center Program"
Annotated Code of Maryland
(As enacted by ~~Chapter _____ (H.B. _____)(8lr0698)~~ Chapter ____ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 1–203(a), (b)(10), and (d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations
Section 1–203(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Corporations and Associations
Section 1–203(b)(11) and (e)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1557 – Delegates Vaughn, Feldman, Holmes, Kach, Krysiak, and Taylor

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

FOR the purpose of repealing a requirement that an individual who sells any real estate as a sales agent for a home builder be licensed by the State Real Estate Commission; renaming the Home Builder Registration Unit in the Consumer Protection Division of the Office of the Attorney General to be the Home Builder and Home Builder Sales Representative Registration Unit; requiring the Unit to maintain a list of certain registered sales representatives; requiring the Unit to make certain information regarding certain laws and regulations available to certain registered sales representatives within a certain time period; requiring the Unit to collect and maintain certain information regarding consumer complaints involving registered sales representatives; prohibiting certain persons from acting as home builder sales representatives unless the person is a registered sales representatives; providing for certain application, issuance, and renewal procedures for registration certificates for registered sales representatives; requiring certain registered sales representatives to display a certain registration certificate in a certain manner; requiring certain home builders to disclose certain information to a prospective home buyer; authorizing the Unit to deny, reprimand, suspend, or revoke a certain registration certificate or impose certain penalties on certain registered sales representatives under certain circumstances; prohibiting certain acts and providing for certain penalties; requiring certain persons to pay a certain fee before being issued certain permits for home building in certain counties; increasing certain home builder registration and renewal fees; requiring the Division to establish the Home Builder Guaranty Fund; requiring the Division to maintain the Guaranty Fund at a certain monetary level, deposit certain money into the Guaranty Fund, and administer the Guaranty Fund; requiring the Office of Legislative Audits to audit the Guaranty Fund; establishing a

custodian of the Guaranty Fund; requiring that certain administrative costs of the Guaranty Fund be paid from a certain fund; requiring certain home builders to pay a certain Guaranty Fund fee with each application for a permit for the construction of a new home; authorizing a home builder to collect money for the Guaranty Fund fee from a certain person; requiring certain county departments to remit Guaranty Fund fees to the Division at a certain time; authorizing the Division to set a certain fee; providing for the suspension of a home builder's registration under certain circumstances; authorizing a consumer to recover compensation from the Guaranty Fund under certain circumstances; requiring certain consumers to provide a certain notice to a registrant under certain circumstances; requiring a complainant with a certain new home warranty security plan to file a certain claim with the plan and exhaust the plan's claims process before seeking recovery from the Guaranty Fund; establishing certain limits on the recovery of a claimant; authorizing the Division to deny a claim under certain circumstances; limiting the amounts of money and purposes for which the Division may make awards from the Guaranty Fund; prohibiting certain persons from making claims against the Guaranty Fund; authorizing a claimant to bring a claim against the Guaranty Fund within a certain time period; specifying procedures for recovering money from the Guaranty Fund; requiring the Division's mediation unit to perform certain duties; requiring the Division to process certain claims made against the Guaranty Fund; authorizing a claimant to make certain appeals; providing that the Division has a right to reimbursement from a certain registrant for money paid from the Guaranty Fund; establishing certain penalties; requiring the Consumer Protection Division of the Office of the Attorney General to submit a certain report on the activities regarding the Home Builder Registration Fund and the Home Builder Guaranty Fund to the General Assembly on or before a certain date each year; defining certain terms; providing for the application of this Act; and generally relating to the Home Builder Guaranty Fund and the registration of home builder sales representatives.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–101(l)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation

Section 4.5–101, 4.5–201, 4.5–202, 4.5–301, 4.5–303 through 4.5–308, 4.5–501, and 4.5–601; and 4.5–701 to be under the amended subtitle "Subtitle 8. Short Title"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 4.5–203 and 4.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 4.5–304.1; and 4.5–701 through 4.5–712 to be under the new subtitle "Subtitle 7. Home Builder Guaranty Fund"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 522 of the Acts of the General Assembly of 2000
Section 4

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 348	Sen. Middleton	Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

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

MOTION

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

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #9

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 #9
March 27, 2008

Agriculture, Board of Review of the Department of

1. Nina Bhat
11612 Capstan Drive
Upper Marlboro, MD 20772

Member of the Board of Review of the Department of Agriculture; appointed to serve a term of three years from January 1, 2007

Archaeology, Advisory Committee on

2. C. Jane Cox
1106 Bay Ridge Avenue
Annapolis, MD 21403

Member of the Advisory Committee on Archaeology; appointed to serve a term of three years from July 1, 2008

Deaf and Hard of Hearing, Maryland Advisory Council for the

3. Gary Franklin Monroe
10509 Gentian Court
Upper Marlboro, MD 20772

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve a term of three years from October 1, 2006

Deaf and Hard of Hearing, Office of the

4. Lisa H. Kornberg
3414 Bancroft Road
Baltimore, MD 21215

Director of the Office of the Deaf and Hard of Hearing; appointed to serve at the pleasure of the Governor

Economic Development Commission, Maryland

5. Deepak Bansal
17216 Founders Mill Drive
Rockville, MD 20855

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

Education, State Board of

6. D. Derek Wu
5460 E. Nithsdale Drive
Salisbury, MD 21801

Member of the State Board of Education; appointed to serve a term of one year from July 1, 2008

Emergency Number Systems Board

7. Richard D. Berg
8288 Elvaton Road
Millersville, MD 21108

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2007

8. Kevin Green
19168 Roman Way
Montgomery Village, MD 20886

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2007

Handgun Roster Board

9. Craig D. Uchida, Ph.D.
15134 Deer Valley Terrace

Silver Spring, MD 20906

Member of the Handgun Roster Board; appointed to serve remainder of a term of four years from December 8, 2004

Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of

10. Walter F. Bell, Jr.
13553 Essex Drive
Hagerstown, MD 21742

Member of the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2008

Higher Education Commission, Maryland

11. Mark R. Frazer, D.D.S
9000 Bay Avenue, #401
North Beach, MD 20714

Member of the Maryland Higher Education Commission; appointed to serve a term of five years from July 1, 2008

Human Relations Commission

12. Joyce DeLaurentis
220 South Street
Easton, MD 21601

Member of the Human Relations Commission; appointed to serve a term of six years from July 1, 2007

Injured Workers' Insurance Fund, Board for the

13. Joseph Merryman Coale, III
1317 Boyce Avenue
Baltimore, MD 21204

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2008

14. Charles H. Dankmeyer
908 Burnett Avenue
Arnold, MD 21012

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2008

Interagency Coordinating Council for Infants and Toddlers

15. Grace Pushparany Williams
13004 Pine Court
Bowie, MD 20720

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

Occupational Therapy Practice, State Board of

16. Meenakshi D. Gupta
8625 Valleyfield Road
Lutherville, MD 21093

Member of the State Board of Occupational Therapy Practice; appointed to serve a term of four years from July 1, 2007

Physicians, State Board of

17. Suresh K. Gupta, M.D.
109 Autumn Wind Way
Rockville, MD 20850

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2006

Podiatric Medical Examiners, State Board of

18. Barbara A. Crosby
1014 Upnor Road
Baltimore, MD 21212

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

Professional Standards and Teacher Education Board

19. Amy Benson
2815 Chesley Avenue

Baltimore, MD 21234

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2007

20. David Stuart Clapp
1401 LaBelle Avenue
Baltimore, MD 21204

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2008

21. Timothy Dawson
226 Teapot Court
Reisterstown, MD 21136

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2008

22. Nomsa Geleta
27865 Cross Creek Drive
Salisbury, MD 21801

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2008

Real Estate Appraisers and Home Inspectors, State Commission of

23. John E. Jordan, Jr.
7221 Leonardtown Road
Hughesville, MD 20637

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a three year term to expire December 31, 2008

Real Estate Commission, State

24. Abraham Fernando Carpio
6417 Adelphi Road
University Park, MD 20782

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2007

25. Rajan Natarajan, Ph.D.
4237 Woottens Lane
Burtonsville, MD 20866

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2008

26. Georgiana Tyler
205 Gittings Avenue
Baltimore, MD 21212

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2007

Residential Boarding Education Programs, Board of Trustees of

27. Carmen Sylvia Brown
11102 Old Carriage Road
Glen Arm, MD 21057

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve remainder of a term to expire June 30, 2010

28. Morton P. Fisher, Jr.
2435 Still Forest Road
Baltimore, MD 21208

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve remainder of a term to expire June 30, 2010

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

29. David Blitzstein
17439 Cherokee Lane
Olney, MD 20832

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve remainder of a term to expire July 31, 2008 and a term of four years from August 1, 2008

Technology Development Corporation Board of Directors, Maryland

30. Eric G. Orlinsky
4415 Greenway
Baltimore, MD 21218

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

University System of Maryland Board of Regents

31. Joshua L. Michael
9967 Timberknoll Lane
Ellicott City, MD 21042

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

Women, Maryland Commission for

32. Katherine A. Perez
14438 Old Stage Road
Bowie, MD 20720

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2007

Statewide Nominees

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

African American History and Culture, Commission on

S–1. Walter B. Hill, Jr., Ph.D.
3934 Sunflower Circle
Mitchellville, MD 20721

Member of the Commission on African American History and Culture; reappointed to serve a term of four years from July 1, 2008

Archaeology, Advisory Committee on

S–2. Michele C. Aubry
9503 Lynnhall Place
Alexandria, VA 22309

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2008

S–3. Richard J. Dent, Ph.D.
778 Woodmount Road
Great Cacapon, WV 25422

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2008

Architects, State Board of

S–4. Gary A. Bowden
213 Southway
Baltimore, MD 21218

Member of the State Board of Architects; reappointed to serve a term of five years from July 1, 2008

S–5. Gary Richard Ey
4245 Chapel Gate Place
Belcamp, MD 21017

Member of the State Board of Architects; reappointed to serve a term of five years from July 1, 2008

Chiropractic Examiners, State Board of

S–6. Kay B. O'Hara, D.C.
614 Dorsey Avenue
Essex, MD 21221

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

S–7. Duane Ragis Sadula, D.C.
21017 Cog Wheel Way
Germantown, MD 20876

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

Elections, State Board of

S–8. Andrew Vladimir Jezic, Esquire
2101 Hounds Run Place
Silver Spring, MD 20906

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2007

S–9. Bobbie Sue Mack
3001 Marcando Lane
Upper Marlboro, MD 20774

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

Health and Mental Hygiene, Board of Review of the Department of

S–10. Yoo Jung Chang
108 S. High Street
Baltimore, MD 21202

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2008

S–11. Betty Makell Coleman
8 Kirby Lane
Annapolis, MD 21401

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2007

S–12. Anne Ruth Cullen
3024 Traymore Lane
Bowie, MD 20715

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2007

S–13. Jacqueline C. Mashin, R.N.
2429 White Horse Lane
Silver Spring, MD 20906

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2008

Indian Affairs, Commission on

S–14. Cornelius Allen Red Deer
3058 Mayfield Avenue
Baltimore, MD 21213

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2008

S–15. Kathryn E. Robbins Fitzhugh
2363 Elliott Island Road
Vienna, MD 21869

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2008

S–16. Thomas W. Windsor, II
4917 78th Avenue
Hyattsville, MD 20784

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2008

Legal Services Corporation Board of Directors, Maryland

S–17. Bernard L. Jennings
5126 Northern Fences Lane
Columbia, MD 21044

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2008

S–18. 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, 2008

Patuxent Institution Board of Review

S–19. Arthur A. Marshall, Jr.
628 Plantation Boulevard
West River, MD 20778

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2008

S–20. Wayne S. Price, Sr.
7212 Hawthorne Street
Landover, MD 20785

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2008

Professional Standards and Teacher Education Board

S–21. Merlyn M. Bell
6703 Yataruba Drive
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–22. Cynthia T. Bowen, Ed.D.
2308 Pickwick Road
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–23. Cathy G. Cerveny
331 Royal Oak Drive
Bel Air, MD 21015

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–24. Louise E. DeJesu
520 Bay Dale Court
Arnold, MD 21012

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–25. Stephen H. Guthrie
2142 Misty Meadow Road
Finksburg, MD 21048

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–26. Ardith Z. Harle, Ed.D.
418 Point Way
Tracy's Landing, MD 20779

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–27. Darren R. Hornbeck
5423 El Camino
Columbia, MD 21044

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–28. Stephanie R. Moses
6160 Oxbridge Drive
Salisbury, MD 21801

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–29. Kimberly C. Oliver
306 S. Waterford Road
Silver Spring, MD 20901

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–30. Karen L. Roe, Ph.D.
9124 Snyder Lane
Perry Hall, MD 21128

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–31. Jolynn E. Tarwater
504 Watts Branch Parkway
Potomac, MD 20854

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

Real Estate Appraisers and Home Inspectors, State Commission of

S–32. Steven J. McAdams
3303 Mulberry Street
Edgewater, MD 21037

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2009

S–33. Thomas Pirritano
4906 Bramhope Lane
Ellicott City, MD 21043

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2008

Real Estate Commission, State

S–34. Anne S. Cooke
9821 Gwynn Park Drive
Ellicott City, MD 21042

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2007

S–35. Colette P. Youngblood
7000 High Bridge Road
Bowie, MD 20720

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2008

St. Mary's College Board of Trustees

S–36. The Honorable Steny H. Hoyer
Member of the St. Mary's College Board of Trustees; reappointed to serve a term of six years from June 1, 2007

Local Nominees

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

Howard County Board of Elections

L–1. Donna LaVerne Rice
5070 Amesbury Drive
Columbia, MD 21044

Member of the Howard County Board of Elections; appointed to serve a term of four years from June 4, 2007

Prince George's Community College Board of Trustees

L–2. Mel R. Franklin
8413 Old Colony Drive South

Upper Marlboro, MD 20772

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2006

L–3. Jerry J. Mathis
201 Battersea Lane
Fort Washington, MD 20744

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2008

L–4. Richard E. Thomas
302 Yorknolls Drive
Capitol Heights, MD 20743

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2008

St. Mary's County Alcoholic Beverages Board

L–5. Betty W. Currie
24740 Marva Point Way
Hollywood, MD 20636

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve a term of four years from January 1, 2006

L–6. Adam Morgan
P.O. Box 338
Clements, MD 20624

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve a term of four years from January 1, 2008

L–7. Max Patrick Thomas Sacks, Sr.
21091 Jenns Way
Leonardtown, MD 20650

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 1, 2008

L–8. Moses P. Saldana, Jr.
27910 Queentree Road
Mechanicsville, MD 20659

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 1, 2008

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 28, 2008

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #10

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 #10
March 27, 2008

African American History and Culture, Commission on

1. Kelsey Roderic Bush
21931 Rosewood Terrace
Lexington Park, MD 20653

Member of the Commission on African American History and Culture; appointed to serve a term of four years from July 1, 2005

Women, Maryland Commission for

2. Rabbi Elissa Sachs–Kohen
900 Adana Road
Pikesville, MD 21208

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 28, 2008

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 749)

ADJOURNMENT

At 11:48 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day March 26, 2008, Calendar Day, Friday, March 28, 2008.

Annapolis, Maryland
Legislative Day: March 26, 2008
Calendar Day: Friday, March 28, 2008
11:00 A.M. Session

The Senate met at 11:20 A.M.

Prayer by The Reverend Mark C. Mooney, St. Paul's United Methodist Church, guest of Senator Munson.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 25, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 751)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #60

Senate Bill 314 – Senators Currie and Kasemeyer

AN ACT concerning

~~Tax Credits for Individuals Facing Employment Barriers~~ State Employment Opportunity Credit – Sunset Extension

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

Affirmative – 44 Negative – 0 (See Roll Call No. 752)

The Bill was then sent to the House of Delegates.

Senate Bill 480 – Senators DeGrange, Jones, King, Madaleno, McFadden, and Munson

AN ACT concerning

~~Correctional Officers' Retirement System – Membership~~
State Retirement and Pension System – Membership and System Study

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

Affirmative – 45 Negative – 0 (See Roll Call No. 753)

The Bill was then sent to the House of Delegates.

Senate Bill 803 – Senators Robey, DeGrange, and Peters

AN ACT concerning

Law Enforcement Officers' Pension System – Membership – Retired Pilots with the Maryland State Police

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

Affirmative – 44 Negative – 0 (See Roll Call No. 754)

The Bill was then sent to the House of Delegates.

Senate Bill 934 – ~~Senator Harrington~~ Senators Harrington, Currie, and Peters

AN ACT concerning

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 755)

The Bill was then sent to the House of Delegates.

Senate Bill 945 – Senator Kasemeyer

AN ACT concerning

Local Governments – Postemployment Benefits – Investment of Funds

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

Affirmative – 45 Negative – 0 (See Roll Call No. 756)

The Bill was then sent to the House of Delegates.

Senate Bill 955 – Senator Harrington

AN ACT concerning

~~Brian Moore Student Health and Fitness Act of Maryland~~
Task Force on Student Physical Fitness in Maryland Public Schools

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

Affirmative – 45 Negative – 0 (See Roll Call No. 757)

The Bill was then sent to the House of Delegates.

Senate Bill 969 – Senator Della

AN ACT concerning

State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators

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

Affirmative – 45 Negative – 0 (See Roll Call No. 758)

The Bill was then sent to the House of Delegates.

Senate Bill 981 – Senator Robey

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

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

Affirmative – 45 Negative – 0 (See Roll Call No. 759)

The Bill was then sent to the House of Delegates.

Senate Bill 1008 – Senator Middleton

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

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

Affirmative – 44 Negative – 1 (See Roll Call No. 760)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #3

House Bill 63 – Delegate Branch

AN ACT concerning

Elevator Safety Review Board Fund

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

Affirmative – 35 Negative – 10 (See Roll Call No. 761)

The Bill was then sent to the House of Delegates.

House Bill 287 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Department of Detention Facilities ~~Correctional Employees~~ Employment Applicants – Polygraph Examinations

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

Affirmative – 43 Negative – 0 (See Roll Call No. 762)

The Bill was then sent to the House of Delegates.

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

Reorganization of State Government – Department of Information Technology

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

Affirmative – 31 Negative – 14 (See Roll Call No. 763)

The Bill was then sent to the House of Delegates.

House Bill 373 – The Speaker (By Request – Administration) and Delegates McIntosh, Howard, Ali, Barve, Bronrott, Burns, Cardin, Conaway, Gaines, Glenn, Griffith, Guzzone, Haynes, Kirk, Lafferty, Montgomery, Oaks, Rosenberg, Sophocleus, Stukes, Vaughn, ~~and Walker~~ Walker, Healey, Frush, Stull, Carr, Stein, Malone, Norman, Hucker, Weir, Holmes, V. Clagett, Niemann, and Beidle

AN ACT concerning

Maryland Transit Administration – Transit–Oriented Development

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

Affirmative – 39 Negative – 6 (See Roll Call No. 764)

The Bill was then sent to the House of Delegates.

House Bill 402 – St. Mary's County Delegation

AN ACT concerning

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

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

Affirmative – 41 Negative – 3 (See Roll Call No. 765)

The Bill was then sent to the House of Delegates.

House Bill 404 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Fraud – Required Disclosure Statements

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

Affirmative – 45 Negative – 0 (See Roll Call No. 766)

The Bill was then sent to the House of Delegates.

House Bill 405 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Homeowner's Insurance – Loss from Water and Sewer Backup – Offer of Coverage

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

Affirmative – 45 Negative – 0 (See Roll Call No. 767)

The Bill was then sent to the House of Delegates.

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Financing Transactions

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

Affirmative – 45 Negative – 0 (See Roll Call No. 768)

The Bill was then sent to the House of Delegates.

House Bill 416 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – State Collection of the Federal Unemployment Insurance Tax

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

Affirmative – 42 Negative – 3 (See Roll Call No. 769)

The Bill was then sent to the House of Delegates.

House Bill 419 – Delegates Elliott, Ali, Bartlett, Beitzel, Bromwell, Cane, Costa, DeBoy, Frush, George, Norman, Hammen, Hecht, Hubbard, Impallaria, Kach, King, Kipke, Kirk, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Proctor, Reznik, Riley, Rudolph, Smigiel, Sophocleus,

Sossi, Stukes, Stull, V. Turner, Walkup, Weir, ~~and Weldon~~ Weldon, Benson, and Donoghue

AN ACT concerning

Pharmacy Benefits Managers – Registration

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

Affirmative – 45 Negative – 0 (See Roll Call No. 770)

The Bill was then sent to the House of Delegates.

House Bill 750 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Cancellation of Binders or Policies – Certificate of Mail

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

Affirmative – 45 Negative – 0 (See Roll Call No. 771)

The Bill was then sent to the House of Delegates.

House Bill 852 – Delegates Davis, Feldman, Haddaway, Hecht, Impallaria, Jameson, Krysiak, Love, Manno, Mathias, McHale, Miller~~, Minnick~~, Vaughn, Walkup, and Wood

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

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

Affirmative – 31 Negative – 13 (See Roll Call No. 772)

The Bill was then sent to the House of Delegates.

House Bill 933 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission Park Police – Workers' Compensation – Lyme Disease Presumption
PG/MC 101–08

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

Affirmative – 44 Negative – 1 (See Roll Call No. 773)

The Bill was then sent to the House of Delegates.

House Bill 1301 – Delegates Frick, McIntosh, Gutierrez, Waldstreicher, Carr, Ali, Barkley, Barve, Beidle, Benson, Bronrott, V. Clagett, Dumais, Feldman, Frush, Gilchrist, Healey, Heller, Hixson, Hucker, Kaiser, Kramer, Lee, Malone, Manno, McComas, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Niemann, Reznik, Rice, Shewell, Simmons, Sossi, and Taylor

AN ACT concerning

The Jane E. Lawton Loan Program

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

Affirmative – 43 Negative – 1 (See Roll Call No. 774)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #4
CONSENT CALENDAR #3

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 429	Harford County Del.	Personal Property Tax – Refunds and Reports – Interest	B&T
HB 445	St. Mary's County Del.	Property Tax Credits – St. Mary's County – Land Preservation Easements	B&T
HB 471	St. Mary's County Del.	St. Mary's County – Public Facility Bonds	B&T
HB 588	Calvert County Del.	Calvert County – Sheriff – Pensions	B&T
HB 985	Del. V. Clagett	Sales and Use Tax – Energy	B&T

		Star Product Exemptions – Boilers	
HB 1064	Del. Conway	Convention Center – Bond Authority	B&T
HB 1338	Del. Beitzel	Garrett County – Public Facilities Bonds	B&T
HB 1596	Del. Jones	Board of Public Works – Notification – Capital Leases	B&T
HB 1604 (AMENDED)	Del. Carr	Department of Natural Resources – Municipal Parks Program	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 3 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 775)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #5
CONSENT CALENDAR #4

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 17	Del. Sossi	Task Force to Study the Boating Industry in Maryland	FIN
HB 64 (AMENDED)	Del. Kipke	Fallen Soldier Privacy Act of 2008	FIN
HB 118	Del. Frush	State Advisory Council on Quality Care at the End of Life – Membership	FIN
HB 340	Del. Pena–Melnyk	Public Util Cmpns – Bus Serv Provided by Univ of Md, CP – Exemp from Motor Carrier Prmt Reqmt	FIN
HB 458	Del. G. Clagett	State Personnel – Executive Pay Plans – Reporting Requirements	FIN

HB 608 (Emergency Bill)	Del. Kelly	PSC Energy Efcy and Conserv Programs and Services – Customer Notif and Rpt	FIN
HB 872	Del. Pendergrass	Health Insurance – Public–Private Health Care Programs	FIN
HB 915	Del. Love	Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties	FIN
HB 1059	Del. Hubbard	Community Services Reimbursement Rate Commission –Termination Date Extension and Modifications	FIN
HB 1166 (AMENDED)	Del. Davis	Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 4 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 776)

The Bills were then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 205 – The President (By Request – Administration) and Senators Frosh, Garagiola, Forehand, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

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

BY: Finance Committee

AMENDMENTS TO SENATE BILL 205
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "year;" insert "requiring the Public Service Commission to make certain calculations each year and to report those calculations to the General Assembly each year as part of its annual report;"; in the same line, strike "small" and substitute "certain"; in line 8, strike "Public Service"; in line 11, strike "measures" and substitute "programs"; strike beginning with "requiring" in line 18 down through "customers;" in line 20 and substitute "requiring the Commission to monitor and analyze the impact of certain programs and services; requiring the Commission to direct the electric companies to include certain information in a certain annual update;"; in line 24, after "implementation;" insert "authorizing the Commission to impose a certain special assessment on certain electric companies for a certain fiscal year; authorizing amounts collected from a special assessment to be expended in accordance with an approved budget amendment for certain expenses; stating the intent of the General Assembly that the annual State budget beginning in a certain fiscal year include certain amounts for the implementation of this Act; requiring, on or before a certain date, the Administration to review the anticipated achievement of certain goals for a certain purpose and, after providing opportunity for public comment, report its findings to certain committees; requiring the Administration, on or before a certain date, to study the feasibility of setting certain targets for natural gas companies and, after providing opportunity for public comment, report its findings to certain committees;"; in line 25, strike "measures" and substitute "programs"; and strike line 28 in its entirety and substitute "Section 7–211".

On page 2, strike in their entirety lines 2 through 6, inclusive.

AMENDMENT NO. 2

On page 2, in line 13, after "**(2)**" insert "**"DEMAND RESPONSE PROGRAM" MEANS A PROGRAM ESTABLISHED BY AN ELECTRIC COMPANY THAT PROMOTES CHANGES IN ELECTRIC USAGE BY CUSTOMERS FROM THEIR NORMAL CONSUMPTION PATTERNS IN RESPONSE TO:**

(I) CHANGES IN THE PRICE OF ELECTRICITY OVER TIME; OR

(II) INCENTIVES DESIGNED TO INDUCE LOWER ELECTRICITY USE AT TIMES OF HIGH WHOLESALE MARKET PRICES OR WHEN SYSTEM RELIABILITY IS JEOPARDIZED.

(3) "ELECTRICITY CONSUMPTION" AND "ELECTRICITY CONSUMED" MEAN THE SUM OF RETAIL ELECTRICITY SALES TO ALL CUSTOMERS AND REPORTED ELECTRICITY LOSSES WITHIN THE ELECTRIC DISTRIBUTION SYSTEM.

(4)";

in line 16, strike "**(3)**" and substitute "**(5) "PER CAPITA ELECTRICITY CONSUMPTION" MEANS THE RESULT CALCULATED BY DIVIDING THE TOTAL GIGAWATT–HOURS OF ELECTRICITY CONSUMED BY ELECTRICITY CUSTOMERS IN THE STATE AS OF DECEMBER 31 OF A YEAR, AS DETERMINED BY THE COMMISSION, BY THE POPULATION OF THE STATE AS OF DECEMBER 31 OF THAT YEAR, AS DETERMINED BY THE DEPARTMENT OF PLANNING.**

(6)";

in line 23, after "**EFFICIENCY**" insert "**, CONSERVATION, AND DEMAND RESPONSE**"; in line 27, after "**IN**" insert "**PER CAPITA**"; after line 28, insert:

"**(C) BEGINNING WITH THE 2008 CALENDAR YEAR AND EACH YEAR THEREAFTER, THE COMMISSION SHALL CALCULATE:**

(1) THE PER CAPITA ELECTRICITY CONSUMPTION FOR THAT YEAR; AND

(2) THE PEAK DEMAND FOR THAT YEAR.";

in line 29, strike "**(C)**" and substitute "**(D)**".

On page 3, in line 1, strike "**(D)**" and substitute "**(E)**"; in line 2, strike "**SMALL RURAL**" and substitute "**EACH**"; in the same line, after "**COOPERATIVE**" insert "**THAT SERVES A POPULATION OF LESS THAN 250,000 IN ITS SERVICE TERRITORY**"; in

the same line, strike "**THESE**" and substitute "**ENERGY EFFICIENCY AND CONSERVATION**"; in line 4, strike "**(E)**" and substitute "**(F)**"; in line 15, strike "**(F)**" and substitute "**(G)**"; in the same line, strike "**ON**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ON**"; in line 16, after "**SHALL**" insert "**:**

(1) TO THE EXTENT THE COMMISSION DETERMINES THAT COST–EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES ARE AVAILABLE, FOR EACH AFFECTED CLASS,";

in line 18, strike "**MEASURES**" and substitute "**PROGRAMS**"; in line 19, strike "**ENERGY**" and substitute "**ELECTRICITY**"; strike beginning with "**THE**" in line 19 down through "**A**" in line 21 and substitute "**A TARGETED**"; in line 24, strike "**A**" and substitute "**REQUIRE EACH ELECTRIC COMPANY TO IMPLEMENT A COST–EFFECTIVE DEMAND RESPONSE PROGRAM IN THE ELECTRIC COMPANY'S SERVICE TERRITORY THAT IS DESIGNED TO ACHIEVE A TARGETED**"; in line 25, after "**IN**" insert "**PER CAPITA**"; strike in their entirety lines 28 through 31, inclusive, and substitute:

"**(H) (1) (I) ON OR BEFORE JULY 1, 2008, AND EVERY 3 YEARS THEREAFTER, AN ELECTRIC COMPANY SHALL CONSULT WITH THE MARYLAND ENERGY ADMINISTRATION REGARDING THE DESIGN AND ADEQUACY OF ITS PLAN TO ACHIEVE THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGETS SPECIFIED IN SUBSECTION (G) OF THIS SECTION.**

(II) AN ELECTRIC COMPANY SHALL PROVIDE THE MARYLAND ENERGY ADMINISTRATION WITH ANY ADDITIONAL INFORMATION REGARDING THE PLAN THAT THE ADMINISTRATION REQUESTS.

(2) ON OR BEFORE SEPTEMBER 1, 2008, AND EVERY 3 YEARS THEREAFTER, AN ELECTRIC COMPANY SHALL SUBMIT ITS PLAN TO THE COMMISSION THAT DETAILS THE ELECTRIC COMPANY'S PROPOSALS FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGETS SPECIFIED IN SUBSECTION (G) OF THIS SECTION FOR THE 3 SUBSEQUENT CALENDAR YEARS.

(3) THE COMMISSION SHALL CONSIDER ANY WRITTEN FINDINGS PROVIDED BY THE MARYLAND ENERGY ADMINISTRATION REGARDING THE DESIGN AND ADEQUACY OF THE PLAN.";

in line 32, strike "**(II)**" and substitute "**(4)**"; in line 33, after "**COMMISSION**" insert "**AND THE MARYLAND ENERGY ADMINISTRATION**"; and in line 35, strike "**(F)**" and substitute "**(G)**".

AMENDMENT NO. 3

On page 4, strike in their entirety lines 1 through 5, inclusive; in line 6, strike "**(3)**" and substitute "**(5)**"; in the same line, strike "**THE**" and substitute "**THE PROPOSED ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES AND THE PROPOSED DEMAND RESPONSE**"; in line 10, after "**APPROPRIATE**" insert "**, INCLUDING LOW–INCOME COMMUNITIES AND LOW– TO MODERATE–INCOME COMMUNITIES**"; strike in their entirety lines 11 through 15, inclusive; in line 16, strike "**(5)**" and substitute "**(6)**"; in line 19, strike "**(F)**" and substitute "**(G)**"; strike in their entirety lines 20 through 22, inclusive, and substitute:

"**(I) (1) IN DETERMINING WHETHER A PROGRAM OR SERVICE ENCOURAGES AND PROMOTES THE EFFICIENT USE AND CONSERVATION OF ENERGY, THE COMMISSION SHALL CONSIDER:**

(I) THE IMPACT ON JOBS;

(II) THE IMPACT ON THE ENVIRONMENT;

(III) THE IMPACT ON RATES OF EACH RATEPAYER CLASS; AND

(IV) THE COST–EFFECTIVENESS.

(2) THE COMMISSION SHALL MONITOR AND ANALYZE THE IMPACT OF EACH PROGRAM AND SERVICE TO ENSURE THAT THE OUTCOME OF EACH PROGRAM AND SERVICE PROVIDES THE BEST POSSIBLE RESULTS.

(3) IN MONITORING AND ANALYZING THE IMPACT OF A PROGRAM OR SERVICE UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF THE COMMISSION

FINDS THAT THE OUTCOME OF THE PROGRAM OR SERVICES MAY NOT BE PROVIDING THE BEST POSSIBLE RESULTS, THE COMMISSION SHALL DIRECT THE ELECTRIC COMPANY TO INCLUDE IN ITS ANNUAL UPDATE UNDER SUBSECTION (H)(4) OF THIS SECTION SPECIFIC MEASURES TO ADDRESS THE FINDINGS.

(J) (1) 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.

(2) THE NOTICE SHALL BE PROVIDED BY PUBLICATION ON THE COMPANY'S WEBSITE AND INCLUSION WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE.";

in line 23, strike "**(H)**" and substitute "**(K)**"; in the same line, strike "(1)"; strike beginning with "**FEBRUARY**" in line 23 down through "**THEREAFTER**" in line 24 and substitute "**MARCH 1 OF EACH YEAR**"; in lines 27 and 29, strike "(i)" and "(ii)", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 28, strike "; and" and substitute "**, INCLUDING AN EVALUATION OF THE IMPACT OF THE PROGRAMS AND SERVICES THAT ARE DIRECTED TO LOW–INCOME COMMUNITIES, LOW – TO MODERATE–INCOME COMMUNITIES TO THE EXTENT POSSIBLE, AND OTHER PARTICULAR CLASSES OF RATEPAYERS;**"; and in line 30, after "services" insert "**; AND**

(3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE PER CAPITA ELECTRICITY CONSUMPTION AND THE PEAK DEMAND FOR THE PREVIOUS CALENDAR YEAR".

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety lines beginning with line 31 on page 4 through line 2 on page 6, inclusive.

On page 6, after line 10, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding any other provision of law, for fiscal year 2009 only, in addition to the amounts appropriated in the budget bill for fiscal 2009 and in accordance with § 2–110 of the Public Utility Companies Article, the Public Service Commission may impose up to $600,000 as a special assessment for the Commission and the Office of People's Counsel to accomplish the requirements of this Act.

(2) Of the $600,000 that may be collected under paragraph (1) of this subsection:

(i) up to $500,000 may be expended in accordance with an approved budget amendment for consultants, personnel, and related expenses of the Commission, as deemed necessary by the Commission to accomplish the requirements of this Act; and

(ii) up to $100,000 may be expended in accordance with an approved budget amendment for consultants, personnel, and related expenses of the Office of People's Counsel, as deemed necessary by the Office of People's Counsel to accomplish the requirements of this Act.

(3) The special assessment shall be imposed only on those electric companies otherwise subject to the assessment under § 2–110 of the Public Utility Companies Article.

(4) The bill sent to each electric company subject to the assessment shall equal the product of multiplying:

(i) the amount authorized to be collected under this subsection; and

(ii) the ratio of gross operating revenues of the entity subject to the assessment to the total gross operating revenues for all entities subject to the assessment.

(b) It is the intent of the General Assembly that, beginning with fiscal year 2010, the annual State budget include amounts for the Public Service Commission and the Office of People's Counsel for the implementation of this Act, including consultants, personnel, and related expenses.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the Maryland Energy Administration, in consultation with the Public Service Commission, shall:

(1) review the anticipated achievement of the goals specified under § 7–211(b)(2) of this Act for purposes of determining whether electricity consumption and peak demand reduction targets should be set beyond 2015; and

(2) after providing opportunity for public comment, report its findings, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 31, 2012, the Maryland Energy Administration, in consultation with the Public Service Commission, shall:

(1) study the feasibility of setting energy savings targets in 2015 and 2020 for natural gas companies; and

(2) after providing opportunity for public comment, report its findings, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.";

in line 11, strike "3." and substitute "6."; and in line 12, strike "July" and substitute "June".

The preceding 4 amendments were read and adopted.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 31, 2008.

The motion was adopted.

Senate Bill 209 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

Renewable Portfolio Standard Percentage Requirements – Acceleration

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

SB0209/737978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 209
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "payment;" insert "providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 3, in line 1, strike the brackets; in the same line, strike "**4.02%**"; in line 3, strike the brackets; in the same line, strike "**6.05%**"; in line 5, strike "**6.08%**" and substitute "**5.0%**"; and in line 7, strike "**8.12%**" and substitute "**6.5%**".

On page 3, after line 29, insert:

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

Article – Public Utility Companies".

On page 5, after line 4, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2011."; in line 5, strike "2." and substitute "4."; in the same line, after "That" insert ", except as provided in Section 3 of this Act,"; and in line 6, strike "October 1, 2008" and substitute "January 1, 2009".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Della moved, duly seconded, to make the Bill a Special Order for March 31, 2008.

The motion was adopted.

Senate Bill 203 – The President (By Request – Administration)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (7) AND THE FAVORABLE REPORT.

SB0203/147675/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 203
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "Council;" insert "providing for the membership of the Transition Council;"; in lines 9 and 13, in each instance, after "Department" insert "of Labor, Licensing, and Regulation"; in line 15, after "purposes;" insert "altering a certain definition;"; in the same line, after "terms;" insert "requiring the Department of Labor, Licensing, and Regulation to be responsible for the development of a certain State plan and its submission to the federal Department of Education; declaring that the State assents to certain federal acts; requiring the State Treasurer to be the custodian of certain money received under certain federal acts; requiring the departments to cooperate with certain federal agencies to administer certain federal acts and take certain actions in connection with certain federal acts; requiring that certain services, programs, and grants in the State transfer to the Department of Labor, Licensing, and Regulation by a certain date; requiring that certain funds be included in a certain budget for a certain fiscal year; authorizing the Governor to transfer certain appropriations; authorizing certain grants and funding contracts to continue for a certain time period under certain circumstances; requiring the departments to consult over certain grants and contracts;".

On page 2, in line 24, strike "11–807" and substitute "11–808"; and in line 25, strike "11–905" and substitute "11–907".

AMENDMENT NO. 2

On page 7, in line 13, strike "Vocational Education Act of 1963" and substitute "**CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT**".

On page 8, in line 4, strike "and"; and in line 5, after "(3)" insert "**FACILITATE THE TRANSFER OF FEDERAL FUNDS TO THE APPROPRIATE OPERATIONAL ENTITY; AND**

(4)".

AMENDMENT NO. 3

On page 15, in line 28, after "**(1)**" insert "**ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT;**

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER;

(3)";

in line 28, strike "**CHAIR**" and substitute "**COCHAIR**"; and in line 29, strike "**(2)**" and substitute "**(4)**".

On page 16, in lines 1, 3, 4, 5, 7, 9, 11, and 13, strike "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively; in line 3, strike "**SCHOOLS**" and substitute "**SCHOOLS, WHO SHALL SERVE AS COCHAIR**"; in line 12, strike "**AND**"; and in line 14, strike "**BOARD**" and substitute "**BOARD; AND**

(13) TEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING REPRESENTATIVES FROM THE FOLLOWING COMMUNITIES OF INTEREST:

(I) FAMILY LITERACY;

(II) ADULT BASIC EDUCATION;

(III) CAREER AND TECHNICAL EDUCATION;

(IV) WORKPLACE LITERACY;

(V) CORRECTIONAL EDUCATION;

(VI) COMMUNITY LIBRARIES;

(VII) ENGLISH AS A SECOND LANGUAGE PROVIDERS;

(VIII) ORGANIZED LABOR;

(IX) EMPLOYERS; AND

(X) NONPROFIT ORGANIZATIONS INVOLVED IN PROGRAMS TO PROMOTE ECONOMIC SELF–SUFFICIENCY".

AMENDMENT NO. 4

On pages 16 and 17, strike in their entirety the lines beginning with line 16 on page 16 through line 6 on page 17, inclusive, and substitute:

"**(1) DEVELOP A PLAN FOR THE SEAMLESS TRANSITION OF THE ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS FROM THE STATE DEPARTMENT OF EDUCATION TO THE DEPARTMENT;**

(2) ACTIVELY ASSIST IN THE DEVELOPMENT OF A NEW STATE PLAN FOR ADULT EDUCATION;

(3) IDENTIFY EXISTING ADULT EDUCATION PROGRAMS IN OTHER UNITS OF STATE GOVERNMENT AND DEVELOP STRATEGIES TO MAKE THE AGENCIES PART OF A COORDINATED PROGRAM;

(4) RECOMMEND A FRAMEWORK FOR A NEW STATE SYSTEM OF DELIVERING ADULT EDUCATION AND WORKFORCE PROGRAMS THROUGH THE DEPARTMENT THAT:

(I) PROVIDES FOR THE EFFECTIVE ALIGNMENT OF ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS WITH WORKFORCE DEVELOPMENT PROGRAMS;

(II) TRACKS OUTCOMES OF ADULT EDUCATION STUDENTS; AND

(III) IS CONSISTENT WITH APPLICABLE FEDERAL LAWS;

(5) REVIEW THE OVERLAPPING RESPONSIBILITIES OF CORRECTIONAL EDUCATION AS THEY RELATE TO IMPLEMENTATION OF ADULT CORRECTIONAL EDUCATION AND JUVENILE SERVICES EDUCATION;

(6) DETERMINE THE ADVISABILITY OF TRANSFERRING CORRECTIONAL EDUCATION SERVICES IN LIGHT OF THE POTENTIAL NEGATIVE IMPACT THE TRANSFER COULD HAVE ON THE EFFECTIVE OPERATION OF JUVENILE SERVICES EDUCATION; AND

(7) RECOMMEND THE COMPOSITION AND RESPONSIBILITIES OF A STATE ADVISORY COUNCIL ON ADULT EDUCATION, LITERACY, AND WORKFORCE DEVELOPMENT.".

On page 17, in line 9, strike "**THE**" and substitute "**ON OR BEFORE DECEMBER 31, 2008, THE**"; and in lines 9 and 10, strike "**ON OR BEFORE DECEMBER 31, 2009**".

AMENDMENT NO. 5

On page 17, in line 9, after "**(E)**" insert "**(1)**"; after line 13, insert:

"**(2) THE REPORT SHALL INCLUDE A SUMMARY OF THE PLAN FOR THE SEAMLESS TRANSITION OF THE ADULT EDUCATION, LITERACY, AND CORRECTIONAL EDUCATION PROGRAMS FROM THE STATE DEPARTMENT OF EDUCATION INCLUDING:**

(I) STRATEGIES FOR ENSURING PROGRAM CONTINUITY FOR CLIENTS OF THE AFFECTED PROGRAMS;

(II) STRATEGIES FOR ENSURING CONTINUITY IN THE STATE ADMINISTRATION OF AFFECTED GRANT PROGRAMS;

(III) PROVISIONS REGARDING AFFECTED EMPLOYEES, INCLUDING A SPECIFIC ANALYSIS OF THE TRANSFER OF EMPLOYEES WITH SHARED RESPONSIBILITIES FOR ADULT CORRECTIONAL EDUCATION AND JUVENILE SERVICES EDUCATION SUCH AS GRANT MANAGERS AND PROGRAM COORDINATORS;

(IV) STRATEGIES FOR COORDINATING THE ACTIVITIES AND RESPONSIBILITIES OF UNITS OF STATE GOVERNMENT INVOLVED IN ADMINISTERING THE TRANSFERRED PROGRAMS; AND

(V) STRATEGIES FOR ADDRESSING POTENTIAL CHALLENGES TO IMPLEMENTING THE TRANSITION OF THE AFFECTED PROGRAMS IN A MANNER THAT ENSURES THE CONTINUED DELIVERY OF QUALITY CONTENT TO CLIENTS OF THE AFFECTED PROGRAMS.";

after line 14, insert:

"**THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE STATE PLAN FOR ADULT EDUCATION AND LITERACY SERVICES AND ITS SUBMISSION TO THE FEDERAL DEPARTMENT OF EDUCATION.**

11–805.";

and in line 29, strike "**11–805.**" and substitute "**11–806.**".

On page 18, in line 14, strike "**11–806.**" and substitute "**11–807.**"; and in line 17, strike "**DEPARTMENT**" and substitute "**SECRETARY**".

On page 19, in line 8, strike "**11–807.**" and substitute "**11–808.**".

AMENDMENT NO. 6

On page 20, in line 6, strike "**DEPARTMENT**" and substitute "**SECRETARY**"; in line 14, strike "**SIX**" and substitute "**SEVEN**"; in line 24, strike "**AND**"; after line 24, insert:

"**(V) AN OFFICIAL FROM A LOCAL CORRECTIONAL FACILITY; AND**";

and in line 25, strike "**(V)**" and substitute "**(VI)**".

On page 23, in line 24, after "**(A)**" insert "**THE DEPARTMENT IS RESPONSIBLE FOR THE PROVISION OF EDUCATION AND WORKFORCE SKILLS TRAINING PROGRAMS IN THE ADULT CORRECTIONAL INSTITUTIONS IN THE STATE.**

(B)";

and in lines 24 and 25, strike "**OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION**".

On page 24, in lines 1 and 3, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; after line 12, insert:

"**IN THIS SUBTITLE, "FEDERAL ACTS" MEANS THE ACTS OF CONGRESS THAT AUTHORIZE FUNDING FOR EDUCATION, LIBRARY SERVICES, AND WORKFORCE DEVELOPMENT TRAINING FOR INMATES IN ADULT CORRECTIONAL FACILITIES, AND ANY AMENDMENTS TO THOSE ACTS.**

11–905.

(A) THE STATE OF MARYLAND ASSENTS TO THE FEDERAL ACTS.

(B) THE STATE TREASURER SHALL:

(1) BE THE CUSTODIAN OF ANY MONEY RECEIVED UNDER THE FEDERAL ACTS; AND

(2) DISBURSE THIS MONEY IN ACCORDANCE WITH THE FEDERAL ACTS.

(C) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION AND THE STATE BOARD OF EDUCATION, AS APPROPRIATE, SHALL:

(1) COOPERATE WITH THE APPROPRIATE FEDERAL AGENCIES IN ADMINISTERING THE FEDERAL ACTS;

(2) DO ANYTHING NECESSARY TO SECURE THE BENEFITS OF THE FEDERAL ACTS;

(3) FACILITATE THE TRANSFER OF FUNDS TO THE APPROPRIATE OPERATIONAL AGENCY; AND

(4) REPRESENT THIS STATE IN ALL MATTERS RELATING TO THE ADMINISTRATION OF THE FEDERAL ACTS.

11–906.";

strike beginning with "**EDUCATION**" in line 15 down through "**COUNCIL**" in line 16 and substitute "**EDUCATION AND WORKFORCE TRAINING AND COORDINATING COUNCIL**"; and in line 27, strike "**11–905.**" and substitute "**11–907.**".

AMENDMENT NO. 7

On page 25, after line 8, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) The responsibility for the provision of adult education and literary services in the State shall be transferred to the Department of Labor, Licensing, and Regulation on July 1, 2009.

(2) The responsibility for the provision of education and workforce skills training programs in the adult correctional institutions in the State shall be transferred to the Department of Labor, Licensing, and Regulation on July 1, 2009.

(b) (1) Funding for the services and programs transferred to the Department under subsection (a) of this section shall be included in the fiscal 2010 budget of the Department.

(2) Federal fund grants directed to the State through other State agencies shall be transferred to the Department on July 1, 2009.";

after line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That, pursuant to § 7–209(e)(2)(iv) of the State Finance and Procurement Article, the Governor is authorized to transfer appropriations, including general funds, special funds, and federal funds, from the State Department of Education to the Department of Labor, Licensing, and Regulation as necessary to carry out the provisions of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the availability of State or federal funds, the consent of the grantees or contractors, and satisfactory performance of services, all adult education, family literacy, and correctional education grants and funding contracts, within the scope of Section 1 of this Act and awarded prior to the effective date of this Act, shall be continued, without the need for rebidding, through Fiscal Year 2009 and Fiscal Year 2010.

SECTION 8. AND BE IT FURTHER ENACTED, That any new grants or funding contracts awarded between July 1, 2008 and June 30, 2009 for adult education, family literacy, and correctional education, within the scope of Section 1 of this Act, shall be awarded only after consultation between the State Department of Education and the Department of Labor, Licensing, and Regulation.";

and in lines 9, 15, 19, 25, 34, and 40, strike "3.", "4.", "5.", "6.", "7.", and "8.", respectively, and substitute "4.", "5.", "9.", "10.", "11.", and "12.", respectively.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0203/673024/1

BY: Senator Munson

AMENDMENT TO SENATE BILL 203
(First Reading File Bill)

On page 25, in line 9, after "employees" insert "in the Adult Education and Literacy Branch and the Correctional Education Program"; strike beginning with "whose" in line 10 down through "be" in line 11 and substitute ", with the exception of employees responsible for or engaged in the education of juveniles in accordance with Title 22, Subtitle 3 of the Education Article, shall have their positions and position identification numbers"; and in line 12, strike "the effective date of this Act" and substitute "July 1, 2009,".

The preceding amendment was read and adopted.

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

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 265 – Senators Stone, Frosh, Gladden, Muse, and Raskin

AN ACT concerning

~~**State Government – Administrative Procedure Act – Scope of Judicial Review**~~
Task Force on the Administrative Procedure Act

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

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

Affirmative – 41 Negative – 4 (See Roll Call No. 777)

The Bill was then sent to the House of Delegates.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #9

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 #9
March 27, 2008

Agriculture, Board of Review of the Department of

1. Nina Bhat
11612 Capstan Drive
Upper Marlboro, MD 20772

Member of the Board of Review of the Department of Agriculture; appointed to serve a term of three years from January 1, 2007

Archaeology, Advisory Committee on

2. C. Jane Cox
1106 Bay Ridge Avenue
Annapolis, MD 21403

Member of the Advisory Committee on Archaeology; appointed to serve a term of three years from July 1, 2008

Deaf and Hard of Hearing, Maryland Advisory Council for the

3. Gary Franklin Monroe
10509 Gentian Court
Upper Marlboro, MD 20772

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve a term of three years from October 1, 2006

Deaf and Hard of Hearing, Office of the

4. Lisa H. Kornberg
3414 Bancroft Road
Baltimore, MD 21215

Director of the Office of the Deaf and Hard of Hearing; appointed to serve at the pleasure of the Governor

Economic Development Commission, Maryland

5. Deepak Bansal
17216 Founders Mill Drive
Rockville, MD 20855

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

Education, State Board of

6. D. Derek Wu
5460 E. Nithsdale Drive
Salisbury, MD 21801

Member of the State Board of Education; appointed to serve a term of one year from July 1, 2008

Emergency Number Systems Board

7. Richard D. Berg
8288 Elvaton Road
Millersville, MD 21108

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2007

8. Kevin Green
19168 Roman Way
Montgomery Village, MD 20886

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2007

Handgun Roster Board

9. Craig D. Uchida, Ph.D.
15134 Deer Valley Terrace
Silver Spring, MD 20906

Member of the Handgun Roster Board; appointed to serve remainder of a term of four years from December 8, 2004

Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of

10. Walter F. Bell, Jr.
13553 Essex Drive
Hagerstown, MD 21742

Member of the State Board of Heating Ventilation, Air–Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2008

Higher Education Commission, Maryland

11. Mark R. Frazer, D.D.S.
9000 Bay Avenue, #401
North Beach, MD 20714

Member of the Maryland Higher Education Commission; appointed to serve a term of five years from July 1, 2008

Human Relations Commission

12. Joyce DeLaurentis
220 South Street
Easton, MD 21601

Member of the Human Relations Commission; appointed to serve a term of six years from July 1, 2007

Injured Workers' Insurance Fund, Board for the

13. Joseph Merryman Coale, III
1317 Boyce Avenue
Baltimore, MD 21204

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2008

14. Charles H. Dankmeyer
908 Burnett Avenue
Arnold, MD 21012

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2008

Interagency Coordinating Council for Infants and Toddlers

15. Grace Pushparany Williams
13004 Pine Court
Bowie, MD 20720

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2008

Occupational Therapy Practice, State Board of

16. Meenakshi D. Gupta
8625 Valleyfield Road
Lutherville, MD 21093

Member of the State Board of Occupational Therapy Practice; appointed to serve a term of four years from July 1, 2007

Physicians, State Board of

17. Suresh K. Gupta, M.D.
109 Autumn Wind Way
Rockville, MD 20850

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2006

Podiatric Medical Examiners, State Board of

18. Barbara A. Crosby
1014 Upnor Road
Baltimore, MD 21212

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

Professional Standards and Teacher Education Board

19. Amy Benson
2815 Chesley Avenue
Baltimore, MD 21234

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2007

20. David Stuart Clapp
1401 LaBelle Avenue
Baltimore, MD 21204

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2008

21. Timothy Dawson
226 Teapot Court
Reisterstown, MD 21136

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2008

22. Nomsa Geleta
27865 Cross Creek Drive
Salisbury, MD 21801

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2008

Real Estate Appraisers and Home Inspectors, State Commission of

23. John E. Jordan, Jr.
7221 Leonardtown Road
Hughesville, MD 20637

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a three year term to expire December 31, 2008

Real Estate Commission, State

24. Abraham Fernando Carpio
6417 Adelphi Road
University Park, MD 20782

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2007

25. Rajan Natarajan, Ph.D.
4237 Woottens Lane
Burtonsville, MD 20866

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2008

26. Georgiana Tyler
205 Gittings Avenue
Baltimore, MD 21212

Member of the State Real Estate Commission; appointed to serve a term of four years from June 1, 2007

Residential Boarding Education Programs, Board of Trustees of

27. Carmen Sylvia Brown
11102 Old Carriage Road
Glen Arm, MD 21057

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve remainder of a term to expire June 30, 2010

28. Morton P. Fisher, Jr.
2435 Still Forest Road
Baltimore, MD 21208

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve remainder of a term to expire June 30, 2010

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

29. David Blitzstein
17439 Cherokee Lane
Olney, MD 20832

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve remainder of a term to expire July 31, 2008 and a term of four years from August 1, 2008

Technology Development Corporation Board of Directors, Maryland

30. Eric G. Orlinsky
4415 Greenway
Baltimore, MD 21218

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

University System of Maryland Board of Regents

31. Joshua L. Michael
9967 Timberknoll Lane
Ellicott City, MD 21042

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

Women, Maryland Commission for

32. Katherine A. Perez
14438 Old Stage Road
Bowie, MD 20720

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2007

Statewide Nominees

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

African American History and Culture, Commission on

S–1. Walter B. Hill, Jr., Ph.D.
3934 Sunflower Circle
Mitchellville, MD 20721

Member of the Commission on African American History and Culture; reappointed to serve a term of four years from July 1, 2008

Archaeology, Advisory Committee on

S–2. Michele C. Aubry
9503 Lynnhall Place
Alexandria, VA 22309

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2008

S–3. Richard J. Dent, Ph.D.
778 Woodmount Road
Great Cacapon, WV 25422

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2008

Architects, State Board of

S–4. Gary A. Bowden

213 Southway
Baltimore, MD 21218

Member of the State Board of Architects; reappointed to serve a term of five years from July 1, 2008

S–5. Gary Richard Ey
4245 Chapel Gate Place
Belcamp, MD 21017

Member of the State Board of Architects; reappointed to serve a term of five years from July 1, 2008

Chiropractic Examiners, State Board of

S–6. Kay B. O'Hara, D.C.
614 Dorsey Avenue
Essex, MD 21221

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

S–7. Duane Ragis Sadula, D.C.
21017 Cog Wheel Way
Germantown, MD 20876

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

Elections, State Board of

S–8. Andrew Vladimir Jezic, Esquire
2101 Hounds Run Place
Silver Spring, MD 20906

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2007

S–9. Bobbie Sue Mack
3001 Marcando Lane
Upper Marlboro, MD 20774

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

Health and Mental Hygiene, Board of Review of the Department of

S–10. Yoo Jung Chang
108 S. High Street
Baltimore, MD 21202

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2008

S–11. Betty Makell Coleman
8 Kirby Lane
Annapolis, MD 21401

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2007

S–12. Anne Ruth Cullen
3024 Traymore Lane
Bowie, MD 20715

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2007

S–13. Jacqueline C. Mashin, R.N.
2429 White Horse Lane
Silver Spring, MD 20906

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2008

Indian Affairs, Commission on

S–14. Cornelius Allen Red Deer
3058 Mayfield Avenue
Baltimore, MD 21213

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2008

S–15. Kathryn E. Robbins Fitzhugh
2363 Elliott Island Road
Vienna, MD 21869

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2008

S–16. Thomas W. Windsor, II
4917 78th Avenue
Hyattsville, MD 20784

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2008

Legal Services Corporation Board of Directors

S–17. Bernard L. Jennings
5126 Northern Fences Lane
Columbia, MD 21044

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2008

S–18. 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, 2008

Patuxent Institution Board of Review

S–19. Arthur A. Marshall, Jr.
628 Plantation Boulevard
West River, MD 20778

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2008

S–20. Wayne S. Price, Sr.
7212 Hawthorne Street
Landover, MD 20785

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2008

Professional Standards and Teacher Education Board

S–21. Merlyn M. Bell
6703 Yataruba Drive
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–22. Cynthia T. Bowen, Ed.D.
2308 Pickwick Road
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–23. Cathy G. Cerveny
331 Royal Oak Drive
Bel Air, MD 21015

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–24. Louise E. DeJesu
520 Bay Dale Court
Arnold, MD 21012

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–25. Stephen H. Guthrie
2142 Misty Meadow Road
Finksburg, MD 21048

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–26. Ardith Z. Harle, Ed.D.
418 Point Way
Tracy's Landing, MD 20779

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–27. Darren R. Hornbeck
5423 El Camino
Columbia, MD 21044

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–28. Stephanie R. Moses
6160 Oxbridge Drive

Salisbury, MD 21801

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–29. Kimberly C. Oliver
306 S. Waterford Road
Silver Spring, MD 20901

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

S–30. Karen L. Roe, Ph.D.
9124 Snyder Lane
Perry Hall, MD 21128

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2007

S–31. Jolynn E. Tarwater
504 Watts Branch Parkway
Potomac, MD 20854

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2008

Real Estate Appraisers and Home Inspectors, State Commission of

S–32. Steven J. McAdams
3303 Mulberry Street
Edgewater, MD 21037

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2009

S–33. Thomas Pirritano
4906 Bramhope Lane
Ellicott City, MD 21043

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2008

Real Estate Commission, State

S–34. Anne S. Cooke
9821 Gwynn Park Drive
Ellicott City, MD 21042

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2007

S–35. Colette P. Youngblood
7000 High Bridge Road
Bowie, MD 20720

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2008

St. Mary's College Board of Trustees

S–36. The Honorable Steny H. Hoyer

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

Local Nominees

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

Howard County Board of Elections

L–1. Donna LaVerne Rice
5070 Amesbury Drive
Columbia, MD 21044

Member of the Howard County Board of Elections; appointed to serve a term of four years from June 4, 2007

Prince George's Community College Board of Trustees

L–2. Mel R. Franklin
8413 Old Colony Drive South
Upper Marlboro, MD 20772

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2006

L–3. Jerry J. Mathis
201 Battersea Lane
Fort Washington, MD 20744

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2008

L–4. Richard E. Thomas
302 Yorknolls Drive
Capitol Heights, MD 20743

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2008

St. Mary's County Alcoholic Beverage Board

L–5. Betty W. Currie
24740 Marva Point Way
Hollywood, MD 20636

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve a term of four years from January 1, 2006

L–6. Adam Morgan
P.O. Box 338
Clements, MD 20624

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve a term of four years from January 1, 2008

L–7. Max Patrick Thomas Sacks, Sr.
21091 Jenns Way
Leonardtown, MD 20650

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 1, 2008

L–8. Moses P. Saldana, Jr.
27910 Queentree Road
Mechanicsville, MD 20659

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 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 – 45 Negative – 0 (See Roll Call No. 778)

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #10

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 #10
March 27, 2008

African American History and Culture, Commission on

1. Kelsey Roderic Bush
21931 Rosewood Terrace
Lexington Park, MD 20653

Member of the Commission on African American History and Culture; appointed to serve a term of four years from July 1, 2005

Women, Maryland Commission for

2. Rabbi Elissa Sachs–Kohen
900 Adana Road
Pikesville, MD 21208

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2007

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 779)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1589 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers – Licensing Requirements

FOR the purpose of authorizing the Maryland Insurance Commissioner to waive certain requirements for an insurance producer license for applicants who have been conferred certain professional designations; repealing the authority of the Commission to waive a certain examination requirement under certain circumstances; altering the number of hours of continuing education that an insurance producer is required to receive in a renewal period; requiring an insurance producer to receive a certain number of hours of continuing education in ethics for each renewal period; providing certain exemptions from the continuing education requirements; altering the expiration dates of insurance producer licenses; authorizing the Maryland Insurance Administration to issue certain licenses for certain terms to transition the expiration date of certain licenses; providing for the application of certain provisions of this Act; providing for the effective dates of this Act; and generally relating to licensing requirements for insurance producers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–104(h), 10–105(e) and (g), 10–115, and 10–116(a)(2) and (3)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–105(a) and 10–116(a)(1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #32

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

Senate Bill 846 – Senator Kelley

AN ACT concerning

Identity Fraud – Seizure and Forfeiture of Property

SB0846/928678/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 846
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Kelley" and substitute "Senators Kelley, Brochin, Forehand, Jacobs, Raskin, Simonaire, and Stone".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 963 – Prince George's County Senators

AN ACT concerning

Prince George's County – Safer Roads Act of 2008

SB0963/988679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 963
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "limiting" and substitute "requiring Prince George's County, municipal corporations in Prince George's County, and the Comptroller to distribute certain funds in a certain manner; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle on a residential highway; prohibiting in Prince George's County the use of a speed monitoring system unless authorized by the County Council or, if applicable, the governing body of a municipal corporation in Prince George's County by ordinance or

resolution adopted after reasonable notice and a public hearing; requiring a certain ordinance or resolution to provide for the issuance of warnings during a certain period for certain violations; authorizing"; in the same line, strike "to" and substitute "on"; in line 7, after "highways" insert "that have certain posted speed limits and that have been identified by local law enforcement agencies as significant dangerous locations based on certain data with certain exceptions; making an exception for certain interstate highways"; in line 8, after "County;" insert "adding to the list of defenses that the District Court of Prince George's County may consider in defense of a certain violation;"; in line 27, strike "7–302(e),"; and after line 29, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–302(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 28, insert:

"**(4) (I) FROM THE FINES COLLECTED IN PRINCE GEORGE'S COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE PRINCE GEORGE'S COUNTY OFFICE OF FINANCE OR, IF APPLICABLE, A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE TO THE COMPTROLLER ON AN ANNUAL BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.".

AMENDMENT NO. 3

On page 6, in line 5, strike "10" and substitute "**12**"; in line 8, strike "This" and substitute "**(I) SUBJECT TO SUBPARAGRAPH (II) AND PARAGRAPH (2) OF THIS SUBSECTION, THIS**"; in line 12, strike "(i)" and substitute "**1.**"; in the same line,

strike the brackets; in the same line, strike "**IN MONTGOMERY COUNTY, ON**"; in line 14, strike "1." and substitute "**A.**"; in the same line, strike "35" and substitute "**45**"; in line 16, strike "2." and substitute "**B.**"; in line 17, strike the brackets; in line 18, strike "(ii)" and substitute "**2.**"; strike beginning with "**PRINCE**" in line 18 down through "**IN**" in line 25; after line 25, insert:

"**(II) IN PRINCE GEORGE'S COUNTY, THIS SECTION ALSO APPLIES TO A VIOLATION OF THIS SUBTITLE RECORDED BY A SPEED MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND HAS BEEN PLACED ON A HIGHWAY THAT:**

1. IS NOT INTERSTATE HIGHWAY 95 OR 495;

2. HAS A MAXIMUM POSTED SPEED LIMIT BETWEEN 46 AND 55 MILES PER HOUR, WHICH SPEED LIMIT WAS ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; AND

3. HAS BEEN IDENTIFIED BY A LOCAL LAW ENFORCEMENT AGENCY AS A SIGNIFICANT DANGEROUS LOCATION BASED ON ACCIDENT AND SPEEDING VIOLATION DATA.

(2) (I) IN PRINCE GEORGE'S COUNTY, A SPEED MONITORING SYSTEM MAY NOT BE USED UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY AN ORDINANCE OR RESOLUTION ENACTED BY THE COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

(II) AN ORDINANCE OR RESOLUTION ADOPTED UNDER THIS PARAGRAPH SHALL PROVIDE THAT FOR A PERIOD OF AT LEAST 5 MONTHS AFTER THE FIRST SPEED MONITORING SYSTEM IS PLACED IN PRINCE GEORGE'S COUNTY, A VIOLATION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.";

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

On page 7, in lines 1 and 9, strike "(3)" and "(4)", respectively, and substitute "**(4)**" and "**(5)**", respectively; and in line 24, strike "**$75**" and substitute "**$40**".

AMENDMENT NO. 4

On page 9, in line 32, strike "and"; and in line 33, after "(iii)" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND**

(IV)".

On page 10, after line 28, insert:

"**(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.**".

AMENDMENT NO. 5

On page 12, strike beginning with "AND" in line 12 down through "3." in line 21; in lines 25 and 27, strike "4." and "5.", respectively, and substitute "3." and "4.", respectively; strike beginning with "for" in line 27 down through "Act," in line 29; and strike beginning with the colon in line 30 down through "(2)" in line 33.

On page 13, in lines 1, 9, and 13, strike "6.", "7.", and "8.", respectively, and substitute "5.", "6.", and "7.", respectively.

The preceding 5 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #15

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

House Bill 54 – Delegate Guzzone

AN ACT concerning

Property Tax – Credit – Accessibility Features

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 133 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

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

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:

House Bill 190 – Howard County Delegation

AN ACT concerning

Howard County – Annual Financial Audit – Filing Date
Ho. Co. 06–08

HB0190/539337/2

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 190
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Howard County – "; strike line 3 in its entirety; in line 4, strike "Howard County" and substitute "a county, municipal corporation, or taxing district"; strike beginning with the second "the" in line 6 down through "County" in line 7 and substitute "annual audit reports of counties, municipal corporations, and taxing districts"; and in line 10, strike "40" and substitute "40(a)".

AMENDMENT NO. 2

On page 1, in line 19, strike "records" and substitute "**RECORDS,**".

On page 2, in line 7, strike "accuracy" and substitute "**ACCURACY,**"; in line 8, strike "files" and substitute "**FILES,**"; in line 10, strike "his" and substitute "**THE LEGISLATIVE AUDITOR'S**"; in lines 10, 13, and 27, in each instance, strike "records" and substitute "**RECORDS,**"; in line 17, strike the brackets; strike beginning with "**EXCEPT**" in line 17 down through the second "**THIS**" in line 18; in line 19, strike beginning with "November" through "year" and substitute "**THE DATE THE COUNTY'S, MUNICIPAL CORPORATION'S, OR TAXING DISTRICT'S FINANCIAL REPORT IS REQUIRED TO BE SUBMITTED UNDER § 37 OF THIS SUBTITLE**"; in line 31, strike "reporting" and substitute "**REPORTING,**".

On pages 3 and 4, strike in their entirety the lines beginning with line 15 on page 3 through line 27 on page 4, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 254 – Frederick County Delegation

AN ACT concerning

Frederick County – Annual Financial Report – Filing Date

HB0254/349234/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 254
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Frederick County – "; in the same line, strike "Report" and substitute "and Audit Reports"; strike beginning with "and" in line 5 down through "County" in line 6 and substitute "altering the date by which a certain audit report must be submitted by a county, municipal corporation, or taxing district to the Legislative Auditor; making certain stylistic changes; and generally relating to annual financial and audit reports of counties, municipal corporations, and taxing districts"; and in line 9, after "37" insert "and 40(a)".

AMENDMENT NO. 2

On page 2, after line 17, insert:

"40.

(a) (1) Except as provided in paragraph (2) of this subsection, each county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** and taxing district created by and situated within the State shall have its books, accounts, **[**records**]** **RECORDS,** and reports examined at least once during each fiscal year by the persons and for the purposes specified in this section. The examination shall be made by a certified public accountant in the capacity of either an independent auditor or official auditor of any county or **[**incorporated city**]** **MUNICIPAL CORPORATION**. The auditor shall be in compliance with the provisions of the Maryland Public Accountancy Act. The official auditor shall be approved by the Legislative Auditor for the purposes specified in this section. On such examination, inquiry shall be made into the methods, **[**accuracy**]** **ACCURACY,** and legality of the accounts, records, **[**files**]** **FILES,** and reports of each county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** and taxing district. The Legislative Auditor upon **[**his**]** **THE LEGISLATIVE AUDITOR'S** own initiative may review or audit the books, **[**records**]** **RECORDS,** and reports of any county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** or taxing district. Any county, **[**incorporated city or town**]** **MUNICIPAL CORPORATION,** or taxing district may request the Legislative Auditor to audit its books, **[**records**]** **RECORDS,** and reports. If the request is approved, the costs of the examination shall be borne by the auditee. The results of the audit shall be reported, subject to § 2–1246 of the State

Government Article, to the Legislative Auditor on such form or forms and in such manner as the Legislative Auditor may prescribe. This report shall be made to the Legislative Auditor by [November 1 after the close of the fiscal year, except that the report may be made to the Legislative Auditor by January 1 after the close of the fiscal year for a county, incorporated city or town or taxing district having a population of more than 400,000] **THE DATE THE COUNTY'S, MUNICIPAL CORPORATION'S, OR TAXING DISTRICT'S FINANCIAL REPORT IS REQUIRED TO BE SUBMITTED UNDER § 37 OF THIS SUBTITLE**. An audit report filed with the Legislative Auditor is a public record under the provisions of § 10–611 of the State Government Article. Each year the Legislative Auditor shall review the audit reports submitted and shall make a full and detailed report in writing to the State Comptroller and, subject to § 2–1246 of the State Government Article, to the Executive Director of the State Department of Legislative Services of the result of the examination of the books, accounts, [records] **RECORDS,** and reports of each county, [incorporated city or town] **MUNICIPAL CORPORATION,** and taxing district, together with such suggestions as the Legislative Auditor may think advisable to be made with respect to methods of bookkeeping, changes in the uniform system of financial [reporting] **REPORTING,** and changes in the reports of the counties, [incorporated cities or towns] **MUNICIPAL CORPORATIONS,** and taxing districts. In conducting the reviews specified in this section, the Legislative Auditor may review the working papers and other documentation of the auditor. As a result of the Legislative Auditor's reviews, audit reports, working papers, or other documentation may be referred to the State Board of Public Accountancy for action as prescribed in the Maryland Public Accountancy Act. It shall also be the duty of the Legislative Auditor to report all violations by any county, [incorporated city or town] **MUNICIPAL CORPORATION,** and taxing district of the requirement and provisions specified in the sections of this subtitle to the State Comptroller and, subject to § 2–1246 of the State Government Article, to the Executive Director of the State Department of Legislative Services. Should any county or [incorporated city or town] **MUNICIPAL CORPORATION,** or taxing district fail or refuse to file the audit reports as provided in this section with the Legislative Auditor within the time prescribed or fail or refuse to submit an audit report including financial statements that have been prepared in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards, the State Comptroller, acting upon the advice of the Executive Director of the State Department of Legislative Services, shall be authorized to order the discontinuance of payment of all funds, grants, or State aid which the county, [incorporated city or town] **MUNICIPAL CORPORATION,** or taxing district is entitled to receive under State law. This provision shall have specific reference to all funds,

grants, or State aid which the county, [incorporated city or town] **MUNICIPAL CORPORATION,** or taxing district is entitled to receive under applicable provisions of State law distributed by the State Comptroller, the clerks of the court, or other units of State government.

(2) Unless the Legislative Auditor determines, on a case–by–case basis, that more frequent audits are required, the Legislative Auditor may authorize [an incorporated city or town] **A MUNICIPAL CORPORATION** or taxing district created by the State with annual revenues of less than $50,000 in the prior 4 fiscal years to have an audit conducted once every 4 years.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 442 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 481 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Investments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 482 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Survivor Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 573 – Delegates Tarrant, DeBoy, Malone, and Stukes

AN ACT concerning

Disabled Law Enforcement Officers and Rescue Workers – Property 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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 705 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – School Bus Safety Enforcement Fund – Transfer to Governor's Office of Crime Control and Prevention

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 707 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – State Aid for Police Protection Fund – Transfer to Governor's Office of Crime Control and Prevention

Senator Currie moved, duly seconded, to make the Bill and Report a Special Order for March 31, 2008.

The motion was adopted.

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

House Bill 1048 – Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Revolving Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 203 – The President (By Request – Administration)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

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

Senator Della moved, duly seconded, to make the Bill a Special Order for March 31, 2008.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1013 – Senator Middleton

AN ACT concerning

Public Service Commission – Nuclear Decommissioning, Electric Industry Restructuring, and Acquisition and Financing Approvals

FOR the purpose of authorizing the Public Service Commission to exercise certain authority as set forth in certain provisions of federal law under certain circumstances; providing for the construction of certain provisions of this Act; granting the circuit court jurisdiction to enforce certain provisions of law; providing for the application of certain provisions of this Act; authorizing the Commission to authorize the taking, holding, or acquiring of certain capital stock of a certain gas and electric company by a certain stock corporation or certain public utility under certain circumstances; providing that certain provisions of law apply to a gas and electric company; requiring a certain gas and electric company to provide the Commission with a copy of a certain document that is filed with a certain federal agency or commission under certain circumstances; requiring the Commission to provide a certain gas and electric company with certain confidentiality and other protections under certain circumstances; prohibiting a person from acquiring power to exercise certain influence over the policies and actions of a certain gas and electric company without prior authorization of the Commission under certain circumstances; providing that a person may not be considered to have acquired certain power to exercise substantial influence over the policies and actions of a gas and electric company under certain circumstances; authorizing the Commission to order compliance with, and take certain actions authorized by, certain provisions with respect to a certain gas and electric company under certain circumstances; requiring the Commission to consider a certain factor in considering a certain acquisition; requiring the Commission to issue a certain

order within a certain time period after the filing of a certain application under certain circumstances; providing that, unless the Commission finds that a certain period should be extended by a certain time period, the failure of the Commission to issue a certain order within a certain time period shall be considered to be an approval of a certain acquisition; repealing a certain requirement of the Commission to conduct certain hearings, provide to certain customers funds for mitigation of certain rate increases, and require that certain funds be in the form of a nonbypassable credit on certain customer bills; altering the date by which a certain electric company shall determine and apply certain residential electric credits; altering the time periods during which an electric company shall determine and apply a certain credit; altering the form of a certain credit; requiring a certain electric company to determine and apply certain suspensions for a certain time period by a certain date under certain circumstances; altering the time frame within which a certain electric company must cease collecting a certain component of a certain charge; altering the time frame within which a certain credit of a certain nuclear decommissioning charge collected is to be imputed as if deposited in a certain trust fund and is to be credited against certain electric customer bills; providing that a one–time total credit of a certain amount be divided in a certain manner and credited against certain residential electric customer bills by a certain date; providing that a certain nuclear decommissioning charge may be altered only in a certain manner under certain circumstances; providing that certain residential electric customer suspensions may not be recovered through electric rates; providing that certain ratepayers may not bear certain financial obligations with regard to a certain nuclear power plant under certain circumstances; providing that ratepayers shall be deemed to have paid a certain amount in accordance with a certain agreement under certain circumstances; providing that certain nuclear decommissioning rights and obligations shall be deemed fully extinguished and satisfied under certain circumstances; requiring a certain gas and electric company to implement certain depreciation accruals until certain circumstances exist; requiring the Commission to review certain regulations; declaring that the provisions of this Act are not severable; and generally relating to nuclear decommissioning, electric industry restructuring, and acquisition and financing approvals of public service companies.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 3–109, 6–101(c), and 6–105
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing
Chapter 5 of the Acts of the General Assembly of the Special Session of 2006, as amended by Chapter 549 of the Acts of the General Assembly of 2007
Section 5

BY repealing and reenacting, with amendments,

Chapter 549 of the Acts of the General Assembly of 2007
Section 2(a)(1) and (3)

BY repealing and reenacting, with amendments,
Chapter 5 of the Acts of the General Assembly of the Special Session of 2006
Section 6

Senator Middleton moved to suspend the rules to allow **Senate Bill 1013** to be referred immediately.

The motion was adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 780)

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

QUORUM CALL

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

(See Roll Call No. 781)

RECESS

At 12:43 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 8:00 P.M. on Legislative Day, March 26, 2008, Calendar Day, Monday, March 31, 2008.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 26, 2008
Calendar Day: Monday, March 31, 2008
8:00 P.M. Session

At 7:59 P.M. the Senate resumed its session.

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

QUORUM CALL

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

(See Roll Call No. 783)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Mt. Hebron High School Girls Varsity Basketball Team	Senator Allan H. Kittleman	527

Read and adopted by a roll call vote as follows:

Affirmative – 40 Negative – 0 (See Roll Call No. 784)

SPECIAL ORDERS

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

Senate Bill 205 – The President (By Request – Administration) and Senators Frosh, Garagiola, Forehand, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

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

Favorable report adopted.

FLOOR AMENDMENT

SB0205/807879/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 205, AS AMENDED

On page 8 of the Finance Committee Amendments (SB0205/757577/1), in line 12 of Amendment No. 4, after the first "of" insert "the Public Utility Companies Article as enacted by".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0205/653227/1

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 205
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "information;" insert "prohibiting the Commission from requiring or allowing an electric company to require an electric customer to allow the electric company to control the amount of the electric customer's electricity usage;".

AMENDMENT NO. 2

On page 4, before line 31, insert:

"**(L) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION MAY NOT REQUIRE OR ALLOW AN ELECTRIC COMPANY TO REQUIRE AN ELECTRIC CUSTOMER TO AUTHORIZE THE ELECTRIC COMPANY TO CONTROL THE AMOUNT**

OF THE ELECTRIC CUSTOMER'S ELECTRICITY USAGE, INCLUDING THROUGH CONTROL OF THE ELECTRIC CUSTOMER'S THERMOSTAT.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 209 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

Renewable Portfolio Standard Percentage Requirements – Acceleration

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

FLOOR AMENDMENT

SB0209/863324/2

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 209
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "credit;" insert "requiring that if the owner of a certain wind energy generating facility chooses to sell certain renewable energy credits, the owner must first offer the credits for sale to an electricity supplier that shall apply the credits toward compliance with a certain renewable energy portfolio standard;"; and after line 18, insert:

"BY adding to
Article – Public Utility Companies
Section 7–704(g)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, in line 29, after "sources." insert:

"7–704.

(G) IF THE OWNER OF A WIND ENERGY GENERATING FACILITY IN THE STATE CHOOSES TO SELL RENEWABLE ENERGY CREDITS FROM THAT FACILITY, THE OWNER MUST FIRST OFFER THE CREDITS FOR SALE TO AN ELECTRICITY SUPPLIER THAT SHALL APPLY THE CREDITS TOWARD COMPLIANCE WITH THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER § 7–703 OF THIS SUBTITLE.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 707 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – State Aid for Police Protection Fund – Transfer to Governor's Office of Crime Control and Prevention

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 203 – The President (By Request – Administration)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

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

FLOOR AMENDMENT

SB0203/637671/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 203
(First Reading File Bill)

On page 18, in line 7, strike "**§ 11–806 OF THIS ARTICLE**" and substitute "**§ 11–807 OF THIS SUBTITLE**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0203/463122/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 203, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 18, after "severable;" insert "providing for the termination of certain provisions of this Act; providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments (SB0203/147675/2), in line 17 of Amendment No. 1, strike "11–808" and substitute "11–807".

On pages 2 through 6 of the Finance Committee Amendments, strike Amendment Nos. 3, 4, and 5 in their entirety.

AMENDMENT NO. 3

On page 3 of the bill, in line 31, strike "the Laws of Maryland read as follows"; and after line 31, insert:

"(a) There is a Workforce Creation and Adult Education Transition Council to study the Integration of Adult Education and Literacy Services with the Division of Workforce Development and its programs.

(b) The Transition Council shall consist of the following members:

(1) one member of the Senate, appointed by the President;

(2) one member of the House of Delegates, appointed by the Speaker;

(3) the Secretary, who shall serve as Cochair;

(4) the Secretary of Business and Economic Development;

(5) the Secretary of Public Safety and Correctional Services;

(6) the State Superintendent of Schools, who shall serve as Cochair;

(7) the Secretary of Higher Education;

(8) the Chancellor of the University System of Maryland;

(9) a representative of the Maryland Association for Adult Community and Continuing Education;

(10) a representative of the Maryland Workforce Development Association;

(11) a representative of the Maryland Association of Community Colleges;

(12) the Chair of the Governor's Workforce Investment Board; and

(13) ten members appointed by the Governor, including representatives from the following communities of interest:

(i) family literacy;

(ii) adult basic education;

(iii) career and technical education;

(iv) workplace literacy;

(v) correctional education;

(vi) community libraries;

(vii) English as a Second Language providers;

(viii) organized labor;

(ix) employers; and

(x) nonprofit organizations involved in programs to promote economic self–sufficiency.

(c) The Transition Council shall:

(1) develop a plan for the seamless transition of the adult education, literacy, and correctional education programs from the State Department of Education to the Department of Labor, Licensing, and Regulation;

(2) actively assist in the development of a new State plan for adult education;

(3) identify existing adult education programs in other units of State government and develop strategies to make the agencies part of a coordinated program;

(4) recommend a framework for a new State system of delivering adult education and workforce programs through the Department of Labor, Licensing, and Regulation that:

(i) provides for the effective alignment of adult education, literacy, and correctional education programs with workforce development programs;

(ii) tracks outcomes of adult education students; and

(iii) is consistent with applicable federal laws;

(5) review the overlapping responsibilities of correctional education as they relate to implementation of adult correctional education and juvenile services education;

(6) determine the advisability of transferring correctional education services in light of the potential negative impact the transfer could have on the effective operation of juvenile services education; and

(7) recommend the composition and responsibilities of a State Advisory Council on Adult Education, Literacy, and Workforce Development.

(d) The Department of Labor, Licensing, and Regulation shall provide staff to the Transition Council.

(e) (1) On or before December 31, 2008, the Transition Council shall complete its work and shall report to the Governor and, subject to the provisions of § 2–1246 of the State Government Article, to the General Assembly, on its activities and recommendations.

(2) The report shall include a summary of the plan for the seamless transition of the adult education, literacy, and correctional education programs from the State Department of Education including:

(i) strategies for ensuring program continuity for clients of the affected programs;

(ii) strategies for ensuring continuity in the State administration of affected grant programs;

(iii) provisions regarding affected employees, including a specific analysis of the transfer of employees with shared responsibilities for adult correctional education and juvenile services education such as grant managers and program coordinators;

(iv) strategies for coordinating the activities and responsibilities of units of State government involved in administering the transferred programs; and

(v) strategies for addressing potential challenges to implementing the transition of the affected programs in a manner that ensures the continued delivery of quality content to clients of the affected programs.

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

AMENDMENT NO. 4

On pages 15 through 17 of the bill, strike in their entirety the lines beginning with line 21 on page 15 through line 14 on page 17, inclusive, and substitute:

"**11–803.**

THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE STATE PLAN FOR ADULT EDUCATION AND LITERACY SERVICES AND ITS SUBMISSION TO THE FEDERAL DEPARTMENT OF EDUCATION.

11–804.".

AMENDMENT NO. 5

On page 18 of the bill, in line 17, strike "**DEPARTMENT**" and substitute "**SECRETARY**".

AMENDMENT NO. 6

On page 25 of the bill, in line 1, strike "2." and substitute "3."; in line 40, after "That" insert "Section 1 of"; and in line 41, after "2008." insert "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 1 of this Act shall be abrogated and of no further force and effect.

SECTION 14. AND BE IT FURTHER ENACTED, That, Sections 2 through 12 of this Act shall take effect July 1, 2009.

SECTION 15. AND BE IT FURTHER ENACTED, That, except as provided in Sections 13 and 14 of this Act, this Act shall take effect July 1, 2008.".

AMENDMENT NO. 6

On page 8 of the Finance Committee Amendments, in line 2 of Amendment No. 7, strike "3." and substitute "4."; and in lines 5 and 8, in each instance, strike "2009" and substitute "2010".

On page 9 of the Finance Committee Amendments, in line 2 of Amendment No. 7, strike "2010" and substitute "2011"; in line 5, strike "2009" and substitute "2010"; in lines 7, 12, and 18, strike "6.", "7.", and "8.", respectively, and substitute "7.", "8.", and "9.", respectively; in line 17, strike "2009" and substitute "2010"; in the same line, strike "2010" and substitute "2011"; in line 19, strike "2008" and substitute "2009"; in the same line, strike "2009" and substitute "2010"; and in line 24, strike "4.", "5.", "9.", "10.", "11.", and "12.", respectively, and substitute "5.", "6.", "10.", "11.", "12.", and "13.", respectively.

The preceding 7 amendments were read only.

Senator Middleton 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 963 – Prince George's County Senators

AN ACT concerning

Prince George's County – Safer Roads Act of 2008

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

SB0963/988679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 963
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "limiting" and substitute "requiring Prince George's County, municipal corporations in Prince George's County, and the Comptroller to distribute certain funds in a certain manner; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle on a residential highway; prohibiting in Prince George's County the use of a speed monitoring system unless authorized by the County Council or, if applicable, the governing body of a municipal corporation in Prince George's County by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a certain ordinance or resolution to provide for the issuance of warnings during a certain period for certain violations; authorizing"; in the same line, strike "to" and substitute "on"; in line 7, after "highways" insert "that have certain posted speed limits and that have been identified by local law enforcement agencies as significant dangerous locations based on certain data with certain exceptions; making an exception for certain interstate highways"; in line 8, after "County;" insert "adding to the list of defenses that the District Court of Prince George's County may consider in defense of a certain violation;"; in line 27, strike "7–302(e),"; and after line 29, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–302(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 28, insert:

"**(4) (I) FROM THE FINES COLLECTED IN PRINCE GEORGE'S COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE PRINCE GEORGE'S COUNTY OFFICE OF FINANCE OR, IF APPLICABLE, A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE TO THE COMPTROLLER ON AN ANNUAL BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.".

AMENDMENT NO. 3

On page 6, in line 5, strike "10" and substitute "**12**"; in line 8, strike "This" and substitute "**(I) SUBJECT TO SUBPARAGRAPH (II) AND PARAGRAPH (2) OF THIS SUBSECTION, THIS**"; in line 12, strike "(i)" and substitute "**1.**"; in the same line, strike the brackets; in the same line, strike "**IN MONTGOMERY COUNTY, ON**"; in line 14, strike "1." and substitute "**A.**"; in the same line, strike "35" and substitute "**45**"; in line 16, strike "2." and substitute "**B.**"; in line 17, strike the brackets; in line 18, strike "(ii)" and substitute "**2.**"; strike beginning with "**PRINCE**" in line 18 down through "**IN**" in line 25; after line 25, insert:

"**(II) IN PRINCE GEORGE'S COUNTY, THIS SECTION ALSO APPLIES TO A VIOLATION OF THIS SUBTITLE RECORDED BY A SPEED MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND HAS BEEN PLACED ON A HIGHWAY THAT:**

1. IS NOT INTERSTATE HIGHWAY 95 OR 495;

2. HAS A MAXIMUM POSTED SPEED LIMIT BETWEEN 46 AND 55 MILES PER HOUR, WHICH SPEED LIMIT WAS ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; AND

3. HAS BEEN IDENTIFIED BY A LOCAL LAW ENFORCEMENT AGENCY AS A SIGNIFICANT DANGEROUS LOCATION BASED ON ACCIDENT AND SPEEDING VIOLATION DATA.

(2) (I) IN PRINCE GEORGE'S COUNTY, A SPEED MONITORING SYSTEM MAY NOT BE USED UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY AN ORDINANCE OR RESOLUTION ENACTED BY THE COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

(II) AN ORDINANCE OR RESOLUTION ADOPTED UNDER THIS PARAGRAPH SHALL PROVIDE THAT FOR A PERIOD OF AT LEAST 5 MONTHS AFTER THE FIRST SPEED MONITORING SYSTEM IS PLACED IN PRINCE GEORGE'S COUNTY, A VIOLATION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.";

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

On page 7, in lines 1 and 9, strike "(3)" and "(4)", respectively, and substitute "**(4)**" and "**(5)**", respectively; and in line 24, strike "**$75**" and substitute "**$40**".

AMENDMENT NO. 4

On page 9, in line 32, strike "and"; and in line 33, after "(iii)" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND**

(IV)".

On page 10, after line 28, insert:

"**(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.**".

AMENDMENT NO. 5

On page 12, strike beginning with "AND" in line 12 down through "3." in line 21; in lines 25 and 27, strike "4." and "5.", respectively, and substitute "3." and "4.", respectively; strike beginning with "for" in line 27 down through "Act," in line 29; and strike beginning with the colon in line 30 down through "(2)" in line 33.

On page 13, in lines 1, 9, and 13, strike "6.", "7.", and "8.", respectively, and substitute "5.", "6.", and "7.", respectively.

The preceding 5 amendments were read and adopted by a roll call vote as follows:

Affirmative – 23 Negative – 22 (See Roll Call No. 785)

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0963/953727/2

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 963, AS AMENDED

On page 3 of the Judicial Proceedings Committee Amendments (SB0963/988679/1), in line 1 of Amendment No. 3, after "**495**" insert "**OR U.S. ROUTE 50 OR 301**".

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 #28

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

Senate Bill 95 – Senators Miller, Britt, Currie, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County Agricultural Preservation Easement Program

SB0095/954439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 95
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Harrington"; in line 6, strike "Planning Board" and substitute "Soil Conservation District"; strike beginning with "in" in line 6 down through "District" in line 7 and substitute "subject to certain regulations"; strike beginning with "and" in line 9 down through "District" in line 11; in line 11, after "Board" insert "and the Soil Conservation District"; in line 14, strike "funds" and substitute "revenues"; and in line 15, strike "solicit" and substitute "exercise prudence and due diligence".

AMENDMENT NO. 2

On page 4, in line 8, strike "**SUBSECTION (B) OF THIS SECTION, THE BOARD**" and substitute "**REGULATIONS ADOPTED BY THE BOARD AND THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT UNDER THIS SUBTITLE, THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT**"; strike beginning with "**IN**" in line 9 down through "**DISTRICT**" in line 10; strike in their entirety lines 18 through 22, inclusive; in line 23, strike "**(3)**" and substitute "**(2)**"; strike beginning with "**SUBJECT**" in line 27 down through "**BOARD**" in line 29 and substitute "**(A) THE BOARD AND THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT**"; and after line 30, insert:

"**(B) THE REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL:**

(1) PROVIDE FOR A PROGRAM APPLICATION PROCESS;

(2) ESTABLISH CRITERIA FOR PRIORITIZING APPLICATIONS FOR EASEMENTS TO PURCHASE;

(3) PROVIDE FOR THE PROCESS FOR NEGOTIATING THE PURCHASE OF EASEMENTS;

(4) ALLOW THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT TO PROCURE ANY APPRAISALS NECESSARY FOR VALUATION OF EACH EASEMENT; AND

(5) SPECIFY A METHOD FOR APPRAISING AND VALUING EASEMENTS TO ENCOURAGE LANDOWNERS TO PARTICIPATE IN THE PROGRAM AND MAXIMIZE THE ACREAGE FOR EASEMENTS TO BE PURCHASED.

(C) THE REGULATIONS MAY PROVIDE FOR THE ADJUDICATION AND APPEAL OF ANY DISPUTED EASEMENT VALUATION BY THE PRINCE GEORGE'S COUNTY PROPERTY TAX ASSESSMENT APPEAL BOARD ACCORDING TO THE PROCEDURES PRESCRIBED UNDER § 2–511 OF THE AGRICULTURE ARTICLE.".

AMENDMENT NO. 3

On page 5, in line 5, strike "**THOSE FUNDS**" and substitute "**REVENUES FROM PRINCE GEORGE'S COUNTY METROPOLITAN DISTRICT TAXES OR PRINCE GEORGE'S COUNTY REGIONAL DISTRICT TAXES**"; in line 11, after "**PURCHASE**" insert "**USING THE FUND**"; and in line 12, strike "**SOLICIT**" and substitute "**EXERCISE PRUDENCE AND DUE DILIGENCE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #29

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

Senate Bill 251 – Senator Astle

AN ACT concerning

Anne Arundel County – Well Drillers – Permit Fee

SB0251/834839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 251

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "fee" and substitute "fees"; in the same line, strike "approximate the" and substitute "reflect the actual"; and in line 5, after "services;" insert "establishing a certain limitation on the amount of the fee charged for a well drilled to replace an existing well;".

AMENDMENT NO. 2

On page 2, in line 8, strike the comma and substitute "**:**

1. SUBJECT TO ITEM 2 OF THIS SUBPARAGRAPH,";

in line 9, strike "**APPROXIMATE THE**" and substitute "**REFLECT THE ACTUAL**"; and in line 11, after "**HEALTH**" insert "**; AND**

2. FOR A WELL DRILLED TO REPLACE AN EXISTING WELL THE FEE CHARGED SHALL BE NO MORE THAN 50% OF THE FEE AS CALCULATED UNDER ITEM 1 OF THIS SUBPARAGRAPH".

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 398 – Senator Astle

AN ACT concerning

Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs

SB0398/314833/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 398

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike "and the Department of Natural Resources"; in line 6, after "testing" insert "under certain circumstances"; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On page 2, in line 1, strike "**SUBJECT**" and substitute "**NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 10 through 20, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #30

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

Senate Bill 941 – Senator Stoltzfus

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

SB0941/374437/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 941

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 5 down through "purposes;" in line 7; in line 11, strike ", vice chair, and secretary–treasurer" and substitute "and vice–chair"; in line 12, after "Commission;" insert "providing for the appointment of a secretary–treasurer;"; in line 19, after "Director;" insert "requiring the Secretary of Natural Resources to perform certain duties under certain circumstances;"; in line 22, strike ", contracts, events, or concessions" and substitute "and contracts"; in line 24, after "effect" insert "for a certain period of time"; in line 25, after "circumstances;" insert "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;"; in line 27, after "respond" insert "in a certain manner"; and in line 30, after "Secretary;" insert "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;".

On page 2, in line 15, after "circumstances;" insert "requiring the State to pay the Executive Director's salary without reimbursement from the Commission until a certain determination is made;"; and in line 16, after "to" insert "the"; in the same line, after "Marina" insert "Commission".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 12, inclusive; and in lines 13 and 22, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 4, in lines 1, 4, 10, 14, 15, and 17, strike "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively; in line 6, strike "**ELECT**" and substitute "**APPOINT**"; in line 23, strike "**(11) (I)**" and substitute "**(C) (1)**"; in line 24, strike "**1. NOMINATE**" and substitute "**(I) APPOINT**"; strike beginning with "**TO**" in line 24 down through "**2.**" in line 26 and substitute "**;**

(II)";

in line 28, after "**DIRECTOR**" insert "**; AND**

(III) REVIEW AND MAKE DETERMINATIONS ON REQUESTS FOR APPROVAL OF LEASES AND CONTRACTS SUBMITTED TO THE SECRETARY BY

THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION";

and in lines 29 and 30, strike "**(II)**" and "**1.**", respectively, and substitute "**(2)**" and "**(I)**", respectively.

On page 5, strike beginning with "**, WHO**" in line 5 down through "**AGENCIES**" in line 11; strike beginning with the first comma in line 12 down through "**FACILITIES**" in line 13 and substitute "**OF LAND, BUILDINGS, OR FACILITIES AT SOMERS COVE MARINA AND EXECUTE CONTRACTS FOR EVENTS OR CONCESSIONS**"; strike beginning with "**, PROVIDED THAT:**" in line 14 down through "**RECEIPT**" in line 28 and substitute "**IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION**"; and in lines 1, 5, 12, and 29, strike "**2.**", "**3.**", "**5.**", and "**7.**", respectively, and substitute "**(II)**", "**(III)**", "**(IV)**", and "**(V)**", respectively.

On page 6, in lines 1, 3, 5, 7, and 9, strike "**8.**", "**9. A.**", "**B.**", "**10.**", and "**(C)**", respectively, and substitute "**(VI)**", "**(VII) 1.**", "**2.**", "**(VIII)**", and "**(F)**", respectively.

AMENDMENT NO. 3

On page 6, in line 7, strike "**BE**" and substitute "**SHALL BE**"; and after line 8, insert:

"**(3) (I) THE MARINA MANAGER SHALL BE AN EMPLOYEE OF THE STATE.**

(II) THE MARINA MANAGER IS RESPONSIBLE FOR THE DAY–TO–DAY OPERATIONS OF THE MARINA.

(D) (1) A LEASE OF LAND, A BUILDING, OR OTHER FACILITY AT THE SOMERS COVE MARINA OR A CONTRACT FOR AN EVENT OR CONCESSION AT THE SOMERS COVE MARINA SHALL CONFORM TO THE ANNUAL MASTER PLAN APPROVED UNDER SUBSECTION (C)(2)(V) OF THIS SECTION.

(2) A LEASE OF LAND, A BUILDING, OR A FACILITY OR A CONTRACT FOR AN EVENT OR CONCESSION THAT IS EXECUTED BY THE EXECUTIVE DIRECTOR:

(I) MAY NOT BE FOR A TERM OF MORE THAN 5 YEARS OR BE RENEWED FOR MORE THAN AN ADDITIONAL 5 YEARS; AND

(II) SHALL BE REVIEWED AND APPROVED BY THE COMMISSION AND OFFICE OF THE ATTORNEY GENERAL.

(3) A LEASE ENTERED INTO BEFORE THE CREATION OF THE COMMISSION SHALL REMAIN IN EFFECT FOR THE DURATION OF THE TERM OF THE LEASE.

(4) (I) THE EXECUTIVE DIRECTOR MAY NOT EXECUTE A LEASE OR CONTRACT FOR NONBOATING RELATED IMPROVEMENTS OR GOODS AT THE MARINA WITHOUT THE APPROVAL OF THE SECRETARY.

(II) WITHIN 30 DAYS AFTER RECEIVING A REQUEST FOR APPROVAL OF A LEASE OR CONTRACT, THE SECRETARY SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH AN INITIAL RESPONSE THAT MAY INCLUDE A PROCESS OR PLAN OF ACTION FOR ADDRESSING THE MERITS OF THE REQUEST.

(E) (1) THE EXECUTIVE DIRECTOR SHALL PROCURE GOODS AND SERVICES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.

(2) FOR GOODS AND SERVICES WITH AN EXPECTED VALUE OF $1,000 TO $5,000, THE EXECUTIVE DIRECTOR SHALL:

(I) MAKE A WRITTEN OR TELEPHONE REQUEST FOR BIDS;

(II) EVALUATE THE BIDS; AND

(III) AWARD THE CONTRACT TO THE RESPONSIBLE BIDDER THAT SUBMITS THE RESPONSIVE BID THAT IS THE LOWEST BID PRICE.

(3) FOR GOODS AND SERVICES WITH AN EXPECTED VALUE OF MORE THAN $5,000, THE EXECUTIVE DIRECTOR SHALL:

(I) ADVERTISE THE SOLICITATION IN A LOCAL NEWSPAPER AND ON THE SOMERSET COUNTY WEBSITE;

(II) ISSUE INVITATIONS FOR BIDS TO ALL KNOWN PROSPECTIVE VENDORS;

(III) TABULATE AND EVALUATE THE BIDS;

(IV) SELECT FOR AWARD THE RESPONSIBLE BIDDER WHO SUBMITS THE RESPONSIVE BID THAT IS THE LOWEST BID PRICE; AND

(V) SUBMIT THE PROPOSED AWARD TO THE COMMISSION FOR REVIEW AND APPROVAL.

(4) THE EXECUTIVE DIRECTOR SHALL ADOPT A PROCUREMENT POLICY THAT INCLUDES PROVISIONS FOR MINORITY AND WOMEN–OWNED BUSINESS PARTICIPATION.".

AMENDMENT NO. 4

On page 7, in line 13, strike "**OR CONVENIENT**"; and in lines 15, 18, and 26, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(G)**", "**(H)**", and "**(I)**", respectively.

On page 8, in lines 11 and 14, strike "**(G)**" and "**(H)**", respectively, and substitute "**(J)**" and "**(K)**", respectively; and in line 20, strike "**AND**" and substitute "**OR**".

AMENDMENT NO. 5

On page 9, in line 10, after "employee" insert ", other than the Executive Director, who is"; in the same line, strike "position" and substitute "or full–time contractual position, and"; strike beginning with "If" in line 15 down through "the" in line 16 and substitute "The"; in lines 17 and 18, strike "the Executive Director and any other" and substitute "a"; in line 18, strike "at the Marina" and substitute "who remains employed in accordance with subsection (b)(1) of this section"; and after line 18, insert:

"(3) The State shall pay the Executive Director's salary without reimbursement from the Somers Cove Marina Commission until the Secretary of Natural Resources and the Somers Cove Marina Commission determine that the Commission is financially able to reimburse the State for the cost of the Executive Director's salary.".

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 #31

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

Senate Bill 849 – Senator Rosapepe

AN ACT concerning

Fitness and Athletics Equity for Students with Disabilities Act

SB0849/204533/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 849
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "school systems" and substitute "boards of education"; in the same line, strike "the participation of" and substitute "that"; in line 4, after "disabilities" insert "have certain opportunities"; in the same line, after "and" insert "certain"; in the same line, after "programs;" insert "providing for certain exceptions to these requirements under certain circumstances;"; in lines 5, 6, 7, 13, and 17, in each instance, strike "school systems" and substitute "boards"; in line 6, strike "programs,"; in the same line, after "policies" strike the comma; strike beginning with "requiring" in line 8 down through "criteria;" in line 12 and substitute "requiring the State Board of Education to adopt a certain model policy to assist certain county

boards;"; strike beginning with "authorizing" in line 15 down through "actions;" in line 17; strike beginning with "clarifying" in line 18 down through "provisions" in line 20 and substitute "providing for the enforcement of certain provisions; authorizing a court to award attorney's fees"; in line 21, strike "local school system"; and in line 27, strike "7–4B–07" and substitute "7–4B–06".

AMENDMENT NO. 2

On page 3, in line 6, strike "**SPECIFICALLY**"; after line 10, insert:

"**(D) "MAINSTREAM ATHLETIC PROGRAM" MEANS INTRAMURAL OR INTERSCHOLASTIC ATHLETIC ACTIVITY THAT IS DEVELOPED AND OFFERED TO STUDENTS IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE STATE BOARD.**";

in line 11, strike "**(D)**" and substitute "**(E)**"; in the same line, strike "**AND ATHLETIC**"; in line 12, strike "**ALL**"; in the same line, strike "**SCHOOL–BASED ACTIVITY**" and substitute "**PHYSICAL EDUCATION PROGRAM**"; in line 13, after "**STUDENTS**" insert "**IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE STATE BOARD**"; strike in their entirety lines 14 through 16, inclusive; in line 20, strike "**THE**" and substitute "**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE**"; in the same line, strike "**DEPARTMENT**" and substitute "**STATE BOARD**"; in the same line, strike "**SCHOOL SYSTEM**" and substitute "**BOARD**"; strike in their entirety lines 21 through 23, inclusive; after line 23, insert:

"**(1) ENSURE THAT STUDENTS WITH DISABILITIES HAVE AN EQUAL OPPORTUNITY TO:**

(I) PARTICIPATE IN MAINSTREAM PHYSICAL EDUCATION PROGRAMS; AND

(II) TRY OUT FOR AND, IF SELECTED, PARTICIPATE IN MAINSTREAM ATHLETIC PROGRAMS;";

in line 27, after the first "**AND**" insert "**MAINSTREAM**"; in line 29, strike "**FOR STUDENTS WITH DISABILITIES ARE**"; and strike beginning with "**DEVELOPED**" in line 30 down through "**DISABILITIES**" in line 32 and substitute "**ARE AVAILABLE**".

AMENDMENT NO. 3

On page 4, in line 1, strike "**REQUIREMENT**" and substitute "**REQUIREMENTS**"; in the same line, strike "**(A)(1)**" and substitute "**(A)**"; in line 5, after "**SCHOOL'S**" insert "**MAINSTREAM PHYSICAL EDUCATION OR MAINSTREAM ATHLETIC**"; in line 6, strike "**ATHLETIC OR PHYSICAL EDUCATION**"; strike in their entirety lines 7 through 24, inclusive; in line 25, strike "**(D)**" and substitute "**(C)**"; in lines 27 and 32, in each instance, strike "**SCHOOL SYSTEM**" and substitute "**BOARD**"; in line 29, after "**AND**" insert "**MAINSTREAM**"; and strike beginning with "**AVAILABLE**" in line 29 down through "**DISABILITIES**" in line 30.

AMENDMENT NO. 4

On page 5, in line 2, after "**INTO**" insert "**MAINSTREAM**"; in line 3, after "**AND**" insert "**MAINSTREAM**"; in lines 4 and 5, strike "**AND WITHOUT**"; strike beginning with "**FOR**" in line 8 down through "**AND**" in line 11 and substitute "**; OR**"; in line 14, strike "**SCHOOL SYSTEM'S**" and substitute "**COUNTY BOARD'S**"; in line 15, strike "**; AND**" and substitute a period; and after line 15, insert:

"**(B) THE STATE BOARD SHALL ADOPT A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE IMPLEMENTATION OF THIS SECTION.**".

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 16 on page 5 through line 26 on page 6, inclusive.

On page 6, in line 28, strike "**SCHOOL SYSTEMS**" and substitute "**BOARDS**"; after line 26, insert:

"**7–4B–04.**";

strike beginning with the colon in line 29 down through "**INVESTIGATE**" in line 30 and substitute "**INVESTIGATE**"; and in line 33, strike "**; AND**" and substitute a period.

AMENDMENT NO. 6

On page 7, strike in their entirety lines 1 through 22, inclusive; after line 22, insert:

"**7–4B–05.**";

in line 23, strike "**OCTOBER**" and substitute "**FEBRUARY**"; in line 28, strike "**AN ASSESSMENT OF HOW MANY**" and substitute "**THE NUMBER OF**"; in the same line, after "**DISABILITIES**" insert "**THAT**"; in line 29, after "**SYSTEM'S**" insert "**MAINSTREAM**"; in the same line, after "**OR**" insert "**MAINSTREAM**"; and in line 30, after the semicolon insert "**AND**".

AMENDMENT NO. 7

On pages 7 and 8, strike the lines beginning with line 31 on page 7 through line 3 on page 8, inclusive.

On page 8, in line 4, strike "**(4)**" and substitute "**(2)**"; in the same line, strike "**SCHOOL SYSTEM**" and substitute "**COUNTY BOARD**"; in line 5, after "**IN**" insert "**MAINSTREAM**"; in line 6, after "**OR**" insert "**MAINSTREAM**"; in line 7, strike "**SCHOOL SYSTEM**" and substitute "**BOARD**"; in line 8, after "**SHALL**" insert "**BE CONSISTENT WITH REGULATIONS ADOPTED BY THE STATE BOARD.**"; strike beginning with "**INCLUDE:**" in line 9 down through "**SECTION.**" in line 27; in line 28, strike "**(E)**" and substitute "**(D)**"; in the same line, strike "**DECEMBER 31**" and substitute "**MAY 1**"; in line 30, strike "**COUNTY SCHOOL SYSTEM**"; and in line 32, strike "**7–4B–07.**" and substitute "**7–4B–06.**".

AMENDMENT NO. 8

On page 9, strike in their entirety lines 5 through 14, inclusive; in line 4, strike "**SCHOOL SYSTEMS**" and substitute "**BOARDS**"; in line 15, strike "**(D)**" and substitute "**(C)(1)**"; in line 16, strike "**SCHOOL SYSTEM**" and substitute "**BOARD**"; strike beginning with "**FOR**" in line 16 down through "**FEES**" in line 19; after line 19, insert:

"**(2) A COURT MAY AWARD ATTORNEY'S FEES.**";

and in line 20, strike "school system" and substitute "board of education".

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 with amendments:

Senate Bill 952 – Senator Muse

AN ACT concerning

Higher Education – Admission Standards at Public Institutions

SB0952/844934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 952
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2, and substitute:

"Task Force on the Use of College Entrance Examinations for Admission to Public Institutions of Higher Education";

and strike beginning with "prohibiting" in line 3 down through "State" in line 10 and substitute "establishing a Task Force on the Use of College Entrance Examinations for Admission to Public Institutions of Higher Education; establishing the membership and staffing 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 on or before 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 on the Use of College Entrance Examinations for Admission to Public Institutions of Higher Education".

On pages 1 and 2, strike in their entirety the lines beginning with line 11 on page 1 through line 15 on page 2, inclusive, and substitute:

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

(a) There is a Task Force on the Use of College Entrance Examinations for Admission to Public Institutions of Higher Education.

(b) The Task Force consists of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the House;

(3) The Secretary of Higher Education, or the Secretary's designee;

(4) The State Superintendent of Schools, or the State Superintendent's designee; and

(5) The following members appointed by the Governor:

(i) One student enrolled in a public high school in the State;

(ii) One student enrolled in a public institution of higher education in the State;

(iii) One guidance counselor at a public high school in the State;

(iv) One admissions officer at a public institution of higher education in the State;

(v) One member of the faculty at a public institution of higher education in the State;

(vi) One representative of the University System of Maryland who has specialized knowledge relating to the pilot program being conducted at Salisbury University to evaluate the use of college entrance examinations for purposes of admission to Salisbury University;

(vii) One representative from the Maryland Association of Boards of Education;

(viii) One representative of the Community Colleges Association of Maryland;

(ix) One representative of the Maryland Parent Teacher Association; and

(x) One representative of the Maryland Chamber of Commerce.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Education and the Maryland Higher Education Commission jointly shall provide staff support for the Task Force.

(e) A member of the Task Force:

(1) May not receive compensation for work on the Task Force; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) Conduct a study of the use of college entrance examinations for admission to public institutions of higher education in the State;

(2) Assess whether college entrance examinations provide value or information beyond that which is obtained through other measures of student achievement presented by applicants for admission to public institutions of higher education in the State;

(3) Assess the effect on the range of socioeconomic populations in the State with regard to the use of college entrance examinations for admission to public institutions of higher education in the State; and

(4) On or before December 31, 2008, submit a report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 2

On page 2, in line 17, strike "October" and substitute "July"; and in the same line, after "2008." insert "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, 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.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #16

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

Senate Bill 32 – Senator Colburn

AN ACT concerning

Income Tax Credit – Oyster Restoration Activity

SB0032/409237/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 32
(First Reading File Bill)

On page 2, in line 5, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 5 down through "**SCIENCES**" in line 6; in line 24, strike the first comma and substitute "**OR**"; and strike beginning with "**, OR**" in line 24 down through "**SCIENCES**" in line 25.

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 214 – The President (By Request – Administration) and Senators Miller, Brinkley, Brochin, Colburn, Currie, DeGrange, Frosh, Garagiola, Gladden, King, Kramer, Lenett, Madaleno, McFadden, Peters, Robey, Stoltzfus, and Stone

AN ACT concerning

Divestiture from Iran

SB0214/499934/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 214
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Kasemeyer, Edwards, Jones, Munson, Zirkin, and Raskin"; in line 2, after "Iran" insert "and Sudan"; in line 5, after "companies;" insert "requiring certain companies to provide certain comments to the Board of Trustees within a certain period of time;"; in line 10, after "date;" insert "providing certain immunities from liability for certain persons; requiring the Board of Trustees to act in good faith in taking certain actions in a certain manner; providing for the construction of this Act; repealing certain other divestment laws;"; in the same line, strike "providing for the abrogation of this Act" and substitute "requiring the Board of Trustees to make certain recommendations to the Joint Committee on Pensions within a certain period of time"; in line 11, after "severable;" insert "providing for a delayed effective date;"; in line 12, after "Iran" insert "or Sudan"; after line 12, insert:

"BY repealing
Article – State Personnel and Pensions
Section 21–123.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)";

and in line 15, strike "21–123.2" and substitute "21–123.1".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 12, inclusive; in line 16, strike ", which is" and substitute "and"; in line 18, strike the comma; after line 25, insert:

"WHEREAS, Beginning in 2004, and several times since, the United States government has labeled ongoing atrocities by the government of Sudan and its Janjaweed allies in Darfur to be a genocide; and

WHEREAS, The United States government has imposed sanctions against the government of Sudan since 1997 that are monitored through the United States Treasury Department's Office of Foreign Assets Control; and

WHEREAS, Despite significant pressure from the United States government, the Republic of Sudan fails to take necessary actions to disassociate itself from its ties to terrorism and genocide; and

WHEREAS, On December 31, 2007, the President of the United States signed into law the Sudan Accountability and Divestment Act of 2007, which authorizes state and local governments that comply with the Act to divest assets in companies that conduct business operations in Sudan; and";

in line 26, strike "While divestiture" and substitute "Divestiture"; strike beginning with "as" in line 30 down through "shareholders" in line 31; after line 31, insert:

"WHEREAS, The Maryland Court of Appeals has indicated that the fiduciaries of public pension plans in the State may consider humanitarian and other social issues in their analysis of investments if the associated costs are de minimis; and";

and strike in their entirety lines 32 through 34, inclusive.

AMENDMENT NO. 3

On page 3, in line 2, after "That" insert "Section(s) 21–123.1 of the Article – State Personnel and Pensions of the Annotated Code of Maryland be repealed.

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

in line 4, strike "**21–123.2.**" and substitute "**21–123.1.**"; in line 27, after "**PETROLEUM**" insert "**OR NATURAL GAS**"; after line 27, insert:

"**(6) "DOING BUSINESS IN SUDAN" MEANS ENGAGING IN COMMERCE IN SUDAN BY MAINTAINING OR LEASING EQUIPMENT, FACILITIES, PERSONNEL, OR OTHER APPARATUS OF BUSINESS OR COMMERCE IN OIL–RELATED ACTIVITIES, MINERAL EXTRACTION ACTIVITIES, POWER PRODUCTION ACTIVITIES, OR PRODUCTION OF MILITARY EQUIPMENT OF SUDAN.**";

in line 28, strike "**(6)**" and substitute "**(7)**"; and in line 30, strike "**(7)**" and substitute "**(8)**".

On page 4, in lines 1 and 7, strike "**(8)**" and "**(9)**", respectively, and substitute "**(9)**" and "**(10)**", respectively; in line 6, strike "**BY**" and substitute "**OF**"; strike in their entirety lines 8 and 9; and after line 9, insert:

"**(11) (I) "SUDAN" MEANS THE GOVERNMENT IN KHARTOUM, SUDAN, THAT IS LED BY THE NATIONAL CONGRESS PARTY (FORMERLY KNOWN AS THE NATIONAL ISLAMIC FRONT) OR ANY SUCCESSOR GOVERNMENT FORMED ON OR AFTER OCTOBER 13, 2006, INCLUDING THE COALITION NATIONAL UNITY GOVERNMENT AGREED ON IN THE COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.**

(II) "SUDAN" DOES NOT MEAN THE REGIONAL GOVERNMENT OF SOUTHERN SUDAN.".

AMENDMENT NO. 4

On page 4, in line 13, after "**IRAN**" insert "**OR SUDAN**"; in line 14, after "**(C)**" insert "**(1)**"; in the same line, strike "**(D)**" and substitute "**(E)**"; in line 16, after "**TITLE**" insert "**AND ALL OTHER APPLICABLE LAW**"; and in the same line, strike the colon and substitute "**SHALL, WITHIN 30 DAYS OF ITS REVIEW UNDER SUBSECTION (B) OF THIS SECTION, PROVIDE WRITTEN NOTICE AND OPPORTUNITY TO COMMENT TO A COMPANY IN WHICH ELIGIBLE ACCOUNTS ARE INVESTED AND THAT HAS BEEN IDENTIFIED AS DOING BUSINESS IN IRAN OR SUDAN.**

(2) ANY NOTICE PROVIDED BY THE BOARD OF TRUSTEES UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE THAT THE COMPANY SHALL BE SUBJECT TO DIVESTMENT ACTION BY THE BOARD OF TRUSTEES UNLESS THE

COMPANY PROVIDES WRITTEN COMMENTS WITHIN 90 DAYS TO THE BOARD OF TRUSTEES:

(I) DEMONSTRATING THAT THE COMPANY IS NOT DOING BUSINESS IN IRAN OR SUDAN; OR

(II) STATING THAT, WITHIN 60 DAYS OF PROVIDING WRITTEN COMMENTS TO THE BOARD OF TRUSTEES UNDER THIS PARAGRAPH, THE COMPANY WILL PRODUCE A PLAN TO END DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR.

(3) IF THE COMPANY DEMONSTRATES TO THE SATISFACTION OF THE BOARD OF TRUSTEES THAT IT IS NOT DOING BUSINESS IN IRAN OR SUDAN, THE BOARD OF TRUSTEES MAY NOT TAKE ANY DIVESTMENT ACTION AGAINST THE COMPANY.

(4) (I) IF WITHIN 60 DAYS OF PROVIDING WRITTEN COMMENTS TO THE BOARD OF TRUSTEES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMPANY PRODUCES A PLAN TO CEASE DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR, THE BOARD OF TRUSTEES MAY NOT TAKE ANY DIVESTMENT ACTION AGAINST THE COMPANY.

(II) IF THE BOARD OF TRUSTEES DOES NOT TAKE ANY DIVESTMENT ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL MONITOR THE PROGRESS OF THE COMPANY'S PLAN TO CEASE DOING BUSINESS IN IRAN OR SUDAN OVER THE 12 MONTHS IMMEDIATELY FOLLOWING RECEIPT OF THE PLAN.

(III) IF THE COMPANY CEASES DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR, THE BOARD OF TRUSTEES MAY NOT TAKE ANY DIVESTMENT ACTION AGAINST THE COMPANY.

(IV) IF THE COMPANY DOES NOT CEASE DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR, THE BOARD OF TRUSTEES SHALL TAKE DIVESTMENT ACTION AGAINST THE COMPANY AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.".

AMENDMENT NO. 5

On page 4, strike in their entirety lines 17 through 21, inclusive; after line 21, insert:

"**(D) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (E) OF THIS SECTION, THE BOARD OF TRUSTEES:**";

in line 22, strike "**(2)**" and substitute "**(1)**"; in lines 24 and 25, in each instance, after "**IRAN**" insert "**OR SUDAN**"; in line 27, strike "**(3)**" and substitute "**(2)**"; and in line 29, after "**IRAN**" insert "**OR SUDAN AS DETERMINED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBSECTION (C) OF THIS SECTION**".

AMENDMENT NO. 6

On page 4, in line 30, strike "**(D)**" and substitute "**(E)**"; in line 31, strike "**SUBSECTION**" and substitute "**SUBSECTIONS**"; and in line 32, after "**(C)**" insert "**AND (D)**".

On page 5, in line 3, strike the semicolon and substitute "**OR SUDAN; AND**"; strike in their entirety lines 4 through 6, inclusive; in line 7, strike "**(3)**" and substitute "**(2)**"; in lines 9, 13, and 27, strike "**(E)**", "**(F)**", and "**(G)**", respectively, and substitute "**(F)**", "**(G)**", and "**(H)**", respectively; in line 10, strike "**(C)**" and substitute "**(D)**"; in lines 22 and 26, in each instance, after "**IRAN**" insert "**OR SUDAN**"; in line 24, strike "**(C)(3)**" and substitute "**(D)(2)**"; in line 27, after "**TRUSTEES**" insert "**, OR ANY OTHER FIDUCIARY OF THE SEVERAL SYSTEMS,**"; and in line 29, after "**OF**" insert "**ANY DIVESTMENT PROVISIONS UNDER**".

AMENDMENT NO. 7

On page 5, after line 29, insert:

"**(I) THE BOARD OF TRUSTEES SHALL ACT IN GOOD FAITH TO CARRY OUT DIVESTMENT ACTION AS REQUIRED BY THIS SECTION IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL LAW, INCLUDING RELEVANT JUDICIAL DECISIONS AND THE FEDERAL SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007.**

(J) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF TRUSTEES TO TAKE ACTION AS DESCRIBED IN THIS SECTION UNLESS THE BOARD OF TRUSTEES DETERMINES, IN GOOD FAITH, THAT THE ACTION IS CONSISTENT WITH THE FIDUCIARY RESPONSIBILITIES OF THE BOARD OF TRUSTEES AS DESCRIBED IN SUBTITLE 2 OF THIS TITLE.".

AMENDMENT NO. 8

On page 5, in line 30, strike "2." and substitute "3."; and in line 31, strike "This Act shall be abrogated and of no further force and effect if:" and substitute "(1) The Board of Trustees of the State Retirement and Pension System shall recommend to the Joint Committee on Pensions legislation that would amend Section 2 of this Act to repeal any reference to Iran divestment if:".

On page 6, in line 1, strike "(1)" and substitute "(i) with regard to Iran divestment,"; in line 6, strike "(2)" and substitute "(ii)"; in line 9, strike "of the type" and substitute "from Iran as"; after line 10, insert:

"(2) Any recommendation made by the Board of Trustees under paragraph (1) of this subsection shall be made within 6 months of the occurrence of either paragraph (1)(i) or (ii) of this subsection.

(b) (1) The Board of Trustees of the State Retirement and Pension System shall recommend to the Joint Committee on Pensions legislation that would amend Section 2 of this Act to repeal any reference to Sudan divestment if:

(i) with regard to Sudan divestment, the Congress or President of the United States affirmatively declares that the government of Sudan has:

1. honored its commitments to abide by United Nations Security Council Resolution 1769 (2007);

2. ceased attacks on civilians;

3. demobilized and demilitarized the Janjaweed and associated militias;

4. granted free and unfettered access for delivery of humanitarian assistance; and

5. allowed for the safe and voluntary return of refugees and internally displaced persons;

(ii) with regard to Sudan divestment, the President of the United States rescinds or repeals Executive Order 13067; or

(iii) the Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that mandatory divestment from Sudan as provided for in this Act interferes with the conduct of United States foreign policy.

(2) Any recommendation made by the Board of Trustees under paragraph (1) of this subsection shall be made within 6 months of the occurrence of either paragraph (1)(i), (ii), or (iii) of this subsection.";

strike in their entirety lines 11 through 14, inclusive; in lines 15 and 21, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively; in line 22, strike "2" and substitute "3"; and in the same line, strike "July 1, 2008" and substitute "January 1, 2009".

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 911 – Senator McFadden

AN ACT concerning

Land Bank Authorities – Establishment by Counties

SB0911/759332/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 911

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator McFadden" and substitute "Senators McFadden and Jones"; in line 2, before "Land" insert "Baltimore City"; in the same line, strike "Authorities – Establishment by Counties" and substitute "Authority"; in lines 3 and 18, in each instance, strike "a county" and substitute "Baltimore City"; in lines 6 and 7, strike "a county creating an authority" and substitute "Baltimore City"; strike beginning with "providing" in line 9 down through "circumstances;" in line 11; strike beginning with "authorizing" in line 12 down through "county;" in line 13; in line 16, strike "; establishing" and substitute ", establish"; in line 17, strike "complying" and substitute "comply"; in the same line, after "law;" insert "providing that the procedures of Baltimore City control certain matters under certain circumstances;"; in line 18, strike "providing an authority with certain immunities;"; in line 27, after "purpose;" insert "providing that an authority is subject to certain local zoning laws, permitting processes, and land use controls;"; in line 28, after the first "certain" insert "annual"; in the same line, after "report" insert "to the Mayor and City Council of Baltimore City and the General Assembly"; and in the same line, strike "in a certain time period".

On page 2, in line 9, strike "land bank authorities" and substitute "the Baltimore City Land Bank Authority"; in line 12, before "Land" insert "Baltimore City"; and in line 13, strike "Authorities" and substitute "Authority".

AMENDMENT NO. 2

On page 5, in line 8, strike "**THE LEGISLATIVE BODY OF**"; and strike beginning with "**AN**" in line 10 down through "**(D)**" in line 19.

On page 6, in lines 3, 15, and 30, strike "**(E)**", "**(F)**", and "**(G)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 3, strike "**CHIEF EXECUTIVE OF THE**"; in line 4, strike "**OTHER**"; and in line 15, strike "**THE LEGISLATIVE BODY OF**".

On page 7, in line 10, strike "**(A)**"; and strike in their entirety lines 18 through 21, inclusive.

On page 9, in line 14, strike "**(A)**"; and strike beginning with "**A**" in line 21 down through "**UNIT,**" in line 22.

On page 10, strike in their entirety lines 1 through 3, inclusive; in line 12, before "**AN**" insert "**(A)**"; strike beginning with the colon in line 21 down through "**THE**" in line 22 and substitute "**THE**"; in line 23, after "**5**" insert "**AND SUBTITLE 6, PART III**"; strike beginning with the semicolon in line 23 down through "**ARTICLE**" in line 25; after line 25, insert:

"**(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR THE ORDINANCE ESTABLISHING AN AUTHORITY, THE PROCEDURES OF BALTIMORE CITY CONTROL ANY MATTER RELATING TO THE INTERNAL ADMINISTRATION OF THE AUTHORITY.**";

and in line 30, strike "**HAS**" and substitute "**MAY HAVE**".

On page 11, strike beginning with "**AN**" in line 2 down through "**(B)**" in line 7; in line 15, strike the second "**AND**"; in line 16, strike "**REMEDIATE ENVIRONMENTAL CONTAMINATION**" and substitute "**ABATE VIOLATIONS OF THE LOCAL AND STATE BUILDING, FIRE, HEALTH, AND RELATED CODES; AND**

(6) HOLD, MANAGE, MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE WASTE OR DETERIORATION OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY IT HOLDS OR OWNS";

and in line 17, strike "**(C)**" and substitute "**(B)**".

On page 12, strike beginning with "**OR**" in line 19 down through "**DOES**" in line 20 and substitute "**THAT DO**".

On page 13, in line 1, strike "**FORECLOSING GOVERNMENTAL ENTITY**" and substitute "**PUBLIC WATER OR SEWER AUTHORITY**"; strike beginning with "**FORECLOSING**" in line 2 down through "**ENTITY**" in line 3 and substitute "**PUBLIC WATER OR SEWER AUTHORITY**"; and in line 4, strike "**TREASURER**" and substitute "**COMPTROLLER**".

On page 14, strike beginning with "**WITH**" in line 10 down through "**FILED**" in line 11 and substitute "**IN ACCORDANCE WITH THE MARYLAND RULES**"; in line 18, after "**LOCAL**" insert "**:**

(1)";

in the same line, strike "**ZONING**" and substitute "**ZONING LAWS;**

(2) PERMITTING PROCESSES FOR CONSTRUCTION, DEMOLITION, OR REPAIR OF A PROPERTY;";

in the same line, strike "**LAND**" and substitute:

"**(3) LAND**";

and strike beginning with "**COUNTY**" in line 21 down through "**LOCATED**" in line 22 and substitute "**MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY**".

AMENDMENT NO. 3

On page 2, in line 19, before "**LAND**" insert "**BALTIMORE CITY**"; in the same line, strike "**AUTHORITIES**" and substitute "**AUTHORITY**".

On page 2 in line 25, on page 5 in line 8, on page 8 in line 28, on page 10 in lines 10 and 30, and on page 11 in line 26, in each instance, strike "**A COUNTY**" and substitute "**BALTIMORE CITY**".

On page 2 in lines 26 and 27, on page 3 in lines 5 and 27, on page 4 in lines 14, 15, and 22, on page 5 in lines 1, 3, 4, and 20, on page 6 in lines 2, 4, and 17, on page 7 in lines 2, 11, and 24, on page 10 in line 9, on page 11 in line 21, on page 12 in lines 1 and 23, on page 13 in lines 7, 14, 22, and 26, on page 14 in line 15, on page 15 in lines 3 and 29, on page 17 in lines 15 and 23, on page 18 in line 25, on page 19 in line 7, on page 20 in lines 13 and 22, on page 21 in lines 3, 10, and 26, on page 22 in line 17, on page 23 in line 24, and on page 24 in line 3, in each instance, strike "**AN**" and substitute "**THE**".

On page 4 in line 19, and on page 11 in lines 28 and 29, in each instance, strike "**THE COUNTY**" and substitute "**BALTIMORE CITY**".

On page 5, in line 23, strike "**(NAME OF THE INCORPORATING COUNTY)**" and substitute "**BALTIMORE CITY**".

On page 6, in line 3, strike "**INCORPORATING COUNTY**" and substitute "**MAYOR OF BALTIMORE CITY**".

On page 6, in lines 6, 9, 13, 21, 25, and 27, in each instance, strike "**RECORD**" and substitute "**RECORDATION**".

On page 6 in lines 11, 15 and 16, and 31 and 32, and on page 7 in lines 6 and 8, in each instance, strike "**THE INCORPORATING COUNTY**" and substitute "**BALTIMORE CITY**".

On page 7 in line 26, on page 9 in lines 9 and 14, on page 10 in lines 5, 12, 27, and 30, on page 11 in line 17, on page 14 in lines 2, 5, 18, 21, and 25, on page 15 in line 27, on page 17 in line 8, on page 20 in line 17, on page 22 in lines 4, 20, and 24, and on page 23 in lines 4 and 12, in each instance, strike "**AN**" and substitute "**THE**".

On page 8, in line 28, strike "**COUNTY–OWNED**" and substitute "**CITY–OWNED**".

On page 10, in lines 27 and 28, strike "**THE GOVERNING BODY OF A COUNTY**" and substitute "**BALTIMORE CITY**".

On page 11, in lines 23 and 24, strike "**A COUNTY IN WHICH PROPERTY OWNED BY AN AUTHORITY IS LOCATED**" and substitute "**BALTIMORE CITY**"; in line 30, strike "**LOCAL**"; and in the same line, strike "**THE JURISDICTION WHERE**".

On page 12, in line 1, strike "**THE PROPERTY IS LOCATED**" and substitute "**BALTIMORE CITY**"; strike beginning with "**COUNTY**" in line 8 down through "**OTHER**" in line 9 and substitute "**LOCAL**"; in line 25, strike "**THE COUNTY OR MUNICIPAL CORPORATION**" and substitute "**BALTIMORE CITY**"; and in line 26, strike "**THE COUNTY OR MUNICIPAL CORPORATION**" and substitute "**BALTIMORE CITY**".

On page 14, in line 13, strike the first "**AN**" and substitute "**THE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0911/103929/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 911, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "authority;" insert "providing that certain property purchased, owned, or sold by an authority under this Act may not be located outside of Baltimore City;".

AMENDMENT NO. 2

On page 9, after line 13, insert "**(A)**".

On page 10, after line 3, insert:

"**(B) PROPERTY PURCHASED, OWNED, OR SOLD UNDER THIS SECTION MAY NOT BE LOCATED OUTSIDE OF BALTIMORE CITY.**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #25

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

Senate Bill 121 – Senator Astle

AN ACT concerning

Anne Arundel County – Health Department – License Fees for Food Establishments

SB0121/117872/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 121
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "requiring the Anne Arundel County Council to provide for a certain license fee schedule based on certain anticipated costs;".

AMENDMENT NO. 2

On page 1, in line 23, after "may" insert "**AND THE ANNE ARUNDEL COUNTY COUNCIL 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 727 – Senators Klausmeier and Kasemeyer

AN ACT concerning

Public Utility Companies – Electric Companies – Tree Care Activities

SB0727/877078/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 727
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kasemeyer" and substitute ", Kasemeyer, and Brochin"; strike beginning with "contact" in line 3 down through

"circumstances" in line 5 and substitute "use its website to provide notice of its upcoming scheduled tree care activities"; strike beginning with "to" in line 5 down through "circumstances" in line 6 and substitute ", at least once each year, to include with its billing materials a certain written description detailing where certain information may be obtained on its website"; and strike beginning with "for" in line 7 down through "circumstances" in line 9 and substitute "a certain notice to affected customers using at least one of certain specified methods; providing an exception to complying with certain requirements under this Act; requiring an electric company to submit to the Public Service Commission a certain report on or before a certain date each year; requiring the Commission to review a certain schedule and include certain links on its website; providing that an electric company is not required to submit certain changes regarding its scheduled tree care activities to the Commission under certain circumstances; defining a certain term; providing for the application of certain provisions of this Act".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 31, inclusive, and substitute:

"**(C) (1) (I) IN THIS SUBSECTION, "TREE CARE ACTIVITIES" MEANS THE TRIMMING, PRUNING, THINNING, SHAPING, REMOVING, OR REDUCING OF THE CROWN OF TREES.**

(II) "TREE CARE ACTIVITIES" DOES NOT INCLUDE MOWING OR GROWTH CONTROL APPLICATIONS.

(2) THIS SUBSECTION APPLIES ONLY TO TREE CARE ACTIVITIES INVOLVING ELECTRIC TRANSMISSION LINES THAT ARE DESIGNED TO OPERATE AT MORE THAN 100,000 VOLTS.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, AN ELECTRIC COMPANY SHALL:

(I) USE ITS WEBSITE TO PROVIDE NOTICE OF ITS UPCOMING SCHEDULED TREE CARE ACTIVITIES; AND

(II) AT LEAST ONE TIME ANNUALLY, INCLUDE WITH ITS BILLING MATERIALS A WRITTEN DESCRIPTION DETAILING WHERE

INFORMATION MAY BE OBTAINED ON ITS WEBSITE ABOUT ITS SCHEDULED TREE CARE ACTIVITIES.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION, AN ELECTRIC COMPANY SHALL PROVIDE NOTICE TO AFFECTED CUSTOMERS OF ITS UPCOMING SCHEDULED TREE CARE ACTIVITIES USING AT LEAST ONE OF THE FOLLOWING METHODS:

(I) PERSONAL CONTACT;

(II) PHONE CALLS;

(III) DOOR HANGERS;

(IV) MAILED NOTICES;

(V) BILL INSERTS;

(VI) NEWSPAPER ADVERTISEMENTS; OR

(VII) NOTIFICATION TO STATE AND LOCAL OFFICIALS WHO GOVERN THE AREA OF THE UPCOMING SCHEDULED TREE CARE ACTIVITIES.

(5) AN ELECTRIC COMPANY MAY CONDUCT ANY TREE CARE ACTIVITIES WITHOUT COMPLYING WITH THE REQUIREMENTS UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION IF THE TREE CARE ACTIVITIES ARE REQUIRED TO:

(I) ADDRESS DAMAGE OR THREATS TO SYSTEM RELIABILITY, INCLUDING THOSE THAT RESULT FROM A FALLEN OR STRUCTURALLY FAILING TREE, WEATHER–RELATED EVENT, NATURAL DISASTER, OR OTHER CATASTROPHIC EVENT;

(II) RESTORE ELECTRIC SERVICE; OR

(III) ENSURE THE SAFETY OF PERSONS OR PROPERTY.

(6) (I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, AN ELECTRIC COMPANY SHALL SUBMIT TO THE COMMISSION ITS PROPOSED SCHEDULE OF TREE CARE ACTIVITIES FOR THE FOLLOWING YEAR.

(II) THE COMMISSION SHALL REVIEW THE SCHEDULE AND INCLUDE A LINK ON ITS WEBSITE TO EACH ELECTRIC COMPANY'S WEBSITE THAT HAS SUBMITTED ITS PROPOSED SCHEDULE OF TREE CARE ACTIVITIES FOR THE FOLLOWING YEAR.

(III) AN ELECTRIC COMPANY IS NOT REQUIRED TO SUBMIT TO THE COMMISSION ANY CHANGES THAT MAY OCCUR TO ITS PROPOSED SCHEDULE OF TREE CARE ACTIVITIES SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE ELECTRIC COMPANY UPDATES ITS WEBSITE WITH THE CHANGES.".

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 977 – Senator Mooney

AN ACT concerning

Maryland Clean Energy Center

SB0977/307873/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 977
(First Reading File Bill)

AMENDMENT NO. 1

On page 8, in line 13, before "**THIS**" insert "**(A)**"; and after line 14, insert:

"**(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT OR RESTRICT THE DUTIES, PROGRAMS, OR AUTHORITY OF THE MARYLAND ENERGY ADMINISTRATION.**".

On page 9, after line 7, insert:

"**(E) THE CENTER SHALL COORDINATE WITH THE MARYLAND ENERGY ADMINISTRATION AND MAY NOT DUPLICATE THE PROGRAMS OR ACTIVITIES OF THE ADMINISTRATION WITHOUT CONSENT OF THE ADMINISTRATION.**".

AMENDMENT NO. 2

On page 10, in line 19, strike "**(A)**"; and strike in their entirety lines 21 and 22.

On page 31, after line 16, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Clean Energy Center established by this Act not rely on funding from appropriations made from the General Fund. Nothing in this section may be construed to limit the ability of the Center to seek and obtain funding from the Department of Business and Economic Development and from other State units and programs for economic and community development, however funded, or from federal programs involving a requirement for matching State funds.";

and in line 17, strike "3." and substitute "4.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #27

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

Senate Bill 268 – The President (By Request – Administration) and Senators Pinsky, Garagiola, Forehand, Frosh, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

SB0268/807172/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 268
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "purposes;" insert "specifying the allocation of the moneys received each year by the Fund;"; in line 16, after "amendments;" insert "requiring the Administration to develop a certain plan; requiring the Administration to hold a certain public hearing; establishing the Strategic Energy Investment Advisory Board; providing for the membership and charge of the Board; requiring the Administration to monitor and analyze the impact of certain programs, projects, activities, and investments; requiring the Administration to take certain measures based on certain findings; requiring the Administration to disclose certain information regarding certain contracts in a certain manner;"; in line 22, after "terms;" insert "requiring the Administration to submit certain reports to the Governor and the General Assembly by certain dates; altering the circumstances under which certain money in the Maryland Clean Air Fund must be deposited to the General Fund; making certain provisions of this Act contingent on the taking effect of another Act; providing for the initial terms of members of the Strategic Energy Investment Advisory Board;";

and in line 26, after "(a)" insert "and 7–512.1(f)(2)".

On page 2, in line 3, strike "7–701(c)" and substitute "7–512.1(f)(3), 7–701(c),"; in line 13, strike "9–20B–07" and substitute "9–20B–12"; and after line 16, insert:

"BY repealing and reenacting, without amendments,
Article – Environment
Section 2–107(a)
Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107(b) and (c)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107(c)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2
On page 2, after line 19, insert:

"7–512.1.

(f) (2) There is an electric universal service program fund.

(3) (i) 1. The Comptroller shall collect the revenue collected by electric companies under subsection (b) of this section and place the revenue into the fund.

2. The General Assembly may appropriate funds supplemental to the funds collected under sub–subparagraph 1 of this subparagraph.

3. THE FUND MAY RECEIVE FUNDS TRANSFERRED FROM THE MARYLAND STRATEGIC ENERGY INVESTMENT FUND ESTABLISHED UNDER § 9–20B–05 OF THE STATE GOVERNMENT ARTICLE.

(ii) The fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(iii) The purpose of the fund is to assist electric customers as provided in subsection (a)(1) of this section.".

On page 6, in line 1, after "**(C)**" insert "**"ADVISORY BOARD" MEANS THE STRATEGIC ENERGY INVESTMENT ADVISORY BOARD ESTABLISHED UNDER § 9–20B–07 OF THIS SUBTITLE.**

(D)";

in line 3, strike "**(D)**" and substitute "**(E)**"; and in line 22, strike "**PROJECTS**" and substitute "**PROGRAMS, PROJECTS, ACTIVITIES,**".

On page 7, in line 24, after "**(I)**" insert "**COST–EFFECTIVE**"; in line 25, after "**ACTIVITIES**" insert "**, INCLUDING MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS**"; and in line 26, strike the second "**AND**".

On page 8, in line 1, strike "**RESEARCH AND OTHER**"; in line 3, after "**CHANGE;**" insert "**AND**

(IV) DEMAND RESPONSE PROGRAMS THAT ARE DESIGNED TO PROMOTE CHANGES IN ELECTRIC USAGE BY CUSTOMERS IN RESPONSE TO:

1. CHANGES IN THE PRICE OF ELECTRICITY OVER TIME; OR

2. INCENTIVES DESIGNED TO INDUCE LOWER ELECTRICITY USE AT TIMES OF HIGH WHOLESALE MARKET PRICES OR WHEN SYSTEM RELIABILITY IS JEOPARDIZED;";

in line 4, after "**PROGRAMS**" insert "**, PROJECTS, ACTIVITIES, AND INVESTMENTS**"; after line 6, insert:

"**(3) TO PROVIDE SUPPLEMENTAL FUNDS FOR LOW–INCOME ENERGY ASSISTANCE TO THE ELECTRIC UNIVERSAL SERVICE PROGRAM FUND UNDER THE ELECTRIC UNIVERSAL SERVICE PROGRAM ESTABLISHED UNDER § 7–512.1 OF THE PUBLIC UTILITIES COMPANY ARTICLE;**

(4) TO PROVIDE RATE RELIEF BY OFFSETTING ELECTRICITY RATES OF RESIDENTIAL CUSTOMERS, INCLUDING AN OFFSET OF SURCHARGES IMPOSED ON RATEPAYERS UNDER § 7–211 OF THE PUBLIC UTILITY COMPANIES ARTICLE;";

in line 7, strike "**(3)**" and substitute "**(5)**"; in line 9, after "**SUBTITLE;**" insert:

"**(6)** TO IMPLEMENT ENERGY–RELATED PUBLIC EDUCATION AND OUTREACH INITIATIVES REGARDING REDUCING ENERGY CONSUMPTION AND GREENHOUSE GAS EMISSIONS;";

in line 10, strike "**(4)**" and substitute "**(7)**"; in line 11, after "**(G)**" insert "**(1) FOR FISCAL YEARS 2009 THROUGH 2011, MONEYS RECEIVED EACH YEAR BY THE FUND SHALL BE ALLOCATED EACH YEAR AS FOLLOWS:**

(I) THE GREATER OF 7% OR $10,000,000 SHALL BE TRANSFERRED TO THE ELECTRIC UNIVERSAL SERVICE PROGRAM FUND; AND

(II) THE BALANCE OF THE FUND SHALL BE ALLOCATED AS FOLLOWS:

1. 35% TO PROVIDE RATE RELIEF BY OFFSETTING ELECTRICITY RATES OF RESIDENTIAL CUSTOMERS, INCLUDING AN OFFSET OF SURCHARGES IMPOSED ON RATEPAYERS UNDER § 7–211 OF THE PUBLIC UTILITY COMPANIES ARTICLE, ON A PER CUSTOMER BASIS AND IN A MANNER PRESCRIBED BY THE PUBLIC SERVICE COMMISSION;

2. AT LEAST 50% FOR ENERGY EFFICIENCY AND CONSERVATION PROGRAMS, PROJECTS, OR ACTIVITIES AND DEMAND RESPONSE PROGRAMS, OF WHICH AT LEAST ONE–HALF SHALL BE TARGETED TO:

A. THE LOW–INCOME RESIDENTIAL SECTOR WITH NO COST TO THE PARTICIPANTS OF THE PROGRAMS, PROJECTS, OR ACTIVITIES; AND

B. THE MODERATE INCOME RESIDENTIAL SECTOR WITH MINIMAL COST TO THE PARTICIPANTS OF THE PROGRAMS, PROJECTS, OR ACTIVITIES;

3. UP TO 11% FOR:

A. SUBJECT TO SUBSECTION (H) OF THIS SECTION, RENEWABLE AND CLEAN ENERGY PROGRAMS AND INITIATIVES;

B. CLIMATE CHANGE PROGRAMS; AND

C. ENERGY–RELATED PUBLIC EDUCATION AND OUTREACH; AND

4. UP TO 4% FOR COSTS RELATED TO THE ADMINISTRATION OF THE FUND, INCLUDING THE REVIEW OF ELECTRIC COMPANY PLANS FOR ACHIEVING ELECTRICITY SAVINGS AND DEMAND REDUCTIONS THAT THE ELECTRIC COMPANIES ARE REQUIRED UNDER LAW TO SUBMIT TO THE ADMINISTRATION.

(2) FOR FISCAL YEARS AFTER 2011, IF THE GENERAL ASSEMBLY DOES NOT TAKE FURTHER ACTION SPECIFYING THE ALLOCATION OF THE FUNDS TO BE USED UNDER THIS SUBTITLE, MONEYS RECEIVED ANNUALLY BY THE FUND SHALL BE ALLOCATED EACH YEAR AS INDICATED IN PARAGRAPH (1) OF THIS SUBSECTION.

(H)";

and in lines 21 and 31, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

On page 9, after line 2, insert:

"**(K) AN EXPENDITURE BY BUDGET AMENDMENT MAY BE MADE UNDER SUBSECTION (J) OF THIS SECTION ONLY AFTER:**

(1) THE ADMINISTRATION HAS SUBMITTED THE PROPOSED BUDGET AMENDMENT AND SUPPORTING DOCUMENTATION TO THE SENATE BUDGET AND TAXATION COMMITTEE, SENATE FINANCE COMMITTEE, HOUSE APPROPRIATIONS COMMITTEE, AND HOME ECONOMIC MATTERS COMMITTEE; AND

(2) THE COMMITTEES HAVE HAD 45 DAYS FOR REVIEW AND COMMENT.".

AMENDMENT NO. 3

On page 9, after line 3, insert:

"**(A) ON OR BEFORE DECEMBER 15, 2008, THE ADMINISTRATION SHALL DEVELOP A PLAN FOR EXPENDITURES FROM THE FUND FOR FISCAL YEAR 2009 AND FISCAL YEAR 2010.**

(B) ON OR BEFORE SEPTEMBER 1, 2009, AND EVERY 3 YEARS THEREAFTER, THE ADMINISTRATION SHALL DEVELOP A PLAN FOR EXPENDITURES COVERING THE NEXT 3 FISCAL YEARS.

(C) THE ADMINISTRATION SHALL:

(1) HOLD A PUBLIC MEETING IN CONJUNCTION WITH THE DEVELOPMENT OF A PLAN; AND

(2) SUBMIT THE PLAN TO THE ADVISORY BOARD FOR REVIEW.

9–20B–07.

(A) THERE IS A STRATEGIC ENERGY INVESTMENT ADVISORY BOARD.

(B) (1) THE ADVISORY BOARD SHALL REVIEW THE PROGRAM AND THE ADMINISTRATION'S PROPOSED USES OF AND EXPENDITURES FROM THE FUND AND MAKE RECOMMENDATIONS TO THE ADMINISTRATION CONCERNING ANY PROPOSED USE OR EXPENDITURE.

(2) THE ADMINISTRATION SHALL CONSIDER THE ADVISORY BOARD'S RECOMMENDATIONS WHEN MAKING DECISIONS ABOUT USES AND EXPENDITURES FROM THE FUND.

(C) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

(3) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) A REPRESENTATIVE OF MARYLAND RESIDENTIAL CUSTOMERS;

(II) A REPRESENTATIVE OF MARYLAND COMMERCIAL CUSTOMERS;

(III) A REPRESENTATIVE OF LARGE ELECTRICITY USERS IN THE STATE;

(IV) A REPRESENTATIVE OF AN ELECTRIC COMPANY;

(V) A REPRESENTATIVE OF ELECTRICITY SUPPLIERS;

(VI) A REPRESENTATIVE OF A MARYLAND ENVIRONMENTAL GROUP; AND

(VII) A REPRESENTATIVE OF A RENEWABLE ELECTRICITY INDUSTRY; AND

(4) THE FOLLOWING NONVOTING EX OFFICIO MEMBERS:

(I) THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION OR THE CHAIRMAN'S DESIGNEE;

(II) THE PEOPLE'S COUNSEL OR THE DESIGNEE OF THE OFFICE OF PEOPLE'S COUNSEL;

(III) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S DESIGNEE; AND

(IV) THE DIRECTOR OF THE ADMINISTRATION OR THE DIRECTOR'S DESIGNEE.

(D) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER OF THE ADVISORY BOARD, THE LOBBYIST:

(1) IS NOT SUBJECT TO § 15–504(D) OF THE STATE GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

(2) IS NOT SUBJECT TO § 15–703(F)(3) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(E) (1) THE TERMS OF A MEMBER APPOINTED BY THE GOVERNOR IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY BOARD ON JUNE 1, 2008.

(3) THE ADVISORY BOARD SHALL MEET AT LEAST 2 TIMES EACH YEAR.

(4) A MEMBER OF THE ADVISORY BOARD:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY BOARD; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STATE STANDARD TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE ADMINISTRATION SHALL PROVIDE STAFF SUPPORT FOR THE ADVISORY BOARD.

9–20B–08.

(A) THE ADMINISTRATION REGULARLY SHALL DISCLOSE SUMMARY INFORMATION REGARDING ANY CONTRACT ENTERED INTO BY THE ADMINISTRATION THAT ENCUMBERS $100,000 OR MORE FROM THE FUND.

(B) FOR EACH OF THE CONTRACTS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION, THE FOLLOWING INFORMATION SHALL BE POSTED ON THE ADMINISTRATION'S WEBSITE ON A QUARTERLY BASIS:

(1) THE NAME AND BUSINESS ADDRESS OF THE PARTIES OF THE CONTRACT;

(2) A SUMMARY OF THE GOODS AND SERVICES TO BE PROVIDED UNDER THE CONTRACT; AND

(3) THE MAXIMUM AMOUNT OF MONEYS FROM THE FUND THAT MAY BE OBLIGATED BY THE CONTRACT.

9–20B–09.

(A) THE ADMINISTRATION SHALL MONITOR AND ANALYZE THE IMPACT OF EACH PROGRAM, PROJECT, ACTIVITY, AND INVESTMENT TO ENSURE THAT THE OUTCOME OF EACH PROGRAM, PROJECT, ACTIVITY, OR INVESTMENT PROVIDES THE BEST POSSIBLE RESULTS.

(B) IN MONITORING AND ANALYZING THE IMPACT OF A PROGRAM, PROJECT, ACTIVITY, OR INVESTMENT UNDER SUBSECTION (A) OF THIS SECTION, IF THE ADMINISTRATION FINDS THAT THE OUTCOME OF THE PROGRAM, PROJECT, ACTIVITY, OR INVESTMENT MAY NOT BE PROVIDING THE BEST POSSIBLE RESULTS, THE ADMINISTRATION SHALL TAKE SPECIFIC MEASURES TO ADDRESS THE FINDINGS.

9–20B–10.";

in line 5, after "**DEVELOPMENT**" insert "**AND IMPLEMENTATION**"; and in line 10, strike "**9–20B–07.**" and substitute "**9–20B–11.**".

AMENDMENT NO. 4

On page 9, after line 23, insert:

"**9–20B–12.**

(A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE USES AND EXPENDITURES OF THE FUND FROM THE PRIOR FISCAL YEAR.

(B) THE REPORT SHALL INCLUDE:

(1) A DETAILED ACCOUNTING OF ALL AMOUNTS RECEIVED BY AND DISBURSED FROM THE FUND;

(2) ALL AMOUNTS USED BY THE ADMINISTRATION FOR ADMINISTRATIVE PURPOSES;

(3) THE STATUS OF PROGRAMS, PROJECTS, ACTIVITIES, AND INVESTMENTS IMPLEMENTED WITH FUNDS FROM THE FUND, INCLUDING AN EVALUATION OF THE IMPACT OF THE PROGRAMS, PROJECTS, ACTIVITIES, AND INVESTMENTS THAT ARE DIRECTED TO LOW–INCOME OR MODERATE–INCOME RESIDENTIAL SECTORS OR TO OTHER PARTICULAR CLASSES OF RATEPAYERS;

(4) AN ESTIMATE OF ELECTRICITY SAVINGS FROM THE PROGRAMS, PROJECTS, ACTIVITIES, AND INVESTMENTS;

(5) THE NUMBER OF ALLOWANCES SOLD IN EACH AUCTION;

(6) THE AVERAGE ALLOWANCE PRICE FROM EACH AUCTION;

(7) AN ESTIMATE OF REVENUE FROM FUTURE AUCTIONS; AND

(8) RECOMMENDATIONS FOR CHANGES TO THE ALLOCATION OF FUNDS UNDER § 9–20B–05 (G) OF THIS SUBTITLE.

Article – Environment

2–107.

(a) There is a Maryland Clean Air Fund.

(b) All application fees, permit fees, renewal fees, and funds collected by the Department under this title**, [**or**]** Title 6, Subtitle 4 of this article**, OR PURSUANT TO TITLE 9 OF THE STATE GOVERNMENT ARTICLE,** including any civil or administrative penalty or any fine imposed by a court under these provisions, shall be paid into the Maryland Clean Air Fund.

(c) (4) When the Fund equals or exceeds a maximum limit of **[**$750,000**]** **$2,000,000**, additional moneys received for the Fund by the Department shall be deposited to the General Fund.

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

Article – Environment

2–107.

(c) (4) **(I) [**When**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN** the Fund equals or exceeds a maximum limit of $2,000,000, additional moneys received for the Fund by the Department shall be deposited to the General Fund.

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

in line 24, strike "2." and substitute "3."; after line 28, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the initial terms of members of the Strategic Energy Investment Advisory Board appointed by the Governor under § 9–20B–06(c)(3) of the State Government Article, as enacted by this Act, expire as follows:

(1) 2 members on June 30, 2010;

(2) 2 members on June 30, 2011; and

(3) 3 members on June 30, 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the taking effect of Chapter ____ (S.B. 309/H.B. 712) of the Acts of the General Assembly of 2008, and if Chapter ____ does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.";

and in line 29, strike "3." and substitute "6.".

The preceding 4 amendments were read only.

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

The motion was adopted.

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

Senate Bill 686 – Senators Rosapepe, Conway, and Lenett

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 203 – The President (By Request – Administration)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (7) OFFERED FROM THE FLOOR BY SENATOR DELLA.

FLOOR AMENDMENT

SB0203/463122/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 203, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 18, after "severable;" insert "providing for the termination of certain provisions of this Act; providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments (SB0203/147675/2), in line 17 of Amendment No. 1, strike "11–808" and substitute "11–807".

On pages 2 through 6 of the Finance Committee Amendments, strike Amendment Nos. 3, 4, and 5 in their entirety.

AMENDMENT NO. 3

On page 3 of the bill, in line 31, strike "the Laws of Maryland read as follows"; and after line 31, insert:

"(a) There is a Workforce Creation and Adult Education Transition Council to study the Integration of Adult Education and Literacy Services with the Division of Workforce Development and its programs.

(b) The Transition Council shall consist of the following members:

(1) one member of the Senate, appointed by the President;

(2) one member of the House of Delegates, appointed by the Speaker;

(3) the Secretary, who shall serve as Cochair;

(4) the Secretary of Business and Economic Development;

(5) the Secretary of Public Safety and Correctional Services;

(6) the State Superintendent of Schools, who shall serve as Cochair;

(7) the Secretary of Higher Education;

(8) the Chancellor of the University System of Maryland;

(9) a representative of the Maryland Association for Adult Community and Continuing Education;

(10) a representative of the Maryland Workforce Development Association;

(11) a representative of the Maryland Association of Community Colleges;

(12) the Chair of the Governor's Workforce Investment Board; and

(13) ten members appointed by the Governor, including representatives from the following communities of interest:

(i) family literacy;

(ii) adult basic education;

(iii) career and technical education;

(iv) workplace literacy;

(v) correctional education;

(vi) community libraries;

(vii) English as a Second Language providers;

(viii) organized labor;

(ix) employers; and

(x) nonprofit organizations involved in programs to promote economic self–sufficiency.

(c) The Transition Council shall:

(1) develop a plan for the seamless transition of the adult education, literacy, and correctional education programs from the State Department of Education to the Department of Labor, Licensing, and Regulation;

(2) actively assist in the development of a new State plan for adult education;

(3) identify existing adult education programs in other units of State government and develop strategies to make the agencies part of a coordinated program;

(4) recommend a framework for a new State system of delivering adult education and workforce programs through the Department of Labor, Licensing, and Regulation that:

(i) provides for the effective alignment of adult education, literacy, and correctional education programs with workforce development programs;

(ii) tracks outcomes of adult education students; and

(iii) is consistent with applicable federal laws;

(5) review the overlapping responsibilities of correctional education as they relate to implementation of adult correctional education and juvenile services education;

(6) determine the advisability of transferring correctional education services in light of the potential negative impact the transfer could have on the effective operation of juvenile services education; and

(7) recommend the composition and responsibilities of a State Advisory Council on Adult Education, Literacy, and Workforce Development.

(d) The Department of Labor, Licensing, and Regulation shall provide staff to the Transition Council.

(e) (1) On or before December 31, 2008, the Transition Council shall complete its work and shall report to the Governor and, subject to the provisions of § 2–1246 of the State Government Article, to the General Assembly, on its activities and recommendations.

(2) The report shall include a summary of the plan for the seamless transition of the adult education, literacy, and correctional education programs from the State Department of Education including:

(i) strategies for ensuring program continuity for clients of the affected programs;

(ii) strategies for ensuring continuity in the State administration of affected grant programs;

(iii) provisions regarding affected employees, including a specific analysis of the transfer of employees with shared responsibilities for adult correctional education and juvenile services education such as grant managers and program coordinators;

(iv) strategies for coordinating the activities and responsibilities of units of State government involved in administering the transferred programs; and

(v) strategies for addressing potential challenges to implementing the transition of the affected programs in a manner that ensures the continued delivery of quality content to clients of the affected programs.

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

AMENDMENT NO. 4

On pages 15 through 17 of the bill, strike in their entirety the lines beginning with line 21 on page 15 through line 14 on page 17, inclusive, and substitute:

"**11–803.**

THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF THE STATE PLAN FOR ADULT EDUCATION AND LITERACY SERVICES AND ITS SUBMISSION TO THE FEDERAL DEPARTMENT OF EDUCATION.

11–804.".

AMENDMENT NO. 5

On page 18 of the bill, in line 17, strike "**DEPARTMENT**" and substitute "**SECRETARY**".

AMENDMENT NO. 6

On page 25 of the bill, in line 1, strike "2." and substitute "3."; in line 40, after "That" insert "Section 1 of"; and in line 41, after "2008." insert "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 1 of this Act shall be abrogated and of no further force and effect.

SECTION 14. AND BE IT FURTHER ENACTED, That, Sections 2 through 12 of this Act shall take effect July 1, 2009.

SECTION 15. AND BE IT FURTHER ENACTED, That, except as provided in Sections 13 and 14 of this Act, this Act shall take effect July 1, 2008.".

AMENDMENT NO. 6

On page 8 of the Finance Committee Amendments, in line 2 of Amendment No. 7, strike "3." and substitute "4."; and in lines 5 and 8, in each instance, strike "2009" and substitute "2010".

On page 9 of the Finance Committee Amendments, in line 2 of Amendment No. 7, strike "2010" and substitute "2011"; in line 5, strike "2009" and substitute "2010"; in lines 7, 12, and 18, strike "6.", "7.", and "8.", respectively, and substitute "7.", "8.", and "9.", respectively; in line 17, strike "2009" and substitute "2010"; in the same line, strike "2010" and substitute "2011"; in line 19, strike "2008" and substitute "2009"; in the same line, strike "2009" and substitute "2010"; and in line 24, strike "4.", "5.", "9.", "10.", "11.", and "12.", respectively, and substitute "5.", "6.", "10.", "11.", "12.", and "13.", respectively.

The preceding 7 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 30 (See Roll Call No. 786)

Read the second time and ordered prepared for Third Reading.

ADJOURNMENT

At 9:22 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:23 P.M. on Legislative Day March 27, 2008, Calendar Day, Monday, March 31, 2008.

Annapolis, Maryland
Legislative Day: March 27, 2008
Calendar Day: Monday, March 31, 2008
9:21 P.M. Session

The Senate met at 9:23 P.M.

QUORUM CALL

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

(See Roll Call No. 787)

The Journal of March 26, 2008 was read and approved.

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #61

Senate Bill 846 – ~~Senator Kelley~~ Senators Kelley, Brochin, Forehand, Jacobs, Raskin, Simonaire, and Stone

AN ACT concerning

Identity Fraud – Seizure and Forfeiture of Property

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

Affirmative – 46 Negative – 0 (See Roll Call No. 788)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #6

House Bill 54 – Delegate Guzzone

AN ACT concerning

Property Tax – Credit – Accessibility Features

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

Affirmative – 46 Negative – 0 (See Roll Call No. 789)

The Bill was then sent to the House of Delegates.

House Bill 133 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 790)

The Bill was then sent to the House of Delegates.

House Bill 190 – Howard County Delegation

AN ACT concerning

Howard County – Annual Financial Audit – Filing Date
Ho. Co. 06–08

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

Affirmative – 46 Negative – 0 (See Roll Call No. 791)

The Bill was then sent to the House of Delegates.

House Bill 254 – Frederick County Delegation

AN ACT concerning

Frederick County – Annual Financial Report – Filing Date

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

Affirmative – 46 Negative – 0 (See Roll Call No. 792)

The Bill was then sent to the House of Delegates.

House Bill 442 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 793)

The Bill was then sent to the House of Delegates.

House Bill 481 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Investments

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

Affirmative – 46 Negative – 0 (See Roll Call No. 794)

The Bill was then sent to the House of Delegates.

House Bill 482 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Survivor Benefits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 795)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 796)

The Bill was then sent to the House of Delegates.

House Bill 573 – Delegates Tarrant, DeBoy, Malone, and Stukes

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. 797)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 798)

The Bill was then sent to the House of Delegates.

House Bill 705 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – School Bus Safety Enforcement Fund – Transfer to Governor's Office of Crime Control and Prevention

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

Affirmative – 46 Negative – 0 (See Roll Call No. 799)

The Bill was then sent to the House of Delegates.

House Bill 1048 – Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Revolving Fund

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

Affirmative – 45 Negative – 0 (See Roll Call No. 800)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 801)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 802)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #4

AMENDED IN THE HOUSE

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, 2001, 2002, 2003, 2004, 2005, 2006, and 2007

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 0150**
SPONSOR: The Pres (Admin)
SUBJECT: Capital Budget of 2008

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 DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 2 – FISCAL YEAR 2009

(See Exhibit K of Appendix III)

Supplemental Budget No. 2 read and referred to the Committee on Budget and Taxation.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #33

CONSENT CALENDAR #10

Senator Frosh moved, duly seconded, to make the Report a Special Order for April 1, 2008.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #26

CONSENT CALENDAR #11

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

House Bill 507 – Southern Maryland Delegation

AN ACT concerning

Commission to Study Southern Maryland Transportation Needs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 866 – Delegate Beidle

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1279 – Delegates V. Turner, Elliott, Hammen, Hubbard, Kullen, Morhaim, Nathan–Pulliam, and Tarrant

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1337/927774/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1337
(Third Reading File Bill)

On page 8, in line 24, before "**THIS**" insert "**(A)**"; and after line 25, insert:

"**(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT OR RESTRICT THE DUTIES, PROGRAMS, OR AUTHORITY OF THE MARYLAND ENERGY ADMINISTRATION.**".

On page 9, after line 15, insert:

"**(E) THE CENTER SHALL COORDINATE WITH THE MARYLAND ENERGY ADMINISTRATION AND MAY NOT DUPLICATE THE PROGRAMS OR ACTIVITIES OF THE ADMINISTRATION WITHOUT CONSENT OF THE ADMINISTRATION.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1356 – Delegates Branch and Conway

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

HB1356/557678/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1356
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "report;" in line 6; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "5–312." in line 21 on page 1 down through "**BENEFITS.**" in line 8 on page 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:

House Bill 1386 – Delegate Rudolph

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

HB1386/377773/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1386
(Third Reading File Bill)

On page 2, in line 27, 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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 241 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Health Department – License Fees for Food Establishments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1219 – Delegates Kach, Elliott, Kipke, Kullen, Nathan–Pulliam, and Riley

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

HB1219/117770/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1219
(Third Reading File Bill)

On page 8, in lines 9 and 10, in each instance, strike "January" and substitute "June"; in lines 9, 10, and 11, in each instance, strike "2009" and substitute "2010"; and in line 13, strike "January 1, 2009" and substitute "June 1, 2010".

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 536 – Delegate Dumais

AN ACT concerning

Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

FOR the purpose of requiring the State Department of Education to require local school systems to utilize passive parental consent before administering a certain survey; requiring local school systems to provide parents with certain statements and forms; requiring certain forms to be part of a certain card that requests certain information in certain years; and generally relating to the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey in the public schools of the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–420
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 595 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Office of the State's Attorney

FOR the purpose of altering certain personnel policies of the Office of the State's Attorney of Worcester County; altering the salary of the State's Attorney; providing that certain salaries, compensation, employee benefits, and expenses of the Office be subject to the annual budget process and approval of the county commissioners; specifying that employees of the Office are not employees of the county; altering the number of special investigators the State's Attorney may appoint; authorizing the State's Attorney to hire certain employees under certain circumstances; requiring that employees of the Office receive certain benefits and are under the control of the State's Attorney; specifying that the State's Attorney perform certain supervisory functions for certain employees; authorizing the State's Attorney to adopt certain office practices and procedures; specifying that certain employees may be disciplined or terminated for cause only; requiring that certain employees remain in their positions and be considered rehired when a new State's Attorney takes office or at the

beginning of a new term of office; authorizing the county commissioners to provide in–kind support to the State's Attorney for personnel matters; and generally relating to the Office of the State's Attorney of Worcester County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 15–424
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 Rules.

House Bill 710 – Delegate Costa

AN ACT concerning

Scrap Tires – Reimbursement of Costs – Interest in Site

FOR the purpose of clarifying a certain exemption from the requirement of reimbursing a certain fund for costs incurred due to the storage, disposal, or processing of scrap tires; adding certain requirements to qualify for the exemption; requiring an entity to place a certain site under a certain easement, subject to the approval of the Department of the Environment and within a certain time period or waive a certain exemption; and generally relating to the storage, disposal, or processing of scrap tires.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–276
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1444 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; authorizing the University System of Maryland to issue bonds, in a certain total principal amount of money, to finance certain projects; providing

that the bonds issued under the authority of this Act are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority.

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

House Bill 1506 – Delegates Walker, Benson, Braveboy, Davis, Frush, Griffith, Healey, Holmes, Hubbard, Ivey, Jennings, Levi, Niemann, Oaks, Proctor, Rice, Ross, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, ~~and Vaughn~~ Vaughn, and Elmore

AN ACT concerning

Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway

FOR the purpose of establishing a Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway; providing for the membership, appointment of members, chair, and staff of the Task Force; providing for the reimbursement for the members of the Task Force; requiring the Task Force to study the feasibility of conducting thoroughbred horse racing at Rosecroft Raceway, submit a report, and make certain recommendations by a certain date; terminating the Task Force on a certain date; and generally relating to a Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway.

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

House Bill 1534 – Chair, Appropriations Committee (By Request – Departmental – College Savings Plans of Maryland)

AN ACT concerning

College Savings Plans of Maryland

FOR the purpose of authorizing the College Savings Plans of Maryland Board to establish the Maryland Broker–Dealer College Investment Plan for certain purposes; requiring the Board to oversee the administration of the Broker–Dealer Plan; providing that neither the faith and credit nor the taxing power of the State is pledged to the payment of debts, contracts, and obligations of the Broker–Dealer Plan; providing for the administration of the Broker–Dealer Plan; requiring the Board to maintain the Broker–Dealer Plan in compliance with certain standards for qualified State tuition programs; requiring the Board to issue certain statements to participants at least annually; providing that the assets and the income of the Broker–Dealer Plan are exempt from State and local taxation; allowing a subtraction modification under the State income tax for certain contributions to an account under the Broker–Dealer Plan~~, subject to a certain limitation;~~; clarifying a certain limitation on certain subtraction modifications for certain contributions to

certain accounts under the College Savings Plans of Maryland; allowing certain amounts disallowed under the subtraction modification as a result of a certain limitation to be carried over and subtracted for succeeding taxable years; requiring an addition modification for certain distributions made under certain investment accounts; allowing a subtraction modification for certain distributions under certain investment accounts; providing for the construction and application of this Act; clarifying certain distribution requirements and eliminating the reference to refunds under the Maryland College Investment Plan; defining certain terms; and generally relating to the Maryland College Investment Plan and the Maryland Broker–Dealer College Investment Plan.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–1901, 18–1902.1, 18–1904(b), 18–1905, 18–19A–04, and 18–19A–05
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–1904(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 18–19B–01 through 18–19B–08 to be under the new subtitle "Subtitle 19B. Maryland Broker–Dealer College Investment Plan"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–205(a), 10–207(a), and 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–205(h), 10–207(s), and 10–208(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1555 – Delegates Anderson, Branch, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Baltimore City Land Bank ~~Authorities – Establishment by Counties~~ Authority

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

to exercise certain powers or levy certain taxes or assessments; and generally relating to ~~land bank authorities~~ the Baltimore City Land Bank Authority.

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

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

House Bill 1560 – Caroline County Delegation

AN ACT concerning

Caroline County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in Caroline County at the November general election of 2008 to determine the sense of the voters of the county on the issue of changing the method of selecting members of the Caroline County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Caroline County.

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

SPECIAL ORDERS

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

Senate Bill 268 – The President (By Request – Administration) and Senators Pinsky, Garagiola, Forehand, Frosh, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

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

SB0268/807172/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 268
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "purposes;" insert "specifying the allocation of the moneys received each year by the Fund;"; in line 16, after "amendments;" insert "requiring the Administration to develop a certain plan; requiring the Administration to hold a certain public hearing; establishing the Strategic Energy Investment Advisory Board; providing for the membership and charge of the Board; requiring the Administration to monitor and analyze the impact of certain programs, projects, activities, and investments; requiring the Administration to take certain measures based on certain findings; requiring the Administration to disclose certain information regarding certain contracts in a certain manner;"; in line 22, after "terms;" insert "requiring the Administration to submit certain reports to the Governor and the General Assembly by certain dates; altering the circumstances under which certain money in the Maryland Clean Air Fund must be deposited to the General Fund; making certain provisions of this Act contingent on the taking effect of another Act; providing for the initial terms of members of the Strategic Energy Investment Advisory Board;";

and in line 26, after "(a)" insert "and 7–512.1(f)(2)".

On page 2, in line 3, strike "7–701(c)" and substitute "7–512.1(f)(3), 7–701(c),"; in line 13, strike "9–20B–07" and substitute "9–20B–12"; and after line 16, insert:

"BY repealing and reenacting, without amendments,
Article – Environment
Section 2–107(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107(b) and (c)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107(c)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2
On page 2, after line 19, insert:

"7–512.1.

(f) (2) There is an electric universal service program fund.

(3) (i) 1. The Comptroller shall collect the revenue collected by electric companies under subsection (b) of this section and place the revenue into the fund.

2. The General Assembly may appropriate funds supplemental to the funds collected under sub–subparagraph 1 of this subparagraph.

3. THE FUND MAY RECEIVE FUNDS TRANSFERRED FROM THE MARYLAND STRATEGIC ENERGY INVESTMENT FUND ESTABLISHED UNDER § 9–20B–05 OF THE STATE GOVERNMENT ARTICLE.

(ii) The fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(iii) The purpose of the fund is to assist electric customers as provided in subsection (a)(1) of this section.".

On page 6, in line 1, after "**(C)**" insert "**"ADVISORY BOARD" MEANS THE STRATEGIC ENERGY INVESTMENT ADVISORY BOARD ESTABLISHED UNDER § 9–20B–07 OF THIS SUBTITLE.**

(D)";

in line 3, strike "**(D)**" and substitute "**(E)**"; and in line 22, strike "**PROJECTS**" and substitute "**PROGRAMS, PROJECTS, ACTIVITIES,**".

On page 7, in line 24, after "**(I)**" insert "**COST–EFFECTIVE**"; in line 25, after "**ACTIVITIES**" insert "**, INCLUDING MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS**"; and in line 26, strike the second "**AND**".

On page 8, in line 1, strike "**RESEARCH AND OTHER**"; in line 3, after "**CHANGE;**" insert "**AND**

(IV) DEMAND RESPONSE PROGRAMS THAT ARE DESIGNED TO PROMOTE CHANGES IN ELECTRIC USAGE BY CUSTOMERS IN RESPONSE TO:

1. CHANGES IN THE PRICE OF ELECTRICITY OVER TIME; OR

2. INCENTIVES DESIGNED TO INDUCE LOWER ELECTRICITY USE AT TIMES OF HIGH WHOLESALE MARKET PRICES OR WHEN SYSTEM RELIABILITY IS JEOPARDIZED;";

in line 4, after "**PROGRAMS**" insert "**, PROJECTS, ACTIVITIES, AND INVESTMENTS**"; after line 6, insert:

"**(3) TO PROVIDE SUPPLEMENTAL FUNDS FOR LOW–INCOME ENERGY ASSISTANCE TO THE ELECTRIC UNIVERSAL SERVICE PROGRAM FUND UNDER THE ELECTRIC UNIVERSAL SERVICE PROGRAM ESTABLISHED UNDER § 7–512.1 OF THE PUBLIC UTILITIES COMPANY ARTICLE;**

(4) TO PROVIDE RATE RELIEF BY OFFSETTING ELECTRICITY RATES OF RESIDENTIAL CUSTOMERS, INCLUDING AN OFFSET OF SURCHARGES IMPOSED ON RATEPAYERS UNDER § 7–211 OF THE PUBLIC UTILITY COMPANIES ARTICLE;";

in line 7, strike "**(3)**" and substitute "**(5)**"; in line 9, after "**SUBTITLE;**" insert:

"**(6) TO IMPLEMENT ENERGY–RELATED PUBLIC EDUCATION AND OUTREACH INITIATIVES REGARDING REDUCING ENERGY CONSUMPTION AND GREENHOUSE GAS EMISSIONS;**";

in line 10, strike "**(4)**" and substitute "**(7)**"; in line 11, after "**(G)**" insert "**(1) FOR FISCAL YEARS 2009 THROUGH 2011, MONEYS RECEIVED EACH YEAR BY THE FUND SHALL BE ALLOCATED EACH YEAR AS FOLLOWS:**

(I) THE GREATER OF 7% OR $10,000,000 SHALL BE TRANSFERRED TO THE ELECTRIC UNIVERSAL SERVICE PROGRAM FUND; AND

(II) THE BALANCE OF THE FUND SHALL BE ALLOCATED AS FOLLOWS:

1. 35% TO PROVIDE RATE RELIEF BY OFFSETTING ELECTRICITY RATES OF RESIDENTIAL CUSTOMERS, INCLUDING AN OFFSET OF SURCHARGES IMPOSED ON RATEPAYERS UNDER § 7–211 OF THE PUBLIC UTILITY COMPANIES ARTICLE, ON A PER CUSTOMER BASIS AND IN A MANNER PRESCRIBED BY THE PUBLIC SERVICE COMMISSION;

2. AT LEAST 50% FOR ENERGY EFFICIENCY AND CONSERVATION PROGRAMS, PROJECTS, OR ACTIVITIES AND DEMAND RESPONSE PROGRAMS, OF WHICH AT LEAST ONE–HALF SHALL BE TARGETED TO:

A. THE LOW–INCOME RESIDENTIAL SECTOR WITH NO COST TO THE PARTICIPANTS OF THE PROGRAMS, PROJECTS, OR ACTIVITIES; AND

B. THE MODERATE INCOME RESIDENTIAL SECTOR WITH MINIMAL COST TO THE PARTICIPANTS OF THE PROGRAMS, PROJECTS, OR ACTIVITIES;

3. UP TO 11% FOR:

A. SUBJECT TO SUBSECTION (H) OF THIS SECTION, RENEWABLE AND CLEAN ENERGY PROGRAMS AND INITIATIVES;

B. CLIMATE CHANGE PROGRAMS; AND

C. ENERGY–RELATED PUBLIC EDUCATION AND OUTREACH; AND

4. UP TO 4% FOR COSTS RELATED TO THE ADMINISTRATION OF THE FUND, INCLUDING THE REVIEW OF ELECTRIC COMPANY PLANS FOR ACHIEVING ELECTRICITY SAVINGS AND DEMAND REDUCTIONS THAT THE ELECTRIC COMPANIES ARE REQUIRED UNDER LAW TO SUBMIT TO THE ADMINISTRATION.

(2) FOR FISCAL YEARS AFTER 2011, IF THE GENERAL ASSEMBLY DOES NOT TAKE FURTHER ACTION SPECIFYING THE ALLOCATION OF THE FUNDS TO BE USED UNDER THIS SUBTITLE, MONEYS RECEIVED ANNUALLY BY THE FUND SHALL BE ALLOCATED EACH YEAR AS INDICATED IN PARAGRAPH (1) OF THIS SUBSECTION.

(H)";

and in lines 21 and 31, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

On page 9, after line 2, insert:

"**(K) AN EXPENDITURE BY BUDGET AMENDMENT MAY BE MADE UNDER SUBSECTION (J) OF THIS SECTION ONLY AFTER:**

(1) THE ADMINISTRATION HAS SUBMITTED THE PROPOSED BUDGET AMENDMENT AND SUPPORTING DOCUMENTATION TO THE SENATE BUDGET AND TAXATION COMMITTEE, SENATE FINANCE COMMITTEE, HOUSE APPROPRIATIONS COMMITTEE, AND HOME ECONOMIC MATTERS COMMITTEE; AND

(2) THE COMMITTEES HAVE HAD 45 DAYS FOR REVIEW AND COMMENT.".

AMENDMENT NO. 3

On page 9, after line 3, insert:

"**(A) ON OR BEFORE DECEMBER 15, 2008, THE ADMINISTRATION SHALL DEVELOP A PLAN FOR EXPENDITURES FROM THE FUND FOR FISCAL YEAR 2009 AND FISCAL YEAR 2010.**

(B) ON OR BEFORE SEPTEMBER 1, 2009, AND EVERY 3 YEARS THEREAFTER, THE ADMINISTRATION SHALL DEVELOP A PLAN FOR EXPENDITURES COVERING THE NEXT 3 FISCAL YEARS.

(C) THE ADMINISTRATION SHALL:

(1) HOLD A PUBLIC MEETING IN CONJUNCTION WITH THE DEVELOPMENT OF A PLAN; AND

(2) SUBMIT THE PLAN TO THE ADVISORY BOARD FOR REVIEW.

9–20B–07.

(A) THERE IS A STRATEGIC ENERGY INVESTMENT ADVISORY BOARD.

(B) (1) THE ADVISORY BOARD SHALL REVIEW THE PROGRAM AND THE ADMINISTRATION'S PROPOSED USES OF AND EXPENDITURES FROM THE FUND AND MAKE RECOMMENDATIONS TO THE ADMINISTRATION CONCERNING ANY PROPOSED USE OR EXPENDITURE.

(2) THE ADMINISTRATION SHALL CONSIDER THE ADVISORY BOARD'S RECOMMENDATIONS WHEN MAKING DECISIONS ABOUT USES AND EXPENDITURES FROM THE FUND.

(C) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

(3) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) A REPRESENTATIVE OF MARYLAND RESIDENTIAL CUSTOMERS;

(II) A REPRESENTATIVE OF MARYLAND COMMERCIAL CUSTOMERS;

(III) A REPRESENTATIVE OF LARGE ELECTRICITY USERS IN THE STATE;

(IV) A REPRESENTATIVE OF AN ELECTRIC COMPANY;

(V) A REPRESENTATIVE OF ELECTRICITY SUPPLIERS;

(VI) A REPRESENTATIVE OF A MARYLAND ENVIRONMENTAL GROUP; AND

(VII) A REPRESENTATIVE OF A RENEWABLE ELECTRICITY INDUSTRY; AND

(4) THE FOLLOWING NONVOTING EX OFFICIO MEMBERS:

(I) THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION OR THE CHAIRMAN'S DESIGNEE;

(II) THE PEOPLE'S COUNSEL OR THE DESIGNEE OF THE OFFICE OF PEOPLE'S COUNSEL;

(III) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S DESIGNEE; AND

(IV) THE DIRECTOR OF THE ADMINISTRATION OR THE DIRECTOR'S DESIGNEE.

(D) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER OF THE ADVISORY BOARD, THE LOBBYIST:

(1) IS NOT SUBJECT TO § 15–504(D) OF THE STATE GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

(2) IS NOT SUBJECT TO § 15–703(F)(3) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(E) (1) THE TERMS OF A MEMBER APPOINTED BY THE GOVERNOR IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY BOARD ON JUNE 1, 2008.

(3) THE ADVISORY BOARD SHALL MEET AT LEAST 2 TIMES EACH YEAR.

(4) A MEMBER OF THE ADVISORY BOARD:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY BOARD; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STATE STANDARD TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE ADMINISTRATION SHALL PROVIDE STAFF SUPPORT FOR THE ADVISORY BOARD.

9–20B–08.

(A) THE ADMINISTRATION REGULARLY SHALL DISCLOSE SUMMARY INFORMATION REGARDING ANY CONTRACT ENTERED INTO BY THE ADMINISTRATION THAT ENCUMBERS $100,000 OR MORE FROM THE FUND.

(B) FOR EACH OF THE CONTRACTS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION, THE FOLLOWING INFORMATION SHALL BE POSTED ON THE ADMINISTRATION'S WEBSITE ON A QUARTERLY BASIS:

(1) THE NAME AND BUSINESS ADDRESS OF THE PARTIES OF THE CONTRACT;

(2) A SUMMARY OF THE GOODS AND SERVICES TO BE PROVIDED UNDER THE CONTRACT; AND

(3) THE MAXIMUM AMOUNT OF MONEYS FROM THE FUND THAT MAY BE OBLIGATED BY THE CONTRACT.

9–20B–09.

(A) THE ADMINISTRATION SHALL MONITOR AND ANALYZE THE IMPACT OF EACH PROGRAM, PROJECT, ACTIVITY, AND INVESTMENT TO ENSURE THAT THE OUTCOME OF EACH PROGRAM, PROJECT, ACTIVITY, OR INVESTMENT PROVIDES THE BEST POSSIBLE RESULTS.

(B) IN MONITORING AND ANALYZING THE IMPACT OF A PROGRAM, PROJECT, ACTIVITY, OR INVESTMENT UNDER SUBSECTION (A) OF THIS SECTION, IF THE ADMINISTRATION FINDS THAT THE OUTCOME OF THE PROGRAM, PROJECT, ACTIVITY, OR INVESTMENT MAY NOT BE PROVIDING THE BEST POSSIBLE RESULTS, THE ADMINISTRATION SHALL TAKE SPECIFIC MEASURES TO ADDRESS THE FINDINGS.

9–20B–10.";

in line 5, after "**DEVELOPMENT**" insert "**AND IMPLEMENTATION**"; and in line 10, strike "**9–20B–07.**" and substitute "**9–20B–11.**".

AMENDMENT NO. 4

On page 9, after line 23, insert:

"**9–20B–12.**

(A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE USES AND EXPENDITURES OF THE FUND FROM THE PRIOR FISCAL YEAR.

(B) THE REPORT SHALL INCLUDE:

(1) A DETAILED ACCOUNTING OF ALL AMOUNTS RECEIVED BY AND DISBURSED FROM THE FUND;

(2) ALL AMOUNTS USED BY THE ADMINISTRATION FOR ADMINISTRATIVE PURPOSES;

(3) THE STATUS OF PROGRAMS, PROJECTS, ACTIVITIES, AND INVESTMENTS IMPLEMENTED WITH FUNDS FROM THE FUND, INCLUDING AN EVALUATION OF THE IMPACT OF THE PROGRAMS, PROJECTS, ACTIVITIES, AND INVESTMENTS THAT ARE DIRECTED TO LOW–INCOME OR MODERATE–INCOME RESIDENTIAL SECTORS OR TO OTHER PARTICULAR CLASSES OF RATEPAYERS;

(4) AN ESTIMATE OF ELECTRICITY SAVINGS FROM THE PROGRAMS, PROJECTS, ACTIVITIES, AND INVESTMENTS;

(5) THE NUMBER OF ALLOWANCES SOLD IN EACH AUCTION;

(6) THE AVERAGE ALLOWANCE PRICE FROM EACH AUCTION;

(7) AN ESTIMATE OF REVENUE FROM FUTURE AUCTIONS; AND

(8) RECOMMENDATIONS FOR CHANGES TO THE ALLOCATION OF FUNDS UNDER § 9–20B–05(G) OF THIS SUBTITLE.

Article – Environment

2–107.

(a) There is a Maryland Clean Air Fund.

(b) All application fees, permit fees, renewal fees, and funds collected by the Department under this title**, [**or**]** Title 6, Subtitle 4 of this article**, OR PURSUANT TO TITLE 9 OF THE STATE GOVERNMENT ARTICLE,** including any civil or administrative penalty or any fine imposed by a court under these provisions, shall be paid into the Maryland Clean Air Fund.

(c) (4) When the Fund equals or exceeds a maximum limit of **[**$750,000**]** **$2,000,000**, additional moneys received for the Fund by the Department shall be deposited to the General Fund.

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

Article – Environment

2–107.

(c) (4) **(I) [**When**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN** the Fund equals or exceeds a maximum limit of $2,000,000, additional moneys received for the Fund by the Department shall be deposited to the General Fund.

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

in line 24, strike "2." and substitute "3."; after line 28, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the initial terms of members of the Strategic Energy Investment Advisory Board appointed by the Governor under § 9–20B–06(c)(3) of the State Government Article, as enacted by this Act, expire as follows:

(1) 2 members on June 30, 2010;

(2) 2 members on June 30, 2011; and

(3) 3 members on June 30, 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the taking effect of Chapter ____ (S.B. 309/H.B. 712) of the Acts of the General Assembly of 2008, and if Chapter ____ does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.";

and in line 29, strike "3." and substitute "6.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0268/277971/2

BY: Finance Committee

AMENDMENT TO SENATE BILL 268, AS AMENDED

On page 4 of the Finance Committee Amendments (SB0268/807172/1), in line 6 of Amendment No. 2, strike "**UTILITIES COMPANY**" and substitute "**UTILITY COMPANIES**".

On page 6 of the Finance Committee Amendments, in line 18 of Amendment No. 2, strike "**HOME**" and substitute "**HOUSE**".

On page 10 of the Finance Committee Amendments, in line 7 of Amendment No. 3, strike "**STATE**"; and in the same line, after "**STANDARD**" insert "**STATE**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0268/623521/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 268, AS AMENDED

On pages 4, 5, and 6 of the Finance Committee Amendments (SB0268/807172/1), in Amendment No. 2, strike beginning with "**ALLOCATED**" in line 20 on page 4 down through "**ADMINISTRATION**" in line 3 on page 6 and substitute "**DISTRIBUTED TO RESIDENTIAL ELECTRIC CUSTOMERS WITH ANNUAL INCOMES AT OR BELOW 185% OF THE FEDERAL POVERTY LEVEL AS A CREDIT ON EACH ELIGIBLE CUSTOMER'S BILL, IN A MANNER PRESCRIBED BY THE PUBLIC SERVICE COMMISSION**".

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

Affirmative – 17 Negative – 29 (See Roll Call No. 803)

FLOOR AMENDMENT

SB0268/864333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 268, AS AMENDED

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0268/807172/1), in line 18 of Amendment No. 2, strike "**THE GREATER OF 7% OR $10,000,000**" and substitute "**17%**".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike beginning with "**35%**" in line 1 down through "**2.**" in line 6; in line 6, strike "**50%**" and substitute "**85%**"; and in lines 15 and 21, strike "**3.**" and "**4.**" , respectively, and substitute "**2.**" and "**3.**", respectively.

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

Affirmative – 15 Negative – 31 (See Roll Call No. 804)

FLOOR AMENDMENT

SB0268/723824/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 268, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 20, after "misdemeanor;" insert "providing for the allocation of certain proceeds from the sale of certain allowances;".

On page 2 of the Finance Committee Amendments (SB0268/807172/1), in line 3 of Amendment No. 1, strike "and" and substitute a comma; in the same line, after "(c)(4)" insert ", and 2–1002(g)".

AMENDMENT NO. 2

On page 7 of the bill, in line 10, strike "**ALL OF THE**"; and in the same line, after "**ALLOWANCES**" insert "**DISTRIBUTED TO THE FUND**".

On page 13 of the Finance Committee Amendments, after line 10 of Amendment No. 4, insert:

"2–1002.

(g) (1) Not later than June 30, 2007, the Governor shall include the State as a full participant in the Regional Greenhouse Gas Initiative among Mid–Atlantic and Northeast states.

(2) The State may withdraw from the Initiative, as provided in the December 20, 2005 memorandum of understanding of the Initiative, at any time after January 1, 2009.

(3) If the Regional Greenhouse Gas Initiative expires and there is a successor organization with the same purposes and goals, the Governor is encouraged to join the State in the successor organization.

(4) If the State's participation in the Regional Greenhouse Gas Initiative ceases for any reason, the Governor shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding:

(i) Why participation ceased; and

(ii) A plan to reduce carbon dioxide emissions from power plants in the State that considers the use of Maryland grown, native, warm season grasses as a possible method of reducing carbon emissions.

(5) THE PROCEEDS FROM THE SALE OF ALLOWANCES UNDER THIS SUBTITLE SHALL BE ALLOCATED AS FOLLOWS:

(I) THE FIRST $3 OF EACH ALLOWANCE SOLD SHALL BE PAID INTO THE MARYLAND STRATEGIC ENERGY INVESTMENT FUND ESTABLISHED UNDER § 9–20B–05 OF THE STATE GOVERNMENT ARTICLE; AND

(II) THE REMAINING AMOUNT OF EACH ALLOWANCE SOLD SHALL BE DISTRIBUTED TO RESIDENTIAL ELECTRIC CUSTOMERS WITH ANNUAL INCOMES AT OR BELOW 185% OF THE FEDERAL POVERTY LEVEL AS A CREDIT ON EACH ELIGIBLE CUSTOMER'S BILL, IN A MANNER PRESCRIBED BY THE PUBLIC SERVICE COMMISSION.".

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

Affirmative – 19 Negative – 27 (See Roll Call No. 805)

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. 806)

ADJOURNMENT

At 10:14 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 28, 2008, Calendar Day, Tuesday, April 1, 2008.

Annapolis, Maryland
Legislative Day: March 28, 2008
Calendar Day: Tuesday, April 1, 2008
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by Reverend Michael Erickson, Chaplain – Boy Scouts of America and professor at Capital Bible Seminary.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 27, 2008 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 808)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #28

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

House Bill 227 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Animal Health – Administrative Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 228 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – Hospital Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 543 – Delegates Stull, Bartlett, Bates, Beitzel, Bobo, Bohanan, Boteler, Burns, Cane, G. Clagett, Conway, Davis, DeBoy, Dumais, Eckardt, Elliott, Elmore, Feldman, Frank, George, Guzzone, Haddaway, Hecht, Hucker, James, Jameson, Kullen, Levy, Mathias, McComas, McDonough, McIntosh, McKee, Miller, Montgomery, Morhaim, Murphy, Myers, Norman, O'Donnell, Proctor, Riley, Rudolph, Shank, Shewell, Smigiel, Sossi, Stifler, Stukes, Weir, Weldon, and Wood

AN ACT concerning

Agriculture – Maryland Dairy Farmer Emergency Trust Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 976 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Program – Lot Releases

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #29

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

House Bill 231 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Community Development Administration – Rental Assistance Programs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 309 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Disaster Relief Housing Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 312 – Delegates Morhaim, Oaks, Pendergrass, and Weldon

AN ACT concerning

Procurement – Security Requirements – ~~Repeal~~ Extension of Sunset Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 484 – Delegates Morhaim and Wood

AN ACT concerning

Procurement – Unsolicited Proposals – Repeal of Termination Date

HB0484/884732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 484
(Third Reading File Bill)

On page 1, in line 2, strike "Repeal" and substitute "Extension"; and in line 3, strike "repealing" and substitute "extending".

On page 6, in lines 28 and 30, in each instance, strike the bracket; in line 28, strike "6" and substitute "11"; and in line 29, strike "2008" and substitute "2013".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 697 – Delegate Hubbard

AN ACT concerning

Health Occupations – State Board of Examiners of Nursing Home Administrators – Minimum Age Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #30

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

House Bill 223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Endangered and Threatened Species – Incidental Taking – Delmarva Fox Squirrel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 226 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Regulation of Bait

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 229 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Fishing – Reciprocal Angler's Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0630/474537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 630
(Third Reading File Bill)

On page 1, in line 2, strike "and Naturalized"; in line 5, strike "or naturalized"; and in lines 6 and 7, strike "certain definitions" and substitute "a certain definition".

On page 2, in line 12, strike "**OR NATURALIZED**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 809)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #62

Senate Bill 95 – Senators Miller, Britt, Currie, Muse, Peters, Pinsky, ~~and~~ ~~Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County Agricultural Preservation Easement Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 810)

The Bill was then sent to the House of Delegates.

Senate Bill 205 – The President (By Request – Administration) and Senators Frosh, Garagiola, Forehand, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

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

Affirmative – 33 Negative – 12 (See Roll Call No. 811)

The Bill was then sent to the House of Delegates.

Senate Bill 209 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, King, Lenett, Madaleno, Pinsky, and Rosapepe

AN ACT concerning

Renewable Portfolio Standard Percentage Requirements – Acceleration

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

Affirmative – 31 Negative – 14 (See Roll Call No. 812)

The Bill was then sent to the House of Delegates.

Senate Bill 251 – Senator Astle

AN ACT concerning

Anne Arundel County – Well Drillers – Permit Fee

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

Affirmative – 44 Negative – 1 (See Roll Call No. 813)

The Bill was then sent to the House of Delegates.

Senate Bill 398 – Senator Astle

AN ACT concerning

Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs

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

Affirmative – 45 Negative – 1 (See Roll Call No. 814)

The Bill was then sent to the House of Delegates.

Senate Bill 849 – Senator Rosapepe

AN ACT concerning

Fitness and Athletics Equity for Students with Disabilities Act

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

Affirmative – 42 Negative – 4 (See Roll Call No. 815)

The Bill was then sent to the House of Delegates.

Senate Bill 941 – Senator Stoltzfus

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

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

Affirmative – 46 Negative – 0 (See Roll Call No. 816)

The Bill was then sent to the House of Delegates.

Senate Bill 952 – Senator Muse

AN ACT concerning

~~**Higher Education – Admission Standards at Public Institutions**~~
Task Force on the Use of College Entrance Examinations for Admission to Public Institutions of Higher Education

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

Affirmative – 42 Negative – 4 (See Roll Call No. 817)

The Bill was then sent to the House of Delegates.

Senate Bill 963 – Prince George's County Senators

AN ACT concerning

Prince George's County – Safer Roads Act of 2008

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

Affirmative – 25 Negative – 20 (See Roll Call No. 818)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #63

Senate Bill 32 – Senator Colburn

AN ACT concerning

Income Tax Credit – Oyster Restoration Activity

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

Affirmative – 46 Negative – 0 (See Roll Call No. 819)

The Bill was then sent to the House of Delegates.

Senate Bill 121 – Senator Astle

AN ACT concerning

Anne Arundel County – Health Department – License Fees for Food Establishments

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

Affirmative – 44 Negative – 2 (See Roll Call No. 820)

The Bill was then sent to the House of Delegates.

Senate Bill 203 – The President (By Request – Administration)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

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

Affirmative – 31 Negative – 15 (See Roll Call No. 821)

The Bill was then sent to the House of Delegates.

Senate Bill 214 – The President (By Request – Administration) and Senators Miller, Brinkley, Brochin, Colburn, Currie, DeGrange, Frosh, Garagiola, Gladden, King, Kramer, Lenett, Madaleno, McFadden, Peters, Robey, Stoltzfus, ~~and Stone~~ Stone, Kasemeyer, Edwards, Jones, Munson, Zirkin, and Raskin

AN ACT concerning

Divestiture from Iran and Sudan

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

Affirmative – 46 Negative – 0 (See Roll Call No. 822)

The Bill was then sent to the House of Delegates.

Senate Bill 686 – Senators Rosapepe, Conway, and Lenett

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 823)

The Bill was then sent to the House of Delegates.

Senate Bill 727 – Senators Klausmeier and Kasemeyer

AN ACT concerning

Public Utility Companies – Electric Companies – Tree Care Activities

Senator Klausmeier moved, duly seconded, to place **Senate Bill 727** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0727/403521/1

BY: Senator Klausmeier

AMENDMENT TO SENATE BILL 727
(Bill as Printed for Third Reading)

On page 1, strike line 2 in its entirety and substitute "Electric Companies – Notification of Tree Care Schedule and Review – Public Service Commission".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 911 – ~~Senator McFadden~~ Senators McFadden and Jones

AN ACT concerning

Baltimore City Land Bank ~~Authorities – Establishment by Counties~~ Authority

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

Affirmative – 45 Negative – 0 (See Roll Call No. 824)

The Bill was then sent to the House of Delegates.

Senate Bill 977 – Senator Mooney

AN ACT concerning

Maryland Clean Energy Center

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

Affirmative – 44 Negative – 1 (See Roll Call No. 825)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #64

Senate Bill 268 – The President (By Request – Administration) and Senators Pinsky, Garagiola, Forehand, Frosh, King, Lenett, Madaleno, and Rosapepe

SECOND PRINTING

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

Read the third time and failed for want of a constitutional majority:

Affirmative – 21 Negative – 25 (See Roll Call No. 826)

THIRD READING CALENDAR (HOUSE BILLS) #7

House Bill 707 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – State Aid for Police Protection Fund – Transfer to Governor's Office of Crime Control and Prevention

FLOOR AMENDMENT

HB0707/379533/1

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 707

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "terms;" insert "stating the intent of the General Assembly that the Governor's Office of Crime Control and Prevention administer the Fund with existing resources;".

AMENDMENT NO. 2

On page 5, after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor's Office of Crime Control and Prevention administer the State Aid for Police Protection Fund with existing resources.";

and in line 20, strike "3." and substitute "4.".

The preceding 2 amendments were read and adopted.

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

Affirmative – 43 Negative – 2 (See Roll Call No. 827)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #8

House Bill 241 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Health Department – License Fees for Food Establishments

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

Affirmative – 43 Negative – 2 (See Roll Call No. 828)

The Bill was then sent to the House of Delegates.

House Bill 1219 – Delegates Kach, Elliott, Kipke, Kullen, Nathan–Pulliam, and Riley

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

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

Affirmative – 44 Negative – 1 (See Roll Call No. 829)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #9
CONSENT CALENDAR #5

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 507	Southern Maryland Del.	Commission to Study Southern Maryland Transportation Needs	FIN
HB 514	Del. Donoghue	Maryland Medbank Program – Funding	FIN
HB 739	Del. Heller	Washington Metropolitan Area Transit Commission – Appointment of Virginia Member	FIN
HB 866	Del. Beidle	Employment Agencies – Bonding – Enforcement Authority	FIN
HB 1279	Del. V. Turner	Maryland Community Health Resources Commission – Modifications	FIN
HB 1356	Del. Branch	Family Investment Program Recipients – Child–Specific Benefit – Repeal	FIN
HB 1386	Del. Rudolph	Exhibitors – Licensure – National Convention Exemption	FIN
HB 1452	Del. Weldon	Medical Assistance Program – Long–Term Care Eligibility – Consolidation Plan	FIN
HB 1492	The Speaker	Senior Prescription Drug Assistance Pgm – Subsidy for Medicare Part D Cov Gap and Sunset Ext	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 5 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 830)

The Bills were then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 831)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE EXECUTIVE

EXECUTIVE ORDER
01.01.2008.05

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2008 regular Session of the General Assembly;

WHEREAS, Article III, Section 52(10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2008 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 7, 2008 IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 31st day of March, 2008.

_____

Martin O'Malley
Governor

ATTEST:

_____

Dennis Schnepfe
Acting Secretary of State

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 7	Sen. Astle	Task Force to Study the Boating Industry in Maryland
SB 94	Sen. Miller	Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs
SB 104	Sen. Stoltzfus	Working Waterfront Commission – Reporting and Sunset Extension
SB 158	Sen. Raskin	Farm–to–School Program – Activities and Promotional Events
SB 174	Sen. Astle	Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

SB 177	Ch., Finance Com.	State Personnel – Accrual and Carryover of Annual Leave
SB 179	Ch., Finance Com.	State Racing Commission – Mile Thoroughbred Racing – Payment of Taxes
SB 195	Ch., Budget & Tax	Law Enforcement Officers' Pension System – Baltimore City Community College – Police Officers
SB 200	Sen. Dyson	Commission to Study Southern Maryland Transportation Needs
SB 274	Sen. Stone	Veh Laws – Autmtv Dismantlers and Recyclers and Scrap Processors – Ntce of Veh Acquisition
SB 308	Sen. Pinsky	Town of Berwyn Heights Employees – Participation in the Employees' Pension System
SB 324	Sen. Forehand	Washington Metropolitan Area Transit Commission – Appointment of Virginia Member
SB 557	Sen. Gladden	Lead Poisoning Prevention Act of 2008
SB 578	Sen. Forehand	Vehicle Laws – Medical Advisory Board – Use of Confidential Records and Reports
SB 674	Sen. Brinkley	Water Resources – Groundwater Appropriation or Use – Priority Funding Areas
SB 685	Sen. Rosapepe	Prince George's County – Roadside Solicitation of Money or Donations – Prohibition
SB 713	Sen. Astle	Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

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

THE COMMITTEE ON RULES REPORT #9

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

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

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:

House Bill 478 – Chair, Environmental Matters Committee and Chair, Judiciary Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Commercial Drivers' Licenses

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

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

House Bill 518 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – State Matching Stipends – National Certification

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

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

House Bill 626 – Delegate Niemann

AN ACT concerning

Business Regulation – Maryland Real Estate Brokers Act – Violations and Penalties

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

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

House Bill 795 – Delegates Reznik, Ali, Cardin, Conaway, Davis, Feldman, Frick, Haddaway, Hammen, Ivey, Kaiser, King, Kipke, Manno, Rice, Schuler, Taylor, Vaughn, and Walker

AN ACT concerning

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

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

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

House Bill 1214 – Delegates Hecht, Harrison, Krysiak, and McHale

AN ACT concerning

Maryland Not–For–Profit Development Center Program

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

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

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

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

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

House Bill 1512 – Delegate V. Clagett

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

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

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

House Bill 1514 – Delegate Hucker

AN ACT concerning

State Department of Transportation – Board of Review – Repeal

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

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

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

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

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

House Bill 1557 – Delegates Vaughn, Feldman, Holmes, Kach, Krysiak, and Taylor

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

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

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

House Bill 1589 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers – Licensing Requirements

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

CONCURRENCE CALENDAR #5

AMENDED IN THE HOUSE

Senate Bill 349 – Senator Middleton

AN ACT concerning

State Personnel – Executive Pay Plan – Reporting Requirements ~~– Repeal~~

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

SB0349/484568/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 349
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Plan" and substitute "Plans"; in the same line, strike the third "–"; in line 6, after "circumstances;" insert "requiring the Secretary of Transportation to provide a report to the Department of Legislative Services on Executive Pay Plan employees under certain circumstances;"; in line 7, after "Management" insert "and the Secretary of Transportation"; and after line 18, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.4(h)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, in line 6, strike "year" and substitute "**FISCAL YEAR**"; in lines 8 and 9, 12 and 13, and 17 and 18, in each instance, strike "**AND THE MARYLAND DEPARTMENT OF TRANSPORTATION EXECUTIVE PAY PLAN**".

AMENDMENT NO. 3

On page 2, after line 31, insert:

"Article – Transportation

2–103.4.

(h) **(1)** The Secretary shall establish an executive pay plan that conforms to the provisions of §§ 8–101, 8–102, 8–103(b), 8–104, 8–108, and 8–109 of the State Personnel and Pensions Article that govern the executive pay plan of the State. The Secretary shall have the same authority to implement an executive pay plan as is delegated to the Secretary of Budget and Management.

(2) SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY SHALL SUBMIT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, ON OR BEFORE JULY 15, OCTOBER 15, JANUARY 15, AND APRIL 15 OF EACH FISCAL YEAR:

(I) A LIST OF THE POSITION, PAY GRADE AND STEP, TITLE, NAME, AND PAY RATE OF EACH EMPLOYEE WHO WAS INCLUDED IN THE EXECUTIVE PAY PLAN AS OF THE LAST DAY OF THE PRECEDING FISCAL QUARTER; AND

(II) THE DETAILS OF ANY LUMP–SUM INCREASES GIVEN TO EMPLOYEES IN THE EXECUTIVE PAY PLAN DURING THE PRECEDING FISCAL QUARTER.

(3) (I) THE QUARTERLY REPORTS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE EACH FLAT–RATE EMPLOYEE POSITION IN THE EXECUTIVE PAY PLAN.

(II) EACH FLAT–RATE EMPLOYEE POSITION INCLUDED IN THE QUARTERLY REPORTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE ASSIGNED A UNIQUE IDENTIFIER THAT:

1. DESCRIBES THE PROGRAM TO WHICH THE POSITION IS ASSIGNED FOR BUDGETARY PURPOSES; AND

2. CORRESPONDS TO THE POSITION IDENTIFICATION NUMBER USED IN THE BUDGET DATA PROVIDED ANNUALLY BY THE SECRETARY TO THE DEPARTMENT OF LEGISLATIVE SERVICES.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 832)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #31

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 689 – ~~Delegate Barnes~~ Delegates Barnes, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Access to Public Records – Permissible Denials – Public Institutions of Higher Education

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 704 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education Investment Fund – Expenditures – Base Realignment and Closure Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 972 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Forest Conservation – Reporting and Enforcement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 977 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Controlled Hazardous Substances – Discharge or Release – Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1005 – Delegates Conway, Mathias, Cane, Eckardt, Elmore, Haddaway, and Sossi

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – School Buses – Length of Operation – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #33

CONSENT CALENDAR #10

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

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

AN ACT concerning

Juveniles – Arrests for Reportable Offenses – Expansion of Notification

HB0075/598371/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 75
(Third Reading File Bill)

On page 2, in line 12, strike "**(I)**"; in the same line, strike "the" and substitute "**:**

(I) THE";

in line 14, strike the period and substitute "**; OR**"; and strike line 15 in its entirety and substitute:

"**(II) THE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

District Court – Commissioners – Jurisdiction

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 88 – Delegate Vallario

AN ACT concerning

Maryland Uniform Interstate Depositions and Discovery Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Child Welfare – Permanency Planning and Interstate Placement of Foster Children

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 123 – Delegate Bromwell

AN ACT concerning

Baltimore County – State's Attorney – Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 154 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0182/738572/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 182
(Third Reading File Bill)

On page 5, strike beginning with "**WITHIN**" in line 33 down through "**IMPRISONMENT**" in line 35.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 183 – Delegates Dumais, Barve, Bobo, Doory, Eckardt, Feldman, Frick, Glenn, Gutierrez, Healey, Hecht, Hixson, Jones, Kaiser, Krebs, Krysiak, Kullen, Lee, Love, McIntosh, Mizeur, Montgomery, Pendergrass, Shank, Stein, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 318 – Delegate Love

AN ACT concerning

Anne Arundel County – Prospective or Current Employees or Volunteers – Criminal History Records Checks

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 348 – Delegates Waldstreicher and Feldman

AN ACT concerning

Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 511 – Delegates Levy, Jameson, Murphy, Bohanan, and Wood

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

HB0511/178979/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 511
(Third Reading File Bill)

On page 1, in line 6, after "a" insert "certain"; and in line 10, after "a" insert "certain".

On page 2, in line 15, after "**11–136.1**" insert "**(1)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 550 – Delegate Rosenberg (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Lead Poisoning Prevention Act of 2008

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 728 – Delegates Feldman ~~and Hammen~~, Hammen, Krysiak, and McHale

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 743 – Delegate Feldman

AN ACT concerning

Maryland General Corporation Law – Altering and Updating Corporate Procedures and Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 745 – Delegate Donoghue

AN ACT concerning

City of Hagerstown – Fire and Explosives Investigators – Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1129 – Delegates Rosenberg, Carter, and Oaks

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1394 – Delegates Valderrama, V. Turner, and Walker

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1564 – Delegates Haddaway and Eckardt

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.

THE COMMITTEE ON FINANCE REPORT #25

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0040/667478/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 40
(Third 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".

AMENDMENT NO. 2

On page 2, in line 26, after "**PERSON**" insert "**THAT EMPLOYS 15 OR MORE INDIVIDUALS AND IS**".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 and 2; in line 3, strike "**(4)**" and substitute "**(3)**"; and in line 12, 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 115 – Delegates Tarrant, Barve, Braveboy, Cane, Conaway, Glenn, Hammen, Harrison, Ivey, Kipke, Kullen, Montgomery, Oaks, Pendergrass, Reznik, Riley, Robinson, Stukes, V. Turner, Valderrama, Walker, and Weldon

AN ACT concerning

Medical Assistance Programs and Maryland Children's Health Program – Statements on State–Issued ~~Checks~~ Check Stubs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 218 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Living at Home Waiver Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Bedding Law – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Maryland AIDS Drug Assistance Program – Special Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 238 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Status, Operation, and Regulation

HB0238/587370/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 238
(Third Reading File Bill)

On page 3, in line 17, strike "**11**" and substitute "**10**"; and in line 28, strike "**THREE**" and substitute "**TWO**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 273 – Chair, Health and Government Operations Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Assistive Technology Guaranteed Loan Program and Fund – Changes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 289 – Delegate Pendergrass

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0343/557579/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 343
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, strike "providing certain penalties;".

AMENDMENT NO. 2

On page 8, in line 29, strike "**ASSOCIATION**" and substitute "**ARRANGEMENT**".

On page 12, strike in their entirety lines 14 through 19, 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:

House Bill 350 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Employees' Health Insurance Advisory Council – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 394 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

State Postmortem Examiners Commission – Office of the Chief Medical Examiner – Postmortem Examiners Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 395 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance Carriers – Financial Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 462 – Delegate Pendergrass

AN ACT concerning

Health Insurance – Small Group Market – Self–Employed Individuals – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 510 – Delegates Pendergrass, DeBoy, Hammen, Love, and Morhaim

AN ACT concerning

Health Care Decisions Act – Advance Directives – Electronic Documents and Electronic Signatures

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 578 – Delegates Pena–Melnyk, Mizeur, Benson, Bromwell, Costa, Donoghue, Dumais, Elliott, Feldman, Gutierrez, Guzzone, Heller, Kaiser, Kipke, Montgomery, Nathan–Pulliam, Oaks, Reznik, Rice, Tarrant, F. Turner, V. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Beitzel, Hammen, Hubbard, Kach, Kullen, McDonough, Morhaim, Pendergrass, and Riley

AN ACT concerning

Health Insurance – Coverage for Amino Acid–Based Elemental Formula

HB0578/367377/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 578
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "authorizing" insert "a private review agent, acting on behalf of"; and in line 8, after "necessity" insert "in accordance with certain provisions of law".

AMENDMENT NO. 2

On page 3, in line 5, after "**DISORDER**" insert "**LISTED IN PARAGRAPH (1) OF THIS SUBSECTION**"; in line 6, strike "**AN**" and substitute "**IN ACCORDANCE WITH SUBTITLE 10A OF THIS TITLE, A PRIVATE REVIEW AGENT, ACTING ON BEHALF OF AN**"; in line 7, strike "**ORGANIZATION**" and substitute "**ORGANIZATION,**"; and in line 9, after "**DISORDER**" insert "**LISTED IN PARAGRAPH (1) OF THIS SUBSECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0580/177974/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 580
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "committee;" insert "authorizing the Maryland Insurance Commissioner to adopt certain regulations;".

On page 5, in line 27, strike "**ASSOCIATION**" and substitute "**ARRANGEMENT**".

AMENDMENT NO. 2

On page 7, in line 10, strike "**ON OR BEFORE APRIL 1, 2009, THE**" and substitute "**THE**"; in the same line, strike "**SHALL**" and substitute "**MAY**"; in line 11, strike "**SECTION**" and substitute "**SUBTITLE**"; strike in their entirety lines 12 and 13; and in line 16, strike "**§ 15–1601**" and substitute "**TITLE 15, SUBTITLE 16**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 585 – Delegates Pena–Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Griffith, Gutierrez, Hubbard, Hucker, Kipke, McDonough, Montgomery, Nathan–Pulliam, Oaks, Reznik, Robinson, Tarrant, V. Turner, Valderrama, ~~and Weldon~~ Weldon, Elliott, Hammen, Kullen, Morhaim, and Pendergrass

AN ACT concerning

Nursing Homes – Safe Patient Lifting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 751 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulatory Reforms

Favorable report adopted.

FLOOR AMENDMENT

HB0751/963529/1

BY: Senator Exum

AMENDMENTS TO HOUSE BILL 751
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "fingerprints" insert "and a DNA sample".

AMENDMENT NO. 2

On page 4, in line 2, after "**(A)**" insert "**(1)**"; strike beginning with the comma in line 2 down through "**215.2.**" in line 3 and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "DNA" MEANS DEOXYRIBONUCLEIC ACID.

(3) "EXECUTIVE OFFICER" HAS THE MEANING STATED IN 12 C.F.R. § 215.2.";

in line 8, strike "**FINGERPRINTS**" and substitute "**:**

(1) FINGERPRINTS";

in line 11, after "**CHECKS**" insert "**; AND**

(2) A DNA SAMPLE FOR USE BY THE FEDERAL BUREAU OF INVESTIGATION AND THE DEPARTMENT OF STATE POLICE TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS";

in line 13, after "**FINGERPRINTS**" insert "**AND A DNA SAMPLE**"; in line 14, strike "**OR**" and substitute a comma; and in line 16, after "**SERVICES**" insert "**, OR THE DEPARTMENT OF STATE POLICE**".

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

Affirmative – 10 Negative – 33 (See Roll Call No. 833)

Read the second time and ordered prepared for Third Reading.

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

House Bill 815 – Delegates Tarrant, Donoghue, James, Nathan–Pulliam, Riley, and Stukes

AN ACT concerning

Health Insurance – Reimbursement of Health Care Practitioners – Information Provided by Carriers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 946 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Housing Opportunities Commission – Service Contracts
MC 814–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1079 – Delegates Feldman, Ali, and Rosenberg

AN ACT concerning

Consumer Protection – Halal Food Products

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1156 – Delegates Kaiser and Dumais

AN ACT concerning

Labor and Employment – Pay Disparity Data – Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1358 – Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan–Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Artificial Tanning Devices – Protection of Minors

Favorable report adopted by a roll call vote as follows:

Affirmative – 24 Negative – 22 (See Roll Call No. 834)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1400 – Delegates Wood, Bohanan, Murphy, and O'Donnell

AN ACT concerning

Workers' Compensation – Covered Employees – State Government Volunteer Workers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #27

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

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

HB0363/937278/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 363
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 17, after "effect;" insert "providing for the effective dates of this Act;"; and in line 28, strike the comma.

On page 3, after line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 11–508.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 21, in line 15, after "**PROPERTY;**" insert "**AND**"; in lines 18 and 19, strike "**BUT NOT MORE THAN $10,000,000**"; and strike beginning with "**; AND**" in line 19 down through "**PROPERTY**" in line 23.

On page 22, in line 15, strike "**50%**" and substitute "**75%**".

AMENDMENT NO. 3

On page 27, after line 15, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That:

Article – Financial Institutions

11–508.1.

(a) An applicant for a new license or for the renewal of a license shall satisfy the Commissioner that the applicant or licensee has, and at all times will maintain, a minimum net worth computed according to generally accepted accounting principles:

(1) In the case of an applicant or licensee that does not lend money secured by residential real property, in the amount of $25,000; and

(2) In the case of an applicant or licensee that lends money secured by residential real property, in the amount of:

(i) $25,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate not more than $1,000,000 secured by residential real property;

(ii) $50,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than $1,000,000, but not more than $5,000,000 secured by residential real property; **[**and**]**

(iii) $100,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than $5,000,000**, BUT NOT MORE THAN $10,000,000** secured by residential real property**; AND**

(IV) $250,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the minimum net worth requirements under subsection (a)(2) of this section may be satisfied by the applicant or licensee having:

(i) Cash on deposit with a bank or depository institution;

(ii) A line of credit from a bank or depository institution;

(iii) Other assets; or

(iv) A combination of cash, a line of credit, or other assets.

(2) If cash is used toward satisfying the minimum net worth requirements under subsection (a)(2) of this section, the applicant or licensee shall submit to the Commissioner a bank letter verifying:

(i) The account balance;

(ii) The type of account in which the funds are held; and

(iii) That the funds are not encumbered or hypothecated in any way.

(3) (i) If a line of credit is used toward satisfying the minimum net worth requirements under subsection (a)(2) of this section, the applicant or licensee shall submit to the Commissioner a copy of the line of credit agreement and the promissory note.

(ii) A line of credit may not be used toward satisfying more than 75% of the minimum net worth requirements under subsection (a)(2) of this section.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 7 of this Act shall take effect January 1, 2009.";

in line 16, strike "7." and substitute "9."; and in the same line, after "That" insert ", except as provided in Section 8 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.

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

House Bill 527 – Delegates Reznik, Beitzel, Bromwell, Donoghue, Hammen, Kullen, Montgomery, Morhaim, Pena–Melnyk, Schuler, Tarrant, and V. Turner

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

HB0527/727074/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 527
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "Legislative Services" and substitute "Budget and Management and the Department of General Services".

AMENDMENT NO. 2

On page 2, in line 30, strike "Legislative Services" and substitute "Budget and Management and the Department of General Services".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 10	The President	Criminal Procedure Article Additions – Cross–References and Corrections
SB 37	The President	Criminal Procedure Article Additions
SB 57	Ch., Jud. Proceed.	Child Welfare – Permanency Planning and Interstate Placement of Foster Children
SB 58	Ch., Jud. Proceed.	District Court – Commissioners – Jurisdiction
SB 103	Sen. Frosh	Maryland Uniform Interstate Depositions and Discovery Act
SB 250	Sen. Stone	Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition
SB 252	Sen. Astle	Anne Arundel Co – Prospective or Current Employees or Volunteers – Crim History Records Checks
SB 294	Sen. Garagiola	Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer
SB 607	Sen. Pugh	Children – Records – Access by the Baltimore City Health Department
SB 796 (Emergency Bill)	Sen. Astle	Motor Vehicle Accident Reports – Access

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 1390 – Delegates Valderrama, Anderson, Carter, Dumais, Gutierrez, Lee, and Ramirez

AN ACT concerning

~~**Courts – Limited Immunity – Alcohol or Drug–Related Overdose Incidents**~~
Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion – Mitigating Factor

FOR the purpose of ~~providing a certain person who seeks medical assistance for a person experiencing an alcohol or drug–related overdose certain immunity from civil liability or criminal prosecution under certain circumstances; providing that a certain person who seeks medical assistance for a person experiencing an alcohol or drug–related overdose may not be detained on or prosecuted in connection with a certain warrant under certain circumstances; creating a certain exception; providing a certain person experiencing an alcohol or drug–related overdose certain immunity from criminal prosecution under certain circumstances; providing that a certain person experiencing an alcohol or drug–related overdose may not be detained on or prosecuted in connection with a certain warrant under certain circumstances;~~ providing that the act of seeking medical assistance for a ~~certain~~ person who is experiencing a medical emergency after ingesting alcohol or drugs may be used as a mitigating factor in a certain criminal prosecution; and generally relating to ~~limited immunity for alcohol or drug–related overdose incidents~~ medical emergencies after alcohol or drug ingestion.

BY adding to
Article – ~~Courts and Judicial Proceedings~~ Criminal Procedure
Section ~~5–642~~ 1–209
Annotated Code of Maryland
(~~2006 Replacement~~ 2001 Volume and 2007 Supplement)

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

House Bill 1467 – Delegates Carter, Vallario, Anderson, and Conaway

AN ACT concerning

Uniform Prudent Management of Institutional Funds Act

FOR the purpose of repealing certain provisions of law relating to the management of institutional funds; establishing the Maryland Uniform Prudent Management of Institutional Funds Act; establishing a standard of conduct in managing and investing a certain institutional fund; authorizing a certain institution to appropriate for expenditure or accumulate so much of a certain endowment fund as the institution determines is prudent for certain purposes; requiring the institution to consider certain factors in making a certain determination; providing certain rules of construction; ~~providing for a certain rebuttable presumption of imprudence;~~ providing for the delegation of certain management

and investment functions; establishing how certain restrictions on management, investment, or purpose of an institutional fund may be released or modified; requiring that compliance with this Act be determined in a certain manner; providing for the application of this Act; establishing that this Act modifies, limits, and supersedes certain provisions of federal law; defining certain terms; and generally relating to the management of institutional funds.

BY repealing
Article – Estates and Trusts
Section 15–401 through 15–409
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to
Article – Estates and Trusts
Section 15–401 through 15–410 to be under the amended subtitle "Subtitle 4. Maryland Uniform Prudent Management of Institutional Funds Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

MESSAGE TO THE SENATE

BILL: **SB 0150**
SPONSOR: The Pres (Admin)
SUBJECT: Capital Budget of 2008

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 DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

The House appoints: Delegate Jones, Chair
Delegate Griffith

Delegate Barkley
Delegate Conway
Delegate Proctor

In addition, the House has appointed in advisory capacity: Delegates Bohanan and Stocksdale.

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 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

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

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for April 4, 2008.

The motion was adopted by a roll call vote as follows:

Affirmative – 38 Negative – 5 (See Roll Call No. 835)

QUORUM CALL

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

(See Roll Call No. 836)

ADJOURNMENT

At 1:08 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day, March 29, 2008, Calendar Day, Wednesday, April 2, 2008.

Annapolis, Maryland
Legislative Day: March 29, 2008
Calendar Day: Wednesday, April 2, 2008
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Reverend Dr. Thomas P. Williamsen, Gloria Dei! Lutheran Church, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 838)

The Journal of March 28, 2008 was read and approved.

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
J. Lowell and Sharon Stoltzfus	Senator Thomas V. Mike Miller and Senator Thomas M. Middleton	443

Read and adopted by a roll call vote as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 839)

Recipient	Sponsor	Resolution No.
Eleanor Roosevelt High School Basketball Team	Senator Paul G. Pinsky	548

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 840)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #32

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

Senate Bill 260 – Senator Edwards

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

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 967 – Senator Rosapepe

AN ACT concerning

Education – College Access for Qualified Students

SB0967/954934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 967
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "College Access for Qualified Students" and substitute "Study Group on Expanding Enrollment Options for High School Students"; strike beginning with "altering" in line 3 down through "assistance;" in line 8; in lines 16 and 17 strike "certain provisions of"; in line 17, strike "early college access" and substitute "expanding enrollment options"; and strike in their entirety lines 19 through 28, inclusive.

AMENDMENT NO. 2

On page 3, in line 2, strike "the Laws of Maryland read as follows".

On pages 3 through 10, strike in their entirety the lines beginning with line 3 on page 3 through line 17 on page 10, inclusive.

AMENDMENT NO. 3

On page 10, in lines 21 and 23, in each instance, strike "Two members" and substitute "One member"; and in the same lines, in each instance, strike "one of whom" and substitute "who".

On page 13, in line 16, strike "3." and substitute "2."; in the same line, strike "Section 2 of"; and strike in their entirety lines 20 and 21.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 987 – Senator Haines

AN ACT concerning

Carroll County – Special Beer Festival – License Fee

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 990 – Senators Jones, Lenett, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

SB0990/964837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 990
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "an African American" and substitute "a"; in line 5, strike "an African American–owned" and substitute "a"; and in the same line, after "business" insert "owned by a member of an ethnic or racial minority group".

AMENDMENT NO. 2

On page 3, in line 7, after the bracket, insert "**, BUT IF SHE IS ALSO A MEMBER OF AN ETHNIC OR RACIAL MINORITY GROUP, A WOMAN MAY BE CERTIFIED IN THAT CATEGORY IN ADDITION TO THE GENDER CATEGORY**".

On page 4, after line 17, insert:

"**(4) (I) FOR PURPOSES OF ACHIEVING THE GOALS IN THIS SUBSECTION, A CERTIFIED MINORITY BUSINESS ENTERPRISE MAY PARTICIPATE IN A PROCUREMENT CONTRACT AND BE COUNTED AS A WOMAN–OWNED BUSINESS, OR AS A BUSINESS OWNED BY A MEMBER OF AN ETHNIC OR RACIAL GROUP, BUT NOT BOTH, IF THE BUSINESS HAS BEEN CERTIFIED IN BOTH CATEGORIES.**

(II) THE SPECIFIC CATEGORY USED FOR PARTICIPATION AS A CERTIFIED MINORITY BUSINESS ENTERPRISE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE IDENTIFIED AT THE TIME THE BID OR PROPOSAL IS SUBMITTED TO THE PROCURING AGENCY.";

and in lines 18 and 21, strike "(4)" and "(5)", respectively, and substitute "**(5)**" and "**(6)**".

AMENDMENT NO. 3

On page 5, in lines 9, 10, and 14, strike "(6)", "(5)", and "(7)", respectively, and substitute "**(7)**", "**(6)**", and "**(8)**", respectively; and strike in their entirety lines 24 through 28, inclusive.

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 1009 – Senator Edwards

AN ACT concerning

Garrett County Code of Public Local Laws – Legalization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Joint Resolution 5 – Senator Conway

A Senate Joint Resolution concerning

Birth of Enoch Pratt – Bicentennial Celebration

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #34

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

Senate Bill 875 – Senator Edwards

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 6 – Delegates Anderson, Vallario, Rosenberg, Ramirez, Valderrama, Schuler, Dumais, Gutierrez, Ivey, Conaway, Shank, Carter, McConkey, McComas, and Smigiel

AN ACT concerning

Criminal Procedure – Custodial Interrogation – ~~Electronic~~ Recordation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 114 – Delegates Kullen, Levy, Proctor, Stull, and Weldon

AN ACT concerning

All–Terrain ~~Vehicles – Protective Headgear~~ Vehicle Safety Task Force

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 239 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive ~~Investigations – Deputy Fire Marshal~~ Investigators – Qualifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 399 – Delegates Rosenberg, Benson, Frush, Hubbard, Kullen, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil

Relief – Waiver of Sovereign Immunity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 424 – Delegates Shank and Dumais

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0685/888078/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 685
(Third Reading File Bill)

On page 3, in line 17, strike "**OR**"; in line 19, after "**PAYMENT**" insert a semicolon; and strike beginning with "**ANY**" in line 19 through the period in line 20 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 amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0767/618670/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 767
(Third Reading File Bill)

On page 3 in lines 22 and 31, on page 4, in lines 2, 6, and 35, and on page 5 in lines 6 and 19, in each instance, strike "**THE**" and substitute "**A**".

On page 4, in lines 16 and 19, in each instance, strike "**OR THE**" and substitute "**AND A**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 768 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Glenn

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 771 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

HB0771/288071/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 771
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "applicant;" insert "requiring the Court of Appeals to implement the initial increase of certain fees in a certain manner; requiring the Court of Appeals to report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, in line 13, strike "**$250**" and substitute "**$400**".

AMENDMENT NO. 3

On page 3, after line 16, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the initial increase in the Bar examination fee, authorized under Section 1 of this Act, shall be limited to an amount that will allow the State Board of Law Examiners to cover expenses associated with the administration of the Bar examination. To ensure that expenses associated

with the State Board of Law Examiners are covered by fee revenue, the Court of Appeals shall increase other fees, such as application fees.

SECTION 3. AND BE IT FURTHER ENACTED, That the Court of Appeals shall phase in subsequent increases in fees established by the Court of Appeals and associated with the State Board of Law Examiners in a manner such that fee revenues of the Board recover at least 90 percent of its operating costs in fiscal 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2008, the Court of Appeals shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on a plan to increase fees and generate fee revenue for the general fund sufficient to cover the expenditures associated with the State Board of Law Examiners.";

and in line 17, strike "2." and substitute "5.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 816 – St. Mary's County Delegation

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 901 – Delegate Beitzel

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1193 – Delegates McIntosh and Hucker

AN ACT concerning

Environment – Statute of Limitations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #28

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

Senate Bill 724 – Senators Klausmeier and Della

AN ACT concerning

Pharmacy Benefits Managers – Transparency

SB0724/607974/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 724
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Transparency" and substitute "Disclosures"; strike beginning with "requiring" in line 3 down through "date;" in line 12 and substitute "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; making certain provisions of law applicable

to health maintenance organizations;"; and in line 16, strike "15–1609" and substitute "15–1605".

AMENDMENT NO. 2

On pages 2 through 9, strike in their entirety the lines beginning with line 2 on page 2 through line 9 on page 9, 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) (1) "MANUFACTURER PAYMENTS" MEANS ANY COMPENSATION OR REMUNERATION A PHARMACY BENEFITS MANAGER RECEIVES FROM OR ON BEHALF OF A PHARMACEUTICAL MANUFACTURER.

(2) "MANUFACTURER PAYMENTS" INCLUDES:

(I) PAYMENTS RECEIVED IN ACCORDANCE WITH AGREEMENTS WITH PHARMACEUTICAL MANUFACTURERS FOR FORMULARY PLACEMENT AND, IF APPLICABLE, DRUG UTILIZATION;

(II) REBATES, REGARDLESS OF HOW CATEGORIZED;

(III) MARKET SHARE INCENTIVES;

(IV) COMMISSIONS;

(V) FEES UNDER PRODUCTS AND SERVICES AGREEMENTS;

(VI) ANY FEES RECEIVED FOR THE SALE OF UTILIZATION DATA TO A PHARMACEUTICAL MANUFACTURER; AND

(VII) ADMINISTRATIVE OR MANAGEMENT FEES.

(3) "MANUFACTURER PAYMENTS" DOES NOT INCLUDE PURCHASE DISCOUNTS BASED ON INVOICED PURCHASE TERMS.

(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) "PROPRIETARY INFORMATION" MEANS:

(1) A TRADE SECRET;

(2) CONFIDENTIAL COMMERCIAL INFORMATION; OR

(3) CONFIDENTIAL FINANCIAL INFORMATION.

(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.

(J) "REBATE SHARING CONTRACT" MEANS A CONTRACT BETWEEN A PHARMACY BENEFITS MANAGER AND A PURCHASER UNDER WHICH THE PHARMACY BENEFITS MANAGER AGREES TO SHARE MANUFACTURER PAYMENTS WITH THE PURCHASER.

(K) "TRADE SECRET" HAS THE MEANING STATED IN § 11–1201 OF THE COMMERCIAL LAW ARTICLE.

15–1602.

THE PROVISIONS OF §§ 15–1603 THROUGH 15–1606 OF THIS SUBTITLE DO NOT APPLY TO A PHARMACY BENEFITS MANAGER WHEN PROVIDING PHARMACY BENEFITS MANAGEMENT SERVICES TO A PURCHASER THAT IS AFFILIATED WITH THE PHARMACY BENEFITS MANAGER THROUGH COMMON OWNERSHIP WITHIN AN INSURANCE HOLDING COMPANY.

15–1603.

(A) BEFORE ENTERING INTO A CONTRACT WITH A PURCHASER, A PHARMACY BENEFITS MANAGER:

(1) AS APPLICABLE, SHALL INFORM THE PURCHASER THAT THE PHARMACY BENEFITS MANAGER MAY:

(I) SOLICIT AND RECEIVE MANUFACTURER PAYMENTS;

(II) PASS THROUGH OR RETAIN THE MANUFACTURER PAYMENTS DEPENDING ON THE CONTRACT TERMS WITH A PURCHASER;

(III) SELL AGGREGATE UTILIZATION INFORMATION; AND

(IV) SHARE AGGREGATE UTILIZATION INFORMATION WITH OTHER ENTITIES; AND

(2) SHALL OFFER TO PROVIDE TO THE PURCHASER A REPORT THAT CONTAINS THE:

(I) NET REVENUE OF THE PHARMACY BENEFITS MANAGER FROM SALES OF PRESCRIPTION DRUGS TO PURCHASERS MADE THROUGH THE PHARMACY BENEFITS MANAGER'S NETWORK OF CONTRACTUALLY AFFILIATED RETAIL PHARMACIES OR THROUGH THE PHARMACY BENEFITS MANAGER'S MAIL ORDER PHARMACIES, WITH RESPECT TO THE PHARMACY BENEFITS MANAGER'S ENTIRE CLIENT BASE OF PURCHASERS; AND

(II) AMOUNT OF ALL MANUFACTURER PAYMENTS EARNED BY THE PHARMACY BENEFITS MANAGER.

(B) (1) IF A PURCHASER REQUESTS THE INFORMATION DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION, A PHARMACY BENEFITS MANAGER SHALL PROVIDE THE INFORMATION BEFORE ENTERING INTO A CONTRACT WITH THE PURCHASER.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, IF A PHARMACY BENEFITS MANAGER REQUIRES A NONDISCLOSURE AGREEMENT UNDER WHICH A PURCHASER AGREES THAT THE INFORMATION DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION IS PROPRIETARY INFORMATION, THE PHARMACY BENEFITS MANAGER MAY NOT BE REQUIRED TO PROVIDE THE INFORMATION UNTIL THE PURCHASER HAS SIGNED THE NONDISCLOSURE AGREEMENT.

15–1604.

(A) IF A PURCHASER HAS A REBATE SHARING CONTRACT, A PHARMACY BENEFITS MANAGER SHALL OFFER TO PROVIDE THE PURCHASER A REPORT FOR EACH FISCAL QUARTER AND EACH FISCAL YEAR THAT CONTAINS THE AMOUNT OF THE:

(1) NET REVENUE OF THE PHARMACY BENEFITS MANAGER FROM SALES OF PRESCRIPTION DRUGS TO PURCHASERS MADE THROUGH THE PHARMACY BENEFITS MANAGER'S NETWORK OF CONTRACTUALLY AFFILIATED RETAIL PHARMACIES OR THROUGH THE PHARMACY BENEFITS MANAGER'S MAIL ORDER PHARMACIES, WITH RESPECT TO THE PHARMACY BENEFITS MANAGER'S ENTIRE CLIENT BASE OF PURCHASERS;

(2) TOTAL PRESCRIPTION DRUG EXPENDITURES APPLICABLE TO THE PURCHASER;

(3) TOTAL MANUFACTURER PAYMENTS EARNED BY THE PHARMACY BENEFITS MANAGER DURING THE APPLICABLE REPORTING PERIOD; AND

(4) TOTAL REBATES APPLICABLE TO THE PURCHASER DURING THE APPLICABLE REPORTING PERIOD.

(B) IF THE EXACT AMOUNT OF EACH ITEM TO BE REPORTED UNDER SUBSECTION (A) OF THIS SECTION IS NOT KNOWN BY THE PHARMACY BENEFITS MANAGER AT THE TIME OF ITS REPORT, THE PHARMACY BENEFITS MANAGER SHALL OFFER TO PROVIDE:

(1) ITS CURRENT BEST ESTIMATE OF THE AMOUNT OF EACH ITEM; AND

(2) AN UPDATED REPORT CONTAINING THE EXACT AMOUNT OF EACH ITEM IMMEDIATELY AFTER IT BECOMES AVAILABLE.

(C) (1) A PHARMACY BENEFITS MANAGER SHALL PROVIDE THE INFORMATION DESCRIBED IN SUBSECTIONS (A) AND (B) OF THIS SECTION IF REQUESTED BY THE PURCHASER.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, IF A PHARMACY BENEFITS MANAGER REQUIRES A NONDISCLOSURE AGREEMENT UNDER WHICH A PURCHASER AGREES THAT THE INFORMATION IN SUBSECTIONS (A) AND (B) OF THIS SECTION IS PROPRIETARY

INFORMATION, THE PHARMACY BENEFITS MANAGER MAY NOT BE REQUIRED TO PROVIDE THE INFORMATION UNTIL THE PURCHASER HAS SIGNED THE NONDISCLOSURE AGREEMENT.

15–1605.

THIS SUBTITLE DOES NOT DIMINISH THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL OR THE COMMISSIONER TO OBTAIN INFORMATION RELATING TO A PHARMACY BENEFITS MANAGER AND USE THE INFORMATION IN ANY PROCEEDING.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0120/967472/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 120
(Third Reading File Bill)

On page 1, strike beginning with "authorizing" in line 19 down through "circumstances;" in line 20.

On page 2, in line 5, strike "15–1606" and substitute "15–1605".

On page 14, strike in their entirety lines 13 through 19, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 217 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Vital Records – Copies to County Registrars of Vital Records

HB0217/167872/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 217
(Third Reading File Bill)

On page 1, in line 7, strike "health" and substitute "death".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 272 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Medical Stop–Loss Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 684 – Delegates Stukes, Frush, Braveboy, Burns, Conaway, Frick, Glenn, Gutierrez, Howard, Kaiser, Levi, McHale, Niemann, Oaks, Proctor, Rice, Robinson, Taylor, F. Turner, Valderrama, ~~and Walker~~ Walker, Carr, McIntosh, Shewell, and Stein

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices

HB0684/747374/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 684
(Third Reading File Bill)

On page 1, in line 18, strike "two members" and substitute "one member".

On page 2, in line 1, strike "two members" and substitute "one member".

On page 3, in line 28, strike "7 months" and substitute "1 year"; and in line 29, strike "December 31, 2008" and substitute "May 31, 2009".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1045 – Delegates Gaines, Aumann, Barkley, Bronrott, DeBoy, Haynes, Healey, Jones, and F. Turner

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

Favorable report adopted.

FLOOR AMENDMENT

HB1045/893729/1

BY: Senator Kelley

AMENDMENTS TO HOUSE BILL 1045
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Program;" insert "providing that certain provisions of this Act do not apply to certain health insurance policies and contracts;".

AMENDMENT NO. 2

On page 2, after line 15, insert:

"**(B) THIS SECTION DOES NOT APPLY TO A FIXED INDEMNITY HEALTH INSURANCE POLICY OR CONTRACT IF THE PREMIUMS ARE PAID SOLELY BY AN INDIVIDUAL.**";

and in lines 16 and 27, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

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

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

FLOOR AMENDMENT

HB1587/833626/1

BY: Senator Middleton

AMENDMENT TO HOUSE BILL 1587
(Third Reading File Bill)

On page 5, in line 29, strike "**15–103(IX)**" and substitute "**15–103(A)(2)(IX) AND (X)**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

RECONSIDERATION

Senator Harrington moved, duly seconded, to reconsider the vote by which **Senate Bill 268** failed Third Reading.

The motion was adopted by a roll call vote as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 841)

Senate Bill 268 – The President (By Request – Administration) and Senators Pinsky, Garagiola, Forehand, Frosh, King, Lenett, Madaleno, and Rosapepe

SECOND PRINTING

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

Senator Conway moved, duly seconded, to place **Senate Bill 268** back on second reading for the purpose of adding an amendment.

The motion was adopted.

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

FLOOR AMENDMENT

SB0268/894938/3

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 268
(Bill as Printed for Third Reading)

On page 10, in line 10, strike "**THE GREATER OF 7% OR $10,000,000**" and substitute "**17%**"; strike beginning with "**AND**" in line 11 down through "**FOLLOWS:**" in line 13; in lines 14, 19, 22, 25, 28, 29, and 31, strike "**1.**", "**2.**", "**A.**", "**B.**", "**3.**", "**A.**", and "**B.**", respectively, and substitute "**(II)**", "**(III)**", "**1.**", "**2.**", "**(IV)**", "**1.**", and "**2.**", respectively; in line 14, strike "**35%**" and substitute "**23%**"; in line 19, strike "**50%**" and substitute "**46%**"; and in line 28, strike "**11%**" and substitute "**10.5%**".

On page 11, in lines 1 and 3, strike "**C.**" and "**4.**", respectively, and substitute "**3.**" and "**(V)**", respectively; and in line 3, strike "**4%**" and substitute "**3.5%, BUT NOT MORE THAN $5,000,000,**".

The preceding amendment was read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was withdrawn.

FLOOR AMENDMENT

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

Affirmative – 45 Negative – 1 (See Roll Call No. 842)

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #9

AMENDED IN THE HOUSE

Senate Bill 795 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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

SB0795/824566/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 795
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 20, insert:

"BY repealing and reenacting, without amendments,

Chapter 243 of the Acts of the General Assembly of 2001, as amended by Chapter 219 of the Acts of the General Assembly of 2004
Section 1(1)

BY adding to
Chapter 243 of the Acts of the General Assembly of 2001, as amended by Chapter 219 of the Acts of the General Assembly of 2004
Section 1(6)".

On page 9, after line 9, insert:

"Chapter 243 of the Acts of 2001, as amended by Chapter 219 of the Acts of 2004

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 Kent County – Echo Hill Outdoor School Improvements Loan of 2001 in the total principal amount of $300,000. 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.

(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.".

AMENDMENT NO. 2
On page 2, after line 25, insert:

"BY repealing and reenacting, with amendments,

Chapter 432 of the Acts of the General Assembly of 2001
Section 1".

On page 10, after line 25, insert:

"Chapter 432 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 Anne Arundel County – Historic London Town Visitors Center and Museum Loan of 2001 in a total principal amount equal to the lesser of (i) $200,000 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 London Town Foundation, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of a visitors center and museum at Historic London Town and Gardens at 839 Londontown Road in Edgewater, 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 in kind contributions. No part of the fund may consist of real property 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.".

AMENDMENT NO. 3

On page 2, after line 28, insert:

"BY repealing and reenacting, with amendments,
Chapter 673 of the Acts of the General Assembly of 2001
Section 1".

On page 11, after line 43, insert:

"Chapter 673 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 – The Boys and Girls Clubs of Southern Maryland Loan of 2001 in a total principal amount equal to the lesser of (i) $100,000 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 Boys and Girls Clubs of Southern Maryland, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, construction, reconstruction, and capital equipping of a building in Calvert County to house a Boys and 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 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.".

AMENDMENT NO. 4

On page 1, in line 11, after "fund;" insert "repealing certain requirements that a certain grantee grant and convey an historic easement to the Maryland Historical Trust;".

On page 3, after line 16, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 65 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(AR) and ZA02(AV)".

On page 16, after line 3, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 65 of the Acts of 2007

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(AR)	Old Blair High School Auditorium. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Old Blair Auditorium Project, Inc. for the repair, renovation, construction, reconstruction, and capital equipping of the Old Blair High School Auditorium located in Silver **[**Spring,**]** **SPRING. [**subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust.**]** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act and the grantee must present evidence that a matching fund will be provided by June 1, 2009.(Montgomery County).....	300,000

ZA02 LOCAL SENATE INITIATIVES

(AV)	Old Blair High School Auditorium. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Old Blair Auditorium Project, Inc. for the repair, renovation, construction, reconstruction, and capital equipping of the Old Blair High School Auditorium located in Silver **[**Spring,**]** **SPRING. [**subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust.**]** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act and the grantee must present evidence that a matching fund will be provided by June 1, 2009.(Montgomery County).....	300,000".

AMENDMENT NO. 5

On page 14, strike beginning with "County" in line 19 down through the second "County" in line 20 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

On page 18, strike beginning with "the" in line 15 down through "County" in line 16 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

AMENDMENT NO. 6

On page 1, in line 9, strike "removing" and substitute "altering"; on page 21, strike beginning with "**AND**" in line 29 down through "**MILLS,**" in line 32; in line 33, strike "an equal and matching fund for" and substitute "**AND EXPEND A MATCHING FUND OF $1,500,000**"; and strike beginning with "**THESE**" in line 34 down through "**COUNTY**)" in line 35 and substitute "**(BALTIMORE CITY)**".

AMENDMENT NO. 7

On page 3, in line 24, strike "ZA01(Z)," and substitute "ZA01(X), (Z),".

On page 22, after line 6, insert:

"(X) United Cerebral Palsy Facility. 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 United Cerebral Palsy of Central Maryland, Inc. for the design, construction, and capital equipping of a multipurpose facility for the disabled, located in **[**Owings Mills.**]** **BALTIMORE COUNTY.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County)..... 200,000".

AMENDMENT NO. 8

On page 3, in line 25, strike "ZA02(BI)," and substitute "ZA02(AP–1), (BI),".

On page 22, after line 40, insert:

"(AP–1) Chesapeake and Ohio Canal National Historic Catoctin Aqueduct. 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 Catoctin

Aqueduct Restoration Fund, Inc. for the repair, restoration, reconstruction, and stabilization of the National Historic Catoctin Aqueduct, located at the 51.5 mile mark of the C&O Canal between Point of Rocks and Brunswick**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Frederick County)..... $200,000".

The preceding 8 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 0795**
SPONSOR: Sen DeGrange
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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 DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #6

AMENDED IN THE HOUSE

Senate Bill 123 – Senator Astle

AN ACT concerning

Anne Arundel County – Department of Detention Facilities Correctional Employees – Polygraph Examinations

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

SB0123/192815/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 123
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Correctional Employees" and substitute "Employment Applicants"; in lines 5 and 6, strike "employment, prospective employment, or continued"; in lines 7 and 8, strike "or are employed as correctional officers for" and substitute "with"; in line 9, after "Facilities" insert "either as correctional officers"; and in the same line, strike "personal".

AMENDMENT NO. 2

On page 2 in line 27, and on page 3 in line 1, in each instance, strike the bracket.

On page 2, strike in their entirety lines 28 through 31, inclusive.

On page 3, in line 1, strike "**(VII)**"; and after line 10, insert:

"**(5) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR EMPLOYMENT WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES:**

(I) AS A CORRECTIONAL OFFICER; OR

(II) IN ANY OTHER CAPACITY THAT INVOLVES DIRECT CONTACT WITH AN INMATE IN THE ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 843)

CONCURRENCE CALENDAR #7

AMENDED IN THE HOUSE

Senate Bill 419 – Senator Glassman

AN ACT concerning

Agriculture – ~~Seed and Nursery Stock for Native Plants – Funding~~ Wild Pollinators Program

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

SB0419/320014/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 419
(Third Reading File Bill)

On page 1, in line 8, after "Program;" insert "providing for the termination of this Act;".

On page 2, in line 4, strike "providing for the termination of this Act;".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 844)

AMENDED IN THE HOUSE

Senate Bill 757 – Senator Colburn

AN ACT concerning

Wetlands – Construction of Structure on Pier – ~~Dorchester County~~ Exception

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

SB0757/410610/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 757
(Third Reading File Bill)

On page 1, in line 7, strike "license" and substitute "permit"; and in line 9, strike "State" and substitute "private".

On page 4, in line 1, strike "**LICENSE**" and substitute "**PERMIT**".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 845)

CONCURRENCE CALENDAR #8

AMENDED IN THE HOUSE

Senate Bill 793 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Special Taxing Districts – Creation

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

SB0793/555562/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 793
(Third Reading File Bill)

On page 5, in line 20, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE**".

The preceding amendment was read and concurred in.

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

Affirmative – 42 Negative – 3 (See Roll Call No. 846)

AMENDED IN THE HOUSE

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

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

SB0983/634665/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 983
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 4, strike "requiring the Secretary of Housing and Community Development to transfer" and substitute "transferring"; and in line 6, after "Fund;" insert "requiring a certain transfer of funds in a certain year;".

AMENDMENT NO. 2

On page 2, in line 2, after "**(I)**" insert "**(1)**"; in the same line, strike "**IF**" and substitute "**BEGINNING IN FISCAL YEAR 2010, IF**"; in the same line, after "**BALANCE**" insert "**OF THE UNALLOCATED RESERVE**"; strike beginning with "**THE**" in line 3 down through "**THAN**" in line 4; in line 4, after "**$10,000,000**" insert a comma; and in line 5, strike "**SECRETARY AS FOLLOWS**" and substitute "**GOVERNOR TO THE**".

AMENDMENT NO. 3

On page 2, in lines 6, 8, and 10, in each instance, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in lines 6, 8, and 10, in each instance, strike "**ONE–THIRD TO THE**"; and after line 11, insert:

"**(2) THE DISTRIBUTION OF ANY MONEY TRANSFERRED FROM THE FUND TO THE HOMEOWNERSHIP PROGRAMS FUND, THE RENTAL HOUSING PROGRAMS FUND, AND THE SPECIAL LOAN PROGRAMS FUND SHALL BE AT THE DISCRETION OF THE SECRETARY.**".

AMENDMENT NO. 4

On page 3, after line 31, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2008, the Governor shall transfer $10,000,000 in the Maryland Housing Fund established under § 3–203 of the Housing and Community Development Article to the Rental Housing Programs Fund, the Homeownership Programs Fund, and the Special Loan Program Fund in the amounts of $5,600,000, $1,800,000, and $2,600,000, respectively.".

On page 4, in line 1, strike "2." and substitute "3.".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 847)

QUORUM CALL

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

(See Roll Call No. 848)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #65

Senate Bill 727 – Senators Klausmeier ~~and Kasemeyer~~, Kasemeyer, and Brochin

SECOND PRINTING

AN ACT concerning

~~Public Utility Companies – Electric Companies – Tree Care Activities~~
Electric Companies – Notification of Tree Care Schedule and Review – Public Service Commission

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

Affirmative – 46 Negative – 0 (See Roll Call No. 849)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #10
CONSENT CALENDAR #6

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 227	Ch., Envir. Mat. Com.	Agriculture – Animal Health – Administrative Penalties	EHE
HB 228	Ch., Envir. Mat. Com.	State Board of Veterinary Medical Examiners – Hospital Inspections	EHE
HB 543	Del. Stull	Agriculture – Maryland Dairy Farmer Emergency Trust Fund	EHE
HB 976	Ch., Envir. Mat. Com.	Maryland Agricultural Land Preservation Program – Lot	EHE

Releases

All of the above listed bills on the Third Reading Consent Calendar No. 6 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 850)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #11

House Bill 223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Endangered and Threatened Species – Incidental Taking – Delmarva Fox Squirrel

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

Affirmative – 46 Negative – 0 (See Roll Call No. 851)

The Bill was then sent to the House of Delegates.

House Bill 226 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Regulation of Bait

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

Affirmative – 47 Negative – 0 (See Roll Call No. 852)

The Bill was then sent to the House of Delegates.

House Bill 229 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Fishing – Reciprocal Angler's Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 853)

The Bill was then sent to the House of Delegates.

House Bill 231 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Community Development Administration – Rental Assistance Programs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 854)

The Bill was then sent to the House of Delegates.

House Bill 309 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Disaster Relief Housing Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 855)

The Bill was then sent to the House of Delegates.

House Bill 312 – Delegates Morhaim, Oaks, Pendergrass, and Weldon

AN ACT concerning

Procurement – Security Requirements – ~~Repeal~~ Extension of Sunset Provision

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

Affirmative – 47 Negative – 0 (See Roll Call No. 856)

The Bill was then sent to the House of Delegates.

House Bill 484 – Delegates Morhaim and Wood

AN ACT concerning

Procurement – Unsolicited Proposals – Repeal of Termination Date

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

Affirmative – 47 Negative – 0 (See Roll Call No. 857)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 858)

The Bill was then sent to the House of Delegates.

House Bill 697 – Delegate Hubbard

AN ACT concerning

Health Occupations – State Board of Examiners of Nursing Home Administrators – Minimum Age Requirement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 859)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #12
CONSENT CALENDAR #7

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 75 (AMENDED)	Del. Shewell	Juveniles – Arrests for Reportable Offenses – Expansion of Notification	JPR
HB 87	Ch., Judiciary Com.	District Court –	JPR

		Commissioners – Jurisdiction	
HB 88	Del. Vallario	Maryland Uniform Interstate Depositions and Discovery Act	JPR
HB 90	Ch., Judiciary Com.	Child Welfare – Permanency Planning and Interstate Placement of Foster Children	JPR
HB 123	Del. Bromwell	Baltimore County – State's Attorney – Salary	JPR
HB 154	Del. Feldman	Real Estate Investment Trusts – Definition and Share Information	JPR
HB 182 (AMENDED)	Del. Dumais	Domestic Violence – Permanent Protective Order After Conviction and Imprisonment	JPR
HB 183	Del. Dumais	Domestic Violence – Enforcement of Protective Order	JPR
HB 318	Del. Love	Anne Arundel Co – Prospective or Current Employees or Volunteers – Crim History Records Checks	JPR
HB 348	Del. Waldstreicher	Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer	JPR
HB 511 (AMENDED)	Del. Levy	Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian	JPR
HB 550	Del. Rosenberg	Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition	JPR
HB 589	Del. Oaks	Lead Poisoning Prevention Act of 2008	JPR
HB 728	Del. Feldman	Corporations – Objecting	JPR

		Stockholders – Right to Fair Value of Stock	
HB 743	Del. Feldman	Md General Corpn Law – Altering and Updating Corporate Procedures and Misc Provisions	JPR
HB 745	Del. Donoghue	City of Hagerstown – Fire and Explosives Investigators – Authority	JPR
HB 1129	Del. Rosenberg	Real Property – Homeowners Associations – Amendment of Governing Documents	JPR
HB 1134	Del. Lee	Immunity from Liability – Use of Automated External Defibrillator	JPR
HB 1168	Del. Kramer	Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting	JPR
HB 1394	Del. Valderrama	Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period	JPR
HB 1564	Del. Haddaway	Real Property – Talbot County – Recordation of County Right–of–Way Plats	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 7 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 860)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #13
CONSENT CALENDAR #8

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 628	Ch., Envir. Mat. Com.	Department of the Environment – Grants and Loans – Small, Minority, and Women's	EHE

		Business Enterprises	
HB 689	Del. Barnes	Access to Public Records – Permissible Denials – Public Institutions of Higher Education	EHE
HB 704	Ch., Appropriations	Higher Education Investment Fund – Expenditures – Base Realignment and Closure Process	EHE
HB 972	Ch., Envir. Mat. Com.	Forest Conservation – Reporting and Enforcement	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 8 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 861)

The Bills were then sent to the House of Delegates.

House Bill 977 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Controlled Hazardous Substances – Discharge or Release – Reporting Requirements

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

Affirmative – 42 Negative – 5 (See Roll Call No. 862)

The Bill was then sent to the House of Delegates.

House Bill 1005 – Delegates Conway, Mathias, Cane, Eckardt, Elmore, Haddaway, and Sossi

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – School Buses – Length of Operation – Sunset Repeal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 863)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #14
CONSENT CALENDAR #9

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 29	Del. Manno	Long–Term Care Ins – Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services	FIN
HB 115	Del. Tarrant	Med Assistance Programs and Md Children's Hlth Program – Statements on State–Issued Check Stubs	FIN
HB 218	Ch. Hlth & Govt Ops	Department of Health and Mental Hygiene – Living at Home Waiver Program	FIN
HB 219	Ch. Hlth & Govt Ops	Bedding Law – Repeal	FIN
HB 237 (AMENDED)	Ch. Hlth & Govt Ops	Maryland AIDS Drug Assistance Program – Special Fund	FIN
HB 273	Ch. Hlth & Govt Ops	Assistive Technology Guaranteed Loan Program and Fund – Changes	FIN
HB 289	Del. Pendergrass	Task Force on Health Care Access and Reimbursement – Extension	FIN
HB 343 (AMENDED)	Del. Kipke	Pharmacy Benefits Managers – Therapeutic Interchanges	FIN
HB 350	Ch., Appropriations	State Employees' Health Insurance Advisory Council – Repeal	FIN
HB 394	Ch. Hlth & Govt Ops	St Postmortem Exmrs Comm – Ofc of the Chief Med Exmr – Postmortem Exmrs Law	FIN

HB 395	Ch. Hlth & Govt Ops	Health Insurance Carriers – Financial Reporting	FIN
HB 462	Del. Pendergrass	Health Insurance – Small Group Market – Self–Employed Individuals – Sunset Extension	FIN
HB 510	Del. Pendergrass	Health Care Decisions Act – Advance Directives – Electronic Documents and Electronic Signatures	FIN
HB 580 (AMENDED)	Del. Oaks	Pharmacy Benefits Managers – Pharmacy and Therapeutics Committees	FIN
HB 585	Del. Pena–Melnyk	Nursing Homes – Safe Patient Lifting	FIN
HB 751	Ch., Econ Matters Co.	Financial Institutions – Regulatory Reforms	FIN
HB 815	Del. Tarrant	Health Insurance – Reimbursement of Health Care Practitioners – Information Provided by Carriers	FIN
HB 818	Del. Tarrant	Task Force on Health Care Access and Reimbursement – Additional Duties	FIN
HB 1400	Del. Wood	Workers' Compensation – Covered Employees – State Government Volunteer Workers	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 9 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 864)

The Bills were then sent to the House of Delegates.

House Bill 238 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Status, Operation, and Regulation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 865)

The Bill was then sent to the House of Delegates.

House Bill 578 – Delegates Pena–Melnyk, Mizeur, Benson, Bromwell, Costa, Donoghue, Dumais, Elliott, Feldman, Gutierrez, Guzzone, Heller, Kaiser, Kipke, Montgomery, Nathan–Pulliam, Oaks, Reznik, Rice, Tarrant, F. Turner, V. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Beitzel, Hammen, Hubbard, Kach, Kullen, McDonough, Morhaim, Pendergrass, and Riley

AN ACT concerning

Health Insurance – Coverage for Amino Acid–Based Elemental Formula

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

Affirmative – 43 Negative – 4 (See Roll Call No. 866)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #14

House Bill 946 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Housing Opportunities Commission – Service Contracts
MC 814–08

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

Affirmative – 46 Negative – 1 (See Roll Call No. 867)

The Bill was then sent to the House of Delegates.

House Bill 1079 – Delegates Feldman, Ali, and Rosenberg

AN ACT concerning

Consumer Protection – Halal Food Products

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

Affirmative – 47 Negative – 0 (See Roll Call No. 868)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #10

AMENDED IN THE HOUSE

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

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

SB0216/130415/4

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 216
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "certain"; and in line 9, strike "enforce" and substitute "implement".

On page 2, in line 6, after the semicolon insert "providing that the failure to include certain information when recording a mortgage, deed of trust, or any other instrument securing a mortgage loan may not be the basis for a clerk of the court to fail to record the instrument under certain circumstances; providing that a notice of intent to foreclose shall be construed to be sufficient under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 33, after "**INDIVIDUAL**" insert "**WHO ORIGINATED THE LOAN**".

On page 3, in line 9, strike "**ENFORCE**" and substitute "**IMPLEMENT**"; and in line 13, strike "**PENALTIES**" and substitute "**CONSEQUENCES, INCLUDING PENALTIES,**".

On page 6, in line 6, after the semicolon insert "**AND**"; strike beginning with "**THE**" in line 7 down through "**D.**" in line 9; in line 11, strike "**MARYLAND**" and substitute "**NAME AND**"; in the same line, after "**THE**" insert "**MARYLAND**"; and in line 12, after "**ORIGINATOR**" insert "**, IF APPLICABLE**".

On page 7, in line 25, after "**BY**" insert "**REGULATION BY**".

On page 9, in line 8, after "**MAY**" insert "**EFFECT SERVICE BY**"; in line 9, strike "**FILE**" and substitute "**FILING**"; in line 11, strike "**MAIL**" and substitute "**MAILING**"; and in line 17, strike "**POST**" and substitute "**POSTING**".

AMENDMENT NO. 3

On page 15, after line 33, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, until the Commissioner of Financial Regulation adopts regulations under § 3–04.1(c) of the Real Property Article, as enacted by Section 1 of this Act, the failure to include the information required in § 3–04.1(b) of the Real Property Article, as enacted by Section 1 of this Act, when recording a mortgage, deed of trust, or any other instrument securing a mortgage loan may not be the basis for a clerk of the court to fail to record the instrument.

SECTION 5. AND BE IT FURTHER ENACTED, That, until the Commissioner of Financial Regulation adopts regulations under § 7–105.1(c)(4)(i) and (ii)4 of the Real Property Article, as enacted by Section 1 of this Act, a notice of intent to foreclose shall be construed to be sufficient if the notice contains the information required under § 7–105.1(c)(4)(ii)1 through 3 of the Real Property Article, as enacted by Section 1 of this Act.".

On page 16, in line 1, strike "4." and substitute "6.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 869)

LAID OVER BILLS

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

Senate Bill 990 – Senators Jones, Lenett, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

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

SB0990/964837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 990
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "an African American" and substitute "a"; in line 5, strike "an African American–owned" and substitute "a"; and in the same line, after "business" insert "owned by a member of an ethnic or racial minority group".

AMENDMENT NO. 2

On page 3, in line 7, after the bracket, insert "**, BUT IF SHE IS ALSO A MEMBER OF AN ETHNIC OR RACIAL MINORITY GROUP, A WOMAN MAY BE CERTIFIED IN THAT CATEGORY IN ADDITION TO THE GENDER CATEGORY**".

On page 4, after line 17, insert:

"**(4) (I) FOR PURPOSES OF ACHIEVING THE GOALS IN THIS SUBSECTION, A CERTIFIED MINORITY BUSINESS ENTERPRISE MAY PARTICIPATE IN A PROCUREMENT CONTRACT AND BE COUNTED AS A WOMAN–OWNED BUSINESS, OR AS A BUSINESS OWNED BY A MEMBER OF AN ETHNIC OR RACIAL GROUP, BUT NOT BOTH, IF THE BUSINESS HAS BEEN CERTIFIED IN BOTH CATEGORIES.**

(II) THE SPECIFIC CATEGORY USED FOR PARTICIPATION AS A CERTIFIED MINORITY BUSINESS ENTERPRISE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE IDENTIFIED AT THE TIME THE BID OR PROPOSAL IS SUBMITTED TO THE PROCURING AGENCY.";

and in lines 18 and 21, strike "(4)" and "(5)", respectively, and substitute "**(5)**" and "**(6)**".

AMENDMENT NO. 3

On page 5, in lines 9, 10, and 14, strike "(6)", "(5)", and "(7)", respectively, and substitute "**(7)**", "**(6)**", and "**(8)**", respectively; and strike in their entirety lines 24 through 28, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0990/713927/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 990
(First Reading File Bill)

On page 5, in line 11, strike "(5)" and substitute "**(6)**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #35

CONSENT CALENDAR #50

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

House Bill 18 – ~~Delegate Smigiel~~ Delegates Smigiel, Kach, Bromwell, Impallaria, and Olszewski

AN ACT concerning

Sex Offender Registry – ~~Former Names, Nicknames, and Electronic Communication Identifiers~~ Additional Information

HB0018/278078/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 18
(Third Reading File Bill)

On page 2, in line 16, strike "**NICKNAMES,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 282 – Delegates Simmons and Kramer

AN ACT concerning

Criminal Law – Possessing Stolen Property

HB0282/548278/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 282
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "obtained by certain means" and substitute "provided by law enforcement as part of an investigation".

AMENDMENT NO. 2

On page 2, strike beginning with "**OBTAINED**" in line 20 down through "**THEFT**" in line 21 and substitute "**PROVIDED BY LAW ENFORCEMENT AS PART OF AN INVESTIGATION**"; and in line 21, strike "**EXPLICITLY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 717 – Delegate Malone

AN ACT concerning

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

HB0717/898277/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 717
(Third Reading File Bill)

On page 3, in line 2, 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:

House Bill 719 – Delegates Malone, Ali, Barkley, Barve, Bobo, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Hucker, King, Kipke, Manno, McComas, ~~and Riley~~ Riley, V. Clagett, Holmes, and Hubbard

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 766 – Delegate Malone

AN ACT concerning

Vehicle Laws – Medical Advisory Board – Confidentiality

HB0766/848171/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 766
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Confidentiality" and substitute "Use of Confidential Records and Reports"; and strike beginning with "use," in line 4 down through "Administration" in line 8 and substitute "use certain information in certain confidential reports and records for driver safety research subject to a certain restriction; authorizing the Administration to contract with third parties to assist with driver safety research; and generally relating to the use of certain confidential reports and records".

AMENDMENT NO. 2

On page 2, strike beginning with "**THE**" in line 19 down through "**BOARD**" in line 20 and substitute "**ITS RECORDS**"; strike beginning with "**WHETHER**" in line 24 down through "**ENTITY,**" in line 25; in line 25, after "**NOT**" insert "**PUBLISHED OR**"; and in line 27, after "**(3)**" insert "**THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES TO ASSIST WITH DRIVER SAFETY RESEARCH.**

(4)".

On page 3, strike beginning with "**WHETHER**" in line 27 down through "**ENTITY,**" in line 29; in line 29, after "**NOT**" insert "**PUBLISHED OR**"; and in line 31, after "**(3)**" insert "**THE ADMINISTRATION MAY CONTRACT WITH THIRD PARTIES TO ASSIST WITH DRIVER SAFETY RESEARCH.**

(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:

House Bill 1119 – Delegates Ali and ~~Malone~~ Sossi

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

Favorable report 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 (HOUSE BILLS) #15

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

FLOOR AMENDMENT

HB0040/853325/1

BY: Senator Brinkley

AMENDMENT TO HOUSE BILL 40
(Third Reading File Bill)

On page 2, in line 29, after "**INCLUDES**" insert "**:**

1.";

and in line 30, after "**EMPLOYEE**" insert "**;**

2. A UNIT OF STATE OR LOCAL GOVERNMENT; AND

3. THE UNIVERSITY SYSTEM OF MARYLAND".

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

Affirmative – 14 Negative – 32 (See Roll Call No. 870)

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

Affirmative – 31 Negative – 16 (See Roll Call No. 871)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 872)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 873)

The Bill was then sent to the House of Delegates.

House Bill 527 – Delegates Reznik, Beitzel, Bromwell, Donoghue, Hammen, Kullen, Montgomery, Morhaim, Pena–Melnyk, Schuler, Tarrant, and V. Turner

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 874)

The Bill was then sent to the House of Delegates.

House Bill 1156 – Delegates Kaiser and Dumais

AN ACT concerning

Labor and Employment – Pay Disparity Data – Reporting

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

Affirmative – 36 Negative – 11 (See Roll Call No. 875)

The Bill was then sent to the House of Delegates.

House Bill 1358 – Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan–Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Artificial Tanning Devices – Protection of Minors

FLOOR AMENDMENT

HB1358/543720/2

BY: Senator Brochin

AMENDMENTS TO HOUSE BILL 1358
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "allowing" insert "certain".

AMENDMENT NO. 2

On page 2, in line 32, strike "**18**" and substitute "**15**".

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

Affirmative – 18 Negative – 29 (See Roll Call No. 876)

FLOOR AMENDMENT

HB1358/833123/1

BY: Senator Brinkley

AMENDMENTS TO HOUSE BILL 1358

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Artificial Tanning Devices –"; in the same line, after "Minors" insert "– Parental Consent"; in line 3, after the first "of" insert "providing that a physician may not perform an abortion on certain minors unless the physician gives notice to certain individuals in a certain manner;"; in line 6, after the semicolon insert "authorizing certain owners, employees, and operators of tanning facilities to allow a certain minor to use a tanning device if the owner, employee, or operator make a certain judgment under certain circumstances;"; and after line 11, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–103
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"20–103.

(a) Except as provided in subsections (b) and (c) of this section, a physician may not perform an abortion on an unmarried minor unless the physician first gives notice to a parent or guardian of the minor **ON THE PREMISES OF THE PHYSICIAN'S OFFICE AND IN THE PRESENCE OF THE MINOR SEEKING THE ABORTION**.

(b) The physician may perform the abortion without notice to a parent or guardian if:

(1) The minor does not live with a parent or guardian; and

(2) A reasonable effort to give notice to a parent or guardian is unsuccessful.

(c) (1) The physician may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the physician:

(i) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;

(ii) The minor is mature and capable of giving informed consent to an abortion; or

(iii) Notification would not be in the best interest of the minor.

(2) The physician is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

(d) **[**The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that article of mail shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be.

(e)**]** A physician may not provide notice to a parent or guardian if the minor decides not to have the abortion.";

and in line 31, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**".

AMENDMENT NO. 3

On page 3, after line 7, insert:

"**(C) THE OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY MAY ALLOW A MINOR TO USE A TANNING DEVICE IF, IN THE JUDGMENT OF THE OWNER, EMPLOYEE, OR OPERATOR OF THE TANNING FACILITY, THE MINOR IS MATURE AND CAPABLE OF GIVING INFORMED CONSENT TO THE USE OF A TANNING DEVICE.**";

and in lines 8 and 12, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

The preceding 3 amendments were read only.

FLOOR AMENDMENT

The Chair ruled the amendment (1358/833123/1) out of order.

The ruling of the Chair was sustained by a roll call vote as follow:

Affirmative – 33 Negative – 14 (See Roll Call No. 877)

FLOOR AMENDMENT

HB1358/673324/1

BY: Senator Greenip

AMENDMENT TO HOUSE BILL 1358
(Third Reading File Bill)

On page 3, in line 5, strike "**ON THE PREMISES OF**" and substitute "**TO**"; and strike beginning with "**AND**" in line 5 down through "**FACILITY**" in line 7.

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

Affirmative – 16 Negative – 28 (See Roll Call No. 878)

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

Affirmative – 34 Negative – 13 (See Roll Call No. 879)

The Bill was then sent to the House of Delegates.

BILLS ON SECOND READING

Senator Frosh moved, duly seconded, to put **House Bill 360** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 360** on Third Reading and Final Passage.

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

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46 Negative – 1 (See Roll Call No. 880)

The Bill was then sent to the House of Delegates.

Senator Frosh moved, duly seconded, to put **House Bill 361** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 361** on Third Reading and Final Passage.

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

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 47 Negative – 0 (See Roll Call No. 881)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #36

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

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

HB0365/818374/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 365
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "certain"; and in line 9, strike "enforce" and substitute "implement".

On page 2, in line 11, after the semicolon insert "providing that the failure to include certain information when recording a mortgage, deed of trust, or any other instrument securing a mortgage loan may not be the basis for a clerk of the court to fail to record the instrument under certain circumstances; providing that a notice of intent to foreclose shall be construed to be sufficient under certain circumstances;".

AMENDMENT NO. 2

On page 3, in line 1, after "**INDIVIDUAL**" insert "**WHO ORIGINATED THE LOAN**"; in line 11, strike "**ENFORCE**" and substitute "**IMPLEMENT**"; and in line 15, strike "**PENALTIES**" and substitute "**CONSEQUENCES, INCLUDING PENALTIES,**".

On page 6, in line 7, after the semicolon insert "**AND**"; strike beginning with "**THE**" in line 8 down through "**D.**" in line 10; in line 12, strike "**MARYLAND**" and substitute "**NAME AND**"; in the same line, after "**THE**" insert "**MARYLAND**"; and in line 13, after "**ORIGINATOR**" insert "**, IF APPLICABLE**".

On page 7, in line 27, after "**BY**" insert "**REGULATION BY**".

On page 9, in line 11, after "**MAY**" insert "**EFFECT SERVICE BY**"; in line 12, strike "**FILE**" and substitute "**FILING**"; in line 14, strike "**MAIL**" and substitute "**MAILING**"; and in line 20, strike "**POST**" and substitute "**POSTING**".

AMENDMENT NO. 3

On page 16, after line 2, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, until the Commissioner of Financial Regulation adopts regulations under § 3–104.1(c) of the Real Property Article, as enacted by Section 1 of this Act, the failure to include the information required in § 3–104.1(b) of the Real Property Article, as enacted by Section 1 of this Act, when recording a mortgage, deed of trust, or any other instrument securing a mortgage loan may not be the basis for a clerk of the court to fail to record the instrument.

SECTION 5. AND BE IT FURTHER ENACTED, That, until the Commissioner of Financial Regulation adopts regulations under § 7–105.1(c)(4)(i) and (ii)4 of the Real Property Article, as enacted by Section 1 of this Act, a notice of intent to foreclose shall be construed to be sufficient if the notice contains the information required under § 7–105.1(c)(4)(ii)1 through 3 of the Real Property Article, as enacted by Section 1 of this Act.";

and in line 3, strike "4." and substitute "6.".

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 moved, duly seconded, to put **House Bill 365** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 365** on Third Reading and Final Passage.

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 46 Negative – 1 (See Roll Call No. 882)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #11

AMENDED IN THE HOUSE

Senate Bill 514 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

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

SB0514/302310/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 514
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 9 down through "date;" in line 12.

AMENDMENT NO. 2

On page 2, in line 13, strike "**$400**" and substitute "**$250**".

On page 3, strike in their entirety lines 1 through 16, inclusive; and in line 17, strike "5." and substitute "2.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0514**
SPONSOR: The Pres (DLS)
SUBJECT: State Board of Law Examiners – Sunset Extension and Program Evaluation

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

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

Senator Raskin, Chairman
Senator Gladden
Senator Frosh.

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 45 Members present.

(See Roll Call No. 883)

ADJOURNMENT

At 12:51 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 30, 2008, Calendar Day, Thursday, April 3, 2008.

Annapolis, Maryland
Legislative Day: March 30, 2008
Calendar Day: Thursday, April 3, 2008
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Father Joseph Kleinstuber, St. Mary's Catholic Church, guest of Senator Middleton.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 29, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 885)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
The Virginia Tech Alumni Association, Annapolis Chapter	Senator Astle	542

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 886)

CONCURRENCE CALENDAR #14

AMENDED IN THE HOUSE

Senate Bill 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

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

The motion was adopted by roll call vote as follows:

Affirmative – 32 Negative – 13 (See Roll Call No. 887)

SB0269/950411/2

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 269
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "counties" insert "and municipalities"; strike beginning with "altering" in line 7 down through "vehicle;" in line 9; in line 11, after "hearing;" insert "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;"; strike beginning with "adding" in line 16 down through "violation;" in line 17 and substitute "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;"; strike beginning with "requiring" in line 20 down through "manner;" in line 21; in line 24, strike "providing that" and substitute "requiring the Comptroller to distribute to the State Highway Administration"; and in line 25, strike "shall" and substitute "in an amount to cover the costs of implementing and administering the work zone speed control system".

On page 2, strike beginning with "be" in line 1 down through "manner" in line 2; in line 5, after "calibration;" insert "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;"; in line 6, strike the second "certain" and substitute "reasonable"; in line 39, after "systems;" insert "requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court;"; in line 43, after "correction;" insert "restricting the use of certain revenues generated by this Act;"; and in line 46, after "Act;" insert

"providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County;".

AMENDMENT NO. 2

On page 4, in line 28, strike "**OR A SPEED MONITORING SYSTEM**".

On pages 4 and 5, strike in their entirety the lines beginning with line 37 on page 4 through line 5 on page 5, inclusive.

On page 6, in line 1, strike "**THE STATE OR A**" and substitute "**A LOCAL**"; and in line 7, strike "**ENFORCE**" and substitute "**IMPLEMENT**".

On page 13, in line 22, after the second "system" insert "**, INCLUDING A WORK ZONE SPEED CONTROL SYSTEM,**"; and in line 24, after "system" insert "**OR A WORK ZONE SPEED CONTROL SYSTEM**".

AMENDMENT NO. 3

On page 6, in line 28, after "**CLEAR**" insert "**AND LEGIBLE**"; and in the same line, after the first "the" insert "**ENTIRE**".

On page 7, in line 3, strike "**12**" and substitute "**10**"; and after line 10, insert:

"**(II) BEFORE A COUNTY MAY USE A SPEED MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE COUNTY SHALL:**

1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION;

2. NOTIFY THE MUNICIPAL CORPORATION OF THE STATE HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A SPEED MONITORING SYSTEM AT THAT LOCATION; AND

3. GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION

INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT LOCATION.";

in line 11, strike "**(II)**" and substitute "**(III)**"; in line 13, strike "**5 MONTHS**" and substitute "**30 DAYS**"; in lines 17 and 28, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

On page 16, in line 25, after "**CLEAR**" insert "**AND LEGIBLE**"; and in the same line, after the first "**THE**" insert "**ENTIRE**".

AMENDMENT NO. 4

On page 8, after line 25, insert:

"**(5) (I) THIS PARAGRAPH DOES NOT APPLY TO A SPEED MONITORING SYSTEM PLACED IN A SCHOOL ZONE.**

(II) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN 250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE CALIBRATED TO ONLY RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT BEFORE THE LOCATION OF THE SIGN.".

AMENDMENT NO. 5

On page 9, in lines 18 and 19, strike "**EMPLOYEE OR** agent of" and substitute "**LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH**".

AMENDMENT NO. 6

On page 11, in line 4, after "violation;" insert "**AND**"; strike beginning with "**SUBJECT**" in line 6 down through "**(IV)**" in line 11; in line 23, after "violation;" insert "**AND**"; and strike beginning with "Provides" in line 24 down through "(iii)" in line 27.

On page 12, strike in their entirety lines 4 through 11, inclusive.

On page 21, in line 36, after "**VIOLATION;**" insert "**AND**".

On page 22, strike beginning with "**SUBJECT**" in line 1 down through "**(IV)**" in line 6, inclusive; in line 19, after "**VIOLATION;**" insert "**AND**"; and strike beginning with "**PROVIDES**" in line 20 down through "**(III)**" in line 23.

On page 23, strike in their entirety lines 6 through 13, inclusive.

AMENDMENT NO. 7

On page 12, in line 28, strike "**STATE AND**"; in line 29, strike "**OR UNITS**"; in line 32, after "(j)" insert "**(1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(2)";

and in line 33, strike "**OR AN AGENCY**".

On page 24, in line 1, after "**(J)**" insert "**THE DEPARTMENT OF STATE POLICE OR AN AGENT OR CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(K)".

AMENDMENT NO. 8

On page 15, in line 17, strike "**OF**" and substitute "**THE COMPTROLLER SHALL DISTRIBUTE TO THE STATE HIGHWAY ADMINISTRATION REVENUE FROM**"; strike beginning with the comma in line 18 down through "**ADMINISTRATION**" in line 20 and substitute "**IN AN AMOUNT**"; and strike beginning with "**; AND**" in line 22 down through "**STATE**" in line 24.

AMENDMENT NO. 9

On page 16, in line 28, strike "**AND**".

On page 17, in line 2, after "**POLICE**" insert "**; AND**

(III) THE MARYLAND TRANSIT ADMINISTRATION POLICE";

in lines 16 and 17, strike "**A POLICE OFFICER**" and substitute "**AN INDIVIDUAL**"; in line 18, after "**SYSTEM**" insert "**AND WHO IS:**

(I) A POLICE OFFICER;

(II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;

(III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT; OR

(IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR";

and in line 25, after "**LIMIT**" insert "**, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES,**".

AMENDMENT NO. 10

On page 18, in line 7, strike "**12**" and substitute "**10**"; and in line 3, strike "**WITHIN ONE–QUARTER OF A MILE**" and substitute "**AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES**".

AMENDMENT NO. 11

On page 19, after line 6, insert:

"**(7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL SYSTEM BY A UNIT OF STATE OR LOCAL GOVERNMENT SHALL BE CONDUCTED IN ACCORDANCE WITH THE COMPETITIVE SEALED BIDDING REQUIREMENTS OF § 13–103 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, EXCEPT THAT THE UNIT MAY NOT AWARD THE PROCUREMENT CONTRACT UNLESS THERE IS MORE THAN ONE BIDDER.**";

and in line 15, strike "**$40**" and substitute "**$75**".

AMENDMENT NO. 12

On page 19, in line 25, strike "**THE**" and substitute "**A**"; and in lines 25 and 26, strike "**OR STATE POLICE DEPARTMENT**" and substitute "**, STATE POLICE DEPARTMENT, OR POLICE DEPARTMENT CONTRACTOR**".

AMENDMENT NO. 13

On page 25, after line 8, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) Beginning in fiscal year 2009 and each fiscal year thereafter, each local jurisdiction shall use the revenues generated from the enforcement of speed limit laws as authorized under this Act solely to increase local expenditures for related public safety purposes, including pedestrian safety programs; and

(2) Related public safety expenditures required under this Section shall be used to supplement and may not supplant existing local expenditures for the same purpose.";

in lines 9, 13, 17, 21, and 24, strike "3.", "4.", "5.", "6.", and "7.", respectively, and substitute "4.", "5.", "6.", "7.", and "8.", respectively; in line 9, strike "12–month" and substitute "30–day"; in line 14, strike "or deploys" and substitute ", deploys, or operates"; after line 28, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That § 21–809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2008.";

and in line 29, strike "8." and substitute "10.".

The preceding 13 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 0269**
SPONSOR: The Pres (Admin)
SUBJECT: Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Hwy Work Zones

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

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

Senator Frosh, Chairman
Senator Forehand
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #12

AMENDED IN THE HOUSE

Senate Bill 28 – Senator Forehand

AN ACT concerning

All–Terrain ~~Vehicles – Protective Headgear~~ Vehicle Safety Task Force

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

SB0028/480610/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 28
(Third Reading File Bill)

On page 2, after line 19, insert:

"(3) the Executive Director of ABATE of Maryland, Inc., or the Executive Director's designee;";

in line 20, strike "(3)" and substitute "(4)"; in line 22, strike "and"; after line 22, insert:

"(5) one representative of the Maryland Legislative Sportsmen's Foundation, appointed by the Board of Directors of the Foundation; and";

in line 23, strike "(4)" and substitute "(6)"; and strike beginning with "Executive" in line 23 down through "Systems" in line 24 and substitute "Governor".

On page 3, in line 19, after "Association;" insert "and"; and strike beginning with "; and" in line 25 down through "designee" in line 27.

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 1 (See Roll Call No. 888)

AMENDED IN THE HOUSE

Senate Bill 120 – Senator Astle

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive Investigations – Deputy Fire Marshal

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

SB0120/972517/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 120
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Investigations – Deputy Fire Marshal" and substitute "Investigators – Qualifications"; in line 4, strike "requiring that an Anne" and substitute "altering the definition of "Anne"; in line 5, strike "investigator have the rank of deputy fire marshal or higher" and substitute "investigator" to include certain additional qualifications"; and in line 6, strike "investigations" and substitute "investigators".

AMENDMENT NO. 2

On page 1, in line 19, after "assigned" insert "**FULL TIME**"; in line 20, after "Office" insert "**AND IS A PAID EMPLOYEE**".

On page 2, strike beginning with "the" in line 1 down through "and" in line 2 and substitute "**BEEN EMPLOYED BY THE ANNE ARUNDEL COUNTY OR CITY OF ANNAPOLIS FIRE DEPARTMENT AS A FIREFIGHTER FOR AT LEAST 5 YEARS;**";

and in line 5, after "Article" insert "**; AND**

(4) AT ALL TIMES MAINTAINS ACTIVE CERTIFICATION BY THE POLICE TRAINING COMMISSION".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 889)

AMENDED IN THE HOUSE

Senate Bill 271 – Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

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

SB0271/852916/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 271
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing a provision of law excluding a certain radio portion of certain telephone communications from a certain definition of "electronic communication";".

AMENDMENT NO. 2

On page 2, strike beginning with "The" in line 9 down through "2." in line 12; in line 13, strike "3." and substitute "**2.**"; and in line 15, strike "4." and substitute "**3.**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 890)

AMENDED IN THE HOUSE

Senate Bill 590 – Senators Pinsky, Brochin, Frosh, Lenett, Raskin, and Rosapepe

AN ACT concerning

Environment – Statute of Limitations

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

SB0590/820413/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 590
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, after line 19, insert:

"SECTION 4. 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 violation of any provision of the Environment Article or any rule, regulation, order, or permit adopted or issued under the Environment Article before the effective date of this Act.";

and in line 20, strike "4." and substitute "5.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 37 Negative – 10 (See Roll Call No. 891)

QUORUM CALL

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

(See Roll Call No. 892)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #66

Senate Bill 260 – Senator Edwards

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 893)

The Bill was then sent to the House of Delegates.

Senate Bill 268 – The President (By Request – Administration) and Senators Pinsky, Garagiola, Forehand, Frosh, King, Lenett, Madaleno, and Rosapepe

SECOND PRINTING

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

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

Affirmative – 30 Negative – 17 (See Roll Call No. 894)

The Bill was then sent to the House of Delegates.

Senate Bill 724 – Senators Klausmeier and Della

AN ACT concerning

Pharmacy Benefits Managers – ~~Transparency~~ Disclosures

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

Affirmative – 47 Negative – 0 (See Roll Call No. 895)

The Bill was then sent to the House of Delegates.

Senate Bill 875 – Senator Edwards

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 896)

The Bill was then sent to the House of Delegates.

Senate Bill 967 – Senator Rosapepe

AN ACT concerning

Education – ~~College Access for Qualified Students~~ Study Group on Expanding Enrollment Options for High School Students

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

Affirmative – 47 Negative – 0 (See Roll Call No. 897)

The Bill was then sent to the House of Delegates.

Senate Bill 987 – Senator Haines

AN ACT concerning

Carroll County – Special Beer Festival – License Fee

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

Affirmative – 47 Negative – 0 (See Roll Call No. 898)

The Bill was then sent to the House of Delegates.

Senate Bill 990 – Senators Jones, Lenett, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

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

Affirmative – 47 Negative – 0 (See Roll Call No. 899)

The Bill was then sent to the House of Delegates.

Senate Bill 1009 – Senator Edwards

AN ACT concerning

Garrett County Code of Public Local Laws – Legalization

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

Affirmative – 47 Negative – 0 (See Roll Call No. 900)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 5 – Senator Conway

A Senate Joint Resolution concerning

Birth of Enoch Pratt – Bicentennial Celebration

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

Affirmative – 46 Negative – 0 (See Roll Call No. 901)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #16
CONSENT CALENDAR #10

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 282 (AMENDED)	Del. Simmons	Criminal Law – Possessing Stolen Property	JPR
HB 717 (AMENDED)	Del. Malone	Veh Laws – Autmtv Dismantlers and Recyclers and Scrap Processors – Ntce of Veh Acquisition	JPR
HB 719	Del. Malone	Criminal Law – Dogfight and Cockfight Attendance – Penalties	JPR
HB 766 (AMENDED)	Del. Malone	Vehicle Laws – Medical Advisory Board – Confidentiality	JPR
HB 1119	Del. Ali	Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 10 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 902)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #17

House Bill 18 – ~~Delegate Smigiel~~ Delegates Smigiel, Kach, Bromwell, Impallaria, and Olszewski

AN ACT concerning

Sex Offender Registry – ~~Former Names, Nicknames, and Electronic Communication Identifiers~~ Additional Information

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

Affirmative – 47 Negative – 0 (See Roll Call No. 903)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 904)

The Bill was then sent to the House of Delegates.

House Bill 217 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Vital Records – Copies to County Registrars of Vital Records

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

Affirmative – 47 Negative – 0 (See Roll Call No. 905)

The Bill was then sent to the House of Delegates.

House Bill 272 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Medical Stop–Loss Insurance

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

Affirmative – 38 Negative – 8 (See Roll Call No. 906)

The Bill was then sent to the House of Delegates.

House Bill 684 – Delegates Stukes, Frush, Braveboy, Burns, Conaway, Frick, Glenn, Gutierrez, Howard, Kaiser, Levi, McHale, Niemann, Oaks, Proctor, Rice, Robinson, Taylor, F. Turner, Valderrama, ~~and Walker~~ Walker, Carr, McIntosh, Shewell, and Stein

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices

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

Affirmative – 42 Negative – 3 (See Roll Call No. 907)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 908)

The Bill was then sent to the House of Delegates.

House Bill 1045 – Delegates Gaines, Aumann, Barkley, Bronrott, DeBoy, Haynes, Healey, Jones, and F. Turner

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

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

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

The Bill was then sent to the House of Delegates.

House Bill 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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 910)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 43 Negative – 4 (See Roll Call No. 911)

The Bill was then sent to the House of Delegates.

House Bill 1193 – Delegates McIntosh and Hucker

AN ACT concerning

Environment – Statute of Limitations

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

Affirmative – 37 Negative – 10 (See Roll Call No. 912)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 36 Negative – 11 (See Roll Call No. 913)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #18

House Bill 6 – Delegates Anderson, Vallario, Rosenberg, Ramirez, Valderrama, Schuler, Dumais, Gutierrez, Ivey, Conaway, Shank, Carter, McConkey, McComas, and Smigiel

AN ACT concerning

Criminal Procedure – Custodial Interrogation – ~~Electronic~~ Recordation

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

Affirmative – 43 Negative – 4 (See Roll Call No. 914)

The Bill was then sent to the House of Delegates.

House Bill 114 – Delegates Kullen, Levy, Proctor, Stull, and Weldon

AN ACT concerning

All–Terrain ~~Vehicles – Protective Headgear~~ Vehicle Safety Task Force

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

Affirmative – 45 Negative – 2 (See Roll Call No. 915)

The Bill was then sent to the House of Delegates.

House Bill 239 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive ~~Investigations – Deputy Fire Marshal~~ Investigators – Qualifications

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

Affirmative – 46 Negative – 0 (See Roll Call No. 916)

The Bill was then sent to the House of Delegates.

House Bill 399 – Delegates Rosenberg, Benson, Frush, Hubbard, Kullen, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil Relief – Waiver of Sovereign Immunity

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

Affirmative – 43 Negative – 4 (See Roll Call No. 917)

The Bill was then sent to the House of Delegates.

House Bill 424 – Delegates Shank and Dumais

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

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

Affirmative – 46 Negative – 1 (See Roll Call No. 918)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 43 Negative – 3 (See Roll Call No. 919)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 920)

The Bill was then sent to the House of Delegates.

House Bill 768 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Glenn

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

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

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

The Bill was then sent to the House of Delegates.

House Bill 771 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 41 Negative – 6 (See Roll Call No. 922)

The Bill was then sent to the House of Delegates.

House Bill 816 – St. Mary's County Delegation

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 – 46 Negative – 1 (See Roll Call No. 923)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 924)

The Bill was then sent to the House of Delegates.

House Bill 901 – Delegate Beitzel

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 925)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1234 – Delegate Kach

AN ACT concerning

State Residential Centers ~~and State Facilities~~ – Study – Services for ~~Developmentally Disabled Individuals~~ Individuals with Developmental Disabilities

FOR the purpose of requiring the Department of Health and Mental Hygiene ~~to engage an independent consultant~~ , in consultation with a certain employee organization and other interested stakeholders, to study and make recommendations on issues related to the provision of services for ~~developmentally disabled individuals in State residential centers and State facilities~~ individuals with developmental disabilities in State residential centers; ~~requiring the independent consultant to work with the Department and a certain employee organization in developing certain recommendations;~~ requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study of services for ~~developmentally disabled individuals in State residential centers and State facilities~~ individuals with developmental disabilities in State residential centers.

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 132	Sen. Simonaire	Real Estate Salespersons – Qualifications for Licensure – Education Requirements
SB 144	Chair, EHE Com.	State Board of Cosmetologists – Makeup Artist Services
SB 147	Chair, EHE Com.	State Archives – Records and Other Services – Fees
SB 178	Ch., Finance Com.	Public Safety – Emergency Number Systems Board – Membership
SB 186	Chair, EHE Com.	Department of General Services – Small Procurement Process
SB 192	Ch., Finance Com.	Maryland Health Insurance Plan – Application of Insurance Fraud Law
SB 217 (Emergency Bill)	The President	Real Property – Maryland Mortgage Fraud Protection Act
SB 301	Sen. Conway	Procurement – Small Business Reserve Program – Eligibility Modifications
SB 305	Sen. Middleton	Community Services Reimbursement Rate Commission – Termination Date Extension

		and Modifications
SB 368	Sen. Conway	Procurement – Preferences – Employment Works Program
SB 548	Sen. Gladden	Real Estate Investment Trusts – Definition and Share Information
SB 569	Sen. Dyson	Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer
SB 612	Sen. Lenett	Procur – Preference Procur Pgm for Sheltered Wkshps – Indiv With Dsblty Owned Businesses
SB 682	Sen. Middleton	Medical Assistance Program – Long–Term Care Eligibility – Consolidation Plan
SB 696	Sen. Gladden	Md General Corpn Law – Altering and Updating Corporate Procedures and Misc Provisions
SB 775	Sen. Pugh	Maryland Medbank Program – Funding
SB 906	The President	Senior Prescription Drug Assistance Pgm – Subsidy for Medicare Part D Cov Gap and Sunset Ext

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

CONCURRENCE CALENDAR #16

AMENDED IN THE HOUSE

Senate Bill 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

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

SB0463/276382/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 463
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Board;" insert "altering the composition of the Board; requiring the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General to appoint certain Board members; requiring the Director, to the extent practicable, to fill certain vacancies occurring on the Board within a certain period of time; authorizing the Director to remove certain members from the Board under certain circumstances;"; in line 11, after "dates;" insert "requiring the additional consumer member of the Board authorized under this Act to be appointed by a certain date; providing that the term of the additional consumer member shall begin on a certain date; providing that certain positions on the Board terminate on a certain date;"; and in line 15, after "Section" insert "7–202,".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"7–202.

(a) (1) The Board consists of **[**12**]** **10** members.

(2) Of the **[**12**]** **10** Board members:

(i) **[**8**]** **5** shall be licensed morticians or licensed funeral directors; and

(ii) **[**4**]** **5** shall be consumer members.

(3) All Board members shall be residents of the State.

(4) **[**The Governor shall appoint each member with the advice of the Secretary, and with the advice and consent of the Senate.

(5)**]** The Board may not have more than one member who is employed by or affiliated with, directly or indirectly, the same corporation, professional association, or other entity, that owns, directly or through a subsidiary corporation, professional association, or other entity, one or more funeral homes.

(b) **(1) THE GOVERNOR SHALL APPOINT EACH MORTICIAN MEMBER WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.**

[(1)**](2)** Each mortician member shall:

(i) Be a licensed mortician whose license is in good standing with the Board; and

(ii) Have practiced mortuary science actively for at least 5 years immediately before appointment.

[(2)**](3)** In this subsection, "good standing" means that the Board has not reprimanded the licensee, suspended, or revoked the mortician's license or placed the licensee on probation within 5 years' time prior to or after confirmation to the Board.

[(3)**](4)** To qualify for appointment to the Board, the licensee must meet all other qualifications required for renewal of a mortician license under this title.

(c) **(1) THE GOVERNOR SHALL APPOINT EACH FUNERAL DIRECTOR MEMBER WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.**

[(1)**] (2)** Each funeral director member shall:

(i) Be a licensed funeral director whose license is in good standing with the Board; and

(ii) Have practiced funeral direction actively for at least 5 years immediately before appointment.

[(2)**] (3)** In this subsection, "good standing" means that the Board has not reprimanded the licensee, suspended, or revoked the funeral director's license or placed the licensee on probation within 5 years' time prior to or after confirmation to the Board.

[(3)**] (4)** To qualify for appointment to the Board, the licensee must meet all other qualifications required for renewal of a funeral director license under this title.

(d) **(1) THE CONSUMER MEMBERS SHALL BE APPOINTED BY THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL IN ACCORDANCE WITH THIS SUBSECTION.**

(2) Each consumer member of the Board:

[(1)**](I)** Shall be a member of the general public;

[(2)**](II)** May not be or ever have been a mortician, funeral director, or apprentice;

[(3)**](III)** May not have a household member who is a mortician, funeral director, or apprentice;

[(4)**](IV)** May not participate or ever have participated in a commercial or professional field related to the practice of mortuary science;

[(5)**](V)** May not have a household member who participates in a commercial or professional field related to the practice of mortuary science; and

[(6)**](VI)** May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

[(e)**](3)** While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

[(f)**](E)** Before taking office, each member of the Board shall take the oath required by Article I, § 9 of the State Constitution.

[(g)**](F)** (1) The term of an appointed member is 4 years, except that the initial term of 1 of the consumer members is 3 years.

(2) The terms of appointed members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) **(I)** To the extent practicable, the Governor shall fill any vacancy on the Board occurring during the term of **[**an**] A MEMBER** appointed **[**member**] BY THE GOVERNOR** within 60 days of the date of the vacancy.

(II) TO THE EXTENT PRACTICABLE, THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL SHALL FILL ANY VACANCY ON THE BOARD OCCURRING DURING THE TERM OF A MEMBER APPOINTED BY THE DIRECTOR WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

(6) A member may not serve more than 2 consecutive full terms.

[(h)**](G)** (1) The Governor may remove an appointed **MORTICIAN OR FUNERAL DIRECTOR** member:

(i) For incompetence or misconduct; or

(ii) Who, because of events that occur after the member's appointment or reappointment to the Board, causes the Board to be in violation of the prohibition set forth in subsection **[**(a)(5)**](A)(4)** of this section.

(2) Upon the recommendation of the Secretary, the Governor may remove an appointed **MORTICIAN OR FUNERAL DIRECTOR** member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

(H) (1) THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL MAY REMOVE AN APPOINTED CONSUMER MEMBER:

(I) FOR INCOMPETENCE OR MISCONDUCT; OR

(II) WHO, BECAUSE OF EVENTS THAT OCCUR AFTER THE MEMBER'S APPOINTMENT OR REAPPOINTMENT TO THE BOARD, CAUSES THE BOARD TO BE IN VIOLATION OF THE PROHIBITION SET FORTH IN SUBSECTION (A)(4) OF THIS SECTION.

(2) UPON THE RECOMMENDATION OF THE SECRETARY, THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL MAY REMOVE AN APPOINTED CONSUMER MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.".

AMENDMENT NO. 3

On page 5, after line 22, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That:

(1) On or before June 30, 2009, the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General shall appoint the additional consumer member of the State Board of Morticians and Funeral Directors authorized under Section 1 of this Act, and, subject to item (2) of this section, the additional consumer member shall fill the vacancy on the Board, previously held by a licensed member, that existed as of February 25, 2008;

(2) The 4–year term of the additional consumer member of the Board appointed under item (1) of this section shall begin on July 1, 2009; and

(3) The two positions on the Board held by licensed members whose terms expire at the end of June 30, 2009, shall be terminated at the end of June 30, 2009.";

and in line 23, strike "6." and substitute "7.".

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 0463**
SPONSOR: Sen Conway (Chr EHE)
SUBJECT: State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

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

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #13

AMENDED IN THE HOUSE

Senate Bill 45 – Senator Lenett

AN ACT concerning

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

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

SB0045/216189/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 45
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, strike "**21**" and substitute "**22**"; in line 13, strike "15" and substitute "**16**"; and in line 25, strike "and".

AMENDMENT NO. 2

On page 3, in line 2, after "issues" insert "**; AND**

(XIII) ONE REPRESENTATIVE OF THE HOSPITAL INDUSTRY".

The preceding 2 amendments were read and concurred in.

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

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

AMENDED IN THE HOUSE

Senate Bill 212 – The President (By Request – Administration)

AN ACT concerning

Reorganization of State Government – Department of Information Technology

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

SB0212/716280/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 212
(Third Reading File Bill)

On page 23, in line 30, strike the semicolon and substitute a period.

The preceding amendment was read and concurred in.

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

Affirmative – 32 Negative – 14 (See Roll Call No. 927)

AMENDED IN THE HOUSE

Senate Bill 270 – The President (By Request – Administration) and Senators Currie, Della, Gladden, Jones, Kelley, Lenett, Madaleno, Middleton, Muse, Pinsky, Pugh, Raskin, ~~and Stone~~ Stone, Astle, Exum, Garagiola, Haines, and Klausmeier

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

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

SB0270/613397/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 270
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 11, after "Act;" insert "providing that certain licensing, examination, and investigation fees shall remain in effect until the fees set by regulation by the Commissioner take effect; providing for the effective dates of this Act;"; in line 22, strike the comma; in line 39, after the first comma insert "11–603(c),"; and in the same line, before the second "and" insert "11–613(b),".

On page 3, after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 11–508.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 21, in line 3, strike "**NO**" and substitute "**NOT**"; in line 7, strike "**NO**" and substitute "**NOT**"; in line 8, after "**PROPERTY;**" insert "**AND**"; in lines 11 and 12, strike "**BUT NO MORE THAN $10,000,000**"; strike beginning with "**; AND**" in line 12 down through "**PROPERTY**" in line 16; and in line 17, strike "**THE**" and substitute "**SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE**".

On page 22, in line 3, after "**(3)**" insert "**(I)**"; and after line 6, insert:

"**(II) A LINE OF CREDIT MAY NOT BE USED TOWARD SATISFYING MORE THAN 75% OF THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION.**".

AMENDMENT NO. 3

On page 23, after line 13, insert:

"11–603.

(c) (1) The Commissioner shall include on each license:

(i) The name of the licensee; and

(ii) The name of the licensee's employer.

(2) Unless the licensee notifies the Commissioner in writing in advance of a change in the licensee's name or the licensee's employer and pays to the Commissioner a license amendment fee **[**of $75**]** **SET BY THE COMMISSIONER** for each notice provided under this paragraph, an individual may not act as a mortgage originator under a name or for an employer that is different from the name and employer that appear on the license.".

On page 25, after line 2, insert:

"11–613.

(b) A licensee shall pay to the Commissioner a **PER–DAY** fee **[**of not more than $250 per day**]** **SET BY THE COMMISSIONER** for each of the Commissioner's employees engaged in any investigation conducted under this section that **[**results in the discovery of a violation of this subtitle by the licensee**]** **THE COMMISSIONER REASONABLY CONSIDERS NECESSARY**.".

On page 26, after line 17, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding Section 2 of this Act, the fee relating to the licensing, examination, and investigation of mortgage lenders and mortgage originators under §§ 11–507(b), 11–511(b), 11–515(c), 11–603(c), 11–606(b), 11–609(b), and 11–613(b) of the Financial Institutions Article are in effect on June 1, 2008, shall remain in effect until the fees set by regulation by the Commissioner of Financial Regulation, as required under this Act, take effect.

SECTION 7. AND BE IT FURTHER ENACTED, That:

Article – Financial Institutions

11–508.1.

(a) An applicant for a new license or for the renewal of a license shall satisfy the Commissioner that the applicant or licensee has, and at all times will maintain, a minimum net worth computed according to generally accepted accounting principles:

(1) In the case of an applicant or licensee that does not lend money secured by residential real property, in the amount of $25,000; and

(2) In the case of an applicant or licensee that lends money secured by residential real property, in the amount of:

(i) $25,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate not more than $1,000,000 secured by residential real property;

(ii) $50,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than $1,000,000, but not more than $5,000,000 secured by residential real property; **[**and**]**

(iii) $100,000, if the applicant or licensee, in the 12 months prior to the license application or the renewal application, lent in the aggregate more than $5,000,000**, BUT NOT MORE THAN $10,000,000** secured by residential real property**; AND**

(IV) $250,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION,

LENT IN THE AGGREGATE MORE THAN $10,000,000 SECURED BY RESIDENTIAL REAL PROPERTY.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the minimum net worth requirements under subsection (a)(2) of this section may be satisfied by the applicant or licensee having:

(i) Cash on deposit with a bank or depository institution;

(ii) A line of credit from a bank or depository institution;

(iii) Other assets; or

(iv) A combination of cash, a line of credit, or other assets.

(2) If cash is used toward satisfying the minimum net worth requirements under subsection (a)(2) of this section, the applicant or licensee shall submit to the Commissioner a bank letter verifying:

(i) The account balance;

(ii) The type of account in which the funds are held; and

(iii) That the funds are not encumbered or hypothecated in any way.

(3) (i) If a line of credit is used toward satisfying the minimum net worth requirements under subsection (a)(2) of this section, the applicant or licensee shall submit to the Commissioner a copy of the line of credit agreement and the promissory note.

(ii) A line of credit may not be used toward satisfying more than 75% of the minimum net worth requirements under subsection (a)(2) of this section.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 7 of this Act shall take effect January 1, 2009.";

in line 18, strike "6." and substitute "9."; and in the same line, after "That" insert ", except as provided in Section 8 of this Act,".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 928)

AMENDED IN THE HOUSE

Senate Bill 744 – Senator Pugh

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Additional Duties

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

SB0744/766889/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 744
(Third Reading File Bill)

On page 2, in line 19, strike "**AND**"; and in line 22, after "**WEEKENDS**" insert "**; AND**

(9) THE ABILITY OF PRIMARY CARE PHYSICIANS TO BE REIMBURSED FOR MENTAL HEALTH SERVICES PERFORMED WITHIN THEIR SCOPE OF PRACTICE".

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 929)

AMENDED IN THE HOUSE

Senate Bill 852 – Senators Kasemeyer, Kittleman, and Robey

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

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

SB0852/566583/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 852
(Third Reading File Bill)

On page 2, strike lines 30 and 31 in their entirety and substitute:

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

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 930)

CONCURRENCE CALENDAR #15

AMENDED IN THE HOUSE

Senate Bill 502 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

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

SB0502/836682/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 502
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 7, strike "providing for the termination of the term of a member of the Board;".

AMENDMENT NO. 2

On page 9, in lines 15 and 17, in each instance, strike "**11**" and substitute "**13**"; in line 18, strike the brackets; in the same line, strike "**FOUR**"; and in line 25, strike "**TWO**" and substitute "**THREE**".

On page 10, strike beginning with "certified" in line 1 down through "or" in line 2.

On page 11, strike beginning with "certified" in line 3 down through "or" in line 4; and in line 9, strike "**, § 17–402, OR § 17–403**".

On page 13, strike beginning with "certified" in line 14 down through "or" in line 15; and strike beginning with "certified" in line 17 down through "or" in line 18.

On page 37, in line 15, after "**CERTIFICATE;**" insert "**OR**".

On page 49, strike in their entirety lines 10 through 13, inclusive; in line 14, strike "(b)" and substitute "(a)"; in line 15, strike "one" and substitute "two"; in the same line, strike "member" and substitute "members"; and in line 19, strike "(c)" and substitute "(b)".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 931)

AMENDED IN THE HOUSE

Senate Bill 533 – Senators Muse, Frosh, Garagiola, Jones, McFadden, Peters, Pugh, ~~and Raskin~~ Raskin, Conway, Harrington, Klausmeier, Lenett, and Rosapepe

SECOND PRINTING

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

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

SB0533/733927/1

BY: Delegate Hixson

AMENDMENT TO SENATE BILL 533
(Third Reading File Bill – Second Printing)

On page 4, in line 3, strike "paragraph (2)" and substitute "item (5) of this subsection".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 932)

AMENDED IN THE HOUSE

Senate Bill 767 – Senator Conway

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

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

SB0767/356781/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 767
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, after "terms;" insert "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;".

AMENDMENT NO. 2

On page 6, in line 16, strike "**AN EMERGENCY**" and substitute "**A POWER OUTAGE**"; after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Pharmacy shall monitor the experience of remote automated medication systems in nursing homes in the State and shall report on or before January 1, 2009 and on or before January 1, 2010, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on the effect of remote automated medication systems on patient safety in nursing homes.";

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

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 933)

AMENDED IN THE HOUSE

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

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

SB0818/886381/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 818
(Third Reading File Bill)

On page 5, in line 13, strike "**§ 25B(A)**" and substitute "**§ 254B(A)**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 934)

THE COMMITTEE ON RULES REPORT #10

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

House Bill 536 – Delegate Dumais

AN ACT concerning

Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

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

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

House Bill 595 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Office of the State's Attorney

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

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

House Bill 710 – Delegate Costa

AN ACT concerning

Scrap Tires – Reimbursement of Costs – Interest in Site

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

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

House Bill 794 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – County Commissioners

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

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

House Bill 1135 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Local Ordinance Creating a County Police

Department – Submission to Local Referendum

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:

House Bill 1390 – Delegates Valderrama, Anderson, Carter, Dumais, Gutierrez, Lee, and Ramirez

AN ACT concerning

~~**Courts – Limited Immunity – Alcohol or Drug–Related Overdose Incidents**~~
Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion – Mitigating Factor

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:

House Bill 1444 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

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

House Bill 1467 – Delegates Carter, Vallario, Anderson, and Conaway

AN ACT concerning

Uniform Prudent Management of Institutional Funds Act

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

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

House Bill 1506 – Delegates Walker, Benson, Braveboy, Davis, Frush, Griffith, Healey, Holmes, Hubbard, Ivey, Jennings, Levi, Niemann, Oaks,

Proctor, Rice, Ross, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, ~~and Vaughn~~ Vaughn, and Elmore

AN ACT concerning

Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway

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

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

House Bill 1534 – Chair, Appropriations Committee (By Request – Departmental – College Savings Plans of Maryland)

AN ACT concerning

College Savings Plans of Maryland

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

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

House Bill 1555 – Delegates Anderson, Branch, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Baltimore City Land Bank ~~Authorities – Establishment by Counties~~ Authority

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #38

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

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality

HB0264/148477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Confidentiality" insert "and Eligibility"; in line 7, after "Board" insert "; providing that a person who has been convicted of certain offenses is not eligible to receive a certain award from the Criminal Injuries Compensation Board"; and in line 11, after "11–806" insert "and 11–808(a)".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"11–808.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:

(i) a victim;

(ii) a dependent of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, or spouse of a victim who resides with the victim; or

2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, or spouse; and

B. provided financial support to the parent, child, or spouse.

(2) **[**A**] THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN AWARD UNDER THIS SUBTITLE:**

(I) **A** person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to **[**the**]THAT** claim**; AND**

(II) A PERSON WHO HAS EVER BEEN CONVICTED OF:

1. MURDER OR ATTEMPTED MURDER UNDER § 2–201, § 2–204, § 2–205, OR § 2–206 OF THE CRIMINAL LAW ARTICLE;

2. ASSAULT UNDER § 3–202 OR § 3–203 OF THE CRIMINAL LAW ARTICLE;

3. ATTEMPTED POISONING UNDER § 3–212 OF THE CRIMINAL LAW ARTICLE;

4. CONTAMINATING A WATER SUPPLY OR FOOD OR DRINK UNDER § 3–214 OF THE CRIMINAL LAW ARTICLE;

5. A VIOLATION OF § 3–303 (RAPE IN THE FIRST DEGREE), § 3–304(A)(1) OR (2) (RAPE IN THE SECOND DEGREE), § 3–305 (SEXUAL OFFENSE IN THE FIRST DEGREE), OR § 3–306(A)(1) OR (2) (SEXUAL OFFENSE IN THE SECOND DEGREE) OF THE CRIMINAL LAW ARTICLE;

6. ROBBERY UNDER § 3–402 OR § 3–403 OF THE CRIMINAL LAW ARTICLE;

7. CARJACKING UNDER § 3–405 OF THE CRIMINAL LAW ARTICLE;

8. KIDNAPPING UNDER § 3–502 OF THE CRIMINAL LAW ARTICLE;

9. CHILD KIDNAPPING UNDER § 3–503 OF THE CRIMINAL LAW ARTICLE;

10. CHILD ABUSE UNDER § 3–601 OF THE CRIMINAL LAW ARTICLE;

11. DISARMING A LAW ENFORCEMENT OFFICER UNDER § 4–103 OF THE CRIMINAL LAW ARTICLE;

12. A WEAPONS OFFENSE UNDER § 4–404 OR § 5–622 OF THE CRIMINAL LAW ARTICLE;

13. A CONTROLLED DANGEROUS SUBSTANCE OFFENSE UNDER § 5–613 OF THE CRIMINAL LAW ARTICLE;

14. ARSON UNDER § 6–102 OR § 6–103 OF THE CRIMINAL LAW ARTICLE;

15. MALICIOUS BURNING OF PROPERTY UNDER § 6–104 OF THE CRIMINAL LAW ARTICLE;

16. BURGLARY UNDER § 6–202 OR § 6–203 OF THE CRIMINAL LAW ARTICLE;

17. A FELONY VIOLATION OF § 9–303 (RETALIATION AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9–305 (VICTIM, WITNESS, JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW ARTICLE;

18. ESCAPE UNDER § 9–404 OF THE CRIMINAL LAW ARTICLE; AND

19. A VIOLATION OF TITLE 20, SUBTITLE 6 (FEMALE GENITAL MUTILATION) OF THE HEALTH – GENERAL ARTICLE.".

The preceding 2 amendments were read and adopted.

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for April 4, 2008.

The motion was adopted.

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

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

HB0410/658874/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 410
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike "acting or".

AMENDMENT NO. 2

On page 3, in line 18, strike "**ACT OR**"; in line 29, strike "**1 YEAR**" and substitute "**5 YEARS**"; and in the same line, strike "**$1,000**" and substitute "**$5,000**".

The preceding 2 amendments were read only.

Senator Kelley moved, duly seconded, to make the Bill and Amendments a Special Order for April 4, 2008.

The motion was adopted.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 847 – Delegate Schuler

AN ACT concerning

Vehicle Laws – Falsifying Documents and Registration Plates – Arrest ~~and~~ ~~Penalties~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 882 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Release of Confidential Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 883 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Eligibility for Parole – Medical Parole

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1265 – Delegates Frush and Vallario

AN ACT concerning

Criminal Law – Unauthorized Removal of Property – Elements of Crime

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #30

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 277 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Insurance Commissioner – ~~Authority to Act~~ Adoption of Regulations Applicable in an Emergency – Required

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 278 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Powers of the Secretary

HB0278/377574/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 278
(Third Reading File Bill)

On page 1, in line 21, after "circumstances;" insert "providing that this Act may not be construed to have any impact on certain requirements for health care providers and health care facilities;".

On page 4, after line 2, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to have any impact on the current requirements for any licensing and certification of health care providers and health care facilities, including certificate of need requirements.";

and in line 3, 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 Middleton, Chair, for the Committee on Finance and Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 408 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Qualified Distressed Counties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Financial Institutions – Cooperative Agreements and Information Sharing with Government Agencies

HB0417/587971/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 417
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, strike ", state, or local" and substitute "or state"; in line 7 strike ", state, or local" and substitute "or state"; in the same line, after "agencies;" insert "providing for a certain exemption to the Commissioner's authority;"; and after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–113
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2
On page 1, after line 17, insert:

"2–113.

(a) In this section, "affiliate" has the meaning stated in § 5–401(b) of this article.

(b) Except as provided in subsection (d) of this section, the investigative and enforcement powers of the Commissioner authorized under this subtitle are in addition to any investigative or enforcement powers of the Commissioner authorized under any other provision of law.

(c) Beginning in fiscal year 2001, the Governor shall appropriate in the State budget in each fiscal year to the Division of Financial Regulation funding for the positions necessary to implement the investigative and enforcement powers authorized under this subtitle.

(d) **[**The**]** **EXCEPT AS PROVIDED IN § 2–117 OF THIS SUBTITLE, THE** provisions of §§ 2–114 through **[**2–116**]** **2–117**, inclusive, of this subtitle do not apply to:

(1) Any bank, trust company, savings bank, savings and loan association, or credit union incorporated or chartered under the laws of this State or the United States that maintains its principal office in this State;

(2) Any out–of–state bank, as defined in § 5–1001 of this article, having a branch that accepts deposits in this State;

(3) Any institution incorporated under federal law as a savings association or savings bank that does not maintain its principal office in this State but has a branch that accepts deposits in this State; or

(4) An affiliate of an institution described in paragraph (1), (2), or (3) of this subsection.".

On page 2, in line 1, before "**NOTWITHSTANDING**" insert "**(A)**"; in the same line, strike "**NOTWITHSTANDING**" and substitute "**SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, NOTWITHSTANDING**"; in line 4, strike "**FEDERAL, STATE, OR MUNICIPAL**" and substitute "**FEDERAL OR STATE**"; in lines 4 and 5, strike "**OR LAW ENFORCEMENT**"; in line 5, after "**INSTITUTIONS**" insert "**, PROVIDED THAT THE AGREEMENTS PROHIBIT THE AGENCY FROM DISCLOSING ANY SHARED INFORMATION WITHOUT PRIOR WRITTEN CONSENT FROM THE COMMISSIONER REGARDING DISCLOSURE OF THE PARTICULAR INFORMATION**"; in line 6, strike "**OR**" and substitute "**AND**"; in line 9, strike "**FEDERAL, STATE, OR MUNICIPAL**" and substitute "**FEDERAL OR STATE**"; in the same line, strike "**OR LAW ENFORCEMENT**"; and after line 10, insert:

"**(B) NOTWITHSTANDING § 2–113(D) OF THIS SUBTITLE, AN AFFILIATE AS DEFINED IN § 2–113(A) OF THIS SUBTITLE IS SUBJECT TO SUBSECTION (A) OF THIS SECTION IF THAT AFFILIATE MAINTAINS OR IS REQUIRED TO MAINTAIN A LICENSE ISSUED BY THE COMMISSIONER.**

(C) THIS SECTION DOES NOT AUTHORIZE THE COMMISSIONER TO SHARE OR EXCHANGE INFORMATION IN ANY WAY PROHIBITED BY FEDERAL LAW.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0432/337475/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 432
(Third Reading File Bill)

On page 14, in line 29, strike "designated by the Board of Appeals".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 576 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Children, Youth, and Families – Local Coordinating Councils – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 648 – Delegates Riley, Costa, Dwyer, James, Kipke, Kullen, Mizeur, and Norman

AN ACT concerning

Business Regulation – Boat Sales

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 700 – Delegates Schuler~~, Barnes,~~ and Manno and Delegates Barnes, McHale, and Krysiak

AN ACT concerning

Workers' Compensation – Permanent Partial Disability – Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 749 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Eligibility – Voluntary Quit to Follow a Spouse

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Property and Casualty Insurance Policies – Coverage for Additional Living Expenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1351 – Delegates Love, Beidle, Bobo, V. Clagett, Costa, Gilchrist, Kipke, and Stein

AN ACT concerning

Continuing Care Retirement Communities – Subscriber ~~Complaints and Investigations~~ Grievances

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1443 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

EMERGENCY BILL

AN ACT concerning

Department of Human Resources – Reorganization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

Senate Bill 60 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Britt, Colburn, Conway, Currie, Della, Edwards, Exum, Forehand, Garagiola, Glassman, Greenip, Jacobs, Kasemeyer, King, Kramer, Lenett, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Identity Fraud – Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult – Penalties

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

SB0060/932014/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 60
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Britt" down through "Muse" and substitute "Astle, Britt, Colburn, Conway, Currie, Della, Dyson, Edwards, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Jacobs, Kasemeyer, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pinsky"; strike beginning with "Felony" in line 2 down through "Adult –" in line 3 and substitute "Prohibitions, Evidence, and"; in line 4, after "of" insert "prohibiting the intentional, willful, and unauthorized copying, attempt to copy, possessing, or attempt to possess all or part of the contents of a computer database accessed in a certain manner; providing that certain penalties apply to a certain violation; authorizing in a criminal case or juvenile proceeding involving identity fraud the introduction of the affidavit of a lawful credit cardholder as substantive evidence that the credit card or credit card number of the credit cardholder was taken, used, or possessed without the authorization of the credit cardholder; prohibiting a person from knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value using a re–encoder device or a skimming device in a certain manner for certain purposes; prohibiting a person from knowingly, willfully, and with fraudulent intent to possess, obtain, or help another person to possess or obtain a re–encoder device or a skimming device for certain unauthorized purposes;"; strike beginning with "providing" in line 10 down through "fraud;" in line 14; in line 15, after "terms;" insert "making stylistic changes;"; in the same line, strike "penalties for"; and strike in their entirety lines 16 through 20, inclusive.

On page 2, in line 3, after "Section" insert "7–302(c), 8–214.1, and"; in the same line, strike "(a) and (e)"; and after line 5, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–0302(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"7–302.

(c) (1) A person may not intentionally, willfully, and without authorization**:**

(I) access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer **[**services**]** **SERVICE**, or computer database**; OR**

(II) COPY, ATTEMPT TO COPY, POSSESS, OR ATTEMPT TO POSSESS THE CONTENTS OF ALL OR PART OF A COMPUTER DATABASE ACCESSED IN VIOLATION OF ITEM (I) OF THIS PARAGRAPH.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer **[**services**]** **SERVICE**, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer **[**services**]** **SERVICE**, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is $10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; or

(ii) if the aggregate amount of the loss is less than $10,000, 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.

8–214.1.

(a) In a criminal case or juvenile proceeding involving a violation of § 8–204, § 8–205, § 8–206, § 8–207, § 8–208, § 8–209, § 8–210, or § 8–214 of this subtitle **OR § 8–301 OF THIS TITLE**, an affidavit sworn to by a lawful credit cardholder may be introduced as substantive evidence that the credit card or credit card number was taken, used, or possessed without the authorization of the credit cardholder.

(b) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 11 through 14, inclusive; in line 15, strike the brackets; in the same line, strike "**(3)**"; in line 17, strike the brackets; in the same line, strike "**(4)**"; strike lines 22 and 23 in their entirety and substitute:

"**(4) "RE–ENCODER" MEANS AN ELECTRONIC DEVICE THAT PLACES ENCODED PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER FROM THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD**

ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR ANY ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR.

(5) "SKIMMING DEVICE" MEANS A SCANNER, SKIMMER, READER, OR ANY OTHER ELECTRONIC DEVICE THAT IS USED TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE, TEMPORARILY OR PERMANENTLY, PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD.";

and after line 33, insert:

"**(D) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT TO OBTAIN A BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER THING OF VALUE, USE:**

(1) A RE–ENCODER TO PLACE INFORMATION ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR USE ANY OTHER ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD FROM WHICH THE PERSONAL IDENTIFYING INFORMATION OR PAYMENT DEVICE NUMBER IS BEING RE–ENCODED; OR

(2) A SKIMMING DEVICE TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD.

(E) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT POSSESS, OBTAIN, OR HELP ANOTHER POSSESS OR OBTAIN A RE–ENCODER DEVICE OR A SKIMMING DEVICE FOR THE UNAUTHORIZED USE, SALE, OR TRANSFER OF PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER.".

AMENDMENT NO. 3

On page 3, in line 1, strike "(d)" and substitute "**(F)**"; in line 5, strike "(e)" and substitute "**(G)**"; in lines 6 and 11, in each instance, strike "(b) or (c)" and substitute "**(B), (C), OR (D)**"; in line 8, strike the second set of brackets; in the same line, strike "**$50,000**"; strike beginning with the colon in line 13 down through "**VIOLATION,**" in line 14; strike beginning with the semicolon in line 15 down through "**BOTH**" in line 17; in line 22, strike the second set of brackets; in the same line, strike "**$50,000**"; strike in their entirety lines 23 through 30, inclusive; in line 31, strike the brackets; in the same line, strike "**(6)**"; in the same line, strike "or (d)" and substitute "**, (E), OR (F)**"; and strike beginning with the colon in line 32 down through "**VIOLATION,**" in line 33.

On pages 3 and 4, strike beginning with the semicolon in line 34 on page 3 down through "**BOTH**" in line 2 on page 4.

AMENDMENT NO. 4

On page 4, in line 3, strike the brackets; in the same line, strike "**(7)**"; after line 7, insert:

"**[**(f)**](H)** A person described in subsection **[**(e)(2)**](G)(2)** or (4) of this section is subject to § 5–106(b) of the Courts Article.

[(g)**](I)** In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney's fees, incurred:

(1) for clearing the victim's credit history or credit rating; and

(2) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.";

in line 8, strike "(h)" and substitute "**(J)**"; and after line 10, insert:

"**[**(i)**](K)** Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to that department's activities in a municipal corporation or other political subdivision.

[(j)**] (L)** (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the park police of the Maryland–National Capital Park and Planning Commission, or a municipal corporation or county may investigate violations of this section throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency's jurisdiction or if the complaining witness resides in the investigating law enforcement agency's jurisdiction.

[(k)**](M)** If action is taken under the authority granted in subsection **[**(j)**](L)** of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland–National Capital Park and Planning Commission, to the chief of police of the Maryland–National Capital Park and Planning Commission for the county in which the property is located.

[(l)**](N)** When acting under the authority granted in subsection **[**(i)**](K)** or **[**(j)**](L)** of this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

[(m)**](O)** (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

[(n)**](P)** Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.".

The preceding 5 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 935)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #17

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

Senate Bill 425 – Senator Peters

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

SB0425/599638/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 425
(First Reading File Bill)

On page 2, in line 4, strike "**5**" and substitute "**7**".

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

Senate Bill 677 – Senators Garagiola, Astle, King, Klausmeier, McFadden, Peters, Pugh, and Robey

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance

SB0677/139537/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 677
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "repealing" and substitute "delaying"; and strike beginning with "requiring" in line 6 down through "attainable;" in line 7.

AMENDMENT NO. 2

On page 1, in line 19, strike the bracket; in the same line, strike "2008," and substitute "**2009,**"; and in line 22, strike the bracket.

On page 2, strike "**ATTAINABLE,**"; in line 10, strike "**, INCLUDING**" and substitute "**AND**"; strike beginning with "**CONSIDERATION**" in line 12 down through "**PROGRAM**" in line 13 and substitute "**THE ADMINISTRATIVE COST OF IMPLEMENTATION OF A PAY–FOR–PERFORMANCE PROGRAM**"; in line 14, strike the third bracket; in line 16, strike the bracket; and in the same line, strike "**THE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

SB0819/969931/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 819
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, in each instance, strike "specified" and substitute "certain"; in line 5, strike "financial assistance and expenditures" and substitute "payments";

strike beginning with "authorizing" in line 6 down through "website" in line 9 and substitute "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"; strike beginning with "providing" in line 9 down through "information;" in line 11; in lines 13 and 14, strike "financial assistance and expenditures" and substitute "payments"; strike in their entirety lines 15 through 19, inclusive; and in line 22, strike "3–207" and substitute "3–414".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through line 9 on page 4, inclusive, and substitute:

"**3–414.**

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

(2) (I) "PAYEE" MEANS ANY PARTY WHO RECEIVES FROM THE STATE AN AGGREGATE PAYMENT OF $25,000 IN A FISCAL YEAR.

(II) "PAYEE" DOES NOT INCLUDE:

1. A STATE EMPLOYEE WITH RESPECT TO THE EMPLOYEE'S COMPENSATION; OR

2. A STATE RETIREE WITH RESPECT TO THE RETIREE'S RETIREMENT ALLOWANCE.

(3) "SEARCHABLE WEBSITE" MEANS A WEBSITE CREATED IN ACCORDANCE WITH THIS SECTION THAT DISPLAYS AND SEARCHES STATE PAYMENT DATA.

(B) ON OR BEFORE JANUARY 1, 2009, THE DEPARTMENT SHALL DEVELOP AND OPERATE A SINGLE SEARCHABLE WEBSITE, ACCESSIBLE TO THE PUBLIC AT NO COST THROUGH THE INTERNET.

(C) THE SEARCHABLE WEBSITE SHALL CONTAIN STATE PAYMENT DATA, INCLUDING:

(1) THE NAME OF A PAYEE RECEIVING A PAYMENT;

(2) THE LOCATION OF A PAYEE BY POSTAL ZIP CODE;

(3) THE AMOUNT OF A PAYMENT; AND

(4) THE NAME OF AN AGENCY MAKING A PAYMENT.

(D) THE SEARCHABLE WEBSITE SHALL ALLOW THE USER TO:

(1) SEARCH DATA FOR FISCAL YEAR 2008 AND EACH YEAR THEREAFTER; AND

(2) SEARCH BY THE FOLLOWING DATA FIELDS:

(I) A PAYEE RECEIVING A PAYMENT;

(II) AN AGENCY MAKING A PAYMENT; AND

(III) THE ZIP CODE OF A PAYEE RECEIVING A PAYMENT.".

On page 4, strike beginning with the colon in line 10 down through "**(2)**" in line 13.

AMENDMENT NO. 3

On page 4, after line 19, insert:

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

(a) The Chief of Information Technology in the Department of Budget and Management shall conduct a study to assess the feasibility, approach, and cost to expand or replace the searchable website established under § 3–414 of the State Finance and Procurement Article enacted by this Act to allow the public, at no cost, to search and aggregate State funding by different elements, which may include:

(1) the name of an entity receiving an award and, if applicable, the parent entity of the recipient;

(2) the amount of an award;

(3) the transaction type;

(4) the name of an agency making an award;

(5) the budget program fund source;

(6) a descriptive purpose of each funding action or State award;

(7) the location of an entity receiving the award; and

(8) any other relevant information specified by the Department.

(b) The Department shall utilize the services of an outside expert to conduct this study.

(c) The Department shall consider the feasibility of including in the searchable website all State awards over the amount of $25,000 including:

(1) grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance; and

(2) contracts, subcontracts, purchase orders, and other payments.

(d) On or before June 30, 2010, the Chief of Information Technology shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.";

in line 20, strike "2." and substitute "3."; and in line 21, strike "October 1, 2008" and substitute "July 1, 2008. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #29

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

Senate Bill 97 – Senators Pugh, Conway, Della, Exum, Gladden, Jones, Kelley, Lenett, Madaleno, McFadden, Raskin, and Stone

EMERGENCY BILL

AN ACT concerning

Lead–Containing Products – Prohibition

SB0097/697574/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 97
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in line 2, after "Lead–Containing" insert "Children's"; strike beginning with "or" in line 4 down through "products" in line 5 and substitute "in a certain manner"; in line 6, after "devices" insert ", certain distribution operations or activities, or certain vehicles, products, parts, or equipment"; strike beginning with "authorizing" in line 6 down through "product;" in line 16; in line 16, after "Department" insert "of the Environment"; in the same line, strike "issue and"; in line 17, after "circumstances;" insert "requiring a manufacturer of a children's product to conduct a certain testing of the product and issue a certain certificate under certain circumstances; requiring a person to ensure that the certificate is transmitted to certain distributors and retailers in a certain manner; requiring certain manufacturers and retailers to maintain certain documents and to provide certain documents to the Department or any person on request; prohibiting a distributor or retailer from selling or offering for sale a children's product under certain circumstances;"; in line 21, after "penalties;" insert "authorizing the Comptroller to assess a certain fine against a certain person;

requiring the Comptroller to distribute certain fines to a certain fund; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;"; in line 22, strike "Health and Mental Hygiene" and substitute "the Environment"; in line 23, strike "making this Act an emergency measure;" and substitute "requiring the Department to give certain notice to the Department of Legislative Services if a federal law establishing certain consumer product safety standards is enacted; providing for the termination of this Act under certain circumstances; providing for a delayed effective date;"; in line 24, after "lead–containing" insert "children's"; after line 24, insert:

"BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

in line 26, strike "Health – General" and substitute "Environment"; in line 27, strike "22–601" and substitute "6–1301"; in the same line, strike "22–609" and substitute "6–1311"; in the same line, strike "6." and substitute "13."; and in line 28, after "Lead–Containing" insert "Children's".

On page 2, in line 1, strike "2005" and substitute "2007".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(i) This title;

(ii) An order of the Attorney General or agreement of a party relating to unit pricing under Title 14, Subtitle 1 of this article;

(iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt Collection Act;

(iv) Title 14, Subtitle 3 of this article, the Maryland Door–to–Door Sales Act;

(v) Title 14, Subtitle 9 of this article, Kosher Products;

(vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

(vii) Section 14–1302 of this article;

(viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales Act;

(ix) Section 22–415 of the Transportation Article;

(x) Title 14, Subtitle 20 of this article;

(xi) Title 14, Subtitle 15 of this article, the Automotive Warranty Enforcement Act;

(xii) Title 14, Subtitle 21 of this article;

(xiii) Section 18–107 of the Transportation Article;

(xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone Solicitations Act;

(xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts Act;

(xvi) Title 10, Subtitle 6 of the Real Property Article;

(xvii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

(xviii) Title 14, Subtitle 26 of this article, the Maryland Door–to–Door Solicitations Act;

(xix) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;

(xx) Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;

(xxi) Title 14, Subtitle 33 of this article, the Social Security Number Privacy Act;

(xxii) Section 14–1319 or § 14–1320 of this article; **[**or**]**

(xxiii) Section 7–304 of the Criminal Law Article; or

(XXIV) TITLE 6, SUBTITLE 13 OF THE ENVIRONMENT ARTICLE; OR".

AMENDMENT NO. 3

On page 2, in line 4, strike "Health – General" and substitute "Environment"; in line 5, strike "**6.**" and substitute "**13.**"; in the same line, after "**LEAD–CONTAINING**" insert "**CHILDREN'S**"; in line 6, strike "**22–601.**" and substitute "**6–1301.**"; in line 9, strike "**7**" and substitute "**6**"; in line 11, after "**(C)**" insert "**(1)**"; in line 12, strike "**(1)**" and substitute "**(I)**"; in line 13, strike "**(2)**" and substitute "**(II)**"; after line 13, insert:

"**(2) "CHILDREN'S PRODUCT" DOES NOT INCLUDE FOOD AS DEFINED IN § 21–101 OF THE HEALTH – GENERAL ARTICLE.**";

strike in their entirety lines 14 through 24, inclusive; in line 25, strike "**(G)**" and substitute "**(D)**"; and in the same line, after "**ANY**" insert "**ACCESSIBLE**".

AMENDMENT NO. 4

On page 2, in line 27, strike the colon.

On page 3, in line 1, strike "**(1) GREATER**" and substitute "**GREATER**"; in the same line, strike "**0.02%**" and substitute "**0.06%**"; in line 2, strike "**COATING; OR**" and substitute "**COATING.**"; strike line 3 in its entirety and substitute:

"**(E) "MANUFACTURER" MEANS A PERSON THAT:**

(1) PRODUCES A PRODUCT OR A COMPONENT OF A PRODUCT;

(2) FOR A MULTICOMPONENT PRODUCT, PRODUCES OR ASSEMBLES THE FINAL PRODUCT; OR

(3) IS THE BRAND NAME OWNER OF A PRODUCT.";

in line 4, strike "**(H)**" and substitute "**(F)**"; in line 9, strike "**HOMEOPATHIC REMEDIES**" and substitute "**LUNCH BOXES AND EATING UTENSILS**"; in line 11, strike "**WRAPPERS**" and substitute "**ANY OTHER ITEM SPECIFIED BY THE DEPARTMENT IN REGULATION**"; strike in their entirety lines 12 through 21, inclusive; and in line 22, strike "**22–602.**" and substitute "**6–1302.**".

AMENDMENT NO. 5

On page 4, in line 5, strike "**AND**"; strike beginning with "**FACTORY**" in line 6 down through "**TERMINAL**" in line 7 and substitute "**DISTRIBUTION OPERATION OR ACTIVITY PERFORMED IN A FACTORY, WAREHOUSE, OR ESTABLISHMENT, OR, IN THE COURSE OF SURFACE TRANSPORTATION, AT A PORT FACILITY AS DEFINED IN § 6–101 OF THE TRANSPORTATION ARTICLE; AND**

(3) A VEHICLE AS DEFINED IN § 11–176 OF THE TRANSPORTATION ARTICLE, A PRODUCT OR PART FOR USE IN A VEHICLE, OR TRANSPORTATION EQUIPMENT";

in line 8, strike "**22–603.**" and substitute "**6–1303.**"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"**(A) A PERSON MAY NOT MANUFACTURE A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.**

(B) (1) A MANUFACTURER MAY NOT SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.

(2) A PERSON OTHER THAN A MANUFACTURER MAY NOT KNOWINGLY SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.".

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 11 on page 5, inclusive, and substitute:

"**6–1304.**

(A) A MANUFACTURER OF A CHILDREN'S PRODUCT SHALL:

(1) TEST WHETHER THE CHILDREN'S PRODUCT IS A LEAD–CONTAINING PRODUCT BY USING A QUALIFIED TESTING ENTITY THAT:

(I) 1. IS NOT OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER; AND

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; OR

(II) 1. IS OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER;

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED BY THE DEPARTMENT; AND

3. HAS PROCEDURES APPROVED IN ACCORDANCE WITH AN APPROVAL PROCESS UNDER FEDERAL LAW OR ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT TO ENSURE THAT THE TESTING ENTITY IS PROTECTED FROM UNDUE INFLUENCE; AND

(2) IF THE CHILDREN'S PRODUCT TESTED UNDER ITEM (1) OF THIS SUBSECTION IS NOT A LEAD–CONTAINING PRODUCT, ISSUE A CERTIFICATE

THAT CERTIFIES THAT THE CHILDREN'S PRODUCT IS NOT A LEAD–CONTAINING PRODUCT.

(B) A PERSON SHALL ENSURE THAT THE CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IS TRANSMITTED WITH THE CHILDREN'S PRODUCT TO ANY DISTRIBUTOR OR RETAILER WHO RECEIVES THE CHILDREN'S PRODUCT.

(C) A MANUFACTURER SHALL:

(1) MAINTAIN A COPY OF ANY DOCUMENTS RELATED TO LEAD TESTING AND ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(D) A RETAILER SHALL:

(1) MAINTAIN A COPY OF ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(E) A DISTRIBUTOR OR RETAILER MAY NOT SELL OR OFFER FOR SALE IN THE STATE, BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT FOR WHICH THERE IS NO CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(F) A CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) BASED ON A TEST OF EACH CHILDREN'S PRODUCT OR ON A TESTING PROTOCOL THAT IS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; AND

(2) ON A FORM CREATED OR APPROVED BY THE DEPARTMENT.".

AMENDMENT NO. 7

On page 5, in line 12, strike "**22–605.**" and substitute "**6–1305.**"; in line 14, strike "**22–603**" and substitute "**6–1303**"; strike beginning with the colon in line 14 down through "**GIVE**" in line 17 and substitute "**GIVE**"; in line 18, strike "**22–603**" and substitute "**6–1303**"; strike beginning with "**OR**" in line 19 down through "**HAZARD**" in line 20; in line 22, strike "**(A)(2)**" and substitute "**(A)**"; in line 24, after "**ALL**" insert "**CHILDREN'S**"; strike beginning with "**AS**" in line 25 down through "**SUBTITLE**" in line 26; strike beginning with "**OR**" in line 29 down through "**PRODUCT**" in line 30; and in line 31, strike "**PERSON**" and substitute "**DISTRIBUTOR OR RETAILER**".

AMENDMENT NO. 8

On page 6, in line 1, strike "**OR THE LEAD–ADULTERATED CONSUMABLE PRODUCT**"; in line 3, strike "**22–606.**" and substitute "**6–1306.**"; in line 5, after "**A**" insert "**CHILDREN'S**"; in line 6, strike "**22–603**" and substitute "**6–1303**"; in line 9, strike "**22–607.**" and substitute "**6–1307.**"; and in line 17, strike "**$1,000**" and substitute "**$10,000**".

AMENDMENT NO. 9

On page 6, after line 18, insert:

"**6–1308.**

(A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE COMPTROLLER MAY ASSESS AGAINST A PERSON WHO VIOLATES § 6–1304(E) OF THIS SUBTITLE A FINE NOT EXCEEDING $1,000 FOR EACH VIOLATION, UP TO A MAXIMUM OF $50,000.

(B) A FINE ASSESSED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE ASSESSED UNTIL THE PERSON WHO COMMITTED THE VIOLATION HAS BEEN ISSUED THREE WARNINGS REGARDING THE VIOLATION.

(C) EACH DAY ON WHICH A VIOLATION OCCURS OR CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(D) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL DISTRIBUTE ALL FINES ASSESSED UNDER THIS SECTION TO THE LEAD POISONING PREVENTION FUND IN A MANNER DETERMINED BY THE DEPARTMENT AND THE COMPTROLLER.

6–1309.

IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.".

AMENDMENT NO. 10

On page 6, in line 19, strike "**22–608.**" and substitute "**6–1310.**"; in line 20, strike "**(A)**"; strike beginning with "**THAT**" in line 20 down through "**ADMINISTRATION**" in line 25 and substitute "**TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE**"; and in line 26, strike "**22–609.**" and substitute "**6–1311.**".

AMENDMENT NO. 11

On page 6, after line 30, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, if a federal law establishing consumer product safety standards for lead content in children's products is enacted:

(1) within 10 days after its enactment, the Department of the Environment shall notify the Department of Legislative Services about the enactment of the federal law; and

(2) 5 days after the date the Department of Legislative Services receives notice under item (1) of this section, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.";

and in line 31, strike "2." and substitute "3.".

On pages 6 and 7, strike beginning with "is" in line 31 on page 6 down through "enacted" in line 3 on page 7 and substitute "shall take effect June 1, 2009".

The preceding 11 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for p.m. session.

The motion was adopted.

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

Senate Bill 725 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Contracts with Pharmacies

SB0725/137572/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 725
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Pharmacies" insert "and Pharmacists"; strike beginning with "enter" in line 3 down through "contracts" in line 5 and substitute "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"; in line 6, strike "or pharmacy claims" and substitute ", pharmacists, and claims of pharmacies and pharmacists"; in the same line, after the semicolon insert "making certain provisions of law applicable to pharmacy benefits managers; requiring a pharmacy benefits manager to establish a certain appeals process;

requiring a pharmacy benefits manager to establish a certain process for review of a failure to pay the contractual reimbursement amount of certain claims; making certain provisions of law applicable to health maintenance organizations; providing for the application of this Act;"; in line 7, strike "providing certain penalties;" and substitute "providing that this Act may not be construed to limit the applicability of certain provisions of law under certain circumstances;"; in line 8, after "pharmacies" insert "and pharmacists"; in line 11, after "15–1601" insert "through 15–1603"; and after line 14, 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 4, strike in their entirety the lines beginning with line 20 on page 1 through line 22 on page 4, inclusive, and substitute:

"**(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) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.

(E) "PHARMACIST" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(F) "PHARMACY" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(G) (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.

(H) "PHARMACY BENEFITS MANAGER" MEANS A PERSON THAT PERFORMS PHARMACY BENEFITS MANAGEMENT SERVICES.

(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 THAT 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.

AT THE TIME OF ENTERING INTO A CONTRACT WITH A PHARMACY OR A PHARMACIST, AND AT LEAST 30 WORKING DAYS BEFORE ANY CONTRACT CHANGE, A PHARMACY BENEFITS MANAGER SHALL DISCLOSE TO THE PHARMACY OR PHARMACIST:

(1) THE APPLICABLE TERMS, CONDITIONS, AND REIMBURSEMENT RATES;

(2) THE PROCESS AND PROCEDURES FOR VERIFYING PHARMACY BENEFITS AND BENEFICIARY ELIGIBILITY;

(3) THE DISPUTE RESOLUTION AND AUDIT APPEALS PROCESS; AND

(4) THE PROCESS AND PROCEDURES FOR VERIFYING THE PRESCRIPTION DRUGS INCLUDED ON THE FORMULARIES USED BY THE PHARMACY BENEFITS MANAGER.

15–1603.

(A) THIS SECTION DOES NOT APPLY TO AN AUDIT THAT INVOLVES PROBABLE OR POTENTIAL FRAUD OR WILLFUL MISREPRESENTATION BY A PHARMACY OR PHARMACIST.

(B) A PHARMACY BENEFITS MANAGER SHALL CONDUCT AN AUDIT OF A PHARMACY OR PHARMACIST UNDER CONTRACT WITH THE PHARMACY BENEFITS MANAGER IN ACCORDANCE WITH THIS SECTION.

(C) A PHARMACY BENEFITS MANAGER MAY NOT SCHEDULE AN ONSITE AUDIT TO BEGIN DURING THE FIRST 5 CALENDAR DAYS OF A MONTH UNLESS REQUESTED BY THE PHARMACY OR PHARMACIST.

(D) WHEN CONDUCTING AN AUDIT, A PHARMACY BENEFITS MANAGER SHALL:

(1) IF THE AUDIT IS ONSITE, PROVIDE WRITTEN NOTICE TO THE PHARMACY OR PHARMACIST AT LEAST 2 WEEKS BEFORE CONDUCTING THE INITIAL ONSITE AUDIT FOR EACH AUDIT CYCLE;

(2) EMPLOY THE SERVICES OF A PHARMACIST IF THE AUDIT REQUIRES THE CLINICAL OR PROFESSIONAL JUDGMENT OF A PHARMACIST;

(3) FOR PURPOSES OF VALIDATING THE PHARMACY RECORD WITH RESPECT TO ORDERS OR REFILLS OF A DRUG THAT IS A CONTROLLED DANGEROUS SUBSTANCE, ALLOW THE PHARMACY OR PHARMACIST TO USE HOSPITAL OR PHYSICIAN RECORDS THAT ARE:

(I) WRITTEN; OR

(II) TRANSMITTED ELECTRONICALLY;

(4) AUDIT EACH PHARMACY AND PHARMACIST UNDER THE SAME STANDARDS AND PARAMETERS AS OTHER SIMILARLY SITUATED PHARMACIES OR PHARMACISTS AUDITED BY THE PHARMACY BENEFITS MANAGER;

(5) ONLY AUDIT CLAIMS SUBMITTED OR ADJUDICATED WITHIN THE 2–YEAR PERIOD IMMEDIATELY PRECEDING THE AUDIT, UNLESS A LONGER PERIOD IS PERMITTED UNDER FEDERAL OR STATE LAW;

(6) DELIVER THE PRELIMINARY AUDIT REPORT TO THE PHARMACY OR PHARMACIST WITHIN 120 CALENDAR DAYS AFTER THE COMPLETION OF THE AUDIT, WITH REASONABLE EXTENSIONS ALLOWED;

(7) IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION, ALLOW A PHARMACY OR PHARMACIST TO PRODUCE DOCUMENTATION TO ADDRESS ANY DISCREPANCY FOUND DURING THE AUDIT; AND

(8) DELIVER THE FINAL AUDIT REPORT TO THE PHARMACY OR PHARMACIST:

(I) WITHIN 6 MONTHS AFTER DELIVERY OF THE PRELIMINARY AUDIT REPORT IF THE PHARMACY OR PHARMACIST DOES NOT REQUEST AN INTERNAL APPEAL UNDER SUBSECTION (G) OF THIS SECTION; OR

(II) WITHIN 30 DAYS AFTER THE CONCLUSION OF THE INTERNAL APPEALS PROCESS UNDER SUBSECTION (G) OF THIS SECTION IF THE PHARMACY OR PHARMACIST REQUESTS AN INTERNAL APPEAL.

(E) A PHARMACY BENEFITS MANAGER MAY NOT USE THE ACCOUNTING PRACTICE OF EXTRAPOLATION TO CALCULATE OVERPAYMENTS OR UNDERPAYMENTS.

(F) THE RECOUPMENT OF A CLAIMS PAYMENT FROM A PHARMACY OR PHARMACIST BY A PHARMACY BENEFITS MANAGER SHALL BE BASED ON AN ACTUAL OVERPAYMENT OR DENIAL OF AN AUDITED CLAIM UNLESS THE

PROJECTED OVERPAYMENT OR DENIAL IS PART OF A SETTLEMENT AGREED TO BY THE PHARMACY OR PHARMACIST.

(G) (1) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH AN INTERNAL APPEALS PROCESS UNDER WHICH A PHARMACY OR PHARMACIST MAY APPEAL ANY DISPUTED CLAIM IN A PRELIMINARY AUDIT REPORT.

(2) UNDER THE INTERNAL APPEALS PROCESS, A PHARMACY BENEFITS MANAGER SHALL ALLOW A PHARMACY OR PHARMACIST TO REQUEST AN INTERNAL APPEAL WITHIN 30 WORKING DAYS AFTER RECEIPT OF THE PRELIMINARY AUDIT REPORT, WITH REASONABLE EXTENSIONS ALLOWED.

(3) THE PHARMACY BENEFITS MANAGER SHALL INCLUDE IN ITS PRELIMINARY AUDIT REPORT A WRITTEN EXPLANATION OF THE INTERNAL APPEALS PROCESS, INCLUDING THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO WHOM AN INTERNAL APPEAL SHOULD BE ADDRESSED.

(4) THE DECISION OF THE PHARMACY BENEFITS MANAGER ON AN APPEAL OF A DISPUTED CLAIM IN A PRELIMINARY AUDIT REPORT BY A PHARMACY OR PHARMACIST SHALL BE REFLECTED IN THE FINAL AUDIT REPORT.

(5) THE PHARMACY BENEFITS MANAGER SHALL DELIVER THE FINAL AUDIT REPORT TO THE PHARMACY OR PHARMACIST WITHIN 30 CALENDAR DAYS AFTER CONCLUSION OF THE INTERNAL APPEALS PROCESS.

(H) (1) A PHARMACY BENEFITS MANAGER MAY NOT RECOUP BY SETOFF ANY MONEYS FOR AN OVERPAYMENT OR DENIAL OF A CLAIM UNTIL 30 WORKING DAYS AFTER THE DATE THE FINAL AUDIT REPORT HAS BEEN PROVIDED TO THE PHARMACY OR PHARMACIST.

(2) A PHARMACY BENEFITS MANAGER SHALL REMIT ANY MONEY DUE TO A PHARMACY OR PHARMACIST AS A RESULT OF AN UNDERPAYMENT OF A CLAIM WITHIN 30 WORKING DAYS AFTER THE FINAL AUDIT REPORT HAS BEEN DELIVERED TO THE PHARMACY OR PHARMACIST.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A PHARMACY BENEFITS MANAGER MAY WITHHOLD FUTURE PAYMENTS BEFORE THE DATE THE FINAL AUDIT REPORT HAS BEEN PROVIDED TO THE PHARMACY OR PHARMACIST IF THE IDENTIFIED DISCREPANCY FOR ALL DISPUTED CLAIMS IN A PRELIMINARY AUDIT REPORT FOR AN INDIVIDUAL AUDIT EXCEEDS $25,000.

(I) (1) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH A REASONABLE INTERNAL REVIEW PROCESS FOR A PHARMACY TO REQUEST THE REVIEW OF A FAILURE TO PAY THE CONTRACTUAL REIMBURSEMENT AMOUNT OF A SUBMITTED CLAIM.

(2) A PHARMACY MAY REQUEST A PHARMACY BENEFITS MANAGER TO REVIEW A FAILURE TO PAY THE CONTRACTUAL REIMBURSEMENT AMOUNT OF A CLAIM WITHIN 180 CALENDAR DAYS AFTER THE DATE THE SUBMITTED CLAIM WAS PAID BY THE PHARMACY BENEFITS MANAGER.

(3) THE PHARMACY BENEFITS MANAGER SHALL GIVE WRITTEN NOTICE OF ITS REVIEW DECISION WITHIN 90 CALENDAR DAYS AFTER RECEIPT OF A REQUEST FOR REVIEW FROM A PHARMACY UNDER THIS SUBSECTION.

(4) IF THE PHARMACY BENEFITS MANAGER DETERMINES THROUGH THE INTERNAL REVIEW PROCESS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE PHARMACY BENEFITS MANAGER UNDERPAID A PHARMACY, THE PHARMACY BENEFITS MANAGER SHALL PAY ANY MONEY DUE TO THE PHARMACY WITHIN 30 WORKING DAYS AFTER COMPLETION OF THE INTERNAL REVIEW PROCESS.

(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE ABILITY OF A PHARMACY AND A PHARMACY BENEFITS MANAGER TO CONTRACTUALLY AGREE THAT A PHARMACY MAY HAVE MORE THAN 180 CALENDAR DAYS TO REQUEST AN INTERNAL REVIEW OF A FAILURE OF THE PHARMACY BENEFITS MANAGER TO PAY THE CONTRACTUAL AMOUNT OF A SUBMITTED CLAIM.

(J) ON REQUEST OF THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE, A PHARMACY BENEFITS MANAGER SHALL PROVIDE A COPY OF ITS AUDIT PROCEDURES OR APPEALS PROCESS.

Article – Health – General

19–706.

(PPP) THE PROVISIONS OF TITLE 15, SUBTITLE 16 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of § 15–1602 of the Insurance Article, as enacted by Section 1 of this Act, shall apply to contracts entered into or renewed between a pharmacist or pharmacy and a pharmacy benefits manager on or after January 1, 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to audits conducted by pharmacy benefits managers on or after January 1, 2009.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed to limit the applicability of §§ 15–1008, 15–1009(b), 27–303(2), 27–304(4), and 27–304(15) of the Insurance Article to claim denials made by or on behalf of an insurer, nonprofit health service plan, dental plan organization, or health maintenance organization.";

and in line 23, strike "2." and substitute "5.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0725/323424/1

BY: Senator Klausmeier

AMENDMENT TO SENATE BILL 725, AS AMENDED

On page 10 of the Finance Committee Amendments (SB0725/137572/1), in line 3 of Amendment No. 2, after "**OR**" insert "**INTERNAL**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #20

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

Senate Bill 46 – Senator Forehand

AN ACT concerning

Sales and Use Tax – Computer Services

SB0046/579230/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 46
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Forehand" and substitute "Senators Forehand and Jones"; strike line 2 in its entirety and substitute:

"Budget Financing Act";

in line 3, after the first "of" insert "altering the distribution of the sales and use tax revenue; altering the State income tax rate for certain income of individuals for certain taxable years;"; in line 7, after "definition;" insert "making a technical correction; requiring the Comptroller to waive certain interest and penalties for a certain taxable year to a certain extent; stating the intent of the General Assembly that the Governor present to the Board of Public Works a certain schedule for reductions to certain expenditures from the State budget for a certain fiscal year; providing for the application of certain provisions of this Act;"; strike beginning with

the first "the" in line 7 down through "services" in line 8 and substitute "Maryland State taxes and the financing of State government"; after line 8, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–102.1(d)(1)(i), 10–105(a), 11–101(m), and 11–219
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)";

and strike in their entirety lines 16 through 22, inclusive.

AMENDMENT NO. 2

On page 1, after line 27, insert:

"Article – Tax – General

2–1302.2.

After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay **[**6.5% of the remaining sales and use tax revenue**]** into the Transportation Trust Fund established under § 3–216 of the Transportation Article**:**

(1) FOR EACH FISCAL YEAR BEGINNING BEFORE JULY 1, 2013, 5.3% OF THE REMAINING SALES AND USE TAX REVENUE; AND

(2) FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2013, 6.5% OF THE REMAINING SALES AND USE TAX REVENUE.

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

Article – Tax – General

10–102.1.

(d) (1) Except as provided in paragraph (2) of this subsection, the tax imposed under subsection (b) of this section is the sum of:

(i) a rate equal to the sum of the rate of the tax imposed under § 10–106.1 of this subtitle and the top marginal State tax rate for individuals under **[**§ 10–105(a)(4)**]** **§ 10–105(A)** of this subtitle applied to the sum of each nonresident individual member's distributive share or pro–rata share of a pass–through entity's nonresident taxable income; and

10–105.

(a) (1) **[**For**]** **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR** an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

(i) 2% of Maryland taxable income of $1 through $1,000;

(ii) 3% of Maryland taxable income of $1,001 through $2,000;

(iii) 4% of Maryland taxable income of $2,001 through $3,000;

(iv) 4.75% of Maryland taxable income of $3,001 through $150,000;

(v) 5% of Maryland taxable income of $150,001 through $300,000;

(vi) 5.25% of Maryland taxable income of $300,001 through $500,000; and

(vii) 5.5% of Maryland taxable income in excess of $500,000.

(2) [For] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR** spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

(i) 2% of Maryland taxable income of $1 through $1,000;

(ii) 3% of Maryland taxable income of $1,001 through $2,000;

(iii) 4% of Maryland taxable income of $2,001 through $3,000;

(iv) 4.75% of Maryland taxable income of $3,001 through $200,000;

(v) 5% of Maryland taxable income of $200,001 through $350,000;

(vi) 5.25% of Maryland taxable income of $350,001 through $500,000; and

(vii) 5.5% of Maryland taxable income in excess of $500,000.

(3) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2007, BUT BEFORE JANUARY 1, 2011, THE STATE INCOME TAX FOR AN INDIVIDUAL, INCLUDING SPOUSES FILING A JOINT RETURN OR A SURVIVING SPOUSE OR HEAD OF HOUSEHOLD AS DEFINED IN § 2 OF THE INTERNAL REVENUE CODE, IS:

(I) FOR MARYLAND TAXABLE INCOME UP TO $500,000, THE RATE SPECIFIED IN PARAGRAPH (1)(I) THROUGH (VI) OR (2)(I) THROUGH (VI) OF THIS SUBSECTION; AND

(II) FOR MARYLAND TAXABLE INCOME IN EXCESS OF $500,000:

1. 5.5% OF MARYLAND TAXABLE INCOME OF $500,001 THROUGH $1,000,000; AND

2. 6.25% OF MARYLAND TAXABLE INCOME IN EXCESS OF $1,000,000.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On page 4, after line 30, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller shall waive any interest or penalty imposed on an individual relating to payment of estimated income tax for calendar year 2008 to the extent that the Comptroller determines that the interest or penalty would not have been incurred but for an increase in the income tax rates for calendar year 2008 under Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, on or before July 1, 2008, the Governor shall present to the Board of Public Works a schedule for reduction of at least $50,000,000 in ongoing general fund expenditures from the fiscal 2009 State budget in accordance with § 7–213 of the State Finance and Procurement Article.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2007.";

and in line 31, strike "2." and substitute "7.".

The preceding 3 amendments were read and adopted.

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

Affirmative – 31 Negative – 14 (See Roll Call No. 936)

FLOOR AMENDMENT

SB0046/713126/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 46, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0046/579230/1), strike beginning with "altering" in line 5 of Amendment No. 1 down through "years;" in line 6; strike beginning with "requiring" in line 7 down through "extent;" in line 8; and in line 11, strike beginning with "providing" through "Act;".

On page 2 of the Budget and Taxation Committee Amendments, in line 1 of Amendment No. 1, strike "10–105(a),".

AMENDMENT NO. 2

On page 2 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 2, strike "**5.3%**" and substitute "**3.2%**".

AMENDMENT NO. 3

On pages 3 through 5 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with "10–105." in line 9 on page 3 down through "**$1,000,000.**" in line 9 on page 5.

AMENDMENT NO. 4

On page 5 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 2 of Amendment No. 3 down through "Act." in line 6; and in line 7, strike "5." and substitute "4.".

On page 6 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 1 of Amendment No. 3 down through "2007." in line 2; and in line 3, strike "7." and substitute "5.".

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 34 (See Roll Call No. 937)

FLOOR AMENDMENT

SB0046/713126/2

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 46, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0046/579230/1), strike beginning with "altering" in line 5 of Amendment No. 1 down through "years;" in line 6; strike beginning with "requiring" in line 7 down through "extent;" in line 8; and in line 11, strike beginning with "providing" through "Act;".

On page 2 of the Budget and Taxation Committee Amendments, in line 1 of Amendment No. 1, strike "10–105(a),".

AMENDMENT NO. 2

On pages 3 through 5 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with "10–105." in line 9 on page 3 down through "**$1,000,000.**" in line 9 on page 5.

AMENDMENT NO. 3

On page 5 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 2 of Amendment No. 3 down through "Act." in line 6; and in line 7, strike "5." and substitute "4.".

On page 6 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 1 of Amendment No. 3 down through "2007." in line 2; and in line 3, strike "7." and substitute "5.".

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

Affirmative – 17 Negative – 30 (See Roll Call No. 938)

FLOOR AMENDMENT

SB0046/713126/3

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 46, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0046/579230/1), strike beginning with "altering" in line 5 of Amendment No. 1 down through "years;" in line 6; strike beginning with "requiring" in line 7 down through "extent;" in line 8; and in line 11, strike beginning with "providing" through "Act;" and substitute "requiring the Governor to transfer to the General Fund certain amounts in the Maryland Automobile Insurance Fund;".

On page 2 of the Budget and Taxation Committee Amendments, in line 1 of Amendment No. 1, strike "10–105(a),".

AMENDMENT NO. 2

On pages 3 through 5 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with "10–105." in line 9 on page 3 down through "**$1,000,000.**" in line 9 on page 5.

AMENDMENT NO. 3

On page 5 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 2 of Amendment No. 3 down through "Act." in line 6; and in line 7, strike "5." and substitute "4.".

On page 6 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 1 of Amendment No. 3 down through "2007." in line 2 and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2009, the Governor shall transfer to the General Fund $114,000,000 of the funds in the Insured Division of the Maryland Automobile Insurance Fund established under § 20–201 of the Insurance Article.";

and in line 3, strike "7." and substitute "6.".

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

Affirmative – 10 Negative – 37 (See Roll Call No. 939)

FLOOR AMENDMENT

SB0046/713126/4

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 46, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0046/579230/1), strike beginning with "altering" in line 5 of Amendment No. 1 down through "years;" in line 6; strike beginning with "requiring" in line 7 down through "extent;" in line 8; and in line 11, strike beginning with "providing" through "Act;" and substitute "stating certain intent of the General Assembly regarding the State budget;".

On page 2 of the Budget and Taxation Committee Amendments, in line 1 of Amendment No. 1, strike "10–105(a),".

AMENDMENT NO. 2

On pages 3 through 5 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with "10–105." in line 9 on page 3 down through "**$1,000,000.**" in line 9 on page 5.

AMENDMENT NO. 3

On page 5 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 2 of Amendment No. 3 down through "Act." in line 6; in line 7, strike "5." and substitute "4."; and in line 9, strike "$50,000,000" and substitute "$100,000,000".

On page 6 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 1 of Amendment No. 3 down through "2007." in line 2 and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That, it is the intent of the General Assembly that in combination with the additional general funds provided under this Act and the reductions developed under Section 4 of this Act, the State budget for fiscal year 2009 shall be reconciled through the use of $64,000,000 in general fund balance.";

and in line 3, strike "7." and substitute "6.".

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

Affirmative – 18 Negative – 29 (See Roll Call No. 940)

FLOOR AMENDMENT

SB0046/863522/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 46, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0046/579230/1), strike beginning with "altering" in line 5 of Amendment No. 1 down through "years;" in line 6 and substitute "altering the distribution of the motor fuel tax revenue for certain fiscal years; altering the distribution of the corporate income tax for certain fiscal years; requiring that certain funds in a certain account of the Maryland Health Care Provider Rate Stabilization Fund be transferred to the General Fund;"; strike beginning with "requiring" in line 7 down through "extent;" in line 8; in line 11, strike beginning with "providing" through "Act;" and substitute "delaying the implementation and funding of a certain health care coverage expansion;"; in line 16, after "Section" insert "2–1104, 2–1302.1, and"; and after line 20, insert:

"BY repealing and reenacting, without amendments,
Article – Insurance
Section 19–804(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 19–804(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

On page 2 of the Budget and Taxation Committee Amendments, in line 1 of Amendment No. 1, strike "10–105(a)," and substitute "2–613.1,".

AMENDMENT NO. 2

On page 2 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 2, before "Article" insert:

"Article – Insurance

19–804.

(c) (1) Portions of the Rate Stabilization Account that exceed the amount necessary to pay for health care provider subsidies shall remain in the Rate Stabilization Account to be used:

(i) to pay for health care provider subsidies in calendar years 2006 through 2008; and

(ii) after the fiscal year 2009 allocation to the Rate Stabilization Account under § 19–803(b) of this subtitle, by the Medical Assistance Program Account for the purposes specified under § 19–807(b) of this subtitle.

(2) Any disbursements from the Rate Stabilization Account to a medical professional liability insurer that is not used to provide a rate reduction, credit, or refund to a health care provider shall be returned to the State Treasurer for reversion to the Fund.

(3) Notwithstanding paragraph (1) of this subsection, amounts necessary to pay for health care provider subsidies under § 19–805(b)(3) of this subtitle shall remain in the Rate Stabilization Account.

(E) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION OR ANY OTHER PROVISION OF LAW, IN FISCAL YEAR 2009, $83,275,000 OF THE BALANCE REMAINING IN THE RATE STABILIZATION ACCOUNT AT THE END OF FISCAL YEAR 2008 SHALL BE TRANSFERRED AS FOLLOWS:

(1) $7,000,000 TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT, TO BE USED BY THE SECRETARY TO INCREASE FEE–FOR–SERVICE PROVIDER RATES TO DENTISTS IN FISCAL YEAR 2009;

(2) $76,275,000 TO THE GENERAL FUND OF THE STATE.";

and after line 2, insert:

"2–1104.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, JULY 1, 2009, AND JULY 1, 2010, INSTEAD OF THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX REVENUE TO THE GENERAL FUND OF THE STATE.

2–1302.1.

(A) [After**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER** making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, JULY 1, 2009, AND JULY 1, 2010, AFTER THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF THE SALES AND USE TAX COLLECTED ON SHORT–TERM

VEHICLE RENTALS UNDER § 11–104(C) OF THIS ARTICLE TO THE GENERAL FUND OF THE STATE.".

AMENDMENT NO. 3

On page 2 of the Budget and Taxation Committee Amendments, after the last line of Amendment No. 2, insert:

"2–613.1.

After making the distribution required under § 2–613 of this subtitle **[**:

(1)**],** of the remaining income tax revenue from corporations, the Comptroller shall distribute **[**:

(i) for fiscal year 2008 only:

1. $16,000,000 to the Higher Education Investment Fund established under § 15–106.6 of the Education Article; and

2. the amount by which 15.15% of the remaining income tax revenue from corporations exceeds $16,000,000 to the General Fund; and

(ii) for fiscal year 2009 only:

1. 6% to the Higher Education Investment Fund established under § 15–106.6 of the Education Article; and

2. 9.15% to the General Fund; and

(2) for fiscal year 2010 and subsequent fiscal years, the Comptroller shall distribute**]** 15.15% of the remaining income tax revenue from corporations to the General Fund of the State.".

AMENDMENT NO. 4

On pages 3 through 5 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with "10–105." in line 9 on page 3 down through "**$1,000,000.**" in line 9 on page 5.

AMENDMENT NO. 5

On page 5 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 2 of Amendment No. 3 down through "Act." in line 6; and in line 7, strike "5." and substitute "4.".

On page 6 of the Budget and Taxation Committee Amendments, strike beginning with "SECTION" in line 1 of Amendment No. 3 down through "2007." in line 2 and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the expansion of health care coverage enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session may not be implemented before fiscal year 2012, and no funds may be expended for that expansion of health care coverage until fiscal year 2012.";

and in line 3, strike "7." and substitute "6.".

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 14 Negative – 33 (See Roll Call No. 941)

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 206 – The President (By Request – Administration) and Senators Dyson, DeGrange, Astle, Conway, Currie, Della, Forehand, Lenett, Madaleno, Peters, Rosapepe, and Simonaire

AN ACT concerning

BRAC Community Enhancement Act

SB0206/879732/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 206
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 8 down through "claimed;" in line 11 and substitute "providing that certain benefits provided in certain designated enterprise zones do not apply to certain businesses in certain locations except under certain circumstances; providing for certain State payments under certain circumstances to certain political subdivisions for financing infrastructure improvements in BRAC Revitalization and Incentive Zones; requiring certain political subdivisions to submit certain reports to the Department of Business and Economic Development; requiring the Department to submit certain reports to the Governor and General Assembly;"; in line 17, strike "Maryland Department of Transportation" and substitute "State"; in line 18, strike "agreement"; in the same line, strike the second "a"; in line 20, after "State" insert "and local"; in line 25, after "time;" insert "limiting the payment that may be required under certain payment in lieu of tax agreements;"; strike beginning with "State" in line 25 down through "the" in line 26; in line 27, strike "disallowing" and substitute "providing that"; and in line 28, strike "for" and substitute "do not apply to".

On pages 1 and 2, strike beginning with "repealing" in line 28 on page 1 down through "installation;" in line 1 on page 2.

On page 2, in line 2, strike "of" and substitute "and effective date of certain provisions of"; in line 4, strike "tax benefits for" and substitute "the property taxation of"; strike in their entirety lines 10 through 20, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–102, 5–105, and 12–206
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 5–707(d)
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 5–707(e); and 5–1201 through 5–1207, to be under the new subtitle "Subtitle 12. BRAC Revitalization and Incentive Zones"
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)";

and strike in their entirety lines 26 through 40, inclusive.

On page 3, strike in their entirety lines 1 through 5, inclusive; in line 8, strike "7–211(a) and (c)" and substitute "7–211(c)"; in the same line, strike "7–211.2,"; and after line 10, insert:

"BY adding to
Article – Tax – Property
Section 2–222 and 7–211.3
Annotated Code of Maryland
(2007 Replacement Volume)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 32 through 34, inclusive.

AMENDMENT NO. 3

On page 4, in line 32, strike "**REMITTED**" and substitute "**PROVIDED**"; and in line 33, strike "**§ 9–110(C) OR (D)**" and substitute "**§ 2–222**".

On page 5, strike in their entirety lines 7 through 18, inclusive, and substitute:

"Article – Economic Development

5–102.

The Department shall administer the State's economic development and financial assistance programs and funds including:

(1) **THE BRAC REVITALIZATION AND INCENTIVE ZONE PROGRAM, UNDER SUBTITLE 12 OF THIS TITLE;**

(2) the Enterprise Fund, under Subtitle 6 of this title;

[(2)**] (3)** the Enterprise Zones Program, under Subtitle 7 of this title;

[(3)**] (4)** the Maryland Economic Adjustment Fund, under Subtitle 2 of this title;

[(4)**] (5)** the Maryland Economic Development Assistance Authority and Fund, under Subtitle 3 of this title;

[(5)**] (6)** the Maryland Industrial Development Financing Authority, under Subtitle 4 of this title;

[(6)**] (7)** the Maryland Small Business Development Financing Authority, under Subtitle 5 of this title;

[(7)**] (8)** the Appalachian Regional Development Program, under Title 13, Subtitle 1 of this article;

[(8)**] (9)** jointly with the Department of Housing and Community Development, the Community Development Block Grant for Economic Development; and

[(9)**] (10)** any other programs or funds designated by statute, the Governor, or the Secretary.

5–105.

When deciding whether to provide financial assistance for a business project, the Department shall consider whether the project will be located**:**

(1) in an enterprise zone or a focus area as designated under Subtitle 7 of this title**; OR**

(2) IN A BRAC REVITALIZATION AND INCENTIVE ZONE AS DESIGNATED UNDER SUBTITLE 12 OF THIS TITLE.

5–707.

(d) (1) Except as provided in § 10–702 of the Tax – General Article and § 9–103 of the Tax – Property Article, the incentives and initiatives set forth in this section are available for 10 years after the date that an area is designated an enterprise zone.

(2) A law enacted after the enactment of this section that eliminates or reduces the benefits available to a business entity under this section does not apply to a business entity that was in an enterprise zone before the effective date of the law.

(E) (1) (I) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, EXCEPT FOR A BUSINESS ENTITY CERTIFIED TO RECEIVE A PROPERTY TAX CREDIT UNDER § 9–103 OF THE TAX – PROPERTY ARTICLE FOR A TAX YEAR BEGINNING BEFORE JULY 1, 2008, A BUSINESS ENTITY LOCATED IN AN ENTERPRISE ZONE MAY NOT RECEIVE THE INCENTIVES AND INITIATIVES SET FORTH IN SUBSECTION (A)(1) AND (2) OF THIS SECTION IF THE ENTITY IS LOCATED ON LAND OR WITHIN IMPROVEMENTS OWNED BY THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION UNLESS THE BUSINESS ENTITY HAS FIRST UTILIZED ALL APPLICABLE PROPERTY TAX EXEMPTIONS UNDER TITLE 7 OF THE TAX – PROPERTY ARTICLE, INCLUDING ENTERING INTO ANY AVAILABLE PAYMENT IN LIEU OF TAX AGREEMENT.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A BUSINESS ENTITY LEASING LAND OR IMPROVEMENTS OWNED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION.

(2) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A BUSINESS ENTITY LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE ESTABLISHED UNDER SUBTITLE 12 OF THIS TITLE MAY NOT RECEIVE THE PROPERTY TAX CREDIT UNDER § 9–103 OF THE TAX – PROPERTY ARTICLE UNLESS:

(I) THE BUSINESS ENTITY QUALIFIED FOR THE PROPERTY TAX CREDIT BEFORE THE DATE THAT THE BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED; OR

(II) THE POLITICAL SUBDIVISION WHERE THE BUSINESS ENTITY IS LOCATED EXPRESSLY GRANTS THE PROPERTY TAX CREDIT TO THE

BUSINESS ENTITY.

SUBTITLE 12. BRAC REVITALIZATION AND INCENTIVE ZONES.

5–1201.".

AMENDMENT NO. 4

On pages 5 and 6, strike in their entirety the lines beginning with line 24 on page 5 through line 5 on page 6, inclusive, and substitute:

"**(C) "BRAC REVITALIZATION AND INCENTIVE ZONE" MEANS AN AREA THAT:**

(1) MEETS THE REQUIREMENTS OF § 5–1203 OF THIS SUBTITLE; AND

(2) IS DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE BY THE SECRETARY UNDER § 5–1204 OF THIS SUBTITLE.

(D) "ENTERPRISE ZONE" HAS THE MEANING STATED IN § 5–701 OF THIS TITLE.".

On page 6, in lines 6, 8, and 11, strike "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively; strike in their entirety lines 12 and 13 and substitute:

"**(1) A POLITICAL SUBDIVISION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE; OR**";

and strike in their entirety lines 16 through 31, inclusive, and substitute:

"**5–1202.**

(A) THE FOLLOWING POLITICAL SUBDIVISIONS MAY APPLY TO THE SECRETARY TO DESIGNATE A BRAC REVITALIZATION AND INCENTIVE ZONE:

(1) A POLITICAL SUBDIVISION FOR AN AREA WITHIN THAT POLITICAL SUBDIVISION;

(2) WITH THE PRIOR CONSENT OF THE MUNICIPAL CORPORATION, A COUNTY ON BEHALF OF A MUNICIPAL CORPORATION FOR AN AREA IN THE MUNICIPAL CORPORATION; OR

(3) TWO OR MORE POLITICAL SUBDIVISIONS JOINTLY FOR AN AREA ASTRIDE THEIR COMMON BOUNDARIES.".

AMENDMENT NO. 5

On pages 7 and 8, strike in their entirety the lines beginning with line 1 on page 7 through line 13 on page 8, inclusive, and substitute:

"**(B) THE APPLICATION SHALL:**

(1) BE IN THE FORM AND MANNER AND CONTAIN THE INFORMATION THAT THE SECRETARY REQUIRES;

(2) CONTAIN SUFFICIENT INFORMATION TO ALLOW THE SECRETARY TO DETERMINE IF THE PROPOSED BRAC REVITALIZATION AND INCENTIVE ZONE MEETS THE CRITERIA IN § 5–1203 OF THIS SUBTITLE;

(3) BE SUBMITTED FOR A POLITICAL SUBDIVISION BY ITS CHIEF ELECTED OFFICER, OR IF NONE, ITS GOVERNING BODY; AND

(4) STATE WHETHER THE POLITICAL SUBDIVISION HAS EXAMINED THE FEASIBILITY OF CREATING EDUCATIONAL OR TRAINING OPPORTUNITIES FOR EMPLOYERS AND EMPLOYEES OF BUSINESS ENTITIES LOCATED OR TO BE LOCATED IN THE PROPOSED BRAC REVITALIZATION AND INCENTIVE ZONE.

5–1203.".

On page 8, strike in their entirety lines 14 and 15 and substitute:

"**(A) THE SECRETARY MAY ONLY DESIGNATE AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE IF THE AREA:**";

in lines 16, 19, and 22, in each instance, strike "**BE**" and substitute "**IS**"; in line 25, strike "**HAVE**" and substitute "**HAS**"; and strike in their entirety lines 29 through 32, inclusive, and substitute:

"**(B) AN AREA SHALL RECEIVE PRIORITY CONSIDERATION FOR DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER THIS SECTION IF THE AREA IS WITHIN ONE–HALF MILE OF A PRESENT OR PLANNED:**

(1) MARC STATION ALONG THE PENN, CAMDEN, OR BRUNSWICK LINES;

(2) BALTIMORE METRO SUBWAY STATION;

(3) BALTIMORE MTA LIGHT RAIL STATION; OR

(4) METRORAIL SYSTEM STATION IN THE STATE.

(C) AN AREA MAY RECEIVE PRIORITY CONSIDERATION FOR DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER THIS SECTION IF THE AREA IS OF STRATEGIC IMPORTANCE TO THE ECONOMIC DEVELOPMENT INTERESTS OF A COUNTY.".

On page 9, in line 1, strike "**(C)**" and substitute "**(D)**"; in lines 4, 7, and 9, in each instance, strike "**WHETHER**" and substitute "**WHETHER**"; in lines 12, 14, 16, 17, 18, 21, 23, and 30, in each instance, strike "**THE**" and substitute "**THE**"; in line 25, strike "**ANY**" and substitute "**ANY**"; and in line 27, strike "**A**" and substitute "**A**"; and strike beginning with "**SPECIAL**" in line 30 down through "**DISTRICT**" in line 31 and substitute "**SPECIAL TAXING DISTRICT, A HISTORIC DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, OR A LOCAL HISTORIC DISTRICT**".

On page 10, in line 1, strike "**SUPPORT**" and substitute "**SUPPORT**"; in line 2, strike "**OTHER**" and substitute "**OTHER**"; in lines 4, 6, and 16, in each instance, strike "**A**" and substitute "**A**"; in line 9, strike "**WHETHER**" and substitute "**WHETHER**"; and in lines 14 and 19, in each instance, strike "**THE**" and substitute "**THE**".

AMENDMENT NO. 6

On pages 10 through 13, strike in their entirety the lines beginning with line 21 on page 10 through line 22 on page 13, inclusive, and substitute:

"**5–1204.**

(A) (1) WITHIN 60 DAYS AFTER A SUBMISSION DATE, THE SECRETARY MAY DESIGNATE ONE OR MORE BRAC REVITALIZATION AND INCENTIVE ZONES FROM AMONG THE AREAS DESCRIBED IN THE APPLICATIONS TIMELY SUBMITTED.

(2) THE DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE IS EFFECTIVE FOR 10 YEARS.

(3) THE SECRETARY MAY NOT DESIGNATE MORE THAN SIX BRAC REVITALIZATION AND INCENTIVE ZONES IN A CALENDAR YEAR.

(4) A COUNTY MAY NOT RECEIVE MORE THAN TWO BRAC REVITALIZATION AND INCENTIVE ZONES.

(5) THE PRECISE LOCATION AND BOUNDARIES OF A BRAC REVITALIZATION AND INCENTIVE ZONE MAY BE DETERMINED ONLY ON APPLICATION TO AND APPROVAL BY THE SECRETARY.

(B) BEFORE DESIGNATING A BRAC REVITALIZATION AND INCENTIVE ZONE, THE SECRETARY SHALL CONSULT WITH THE FOLLOWING CABINET SECRETARIES OR THEIR RESPECTIVE DESIGNEES:

(1) THE SECRETARY OF TRANSPORTATION;

(2) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

(3) THE SECRETARY OF THE ENVIRONMENT; AND

(4) THE SECRETARY OF PLANNING.

(C) THE DESIGNATION OF THE SECRETARY IS FINAL.

(D) AT ANY TIME, A POLITICAL SUBDIVISION MAY REAPPLY TO THE SECRETARY TO DESIGNATE AS A BRAC REVITALIZATION AND INCENTIVE ZONE AN AREA THAT IS NOT DESIGNATED.

(E) (1) THIS SUBSECTION APPLIES ONLY TO A POLITICAL SUBDIVISION THAT IS AUTHORIZED UNDER § 7–211.3 OF THE TAX – PROPERTY ARTICLE TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT WITH A PRIVATE DEVELOPER FOR FEDERAL ENCLAVE PROPERTY.

(2) THE SECRETARY MAY NOT DESIGNATE A BRAC REVITALIZATION AND INCENTIVE ZONE IN A COUNTY UNTIL, IN THE JUDGMENT OF THE SECRETARY, THE POLITICAL SUBDIVISION HAS ENTERED INTO GOOD FAITH NEGOTIATIONS FOR A PAYMENT IN LIEU OF TAX AGREEMENT WITH ALL PRIVATE DEVELOPERS OF FEDERAL ENCLAVE PROPERTY.

5–1205.

(A) (1) A POLITICAL SUBDIVISION MAY APPLY TO THE SECRETARY TO EXPAND AN EXISTING BRAC REVITALIZATION AND INCENTIVE ZONE IN THE SAME MANNER AS THE POLITICAL SUBDIVISION WOULD APPLY TO DESIGNATE A NEW BRAC REVITALIZATION AND INCENTIVE ZONE.

(2) THE SECRETARY MAY GRANT AN EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE INTO AN AREA THAT MEETS THE REQUIREMENTS OF § 5–1203 OF THIS SUBTITLE.

(3) FOR PURPOSES OF § 5–1204(A) OF THIS SUBTITLE, AN EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE THAT DOES NOT EXCEED 50% OF THE EXISTING GEOGRAPHIC AREA OF THE BRAC REVITALIZATION AND INCENTIVE ZONE DOES NOT COUNT TOWARDS THE LIMIT ON THE NUMBER OF BRAC REVITALIZATION AND INCENTIVE ZONES THAT:

(I) THE SECRETARY MAY DESIGNATE IN A CALENDAR YEAR; OR

(II) A COUNTY MAY RECEIVE.

(B) (1) THE SECRETARY MAY GRANT AN EXTRAORDINARY EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE IN THE STATE EACH CALENDAR YEAR FOR AN AREA THAT:

(I) MEETS THE REQUIREMENTS OF § 5–1203 OF THIS SUBTITLE; AND

(II) IN THE DETERMINATION OF THE SECRETARY, IS OF STRATEGIC IMPORTANCE TO THE ECONOMIC DEVELOPMENT INTERESTS OF THE COUNTY IN WHICH THE BRAC REVITALIZATION AND INCENTIVE ZONE IS LOCATED.

(2) FOR PURPOSES OF § 5–1204(A) OF THIS SUBTITLE, AN EXTRAORDINARY EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE DOES NOT COUNT TOWARDS THE LIMIT ON THE NUMBER OF BRAC REVITALIZATION AND INCENTIVE ZONES THAT:

(I) THE SECRETARY MAY DESIGNATE IN A CALENDAR YEAR; OR

(II) A COUNTY MAY RECEIVE.

(3) THE SECRETARY MAY NOT GRANT MORE THAN TWO EXTRAORDINARY EXPANSIONS IN THE STATE DURING A SINGLE CALENDAR YEAR.

5–1206.

(A) BENEFITS ARE AVAILABLE TO POLITICAL SUBDIVISIONS WITH BRAC REVITALIZATION AND INCENTIVE ZONES AS PROVIDED IN THIS SECTION.

(B) (1) A POLITICAL SUBDIVISION THAT RECEIVES DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE MAY RECEIVE AMOUNTS AS PROVIDED IN § 2–222 OF THE TAX – PROPERTY ARTICLE.

(2) AMOUNTS RECEIVED BY A POLITICAL SUBDIVISION AS PROVIDED IN § 2–222 OF THE TAX – PROPERTY ARTICLE:

(I) SHALL BE USED TO PAY FOR INFRASTRUCTURE IMPROVEMENTS IN THE BRAC REVITALIZATION AND INCENTIVE ZONE; AND

(II) MAY BE USED FOR THE REPAYMENT OF BONDS, INCLUDING TAX INCREMENT FINANCING BONDS, ISSUED BY THE POLITICAL SUBDIVISION FOR INFRASTRUCTURE IMPROVEMENTS IN THE BRAC REVITALIZATION AND INCENTIVE ZONE.

(C) POLITICAL SUBDIVISIONS AND BUSINESS ENTITIES MAY RECEIVE PRIORITY CONSIDERATION FOR FINANCIAL ASSISTANCE FOR PROJECTS OR OPERATIONS IN A BRAC REVITALIZATION AND INCENTIVE ZONE FROM:

(1) PROGRAMS IN:

(I) THE DEPARTMENT;

(II) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; OR

(III) THE DEPARTMENT OF PLANNING; OR

(2) ANY OTHER APPROPRIATE STATE PROGRAMS.

(D) THE BENEFITS SET FORTH IN THIS SECTION ARE AVAILABLE FOR 10 YEARS AFTER THE DATE THAT AN AREA IS DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE AND TO SPECIFY CRITERIA AND PROCEDURES

FOR THE APPLICATION, APPROVAL AND MONITORING THE ELIGIBILITY FOR THE BENEFITS UNDER THIS SUBTITLE.

5–1207.

(A) ON OR BEFORE OCTOBER 15 OF EACH YEAR, A POLITICAL SUBDIVISION WITH A BRAC REVITALIZATION AND INCENTIVE ZONE DESIGNATION SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT ASSESSES THE EFFECTIVENESS OF THE BENEFITS PROVIDED TO THE BRAC REVITALIZATION AND INCENTIVE ZONE IN ATTRACTING AND RETAINING BUSINESSES WITHIN THE BRAC REVITALIZATION AND INCENTIVE ZONE.

(B) ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE DEPARTMENT SHALL:

(1) ASSESS THE EFFECTIVENESS OF THE BENEFITS PROVIDED TO THE BRAC REVITALIZATION AND INCENTIVE ZONES IN ATTRACTING AND RETAINING BUSINESSES WITHIN BRAC REVITALIZATION AND INCENTIVE ZONES; AND

(2) SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT OUTLINING THE FINDINGS OF THE DEPARTMENT AND ANY OTHER INFORMATION OF VALUE IN DETERMINING THE EFFECTIVENESS OF THE BENEFITS UNDER THIS SUBTITLE.

12–206.

(a) Bonds shall be payable from the special fund established under § 12–208 of this subtitle.

(b) The governing body of the political subdivision or the issuer may:

(1) pledge its full faith and credit or other assets and revenues to pay the bonds; and

(2) establish a sinking fund or a debt service reserve fund for the bonds.

(C) THE ASSETS AND REVENUES PLEDGED UNDER SUBSECTION (B)(1) OF THIS SECTION MAY INCLUDE ANY AMOUNT THAT THE POLITICAL SUBDIVISION MAY RECEIVE FROM THE STATE UNDER § 2–222 OF THE TAX – PROPERTY ARTICLE.".

AMENDMENT NO. 7

On page 13, in line 30, strike "**ARTICLE 83A, § 5–2002 OF THE CODE**" and substitute "**TITLE 5, SUBTITLE 12 OF THE ECONOMIC DEVELOPMENT ARTICLE**".

On page 14, in line 5, strike "**ARTICLE 83A, § 5–2002 OF THE CODE**" and substitute "**TITLE 5, SUBTITLE 12 OF THE ECONOMIC DEVELOPMENT ARTICLE**".

AMENDMENT NO. 8

On pages 14 through 18, strike in their entirety the lines beginning with line 6 on page 14 through line 25 on page 18, inclusive.

On page 18, in line 27, strike "**9–110.**" and substitute "**2–222.**"; in lines 31 and 32, strike beginning with "**A**" in line 31 down through "**GRANTED**" in line 32 and substitute "**PROPERTY FIRST BECOMES QUALIFIED PROPERTY UNDER THIS SECTION**".

On page 19, strike in their entirety lines 6 through 15, inclusive and substitute:

"**(4) "BRAC REVITALIZATION AND INCENTIVE ZONE" HAS THE MEANING STATED IN § 5–1201 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(5) "BRAC REVITALIZATION AND INCENTIVE ZONE TAX RATE" MEANS THE PROPERTY TAX RATE OF THE POLITICAL SUBDIVISION WHERE A BRAC REVITALIZATION AND INCENTIVE ZONE IS LOCATED FOR THE TAXABLE YEAR WHEN THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT FIRST DESIGNATES THE AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE.";

in line 16, strike "**(5)**" and substitute "**(6)**"; strike beginning with "**IN**" in line 18 down through "**GRANTED**" in line 19; after line 19, insert:

"**(7) "PROPERTY TAX INCREMENT" MEANS THE PROPERTY TAX ATTRIBUTABLE TO THE ELIGIBLE ASSESSMENT OF QUALIFIED PROPERTY.**";

strike in their entirety lines 20 through 31, inclusive and substitute:

"**(8) "QUALIFIED PROPERTY" MEANS REAL PROPERTY THAT IS:**

(I) LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS DESIGNATED UNDER TITLE 5, SUBTITLE 12 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(II) IN ONE OF THE CATEGORIES OF COMMERCIAL OR RESIDENTIAL PROPERTY THAT THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT HAS DETERMINED, IN CONSULTATION WITH THE BASE REALIGNMENT AND CLOSURE SUBCABINET AND AS PROVIDED IN REGULATIONS ADOPTED BY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, ENHANCE THE ECONOMIC DEVELOPMENT OF THE BRAC REVITALIZATION AND INCENTIVE ZONE.";

and in line 32, strike "**(7)**" and substitute "**(9)**".

On page 20, in line 2, strike "**ARTICLE 41, TITLE 14, SUBTITLE 2 OF THE CODE**" and substitute "**TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE**".

On pages 20 through 24, strike in their entirety the lines beginning with line 5 on page 20 through line 8 on page 24, inclusive and substitute:

"**(B) (1) THE AMOUNTS RECEIVED BY A POLITICAL SUBDIVISION UNDER THIS SECTION MAY BE USED ONLY FOR THE PURPOSES PROVIDED IN § 5–1206 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(2) SUBJECT TO SUBSECTIONS (C) AND (F) OF THIS SECTION, FOR EACH FISCAL YEAR FOR A PERIOD OF 10 CONSECUTIVE FISCAL YEARS

BEGINNING IN FISCAL 2010, THE STATE SHALL PROVIDE TO EACH POLITICAL SUBDIVISION IN WHICH A BRAC REVITALIZATION AND INCENTIVE ZONE HAS BEEN ESTABLISHED AN AMOUNT EQUAL TO:

(I) THE STATE PROPERTY TAX INCREMENT ON THE QUALIFIED PROPERTIES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE; AND

(II) ONE–HALF OF THE POLITICAL SUBDIVISION'S PROPERTY TAX INCREMENT ON QUALIFIED PROPERTIES, DETERMINED USING THE BRAC REVITALIZATION AND INCENTIVE ZONE TAX RATE FOR THE POLITICAL SUBDIVISION.

(C) (1) THE TOTAL AMOUNT PAID TO ALL POLITICAL SUBDIVISIONS FOR ANY FISCAL YEAR UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

(I) THE AMOUNT APPROPRIATED FOR THE PURPOSE OF THIS SECTION FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY; OR

(II) $10,000,000.

(2) IF THE TOTAL AMOUNT TO BE PAID TO ALL SUBDIVISIONS AS DETERMINED UNDER SUBSECTION (B)(2) OF THIS SECTION WITHOUT REGARD TO THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION EXCEEDS THE LIMIT UNDER PARAGRAPH (1) OF THIS SUBSECTION, EACH POLITICAL SUBDIVISION SHALL RECEIVE AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE AMOUNT DETERMINED FOR THAT POLITICAL SUBDIVISION UNDER SUBSECTION (B)(2) OF THIS SECTION TIMES A FRACTION:

(I) THE NUMERATOR OF WHICH IS THE LIMIT UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) THE DENOMINATOR OF WHICH IS THE TOTAL AMOUNT TO BE PAID TO ALL SUBDIVISIONS AS DETERMINED UNDER SUBSECTION (B)(2)

OF THIS SECTION WITHOUT REGARD TO THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) AFTER A BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE APPROPRIATE GOVERNING BODY SHALL CERTIFY TO THE DEPARTMENT:

(I) ANY REAL PROPERTY IN THE BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS QUALIFIED PROPERTY FOR THE NEXT TAXABLE YEAR; AND

(II) THE DATE THAT THE REAL PROPERTY BECAME QUALIFIED PROPERTY.

(2) (I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL CALCULATE THE AMOUNT DETERMINED FOR EACH POLITICAL SUBDIVISION UNDER SUBSECTION (B)(2) OF THIS SECTION FOR THE NEXT FISCAL YEAR.

(II) THE COMPTROLLER SHALL PAY THE AMOUNTS DUE THE POLITICAL SUBDIVISIONS UNDER THIS SECTION QUARTERLY.

(E) ANY AMOUNT PROVIDED UNDER THIS SECTION DOES NOT LIMIT OR OTHERWISE AFFECT ANY AUTHORITY OF A POLITICAL SUBDIVISION UNDER ANY OTHER PROVISION OF LAW TO PLEDGE ANY OTHER ASSETS OR REVENUES TOWARDS THE REPAYMENT OF TAX INCREMENT FINANCING BONDS.

(F) (1) THIS SUBSECTION APPLIES ONLY TO A POLITICAL SUBDIVISION THAT IS AUTHORIZED UNDER § 7–211.3 OF THIS ARTICLE TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT WITH A PRIVATE DEVELOPER OF FEDERAL ENCLAVE PROPERTY.

(2) THE STATE MAY NOT PROVIDE FUNDS UNDER THIS SECTION TO A POLITICAL SUBDIVISION UNTIL, IN THE JUDGMENT OF THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, THE LOCAL JURISDICTION HAS

ENTERED INTO GOOD–FAITH NEGOTIATIONS FOR A PAYMENT IN LIEU OF TAX AGREEMENT WITH ALL PRIVATE DEVELOPERS OF FEDERAL ENCLAVE PROPERTY.

(G) THE DEPARTMENT AND THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT JOINTLY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION AND TO SPECIFY CRITERIA AND PROCEDURES FOR APPLICATION, APPROVAL, AND MONITORING THE ELIGIBILITY FOR THE AMOUNTS UNDER THIS SECTION.".

On page 24, strike in their entirety lines 11 through 34, inclusive.

AMENDMENT NO. 9

On page 25, strike in their entirety lines 1 through 13, inclusive; after line 17, insert:

"**(D) LAND OWNED BY THE FEDERAL GOVERNMENT THAT IS THE LOCATION FOR FEDERAL ENCLAVE PROPERTY AS DEFINED IN § 7–211.3 OF THIS SUBTITLE IS NOT SUBJECT TO PROPERTY TAX.**";

strike in their entirety lines 18 through 26, inclusive; and in lines 30 and 31, in each instance, after "**REAL PROPERTY**" insert "**IMPROVEMENTS**".

On page 26, in lines 1, 8, and 13, in each instance, strike "**IS**" and substitute "**ARE**"; after line 14, insert:

"**(IV) "FEDERAL ENCLAVE PROPERTY" DOES NOT INCLUDE ANY PROPERTY OWNED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS THAT IS LEASED TO A PERSON THROUGH AN ENHANCED USE LEASE.**

(3) "LOCAL JURISDICTION" MEANS A COUNTY AND, WHERE APPROPRIATE, A MUNICIPAL CORPORATION IN WHICH FEDERAL ENCLAVE PROPERTY IS LOCATED.";

in line 15, strike "**(3)**" and substitute "**(4)**"; in lines 19 and 20, strike "**, THE MARYLAND DEPARTMENT OF TRANSPORTATION**"; in line 20, after "**AND**" insert "**ON INITIATION BY**"; in line 21, after "**LOCATED**" insert "**, THE LOCAL**

JURISDICTION AND THE STATE"; in line 22, strike the first "**AGREEMENT**"; in the same line, strike the second "**A**"; in lines 22 and 23, strike "**THE FEDERAL GOVERNMENT OR**"; after line 24, insert:

"**(2) AN AGREEMENT AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT EFFECTIVE UNTIL IT IS APPROVED BY THE FEDERAL GOVERNMENT.**

(3) (I) A LOCAL JURISDICTION SHALL INITIATE ANY DISCUSSIONS TO NEGOTIATE A PAYMENT IN LIEU OF TAX AGREEMENT WITH A PRIVATE DEVELOPER OF FEDERAL ENCLAVE PROPERTY NO LATER THAN 30 DAYS AFTER RECEIVING WRITTEN NOTICE BY THE PRIVATE DEVELOPER OR THE FEDERAL GOVERNMENT THAT A DEVELOPMENT HAS BEEN PROPOSED FOR THE FEDERAL ENCLAVE PROPERTY.

(II) WHEN ANY DISCUSSIONS TO NEGOTIATE A PAYMENT IN LIEU OF TAX AGREEMENT HAVE COMMENCED, THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE WITHIN 30 DAYS.";

in lines 25 and 30, strike "**(2)**" and "**(3)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; in line 26, strike "**THE FEDERAL GOVERNMENT OR**"; in line 27, strike "**NEGOTIATED**"; in the same line, strike the first "**AGREEMENT**"; in the same line, strike "**A**"; in line 28, strike "**MARYLAND DEPARTMENT OF TRANSPORTATION**" and substitute "**STATE**"; in line 30, after "**SUBSECTION**" insert "**AND THE FEDERAL GOVERNMENT**"; and in line 31, after "**IMPACT**" insert "**AND BENEFITS**".

AMENDMENT NO. 10

On page 27, in line 11, strike the second "**AND**"; after line 11, insert:

"**(IX) THE AVAILABILITY AND USE OF PUBLIC SERVICES;**

(X) IN–KIND CONTRIBUTIONS RELATED TO THE DEVELOPMENT, INCLUDING THE SERVICES, FACILITIES, PERSONAL AND REAL PROPERTY, TRAFFIC MITIGATION, RIGHTS–OF–WAY, AND OTHER ASSETS AND BENEFITS OF THE FEDERAL GOVERNMENT OR THE PRIVATE DEVELOPER MADE AVAILABLE TO AND USED BY THE PUBLIC; AND";

in line 12, strike "**(IX)**" and substitute "**(XI)**"; in line 16, after "**TRANSPORTATION,**" insert "**ON BEHALF OF THE STATE,**"; in line 23, strike "**FEDERAL GOVERNMENT OR THE**"; in lines 14, 23, and 28, strike "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(6)**", "**(7)**", and "**(9)**", respectively; after line 27, insert:

"**(8) THE PAYMENT REQUIRED BY AN AGREEMENT UNDER THIS SUBSECTION MAY NOT EXCEED THE PROPERTY TAX THAT WOULD OTHERWISE BE DUE TO THE STATE AND LOCAL JURISDICTION IF THE PAYMENT IN LIEU OF TAX AGREEMENT WERE NOT IN EFFECT.**";

and in line 28, strike "**(5)**" and substitute "**(7)**".

AMENDMENT NO. 11

On page 28, in lines 7 and 10, strike "**(7)**" and "**(8)**", respectively, and substitute "**(10)**" and "**(11)**", respectively; in line 10, strike "**DEPARTMENT AND THE**"; in line 11, strike "**RULES AND**"; and in line 12, after "**SECTION**" insert "**, IN CONSULTATION WITH:**

(I) THE DEPARTMENT;

(II) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

(III) THE DEPARTMENT OF THE ENVIRONMENT;

(IV) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

(V) THE DEPARTMENT OF PLANNING".

AMENDMENT NO. 12

On page 28, strike in their entirety lines 31 through 33, inclusive; and after line 33, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Department of Business and Economic Development, in consultation with the Department of Assessments and Taxation, shall prepare a report that outlines:

(1) the enhanced use lease projects, or other private development projects, on federal enclave property in the State that are proposed or in development;

(2) the extent to which the enhanced use lease projects, or other private development projects, on federal enclave property may be subject to State and local property taxation;

(3) the status of any payment in lieu of tax agreement negotiations between local jurisdictions, the State, and private developers for projects on federal enclave property; and

(4) recommendations, if any, for incentives that would encourage payment in lieu of tax agreements between local jurisdictions, the State, and private developers for projects on federal enclave property.

(b) The Department shall submit the report required under subsection (a) of this section to the Governor and, subject to § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee and the House Committee on Ways and Means on or before December 15, 2008.".

AMENDMENT NO. 13

On pages 28 and 29, strike beginning with "§§ 7–211(a)" in line 34 on page 28 down through "Act," in line 1 on page 29 and substitute "Section 2 of this Act".

On page 29, after line 2, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2008.";

in line 3, strike "5." and substitute "6."; and in the same line, after "That" insert ", except as provided in Section 5 of this Act,".

The preceding 13 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0206/499037/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 206
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Simonaire" and substitute "Simonaire, and Klausmeier".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #31

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

Senate Bill 595 – Senators Astle, Della, and Klausmeier

AN ACT concerning

Health Insurance – Carrier Credentialing – Reimbursement of Providers of Health Care Services

SB0595/587774/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 595
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "providers" and substitute "a certain group practice at a certain rate during a certain time period"; in line 5, strike "to enrollees on or after a certain date" and substitute "by a certain provider"; in line 6, after "circumstances;" insert "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; authorizing a carrier to require a certain disclosure to be in writing and acknowledged by an enrollee; authorizing a carrier to require a certain disclosure as a condition of reimbursement at a certain rate under certain circumstances; defining certain terms;"; in line 10, strike "15–112(d)" and substitute "15–112(a)"; and after line 12, insert:

"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)".

AMENDMENT NO. 2
On page 1, after line 16, insert:

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

(2) "ACCREDITED HOSPITAL" HAS THE MEANING STATED IN § 19–301 OF THE HEALTH – GENERAL ARTICLE.

[(2)**] (3)** "Ambulatory surgical facility" has the meaning stated in § 19–3B–01 of the Health – General Article.

[(3)**] (4)** (i) "Carrier" means:

1. an insurer;

2. a nonprofit health service plan;

3. a health maintenance organization;

4. a dental plan organization; or

5. any other person that provides health benefit plans subject to regulation by the State.

(ii) "Carrier" includes an entity that arranges a provider panel for a carrier.

[(4)**] (5)** "Credentialing intermediary" means a person to whom a carrier has delegated credentialing or recredentialing authority and responsibility.

[(5)**] (6)** "Enrollee" means a person entitled to health care benefits from a carrier.

[(6)**] (7)** "Hospital" has the meaning stated in § 19–301 of the Health – General Article.

(8) "PARTICIPATING PROVIDER" MEANS A PROVIDER ON A CARRIER'S PROVIDER PANEL.

[(7)**] (9)** "Provider" means a health care practitioner or group of health care practitioners licensed, certified, or otherwise authorized by law to provide health care services.

[(8)**] (10)** (i) "Provider panel" means the providers that contract either directly or through a subcontracting entity with a carrier to provide health care services to the carrier's enrollees under the carrier's health benefit plan.

(ii) "Provider panel" does not include an arrangement in which any provider may participate solely by contracting with the carrier to provide health care services at a discounted fee–for–service rate.".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 5, inclusive, and substitute:

"(Q) (1) NOTWITHSTANDING SUBSECTION (O)(1) OF THIS SECTION, A CARRIER SHALL REIMBURSE A GROUP PRACTICE ON THE CARRIER'S PROVIDER PANEL AT THE PARTICIPATING PROVIDER RATE FOR COVERED SERVICES PROVIDED BY A PROVIDER WHO IS NOT A PARTICIPATING PROVIDER IF:

(I) THE PROVIDER IS EMPLOYED BY OR A MEMBER OF THE GROUP PRACTICE;

(II) THE PROVIDER HAS APPLIED FOR ACCEPTANCE ON THE CARRIER'S PROVIDER PANEL AND THE CARRIER HAS NOTIFIED THE PROVIDER OF THE CARRIER'S INTENT TO CONTINUE TO PROCESS THE PROVIDER'S APPLICATION TO OBTAIN NECESSARY CREDENTIALING INFORMATION;

(III) THE PROVIDER HAS A VALID LICENSE ISSUED BY A HEALTH OCCUPATIONS BOARD TO PRACTICE IN THE STATE; AND

(IV) THE PROVIDER:

1. IS CURRENTLY CREDENTIALED BY AN ACCREDITED HOSPITAL IN THE STATE; OR

2. HAS PROFESSIONAL LIABILITY INSURANCE.

(2) A CARRIER SHALL REIMBURSE A GROUP PRACTICE ON THE CARRIER'S PROVIDER PANEL IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION FROM THE DATE THE NOTICE REQUIRED UNDER SUBSECTION (D)(3)(I)1 OF THIS SECTION IS SENT TO THE PROVIDER UNTIL THE DATE THE NOTICE REQUIRED UNDER SUBSECTION (D)(3)(III)2 OF THIS SECTION IS SENT TO THE PROVIDER.

(3) A CARRIER THAT SENDS WRITTEN NOTICE OF REJECTION OF A PROVIDER FOR CREDENTIALING UNDER SUBSECTION (D)(3)(III)2 OF THIS SECTION SHALL REIMBURSE THE PROVIDER AS A NONPARTICIPATING PROVIDER FOR COVERED SERVICES PROVIDED ON OR AFTER THE DATE THE NOTICE IS SENT.

(4) A HEALTH MAINTENANCE ORGANIZATION MAY NOT DENY PAYMENT TO A PROVIDER UNDER THIS SUBSECTION SOLELY BECAUSE THE PROVIDER WAS NOT A PARTICIPATING PROVIDER AT THE TIME THE SERVICES WERE PROVIDED TO AN ENROLLEE.

(5) A PROVIDER WHO IS NOT A PARTICIPATING PROVIDER OF A CARRIER AND WHOSE GROUP PRACTICE IS ELIGIBLE FOR REIMBURSEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT HOLD AN ENROLLEE OF THE CARRIER LIABLE FOR THE COST OF ANY COVERED SERVICES PROVIDED TO THE ENROLLEE DURING THE TIME PERIOD DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, EXCEPT FOR ANY DEDUCTIBLE, COPAYMENT, OR COINSURANCE AMOUNT OWED BY THE ENROLLEE TO THE GROUP PRACTICE OR PROVIDER UNDER THE TERMS OF THE ENROLLEE'S CONTRACT OR CERTIFICATE.

(6) (I) A CARRIER MAY REQUIRE A GROUP PRACTICE TO DISCLOSE TO AN ENROLLEE AT THE TIME SERVICES ARE PROVIDED THAT:

1. THE TREATING PROVIDER IS NOT A PARTICIPATING PROVIDER;

2. THE TREATING PROVIDER HAS APPLIED TO BECOME A PARTICIPATING PROVIDER;

3. THE CARRIER HAS NOT COMPLETED ITS ASSESSMENT OF THE QUALIFICATIONS OF THE TREATING PROVIDER TO PROVIDE SERVICES AS A PARTICIPATING PROVIDER; AND

4. ANY COVERED SERVICES RECEIVED MUST BE REIMBURSED BY THE CARRIER AT THE PARTICIPATING PROVIDER RATE.

(II) A CARRIER MAY REQUIRE THE DISCLOSURE TO BE IN WRITING AND ACKNOWLEDGED BY THE ENROLLEE.

(III) A CARRIER MAY REQUIRE THE DISCLOSURE TO BE PROVIDED AS A CONDITION OF REIMBURSEMENT AT THE PARTICIPATING PROVIDER RATE UNDER THIS SUBSECTION IF:

1. THE CARRIER HAS A UNIFORM POLICY THAT THE DISCLOSURE IS A CONDITION OF REIMBURSEMENT AT THE PARTICIPATING PROVIDER RATE UNDER THIS SUBSECTION;

2. THE CARRIER DISCLOSES THE POLICY TO THE GROUP PRACTICE:

A. AT THE TIME OF CONTRACT EXECUTION;

B. 30 DAYS PRIOR TO IMPLEMENTATION OF THE POLICY;

C. 30 DAYS BEFORE A CHANGE IN THE POLICY; AND

D. AT THE REQUEST OF THE GROUP PRACTICE; AND

3. THE CARRIER PROVIDES A STATEMENT OF THE POLICY TO THE COMMISSIONER ON REQUEST.".

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 1013 – Senator Middleton

AN ACT concerning

Public Service Commission – Nuclear Decommissioning, Electric Industry Restructuring, and Acquisition and Financing Approvals

SB1013/147477/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1013
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 10 and 12, in each instance, strike "certain"; in line 11, strike the first "certain"; and in lines 15, 18, and 24, in each instance, strike the second "certain".

On page 2, in line 29, after "regulations;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 4, in line 19, strike the second "**OF**" and substitute "**OR**".

On page 11, after line 27, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to limit the Public Service Commission's regulatory authority with regard to the regulation of the Maryland electricity markets, customer choice, standard offer service, rates, rate design, or codes of conduct.";

and in lines 28 and 33, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1013/663027/2

BY: Senators Pipkin and Rosapepe

AMENDMENTS TO SENATE BILL 1013, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 29, after "exist;" insert "providing that certain electric generation facilities constructed after a certain date shall be owned by an electric company; providing that power generated by certain electric generation facilities shall be first offered for sale to certain electric companies; providing that the Commission has jurisdiction over the sale of power generated from certain electric generation facilities;".

AMENDMENT NO. 2

On page 11 of the bill, after line 23, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other law:

(1) any new electric generation facility constructed in the State after the effective date of this Act shall be owned by an electric company in the State and may not be owned by an electric supplier or an affiliate of an electric company in the State;

(2) power generated from an electric generation facility in the State constructed after the effective date of this Act shall be first offered for sale to an electric company in the State; and

(3) the Public Service Commission has jurisdiction over the sale of power generated from an electric generation facility in the State constructed after the effective date of this Act.";

and in line 24, strike "2." and substitute "3.".

In the Finance Committee Amendments (SB1013/147477/1), in line 3 of Amendment No. 2, strike "3." and substitute "4."; in line 7 of Amendment No. 2, strike "4." and substitute "5.", and in the same line, strike "5." and substitute "6.".

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for p.m. session.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 942)

ADJOURNMENT

At 1:54 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 5:00 P.M. on Legislative Day March 31, 2008, Calendar Day, Thursday, April 3, 2008.

Annapolis, Maryland
Legislative Day: March 31, 2008
Calendar Day: Thursday, April 3, 2008
5:00 P.M. Session

The Senate met at 5:13 P.M.

Prayer by Senator Glassman.

The Journal of March 30, 2008 was read and approved.

QUORUM CALL

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

(See Roll Call No. 943)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 368 – The Speaker (By Request – Administration) and Delegates McHale, Hecht, Mathias, Ali, Aumann, Barve, Bobo, Bronrott, Cardin, Carr, G. Clagett, Conway, Doory, Dumais, Eckardt, Elmore, Gilchrist, Haynes, Healey, Hixson, Howard, Hucker, James, Jones, Kaiser, Krebs, Lee, Love, Manno, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Riley, Rosenberg, Shewell, Sophocleus, Stein, Tarrant, ~~and F. Turner~~ F. Turner, Burns, Feldman, Haddaway, Harrison, Kirk, and Krysiak

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

FOR the purpose of repealing the Maryland Renewable Energy Fund and establishing the Maryland Strategic Energy Investment Program in the Maryland Energy Administration; establishing the purpose of the Program; establishing the duties of the Administration under the Program; establishing the Maryland Strategic Energy Investment Fund; providing that the Fund is a special, nonlapsing fund not subject to a certain law; requiring the Treasurer to hold the Fund and the Comptroller to account for the Fund; providing for the funding of the Fund; requiring the Administration to use the Fund for certain purposes,

according to certain allocations; limiting the use of funds from certain compliance fees to certain purposes; requiring the Fund to be invested in a certain manner; requiring the investment earnings from the Fund and the repayment of principal and interest on loans made from the Fund to be paid to the Fund; requiring expenditures from the Fund to be made by certain appropriations or budget amendments; requiring that an expenditure from the Fund by budget amendment may be made only under certain circumstances; establishing the Strategic Energy Investment Advisory Board; providing for the membership and charge of the Board; requiring the Administration to disclose certain information regarding certain contracts in a certain manner; requiring the Administration to develop certain plans for expenditures from the Fund; requiring the Administration to hold certain public meetings; requiring the Administration to submit certain reports to the General Assembly; authorizing the Administration to enter into certain contracts with certain parties for certain purposes; prohibiting a person from knowingly making or causing to be made certain false statements; establishing that a certain violation is a misdemeanor; establishing certain penalties; requiring that certain proceeds from the sale of certain allowances be deposited in the Fund; providing for the transfer of certain moneys from the Maryland Renewable Energy Fund to the Maryland Strategic Energy Investment Fund; defining certain terms; providing for the initial terms of members of the Strategic Energy Investment Advisory Board; and generally relating to the Maryland Strategic Energy Investment Program.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(a)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(c) and 7–705(b)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing
Article – Public Utility Companies
Section 7–707
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–20B–01 through ~~9–20B–07~~ 9–20B–10 to be under the new subtitle "Subtitle 20B. Maryland Strategic Energy Investment Program"
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 2–107(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107(b) and 2–1002(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 374 – The Speaker (By Request – Administration) and Delegates Feldman, Ali, Barve, Bobo, Bronrott, Cardin, Carr, G. Clagett, Conway, Doory, Dumais, Elmore, Haynes, Healey, Hecht, Hixson, Howard, Hucker, Jones, Kaiser, Lee, Manno, Mathias, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Rice, Riley, Rosenberg, Shewell, Stein, Tarrant, ~~and Vaughn~~ Vaughn, Harrison, Kirk, Krysiak, and McHale

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

FOR the purpose of establishing the State goal of achieving certain percentage reductions in per capita electricity consumption and peak demand by the end of a certain year; requiring the Public Service Commission to make certain calculations each year and to report those calculations to the General Assembly each year as part of its annual report; requiring certain municipal electric utilities and ~~small~~ certain rural electric cooperatives to include certain programs or services to encourage and promote the efficient use and conservation of energy as part of their service to their customers; requiring that, by certain dates, the ~~Public Service~~ Commission shall adopt regulations or issue orders requiring each electric company to procure or provide to certain customers certain energy efficiency and conservation ~~measures~~ programs and services that are designed to achieve certain energy reduction targets by certain dates; requiring electric companies to submit to the Commission a certain plan by certain dates; requiring electric companies to consult with the Maryland Energy Administration regarding certain plans; requiring the Administration to provide certain findings to the Commission; requiring the Commission to review certain plans by a certain time; authorizing the Commission and the Administration to request certain information; ~~requiring the Commission, by regulation or order, to require certain electric companies to implement certain rate adjustment mechanisms for certain customers~~ requiring the Commission to

monitor and analyze the impact of certain programs and services; requiring the Commission to direct electric companies to include certain information in a certain annual update and certain demand response programs for certain customers; requiring the Commission to submit certain reports to the Governor and the General Assembly by certain dates; requiring the Commission to evaluate certain technology and authorizing the Commission to require its implementation; requiring the Administration, on or before a certain date, to review the anticipated achievement of certain goals for a certain purpose and, after providing opportunity for public comment, to study the feasibility of setting certain targets for natural gas companies and, after providing opportunity for public comment, report its findings to certain committees; defining certain terms; and generally relating to energy efficiency and demand management ~~measures~~ programs and services.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–211 ~~and 7–510(c)(4)(ii)2.C.~~
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Public Utility Companies~~
~~Section 7–213 and 7–214~~
~~Annotated Code of Maryland~~
~~(1998 Volume and 2007 Supplement)~~

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

House Bill 375 – The Speaker (By Request – Administration) and Delegates Stein, Ali, Barve, Bobo, Bronrott, Cardin, Carr, Doory, Dumais, Haynes, Hecht, Hixson, Howard, Hucker, Lee, Manno, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Rosenberg, ~~and F. Turner~~ F. Turner, Burns, Feldman, Harrison, Kirk, Krysiak, and McHale

AN ACT concerning

Renewable Portfolio Standard Percentage Requirements – Acceleration

FOR the purpose of altering the renewable energy portfolio standard by increasing the percentages of electricity sales that must be met in certain years through the accumulation of renewable energy credits from certain sources, subject to a certain limitation; redefining a certain renewable energy credit; increasing the maximum allowable alternative compliance payment, subject to a certain limitation; providing for the effective dates of this Act; providing for the termination of a certain provision of this Act; and generally relating to the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(a) and 7–703(a)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(i), 7–703(b), and 7–705(b)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–705(f)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 748 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commercial Law – Consumer Debt Collection

FOR the purpose of altering the definition of "collector" to exclude certain property managers from certain provisions of law relating to debt collection; prohibiting certain actions by debt collectors collecting or attempting to collect an alleged debt arising out of a consumer transaction; authorizing a debt collector to make a certain assumption for a certain purpose; requiring debt collectors to apply certain payments in a certain manner; defining a certain term; and generally relating to consumer debt collection.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Commercial Law
Section 14–201 and ~~14–203~~ 14–202
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,
Article – Commercial Law
Section ~~14–202~~ 14–203
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 944 – Delegates Lafferty, Glenn, Haynes, Jameson, Levy, McHale, Mizeur, Murphy, Niemann, Schuh, Schuler, and Stein

AN ACT concerning

Credit Regulation – ~~Subprime~~ Advisory Loans – Requirements for Housing ~~Counseling~~ Advice

FOR the purpose of prohibiting a lender or credit grantor from ~~completing~~ closing ~~a loan application for a subprime~~ an advisory loan until the lender or credit grantor receives proof that the primary borrower has completed certain home buyer education or ~~housing counseling~~ obtained certain housing advice ~~under certain circumstances~~; requiring a lender, credit grantor, or mortgage broker to provide a borrower of ~~a subprime~~ an advisory loan at a certain time with a ~~list of agencies and organizations that provide home buyer education or housing counseling under certain circumstances;~~ certain notice; requiring the Department of Housing and Community Development to provide to a lender, credit grantor, or mortgage broker on request a list of government agencies and nonprofit organizations that provide certain home buyer education or housing advice; requiring the Department to adopt certain regulations; authorizing the Department to adopt certain regulations; requiring the Department to maintain and publish at least a certain number of times in a certain period of time a certain list; providing that a violation of certain provisions of this Act is within the scope of certain investigative and enforcement powers of the Commissioner of Financial Regulation and the Division of Consumer Protection of the Office of the Attorney General; defining certain terms; providing for the application of this Act; and generally relating to requirements for home buyer education or housing ~~counseling~~ advice in ~~subprime~~ connection with advisory loans.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–124.1, 12–311, 12–409.1, and 12–1029
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1052 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Real Property – Home Builders – Community Amenities
PG 405–08

FOR the purpose of requiring a home builder that agrees to provide a community amenity to a community development located in Prince George's County to include certain information in the contract of sale; requiring a certain home builder to make a certain community amenity available by a certain date; providing for a certain penalty; defining a certain term; providing for the application of this Act; and generally relating to home builders and community amenities in Prince George's County.

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 Rules.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 191	Chair, EHE Com.	State Ethics Commission – Electronic Filing Under Oath or Affirmation – Electronic Signature
SB 218 (Emergency Bill)	The President	Protection of Homeowners in Foreclosure – Prohib on Foreclosure Rescue Transactions – Enforc
SB 276	Sen. Stone	Maryland Quiet Vehicles and Pedestrian Safety Task Force
SB 310	Sen. Brinkley	Annual Financial and Audit Reports – Filing Date
SB 718	Sen. Klausmeier	Lead Risk Reduction – Acquisition of Property – Compliance Requirements
SB 798	Sen. Dyson	St. Mary's County – Mobile Home Parks – Plans for Dislocated Residents
SB 860	Sen. Glassman	Forest and Park Wardens – Responsibilities

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

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 12	Sen. McFadden	Income Tax – Subtraction Modification – United States Coast Guard Auxiliary – Requirements
SB 88	Sen. Edwards	Allegany County – Workers' Compensation – Students in Unpaid Work–Based Learning Experiences
SB 96	Sen. Pugh	Ed – Truancy Rates – Positive Behavioral Intrvntns and Sup Programs and Behavior Modif Programs
SB 141	Chair, EHE Com.	Maryland Graduate and Professional Scholarship Program – Qualifications
SB 180	Chair, EHE Com.	State Lottery – Purchasing, Selling, or Cashing Lottery Tickets or Prizes
SB 183	Chair, EHE Com.	Prince George's County Board of Education – Repeal of Requirement for a Comprehensive Review
SB 184	Chair, EHE Com.	Family Law – Child Care Centers – Emergency Suspensions
SB 193	Chair, EHE Com.	Family Law – Social Services Administration – Definition
SB 197	Ch., Finance Com.	Harness Racing – Maryland Standardbred Race Fund
SB 297	Sen. King	Tax Credit for Employer Established Work–Based Learning Programs for Students
SB 326	Sen. Miller	Calvert County – Sheriff – Pensions
SB 384	Sen. McFadden	State Retirement and Pension Systems – Investments
SB 422	Sen. McFadden	Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits
SB 444	Sen. King	Corporate Income Tax – Reporting and Study

SB 455	Harford Co. Senators	Personal Property Tax – Refunds and Reports – Interest
SB 481	Sen. DeGrange	Disabled Law Enforcement Officers and Rescue Workers – Property Tax Credit
SB 488	Sen. McFadden	State Police Retirement System – Survivor Benefits
SB 539	Sen. Pipkin	Cecil County – Public Facilities Bonds
SB 571	Sen. Astle	Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties
SB 650	Sen. DeGrange	Employment Agencies – Bonding – Enforcement Authority
SB 741	Sen. Miller	Calvert County – Public Facilities Bonds
SB 754	Sen. Edwards	Garrett County – Public Facilities Bonds
SB 780	Carroll Co. Senators	Carroll County – Public Facilities Bonds
SB 854 (Emergency Bill)	Sen. Jones	Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption

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

SPECIAL ORDERS

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

Senate Bill 97 – Senators Pugh, Conway, Della, Exum, Gladden, Jones, Kelley, Lenett, Madaleno, McFadden, Raskin, and Stone

EMERGENCY BILL

AN ACT concerning

Lead–Containing Products – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (11) AND THE FAVORABLE REPORT.

SB0097/697574/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 97
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in line 2, after "Lead–Containing" insert "Children's"; strike beginning with "or" in line 4 down through "products" in line 5 and substitute "in a certain manner"; in line 6, after "devices" insert ", certain distribution operations or activities, or certain vehicles, products, parts, or equipment"; strike beginning with "authorizing" in line 6 down through "product;" in line 16; in line 16, after "Department" insert "of the Environment"; in the same line, strike "issue and"; in line 17, after "circumstances;" insert "requiring a manufacturer of a children's product to conduct a certain testing of the product and issue a certain certificate under certain circumstances; requiring a person to ensure that the certificate is transmitted to certain distributors and retailers in a certain manner; requiring certain manufacturers and retailers to maintain certain documents and to provide certain documents to the Department or any person on request; prohibiting a distributor or retailer from selling or offering for sale a children's product under certain circumstances;"; in line 21, after "penalties;" insert "authorizing the Comptroller to assess a certain fine against a certain person; requiring the Comptroller to distribute certain fines to a certain fund; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;"; in line 22, strike "Health and Mental Hygiene" and substitute "the Environment"; in line 23, strike "making this Act an emergency measure;" and substitute "requiring the Department to give certain notice to the Department of Legislative Services if a federal law establishing certain consumer product safety standards is enacted; providing for the termination of this Act under certain circumstances; providing for a delayed effective date;"; in line 24, after "lead–containing" insert "children's"; after line 24, insert:

"BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

in line 26, strike "Health – General" and substitute "Environment"; in line 27, strike "22–601" and substitute "6–1301"; in the same line, strike "22–609" and substitute "6–1311"; in the same line, strike "6." and substitute "13."; and in line 28, after "Lead–Containing" insert "Children's".

On page 2, in line 1, strike "2005" and substitute "2007".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(i) This title;

(ii) An order of the Attorney General or agreement of a party relating to unit pricing under Title 14, Subtitle 1 of this article;

(iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt Collection Act;

(iv) Title 14, Subtitle 3 of this article, the Maryland Door–to–Door Sales Act;

(v) Title 14, Subtitle 9 of this article, Kosher Products;

(vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

(vii) Section 14–1302 of this article;

(viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales Act;

(ix) Section 22–415 of the Transportation Article;

(x) Title 14, Subtitle 20 of this article;

(xi) Title 14, Subtitle 15 of this article, the Automotive Warranty Enforcement Act;

(xii) Title 14, Subtitle 21 of this article;

(xiii) Section 18–107 of the Transportation Article;

(xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone Solicitations Act;

(xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts Act;

(xvi) Title 10, Subtitle 6 of the Real Property Article;

(xvii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

(xviii) Title 14, Subtitle 26 of this article, the Maryland Door–to–Door Solicitations Act;

(xix) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;

(xx) Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;

(xxi) Title 14, Subtitle 33 of this article, the Social Security Number Privacy Act;

(xxii) Section 14–1319 or § 14–1320 of this article; **[**or**]**

(xxiii) Section 7–304 of the Criminal Law Article; or

(XXIV) TITLE 6, SUBTITLE 13 OF THE ENVIRONMENT ARTICLE; OR".

AMENDMENT NO. 3

On page 2, in line 4, strike "Health – General" and substitute "Environment"; in line 5, strike "**6.**" and substitute "**13.**"; in the same line, after "**LEAD–CONTAINING**" insert "**CHILDREN'S**"; in line 6, strike "**22–601.**" and substitute "**6–1301.**"; in line 9, strike "**7**" and substitute "**6**"; in line 11, after "**(C)**" insert "**(1)**"; in line 12, strike "**(1)**" and substitute "**(I)**"; in line 13, strike "**(2)**" and substitute "**(II)**"; after line 13, insert:

"**(2) "CHILDREN'S PRODUCT" DOES NOT INCLUDE FOOD AS DEFINED IN § 21–101 OF THE HEALTH – GENERAL ARTICLE.**";

strike in their entirety lines 14 through 24, inclusive; in line 25, strike "**(G)**" and substitute "**(D)**"; and in the same line, after "**ANY**" insert "**ACCESSIBLE**".

AMENDMENT NO. 4

On page 2, in line 27, strike the colon.

On page 3, in line 1, strike "**(1) GREATER**" and substitute "**GREATER**"; in the same line, strike "**0.02%**" and substitute "**0.06%**"; in line 2, strike "**COATING; OR**" and substitute "**COATING.**"; strike line 3 in its entirety and substitute:

"**(E) "MANUFACTURER" MEANS A PERSON THAT:**

(1) PRODUCES A PRODUCT OR A COMPONENT OF A PRODUCT;

(2) FOR A MULTICOMPONENT PRODUCT, PRODUCES OR ASSEMBLES THE FINAL PRODUCT; OR

(3) IS THE BRAND NAME OWNER OF A PRODUCT.";

in line 4, strike "**(H)**" and substitute "**(F)**"; in line 9, strike "**HOMEOPATHIC REMEDIES**" and substitute "**LUNCH BOXES AND EATING UTENSILS**"; in line 11, strike "**WRAPPERS**" and substitute "**ANY OTHER ITEM SPECIFIED BY THE DEPARTMENT IN REGULATION**"; strike in their entirety lines 12 through 21, inclusive; and in line 22, strike "**22–602.**" and substitute "**6–1302.**".

AMENDMENT NO. 5

On page 4, in line 5, strike "**AND**"; strike beginning with "**FACTORY**" in line 6 down through "**TERMINAL**" in line 7 and substitute "**DISTRIBUTION OPERATION OR ACTIVITY PERFORMED IN A FACTORY, WAREHOUSE, OR ESTABLISHMENT, OR, IN THE COURSE OF SURFACE TRANSPORTATION, AT A PORT FACILITY AS DEFINED IN § 6–101 OF THE TRANSPORTATION ARTICLE; AND**

(3) A VEHICLE AS DEFINED IN § 11–176 OF THE TRANSPORTATION ARTICLE, A PRODUCT OR PART FOR USE IN A VEHICLE, OR TRANSPORTATION EQUIPMENT";

in line 8, strike "**22–603.**" and substitute "**6–1303.**"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"**(A) A PERSON MAY NOT MANUFACTURE A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.**

(B) (1) A MANUFACTURER MAY NOT SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.

(2) A PERSON OTHER THAN A MANUFACTURER MAY NOT KNOWINGLY SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.".

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 11 on page 5, inclusive, and substitute:

"**6–1304.**

(A) A MANUFACTURER OF A CHILDREN'S PRODUCT SHALL:

(1) TEST WHETHER THE CHILDREN'S PRODUCT IS A LEAD–CONTAINING PRODUCT BY USING A QUALIFIED TESTING ENTITY THAT:

(I) 1. IS NOT OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER; AND

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; OR

(II) 1. IS OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER;

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED BY THE DEPARTMENT; AND

3. HAS PROCEDURES APPROVED IN ACCORDANCE WITH AN APPROVAL PROCESS UNDER FEDERAL LAW OR ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT TO ENSURE THAT THE TESTING ENTITY IS PROTECTED FROM UNDUE INFLUENCE; AND

(2) IF THE CHILDREN'S PRODUCT TESTED UNDER ITEM (1) OF THIS SUBSECTION IS NOT A LEAD–CONTAINING PRODUCT, ISSUE A CERTIFICATE THAT CERTIFIES THAT THE CHILDREN'S PRODUCT IS NOT A LEAD–CONTAINING PRODUCT.

(B) A PERSON SHALL ENSURE THAT THE CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IS TRANSMITTED WITH THE CHILDREN'S PRODUCT TO ANY DISTRIBUTOR OR RETAILER WHO RECEIVES THE CHILDREN'S PRODUCT.

(C) A MANUFACTURER SHALL:

(1) MAINTAIN A COPY OF ANY DOCUMENTS RELATED TO LEAD TESTING AND ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(D) A RETAILER SHALL:

(1) MAINTAIN A COPY OF ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(E) A DISTRIBUTOR OR RETAILER MAY NOT SELL OR OFFER FOR SALE IN THE STATE, BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT FOR WHICH THERE IS NO CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(F) A CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) BASED ON A TEST OF EACH CHILDREN'S PRODUCT OR ON A TESTING PROTOCOL THAT IS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; AND

(2) ON A FORM CREATED OR APPROVED BY THE DEPARTMENT.".

AMENDMENT NO. 7

On page 5, in line 12, strike "**22–605.**" and substitute "**6–1305.**"; in line 14, strike "**22–603**" and substitute "**6–1303**"; strike beginning with the colon in line 14 down through "**GIVE**" in line 17 and substitute "**GIVE**"; in line 18, strike "**22–603**" and substitute "**6–1303**"; strike beginning with "**OR**" in line 19 down through "**HAZARD**" in line 20; in line 22, strike "**(A)(2)**" and substitute "**(A)**"; in line 24, after "**ALL**" insert "**CHILDREN'S**"; strike beginning with "**AS**" in line 25 down through "**SUBTITLE**" in line 26; strike beginning with "**OR**" in line 29 down through "**PRODUCT**" in line 30; and in line 31, strike "**PERSON**" and substitute "**DISTRIBUTOR OR RETAILER**".

AMENDMENT NO. 8

On page 6, in line 1, strike "**OR THE LEAD–ADULTERATED CONSUMABLE PRODUCT**"; in line 3, strike "**22–606.**" and substitute "**6–1306.**"; in line 5, after "**A**" insert "**CHILDREN'S**"; in line 6, strike "**22–603**" and substitute "**6–1303**"; in line 9, strike "**22–607.**" and substitute "**6–1307.**"; and in line 17, strike "**$1,000**" and substitute "**$10,000**".

AMENDMENT NO. 9

On page 6, after line 18, insert:

"**6–1308.**

(A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE COMPTROLLER MAY ASSESS AGAINST A PERSON WHO VIOLATES § 6–1304(E) OF THIS SUBTITLE A FINE NOT EXCEEDING $1,000 FOR EACH VIOLATION, UP TO A MAXIMUM OF $50,000.

(B) A FINE ASSESSED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE ASSESSED UNTIL THE PERSON WHO COMMITTED THE VIOLATION HAS BEEN ISSUED THREE WARNINGS REGARDING THE VIOLATION.

(C) EACH DAY ON WHICH A VIOLATION OCCURS OR CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(D) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL DISTRIBUTE ALL FINES ASSESSED UNDER THIS SECTION TO THE LEAD POISONING PREVENTION FUND IN A MANNER DETERMINED BY THE DEPARTMENT AND THE COMPTROLLER.

6–1309.

IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.".

AMENDMENT NO. 10

On page 6, in line 19, strike "**22–608.**" and substitute "**6–1310.**"; in line 20, strike "**(A)**"; strike beginning with "**THAT**" in line 20 down through "**ADMINISTRATION**" in line 25 and substitute "**TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE**"; and in line 26, strike "**22–609.**" and substitute "**6–1311.**".

AMENDMENT NO. 11

On page 6, after line 30, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, if a federal law establishing consumer product safety standards for lead content in children's products is enacted:

(1) within 10 days after its enactment, the Department of the Environment shall notify the Department of Legislative Services about the enactment of the federal law; and

(2) 5 days after the date the Department of Legislative Services receives notice under item (1) of this section, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.";

and in line 31, strike "2." and substitute "3.".

On pages 6 and 7, strike beginning with "is" in line 31 on page 6 down through "enacted" in line 3 on page 7 and substitute "shall take effect June 1, 2009".

The preceding 11 amendments were read only.

Senator Zirkin 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 1013 – Senator Middleton

AN ACT concerning

Public Service Commission – Nuclear Decommissioning, Electric Industry Restructuring, and Acquisition and Financing Approvals

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

FLOOR AMENDMENT

SB1013/663027/2

BY: Senators Pipkin and Rosapepe

AMENDMENTS TO SENATE BILL 1013, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 29, after "exist;" insert "providing that certain electric generation facilities constructed after a certain date shall be owned by an electric company; providing that power generated by certain electric generation facilities shall be first offered for sale to certain electric companies; providing that the Commission has jurisdiction over the sale of power generated from certain electric generation facilities;".

AMENDMENT NO. 2

On page 11 of the bill, after line 23, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other law:

(1) any new electric generation facility constructed in the State after the effective date of this Act shall be owned by an electric company in the State and may not be owned by an electric supplier or an affiliate of an electric company in the State;

(2) power generated from an electric generation facility in the State constructed after the effective date of this Act shall be first offered for sale to an electric company in the State; and

(3) the Public Service Commission has jurisdiction over the sale of power generated from an electric generation facility in the State constructed after the effective date of this Act.";

and in line 24, strike "2." and substitute "3.".

In the Finance Committee Amendments (SB1013/147477/1), in line 3 of Amendment No. 2, strike "3." and substitute "4."; in line 7 of Amendment No. 2, strike "4." and substitute "5.", and in the same line, strike "5." and substitute "6.".

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

Affirmative – 27 Negative – 18 (See Roll Call No. 944)

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. 945)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #67

Senate Bill 206 – The President (By Request – Administration) and Senators Dyson, DeGrange, Astle, Conway, Currie, Della, Forehand, Lenett, Madaleno, Peters, Rosapepe, ~~and Simonaire~~ Simonaire, and Klausmeier

AN ACT concerning

BRAC Community Enhancement Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 946)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #68

Senate Bill 46 – ~~Senator Forehand~~ Senators Forehand and Jones

AN ACT concerning

~~**Sales and Use Tax – Computer Services**~~
Budget Financing Act

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

Affirmative – 30 Negative – 17 (See Roll Call No. 947)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #69

Senate Bill 425 – Senator Peters

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

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

Affirmative – 46 Negative – 0 (See Roll Call No. 948)

The Bill was then sent to the House of Delegates.

Senate Bill 595 – Senators Astle, Della, and Klausmeier

AN ACT concerning

Health Insurance – Carrier Credentialing – Reimbursement of Providers of Health Care Services

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 677 – Senators Garagiola, Astle, King, Klausmeier, McFadden, Peters, Pugh, and Robey

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance

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

Affirmative – 46 Negative – 0 (See Roll Call No. 950)

The Bill was then sent to the House of Delegates.

Senate Bill 725 – Senators Klausmeier, Della, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Contracts with Pharmacies and Pharmacists

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

Affirmative – 46 Negative – 0 (See Roll Call No. 951)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

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

Affirmative – 47 Negative – 0 (See Roll Call No. 952)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #19

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

Senator Harris moved, duly seconded, to make the Bill a Special Order for April 4, 2008.

The motion was adopted.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 953)

The Bill was then sent to the House of Delegates.

House Bill 277 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Insurance Commissioner – ~~Authority to Act~~ Adoption of Regulations Applicable in an Emergency – Required

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

Affirmative – 47 Negative – 0 (See Roll Call No. 954)

The Bill was then sent to the House of Delegates.

House Bill 278 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Powers of the Secretary

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

Affirmative – 47 Negative – 0 (See Roll Call No. 955)

The Bill was then sent to the House of Delegates.

House Bill 408 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Qualified Distressed Counties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 956)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Financial Institutions – Cooperative Agreements and Information Sharing with Government Agencies

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

Affirmative – 47 Negative – 0 (See Roll Call No. 957)

The Bill was then sent to the House of Delegates.

House Bill 883 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Eligibility for Parole – Medical Parole

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

Affirmative – 44 Negative – 3 (See Roll Call No. 958)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #20

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

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

Affirmative – 42 Negative – 5 (See Roll Call No. 959)

The Bill was then sent to the House of Delegates.

House Bill 576 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Children, Youth, and Families – Local Coordinating Councils – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 960)

The Bill was then sent to the House of Delegates.

House Bill 648 – Delegates Riley, Costa, Dwyer, James, Kipke, Kullen, Mizeur, and Norman

AN ACT concerning

Business Regulation – Boat Sales

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

Affirmative – 47 Negative – 0 (See Roll Call No. 961)

The Bill was then sent to the House of Delegates.

House Bill 700 – Delegates Schuler~~, Barnes,~~ and Manno and Delegates Barnes, McHale, and Krysiak

AN ACT concerning

Workers' Compensation – Permanent Partial Disability – Compensation

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

Affirmative – 45 Negative – 2 (See Roll Call No. 962)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 1 (See Roll Call No. 963)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 964)

The Bill was then sent to the House of Delegates.

House Bill 1351 – Delegates Love, Beidle, Bobo, V. Clagett, Costa, Gilchrist, Kipke, and Stein

AN ACT concerning

Continuing Care Retirement Communities – Subscriber ~~Complaints and Investigations~~ Grievances

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

Affirmative – 47 Negative – 0 (See Roll Call No. 965)

The Bill was then sent to the House of Delegates.

House Bill 1443 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

EMERGENCY BILL

AN ACT concerning

Department of Human Resources – Reorganization

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

Affirmative – 47 Negative – 0 (See Roll Call No. 966)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #21
CONSENT CALENDAR #11

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 844	Del. Myers	Vehicle Laws – Registration Plates – Motorcycles	JPR
HB 847	Del. Schuler	Vehicle Laws – Falsifying Documents and Registration Plates – Arrest	JPR
HB 882	Ch., Judiciary Com.	Juvenile Services – Release of Confidential Information	JPR
HB 1171	Del. Eckardt	Crimes – Altering Results of Drug or Alcohol Screening Test – Synthetic Urine	JPR
HB 1265	Del. Frush	Criminal Law – Unauthorized Removal of Property – Elements of Crime	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 11 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 967)

The Bills were then sent to the House of Delegates.

CONCURRENCE CALENDAR #18

AMENDED IN THE HOUSE

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

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

SB0211/762510/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 211
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "order" insert "and infer certain results"; on page 2, strike beginning with "by" in line 2 down through "or" in line 3; strike beginning with "Director" in line 4 down through "Services" in line 5 and substitute "Secretary of State Police under certain circumstances"; strike beginning with "the" in line 31 down through "City" in line 32 and substitute "local law enforcement units"; strike beginning with "providing" in line 38 down through "Act" in line 39 and substitute "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"; strike beginning with "certain" in line 39 down through "of" in line 40; and on page 3, strike in their entirety lines 11 through 28, inclusive.

AMENDMENT NO. 2

On page 7, strike in their entirety lines 20 through 32 and substitute:

"**(II) IF 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, THE COURT SHALL:**

1. ORDER A POSTCONVICTION HEARING TO BE CONDUCTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH; AND

2. AT THE POSTCONVICTION HEARING INFER THAT THE RESULTS OF THE POSTCONVICTION DNA TESTING WOULD HAVE BEEN FAVORABLE TO THE PETITIONER."; on page 8, in line 6, strike "**NO**" and substitute "**A**"; on page 11, in line 28, strike "**A DNA SAMPLE**" and substitute "**DNA EVIDENCE**"; on page 12, strike beginning with "**FACILITY**" in line 1 down through "**(2)**" in line 6 and substitute "**TIME THE INDIVIDUAL IS CHARGED,**"; strike beginning with the comma in line 6 down through "**ARRESTED**" in line 7; in line 8, strike "**(3)**" and substitute "**(2)**"; in line 11, strike "**(4)**" and substitute "**(3)**"; in line 13, strike "**(5)**" and substitute "**(4)**".

AMENDMENT NO. 3

On page 16, in line 11, strike "**DECEMBER 31, 2009**" and substitute "**APRIL 1, 2010**"; in the same line, after "**AND**" insert "**ON OR BEFORE APRIL 1**"; in line 16, strike "**SEPTEMBER 1, 2009**" and substitute "**JANUARY 31, 2010**"; in the same line, after "**AND**" insert "**ON OR BEFORE JANUARY 31**"; in line 18, after the first "**DEPARTMENT**" insert "**FOR THE PRECEDING CALENDAR YEAR**"; in line 21, strike "**DECEMBER 31**" and substitute "**APRIL 1**"; in line 22, after "**INCLUDE**" insert "**, FOR THE PRECEDING CALENDAR YEAR**"; strike beginning with the colon in line 30 down through "**(I)**" in line 31; on pages 16 and 17, strike beginning with "**AND**" in line 33 on page 16 down through "**KNOWN;**" in line 2 on page 17; on page 17, in line 3, strike "**BIOLOGICAL**" and substitute "**DNA**"; in line 4, after "**INDIVIDUALS**" insert "**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**".

AMENDMENT NO. 4

On page 17, in line 24, strike "**(1)**"; in the same line, strike "**DECEMBER 31, 2009**" and substitute "**APRIL 1, 2010**"; in the same line, after "**AND**" insert "**ON OR BEFORE APRIL 1 OF EVERY EVEN–NUMBERED YEAR**"; in the same line, strike "**ANNUALLY**"; strike beginning with the first "**THE**" in line 25 down through "**CITY**" in line 27 and substitute "**EACH LOCAL LAW ENFORCEMENT UNIT**"; in line 28, strike "**THEIR**" and substitute "**ITS**"; on pages 17 and 18, strike beginning with "**JURISDICTIONS.**" in line 29 on page 17 down through "**THE**" in line 1 on page 18 and substitute "**JURISDICTION FOR THE PRECEDING CALENDAR YEAR, AND THE**"; in line 3, after "**STATEWIDE**" insert "**FOR THE PRECEDING CALENDAR YEAR**"; in line 4,

strike "**(I)**" and substitute "**(1)**"; strike beginning with "**SAMPLES**" in line 4 down through "**ARE**" in line 5 and substitute "**EVIDENCE IS**"; in line 6, strike "**(II)**" and substitute "**(2)**"; in the same line, after "**DNA**" insert "**EVIDENCE**"; in line 9, strike "**(III)**" and substitute "**(3)**"; in line 10, strike "**SAMPLE**" and substitute "**EVIDENCE**"; in line 11, strike "**(IV)**" and substitute "**(4)**"; in the same line, after "**DNA**" insert "**EVIDENCE**"; in line 13, strike "**(V)**" and substitute "**(5)**"; in the same line, after "**DNA**" insert "**EVIDENCE**"; in line 16, strike "**(VI)**" and substitute "**(6)**"; in the same line, after "**DNA**" insert "**EVIDENCE**"; strike beginning with "**POLICE**" in line 20 down through "**OFFICES**" in line 21 and substitute "**LOCAL LAW ENFORCEMENT UNITS AND THE DEPARTMENT**".

AMENDMENT NO. 5

On pages 18 through 31, strike in their entirety the lines beginning with line 24 on page 18 through line 12 on page 31, inclusive; on page 31, in line 15, strike "3" and substitute "2"; after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 15, 2009, the Office of the Public Defender and the Governor's Office of Crime Control and Prevention jointly shall submit a report to the House Judiciary Committee and Senate Judicial Proceedings Committee on barriers to postconviction review of claims of factual innocence, and in particular, those based on DNA evidence.".

On page 31, in line 20, strike ", Section 1 of"; in line 23, strike "Section 1 of"; and strike in their entirety lines 24 through 29, inclusive.

The preceding 5 amendments were read and not concurred in.

SB0211/663821/1

BY: Delegate Vallario

AMENDMENTS TO SENATE BILL 211
(Third Reading File Bill)

AMENDMENT NO. 1

On page 12, in line 24, strike "**A CRIMINAL CHARGE IS**" and substitute "**ALL QUALIFYING CRIMINAL CHARGES ARE**".

AMENDMENT NO. 2

On page 14, in line 25, strike "**REVERSED OR VACATED**" and substitute "**FINALLY REVERSED OR VACATED AND NO NEW TRIAL IS PERMITTED**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0211**
SPONSOR: The Pres (Admin), et al
SUBJECT: Pub Sfty – Statewide DNA Data Base Sys – Crimes of Vlnc & Brgly – Samples – Postconviction

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

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

Senator Frosh, Chairman
Senator Gladden
Senator Haines.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #19

AMENDED IN THE HOUSE

Senate Bill 577 – ~~Senator Forehand~~ Senators Forehand, Brochin, Frosh, Gladden, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Individuals with Disabilities – Service Animals

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

SB0577/396087/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 577
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Disabilities" insert "and Parents of Minors with Disabilities"; in line 5, after "disabilities" insert "and the parents of a minor child with a disability"; in line 7, strike "certain minor children with disabilities" and substitute "a minor child with a disability"; and in line 11, after "disabilities" insert ", the parents of a minor child with a disability,".

AMENDMENT NO. 2

On page 3, in lines 9 and 13, in each instance, after "**DISABILITIES**" insert "**AND THE PARENTS OF A MINOR CHILD WITH A DISABILITY**"; and in lines 20, 27, and 32, in each instance, after "**DISABILITY**" insert "**OR A PARENT OF A MINOR CHILD WITH A DISABILITY**".

AMENDMENT NO. 3

On page 4, in line 26, after "**DISABILITY**" insert "**OR ANY OTHER INDIVIDUAL AUTHORIZED UNDER THIS SUBTITLE TO USE A SERVICE ANIMAL**"; and in line 30, after "**DISABILITY**" insert "**OR A PARENT OF A MINOR CHILD WITH A DISABILITY**".

AMENDMENT NO. 4

On page 5, in line 2, after "**DISABILITY**" insert "**OR A PARENT OF A MINOR CHILD WITH A DISABILITY**"; and in line 14, strike "**THE**" and substitute "**A**".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 968)

CONCURRENCE CALENDAR #20

AMENDED IN THE HOUSE

Senate Bill 556 – Senator Gladden

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

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

SB0556/683295/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 556
(Third Reading File Bill)

On page 3, in line 21, strike "**OTHERWISE**".

On page 4, in line 15, after "**CORPORATION**" insert "**WHO OTHERWISE WOULD BE BOUND BY THE TERMS OF THE TRANSACTION UNDER SUBSECTION (C)(1) OF THIS SECTION**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 969)

CONCURRENCE CALENDAR #22

AMENDED IN THE HOUSE

Senate Bill 101 – Senator Gladden

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

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

SB0101/190811/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 101
(Third Reading File Bill)

On page 2, in line 12, strike the colon and substitute "**ONCE EVERY 5 YEARS, OR MORE FREQUENTLY IF ALLOWED BY THE GOVERNING DOCUMENT, BY THE AFFIRMATIVE VOTE OF LOT OWNERS HAVING AT LEAST TWO–THIRDS OF THE VOTES IN THE DEVELOPMENT, OR BY A LOWER PERCENTAGE IF REQUIRED IN THE GOVERNING DOCUMENT.**"; and strike in their entirety lines 13 through 17, inclusive.

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 970)

AMENDED IN THE HOUSE

Senate Bill 117 – Senators Stone, Brochin, Haines, Harris, Kasemeyer, Kelley, ~~and Klausmeier~~ Klausmeier, and Zirkin

AN ACT concerning

Baltimore County – State's Attorney – Salary

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

SB0117/490818/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 117
(Third Reading File Bill)

On page 1, in line 5, after "percentage" insert "until a certain date".

On page 2, in line 16, after "**THEREAFTER**" insert "**UNTIL JANUARY 1, 2023**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 971)

AMENDED IN THE HOUSE

Senate Bill 460 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

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

SB0460/220818/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 460
(Third Reading File Bill)

On page 2, in lines 15 and 21, in each instance, strike "**11–136.1(1)**" and substitute "**11–136.1**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 972)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #40

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

Senate Bill 675 – Senators Brinkley and Kittleman

EMERGENCY BILL

AN ACT concerning

Carroll County – County Commissioners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1253/834134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

AMENDMENT NO. 1

On page 18, strike in their entirety lines 1 and 2 and substitute:

"**3. FOR A STATE OR LOCAL GOVERNMENT DEVELOPMENT ACTIVITY:**

A. PUBLIC NOTICE, INCLUDING NOTICE TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA WHERE THE PROPOSED DEVELOPMENT ACTIVITY WOULD OCCUR; AND

B. AN OPPORTUNITY FOR PUBLIC COMMENT IN THE LOCAL JURISDICTION IN WHICH THE PROPOSED DEVELOPMENT ACTIVITY WOULD BE LOCATED.".

AMENDMENT NO. 2

On page 22, in line 17, strike "**60**" and substitute "**90**".

AMENDMENT NO. 3

On page 29, in line 3, strike "**AND**"; and after line 7, insert:

"**D. TO HAVE A DEMONSTRABLE ECONOMIC BENEFIT TO THE AREA; AND**".

AMENDMENT NO. 4

On page 34, in lines 27 and 28, strike "**DECEMBER 31, 2009**" and substitute "**JULY 1, 2010**".

AMENDMENT NO. 5

On page 35, in line 17, strike "**IMPROVEMENTS**" and substitute "**OTHER THAN IN AREAS DESIGNATED BY THE DEPARTMENT OF THE ENVIRONMENT MAPPING AS APPROPRIATE FOR STRUCTURAL SHORELINE STABILIZATION MEASURES, IMPROVEMENTS**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1253/533222/1

BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 13, in line 6, after "**SHELL,**" insert "**IMPERMEABLE**"; in line 11, after "**OR**" insert "**IMPERMEABLE**"; in line 17, strike the second "**OR**"; and in line 18, after "**PATHWAY**" insert "**; OR**

4. A DECK WITH GAPS TO ALLOW WATER TO PASS FREELY".

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

Affirmative – 28 Negative – 19 (See Roll Call No. 973)

FLOOR AMENDMENT

HB1253/503425/1

BY: Senator Stoltzfus

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 37, in line 12, strike "**REASONABLE**" and substitute "**PROBABLE**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB1253/363522/1

BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 1253
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "for" insert "the knowing and willful"; in lines 9 and 11, in each instance, after "for" insert "the knowing and willful"; and in line 16, after "the" insert "knowing and willful".

AMENDMENT NO. 2

On page 6, in line 13, after "**ARTICLE,**" insert "**KNOWINGLY AND WILLFULLY**"; and in line 21, after "**WHO**" insert "**KNOWINGLY AND WILLFULLY**".

On page 8, in line 29, after "**ARTICLE,**" insert "**KNOWINGLY AND WILLFULLY**".

On page 9, in line 11, after "**AREA,**" insert "**KNOWINGLY AND WILLFULLY**"; and in line 24, after "**ARTICLE,**" insert "**KNOWINGLY AND WILLFULLY**".

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

Affirmative – 15 Negative – 29 (See Roll Call No. 974)

FLOOR AMENDMENT

HB1253/163429/1

BY: Senator Stoltzfus

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 37, in line 15, after "**1.**" insert "**A.**"; in lines 15 and 16, strike "**MAKE A REASONABLE EFFORT TO**"; in line 16, strike "**OBTAINING**" and substitute "**SEEKING TO OBTAIN**"; after line 19, insert:

"**B. EXCEPT AS PROVIDED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A LOCAL AUTHORITY MAY NOT ENTER A PROPERTY WITHOUT THE PERMISSION OF THE PROPERTY OWNER.**";

and in line 20, strike beginning with "**, THE**" in line 20 down through "**ACTION**" in line 22 and substitute "**BY A PROPERTY OWNER, A COURT INJUNCTION IS NECESSARY IN ORDER FOR A LOCAL AUTHORITY TO ENTER THE PROPERTY**".

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

Affirmative – 15 Negative – 29 (See Roll Call No. 975)

FLOOR AMENDMENT

HB1253/533625/1

BY: Senator Stoltzfus

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 34, in line 32, and on page 35, in lines 5, 6, and 7, in each instance, strike "**300**" and substitute "**150**".

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

Affirmative – 19 Negative – 27 (See Roll Call No. 976)

FLOOR AMENDMENT

HB1253/943621/1

BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 1253

(Third Reading File Bill)

On page 33, in lines 16, 23, and 25, in each instance, strike "**JULY 1**" and substitute "**DECEMBER 31**".

The preceding amendment was withdrawn.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #41

CONSENT CALENDAR #55

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 639	FAV	Washington County Delegation	Washington County – Board of Education – Vacancies
HB 787	FAV	Carroll County Delegation	Noise Control – Carroll County Public Schools – Enforcement Prohibition
HB 840	FAV	Del Myers, et al	Washington County – Deer Hunting on Private Property – Sundays
HB 938	FAV	Montgomery County Delegation	Montgomery County – Deer Hunting on Private Lands – Effective Date MC 804–08
HB 963	FAV	Carroll County Delegation	Carroll County – Board of Education – Compensation
HB 1011	FAV	Prince George's County Delegation	Prince George's County School Facilities Surcharge – Exemption PG 414–08
HB 1021	FAV	Prince George's County Delegation	Prince George's County – Alcoholic Beverages – Theme Park License PG 319–08
HB 1083	FAV	Washington County Delegation	Washington County – Maintenance of Sidewalks
HB 1085	FAV	Washington County Delegation	Washington County – Regulation of Special Events

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #32

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

Senate Bill 304 – Senator Middleton

AN ACT concerning

Consumer Products Safety – Lead and Mercury Reduction Act

SB0304/237074/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 304
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Statewide Advisory Commission on Immunizations – Influenza Vaccines – Study"; strike beginning with "prohibiting" in line 3 down through "mercury" in line 10 and substitute "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"; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 1, in line 17, after "That" insert a colon.

On pages 1 and 2, strike beginning with "the" in line 17 on page 1 through "**MERCURY.**" in line 7 on page 2 and substitute:

"(a) The Statewide Advisory Commission on Immunizations shall:

(1) Study the current availability and anticipated future availability of single–dose influenza vaccines for use in the State; and

(2) Identify the current and anticipated future cost differential between single–dose and multi–dose influenza vaccines; and

(b) On or before December 1, 2008, the Commission shall report its findings, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.".

AMENDMENT NO. 3

On page 2, in line 9, strike "January 1, 2009" and substitute "June 1, 2008".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 807 – Delegates 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

HB0807/717976/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 807
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike "Two members" and substitute "One member"; and strike beginning with "including" in line 18 down through "Committee," in line 20.

On page 2, in line 1, strike "Two members" and substitute "One member"; and strike beginning with "including" in line 1 down through "Committee," in line 3.

AMENDMENT NO. 2

On page 3, strike beginning with "President" in line 5 down through "to" in line 6 and substitute "Senate member and the House of Delegates member 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 Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 1015 – Prince George's County Delegation

AN ACT concerning

Workers' Compensation – Prince George's County Correctional Officers
PG 328–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1176/247672/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1176
(Third Reading File Bill)

On page 3, in line 10, strike "**BODY MASS INDEX**" and substitute "**OBESITY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1187/837973/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1187
(Third Reading File Bill)

On page 10, in line 16, after "**(B)**" insert "**OF**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1395/417877/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1395
(Third Reading File Bill)

On page 3, in line 5, strike "and"; after line 5, insert:

"(7) federally qualified health centers; and";

and in line 6, strike "(7)" and substitute "(8)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 977)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #33

CONSENT CALENDAR #12

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 113	FAV	Del Elmore	Somerset County – Regulation of Dogs and Cats – Violations of Ordinances and Regulations
HB 132	FAV	Del Elmore	Somerset County – Sale of Charlie Swift Road
HB 163	FAV	Howard County Delegation	Howard Co – Appointed Alc Bev Hearing Bd – Qualifs for Mbrshp Ho. Co. 15–08
HB 167	FAV	Howard County Delegation	Howard County – Installation of Multiuse Sewerage Systems Ho. Co. 11–08
HB 170	FAV	Dels Mathias and Conway	Worcester County – Alcoholic Beverages – Service of Notice of Charges
HB 171	FAV	Dels Mathias and Conway	Worcester County – Alcoholic Beverages Licenses – Fines for Late

			Renewals
HB 173	FAV	Del Elmore	Somerset County – Alcoholic Beverages – Death of Licensee
HB 180	FAV	Allegany County Delegation	Allegany County Planning Commission – Membership
HB 198	FAV	Del Elmore	Somerset County – Alcoholic Beverages – Licenses, Fees, and Fines
HB 305	FAV	Howard County Delegation	Howard County – Enabling Legislation – Sewerage System Performance Bond Ho. Co. 12–08
HB 325	FAV	Del Elmore	Somerset County – County Roads Board – Authority to Sell County Roads
HB 634	FAV	Washington County Delegation	Washington County – Board of License Commissioners – Annual Audit
HB 637	FAV	Washington County Delegation	Washington County – County Clerk
HB 770	FAV	Washington County Delegation	Washington County – Purchasing Goods and Services – Public Bidding
HB 827	FAV	Montgomery County Delegation	Montgomery Co – Department of Lqr Ctrl – Sale of Items at Dispensaries and Retail Outlets MC 817–08
HB 828	FAV	Montgomery County Delegation	Montgomery County – Alcoholic Beverages – Additional Class B Licenses MC 818–08
HB 878	FAV	Washington County Delegation	Washington County – Regulation of Electricians and the Provision of Electrical Services
HB 899	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Special Class C License for Arts Center
HB 941	FAV	PG Co Deleg and Mont Co Deleg	M–NCPPC – Minority Business Enterprise Utilization Program PG/MC 110–08
HB 945	FAV	Montgomery County Delegation	Montgomery County – Oakmont Special Taxing Area – Competitive Bidding MC 820–08
HB 1016	FAV	Prince George's County Delegation	Prince George's Co – Bd of License Commissioners – Comp of Board's Attorney PG 330–08
HB 1225	FAV	Montgomery	Montgomery Co – Alc Bevs –

County Delegation	Licenses Held by Rev Auth for Public Golf Courses MC 807–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 902 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Sunday Sales

Senator Haines moved, duly seconded, to make the Bill a Special Order for April 7, 2008.

The motion was adopted.

House Bill 1031 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors PG 313–08

Senator Harrington moved, duly seconded, to make the Bill a Special Order for April 4, 2008.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #34

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

House Bill 74 – Delegates Healey, Gaines, and Ross

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Physicians and Pharmacists – Therapy Management Contracts – Extension of Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 271 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medical Review Committees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Maryland Home Improvement Commission – Home Improvement Guaranty Fund – Claims

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 494 – ~~Delegate Hubbard~~ Delegates Hubbard, V. Turner, Donoghue, Montgomery, and Pena–Melnyk

AN ACT concerning

Licensed Counselors and Therapists – Appraisal Activities – Training Requirements

HB0494/874239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 494
(Third Reading File Bill)

On page 2, in line 32, strike "**9**" and substitute "**NINE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 535 – Delegates Hubbard, Kullen, Montgomery, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Morbidity, Mortality, and Quality Review Committee – Pregnancy and Childhood

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #35

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

House Bill 213 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Personal Records – Collection of Personal Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 407 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety – Authorized Inspection Agencies

HB0407/514134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 407
(Third Reading File Bill)

On page 5, strike beginning with "**, BASED**" in line 10 down through "**STANDARDS,**" in line 11; in line 12, after "**TO**" insert "**AN INSPECTOR EMPLOYED BY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 415 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Occupational and Professional Licensing Design Boards – Fee–Setting Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 497 – Delegates Kach, Impallaria, Jennings, and McDonough

AN ACT concerning

Oil Discharge – Groundwater Contamination – Reimbursement for Costs

HB0497/914238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 497
(Third Reading File Bill)

On page 1, in line 5, after "circumstances;" insert "altering a certain notice requirement;".

On page 2, in line 5, strike "paragraph (2)" and substitute "**PARAGRAPHS (2) AND (3)**"; in line 6, strike "one–half" and substitute "**ONE–QUARTER**"; after line 7, insert:

"**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT SHALL NOTIFY EACH OWNER OF PROPERTY WITHIN ONE–HALF MILE OF THE SITE FROM WHICH A SAMPLE WAS TAKEN THAT CONTAINS METHYL TERTIARY BUTYL ETHER.**";

and in lines 8 and 10, strike "(2)" and "(3)", respectively, and substitute "**(3)**" and "**(4)**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 629 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

State Ethics Law – Architectural and Engineering Services – Procurement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 703 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Special Brewery Promotional Event Permit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 940 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements
PG/MC 102–08

HB0940/724530/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 940
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "documents;" insert "requiring the County Executive of Prince George's County or a designee of the County Executive to provide to the Prince George's County Council, before appointment to the WSSC, the complete transcript of the interview of a certain applicant;".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"**(6) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY OR A DESIGNEE OF THE COUNTY EXECUTIVE SHALL PROVIDE TO THE PRINCE GEORGE'S COUNTY COUNCIL, BEFORE APPOINTMENT, THE COMPLETE TRANSCRIPT OF THE INTERVIEW OF AN APPLICANT WHO IS SELECTED FOR APPOINTMENT TO THE WSSC.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1078/224735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1078
(Third Reading File Bill)

On page 2, in lines 1 and 3, in each instance, strike "three" and substitute "two"; after line 12, insert:

"(7) one representative from the Maryland–National Capital Park and Planning Commission;";

and in lines 13 and 15, strike "(7)" and "(8)", respectively, and substitute "(8)" and "(9)", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #18

CONSENT CALENDAR #51

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 664	FAV	Del Barve, et al	Corporate Income Tax – Reporting and Study
HB 1018	FAV	Prince George's County Delegation	Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs PG 421–08
HB 1211 (Emergency Bill)	FAV	Del Oaks, et al	Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption
HB 1566	FAV	Del Beitzel	Garrett County – Local Tax – Date of Payment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #19

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

House Bill 36 – Delegate Bohanan

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 483 – Harford County Delegation

AN ACT concerning

Harford County – Special Taxing Districts – Creation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 680 – Delegates Ross, Barnes, Healey, Kaiser, and Walker

AN ACT concerning

Arts and Entertainment Districts – Tax Benefits – Jewelry and Clothing Designers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 706 – Chair, Appropriations Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Department of Juvenile Services – Youth Welfare Funds

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:

House Bill 720 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

HB0720/919039/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 720
(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, strike beginning with "**IS**" in line 27 down through "**MARYLAND**" in line 29 and substitute "**IS ELIGIBLE FOR MEMBERSHIP IN THE JUDGES' RETIREMENT SYSTEM AS PROVIDED IN § 27–201(A) OF THIS TITLE**".

On page 11, strike beginning with "**IS**" in line 1 down through "**MARYLAND**" in line 3 and substitute "**IS ELIGIBLE FOR MEMBERSHIP IN THE JUDGES' RETIREMENT SYSTEM AS PROVIDED IN § 27–201(A) OF THIS TITLE**".

AMENDMENT NO. 2

On page 12, strike beginning with "is" in line 23 down through "(ii)" in line 26; and in line 28, strike "(iii)" and substitute "(ii)".

On page 13, strike beginning with "is" in line 7 down through "Maryland" in line 9 and substitute "is eligible for membership in the Judges' Retirement System as provided in § 27–201(a) of the State Personnel and Pensions Article".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 722 – Chair, Ways and Means Committee (By Request – Departmental – Aging)

AN ACT concerning

Property – Tax Sale – Notification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 723 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Biotechnology Investment Incentive Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation and Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 809 – ~~Delegate James~~ Delegates James, McDonough, and Riley

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 929 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County Energy Tax – WSSC
PG/MC 115–08

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:

House Bill 986 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of Berwyn Heights Employees – Participation in the Employees' Pension System

HB0986/699038/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 986
(Third Reading File Bill)

On page 1, in line 8, strike "certain elections by" and substitute "a certain election on"; strike beginning with "to" in line 9 down through "documents" in line 10 and substitute ", in order to elect to be a member of the Employees' Pension System, to file a written application".

On page 4, strike in their entirety lines 29 through 31, inclusive.

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 1115 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1151 – Delegates Mathias and Conway

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:

House Bill 1233 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1441 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Tax Increment Financing and Special Tax Districts – MEDCO

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1537 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Real Property Assessments – Assessment Notice – Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Dyson 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.

Senator Dyson moved to suspend the rules to allow **Senate Bill 1014** to be referred immediately.

The motion was adopted.

Senate Bill 1014 – The President (By Request – Administration) and Senator Dyson

EMERGENCY BILL

AN ACT concerning

Election Law – Special Congressional Election

FOR the purpose of altering the dates by which the Governor must issue a proclamation following a vacancy in the office of Representative in Congress; specifying circumstances in which a special primary election is not required; specifying procedures for filing certificates of candidacy, certificates of nomination, and petitions for a special general election when a special primary election is not held; establishing procedures for the certification, posting, and challenge of certain ballots; authorizing the State Administrator of Elections to alter certain time limits under certain circumstances; providing for a certain exception; providing for the resolution of certain conflicts of law; making this Act an emergency measure; and generally relating to special elections to fill a vacancy in the office of Representative in Congress.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 5–303, 5–703, 8–202, 8–710, and 8–711
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #19

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

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

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

The motion was adopted.

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

House Bill 1572 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

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:

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

HB1602/559436/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1602
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "findings" insert "and recommendations".

AMENDMENT NO. 2

On page 2, after line 16, insert:

"(8) the Comptroller, or the Comptroller's designee;";

in lines 17 and 19, strike "(8)" and "(9)", respectively, and substitute "(9)" and "(10)", respectively; in line 19, strike "five" and substitute "eight"; and in the same line, after "Governor" insert ", with at least:

(i) two members from the business community;

(ii) two members with expertise on immigration–related issues; and

(iii) two members with expertise on education issues".

On page 3, in line 27, after "delivery," insert "public safety,".

On page 4, in line 11, after "findings" insert "and recommendations".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

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

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for April 4, 2008.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 978)

ADJOURNMENT

At 8:14 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 1, 2008, Calendar Day Friday, April 4, 2008.

Annapolis, Maryland
Legislative Day: April 1, 2008
Calendar Day: Friday, April 4, 2008
10:00 A.M. Session

The Senate met at 10:11 A.M.

QUORUM CALL

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

(See Roll Call No. 982)

Prayer by Senator Glassman.

The Journal of March 31, 2008 was read and approved.

CONCURRENCE CALENDAR #23

AMENDED IN THE HOUSE

Senate Bill 3 – Senators Simonaire, Harris, Edwards, ~~and Greenip~~ Greenip, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Haines, Glassman, Harrington, Jacobs, Jones, Kasemeyer, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Fallen Soldier Privacy Act of 2008

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

SB0003/543499/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 3

(Third Reading File Bill)

On page 2 in line 20, and on page 4 in line 2, in each instance, strike "**SECTION**" and substitute "**SUBTITLE**".

On page 2, in line 28, strike "**SECTION**" and substitute "**SUBTITLE**".

The preceding amendment was read and concurred in.

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

Affirmative – 31 Negative – 0 (See Roll Call No. 983)

AMENDED IN THE HOUSE

Senate Bill 210 – The President (By Request – Administration) and Senators Astle, Brochin, Currie, Della, Edwards, Frosh, Garagiola, Gladden, Kasemeyer, King, Klausmeier, Lenett, Madaleno, Peters, Rosapepe, ~~and Stone~~ Stone, Middleton, Exum, and Glassman

AN ACT concerning

Maryland Veterans Behavioral Health

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

SB0210/306881/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 210
(Third Reading File Bill)

On page 8, in line 2, after "**ENTITIES**" insert "**, INCLUDING HOSPITALS,**"; in line 12, strike the second "**AND**"; and in line 15, after "**FAMILIES**" insert "**; AND**

(9) MAKE RECOMMENDATIONS ON METHODS TO PROVIDE BEHAVIORAL HEALTH SERVICES TO INDIVIDUALS WHO ARE NOT ELIGIBLE FOR BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

DUE TO A DISHONORABLE DISCHARGE OR RELEASE FOR A REASON RELATING TO SUBSTANCE ABUSE OR MENTAL ILLNESS".

The preceding amendment was read and concurred in.

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

Affirmative – 31 Negative – 0 (See Roll Call No. 984)

AMENDED IN THE HOUSE

Senate Bill 735 – Senators Miller, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Dyson, Edwards, Forehand, Frosh, Garagiola, Gladden, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, and Glassman

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

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

SB0735/543594/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 735
(Third Reading File Bill)

On page 1, in line 12, strike "to the Program"; and in line 19, strike the second "__" and substitute "1050".

On page 6, strike in their entirety lines 5 through 8, inclusive; in lines 9 and 13, strike "3." and "4.", respectively, and substitute "2." and "3.", respectively; in line 9, strike "funding provided by" and substitute "it is the intent of the General Assembly that funding provided to implement"; strike beginning with "already" in line 10 down through "purpose" in line 11 and substitute a comma; in line 11, after "funding" insert a comma; and in line 12, after "support" insert "other".

The preceding amendment was read and concurred in.

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

Affirmative – 33 Negative – 0 (See Roll Call No. 985)

CONCURRENCE CALENDAR #21

AMENDED IN THE HOUSE

Senate Bill 799 – Senators Exum, Garagiola, and Gladden

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

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

SB0799/864565/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 799
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "circumstances;" insert "requiring the Department of Human Resources to submit a certain report;"; and after line 6, insert:

"BY adding to
Article – Human Services
Section 5–312(g)
Annotated Code of Maryland
(2007 Volume)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"5–312.

(G) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, INDICATING THE NUMBER OF TEMPORARY CASH ASSISTANCE RECIPIENTS WHO RECEIVED AN INCREMENT IN CASH BENEFITS UNDER THE FIP IN THE MOST RECENTLY COMPLETED FISCAL YEAR AS THE RESULT OF THE BIRTH OF A CHILD 10 OR MORE MONTHS AFTER THE RECIPIENT'S INITIAL APPLICATION FOR TEMPORARY CASH ASSISTANCE BENEFITS.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0799**
SPONSOR: Sen Exum, et al
SUBJECT: Family Investment Program Recipients – Child–Specific Benefit – Repeal

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 Exum, Chairman
Senator Klausmeier
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality

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.

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

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

HB0410/658874/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 410
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike "acting or".

AMENDMENT NO. 2

On page 3, in line 18, strike "**ACT OR**"; in line 29, strike "**1 YEAR**" and substitute "**5 YEARS**"; and in the same line, strike "**$1,000**" and substitute "**$5,000**".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 986)

The Bill was then sent to the House of Delegates.

House Bill 1031 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors PG 313–08

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

Favorable report adopted.

FLOOR AMENDMENT

HB1031/913521/1

BY: Senator Harrington

AMENDMENTS TO HOUSE BILL 1031

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Beverages" insert "– Licenses"; in line 4, after the first "of" insert "specifying the number of licenses that a certain newly merged entity may directly or indirectly hold under certain circumstances;"; in line 6, after "changes;" insert "providing for the termination of certain provisions of this Act; providing for the effective dates of this Act;"; after line 7, insert:

"BY adding to
Article 2B – Alcoholic Beverages
Section 8–217(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

and in line 15, after "Section" insert "9–102(a) and".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"8–217.

(E) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) IF EACH OF TWO ENTITIES DIRECTLY OR INDIRECTLY HOLD ONE OR MORE LICENSES FOR USE ON THE PREMISES OF A RESTAURANT, AND THE ENTITIES MERGE OWNERSHIP BY STOCK ACQUISITION OR OTHER MANNER, THE TOTAL NUMBER OF LICENSES THE NEWLY MERGED ENTITY MAY DIRECTLY OR INDIRECTLY HOLD IS THE GREATER OF:

(I) THE SUM OF THE LICENSES HELD BY BOTH ENTITIES BEFORE THE MERGED OWNERSHIP; OR

(II) THE NUMBER OF LICENSES THE NEWLY MERGED ENTITY IS AUTHORIZED UNDER THIS ARTICLE.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701, and nothing herein shall be construed to apply to § 6–201(r)(15), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), **§ 8–217(E),** § 8–508, or § 12–202 of this article.

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

AMENDMENT NO. 3

On page 2, strike in their entirety lines 16 and 17 and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect June 1, 2008. 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, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2008.".

The preceding 3 amendments were read only.

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

The motion was adopted.

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

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

Favorable report adopted.

FLOOR AMENDMENT

HB1562/723827/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1562
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 9, after "time;" insert "making this Act subject to a certain contingency;".

AMENDMENT NO. 2

On page 10, in line 12, strike "June 1, 2008." and substitute "October 1, 2008, contingent on the resolution of the State Ethics Commission investigation in Matter No. C–22–08.".

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

Affirmative – 9 Negative – 31 (See Roll Call No. 987)

FLOOR AMENDMENT

HB1562/613420/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1562
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "district;" insert "prohibiting a certain person from deriving any financial benefit from the creation of the special taxing district;".

AMENDMENT NO. 2

On page 6, after line 19, insert:

"**(VII) A PERSON THAT HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN A VIDEO LOTTERY FACILITY MAY NOT DERIVE ANY FINANCIAL BENEFIT FROM THE ESTABLISHMENT OF A SPECIAL TAXING DISTRICT.**".

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

Affirmative – 15 Negative – 24 (See Roll Call No. 988)

FLOOR AMENDMENT

HB1562/153526/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1562
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "district;" insert "prohibiting the use of the proceeds from the sale of bonds issued pursuant to establishment of a special taxing district from being used for development in an area zoned as a critical area;".

AMENDMENT NO. 2

On page 6, after line 19, insert:

"**(VII) THE PROCEEDS FROM THE SALE OF BONDS ISSUED PURSUANT TO ESTABLISHMENT OF A SPECIAL TAXING DISTRICT MAY NOT BE USED FOR DEVELOPMENT IN AN AREA ZONED AS A CRITICAL AREA.**".

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

Affirmative – 16 Negative – 25 (See Roll Call No. 989)

FLOOR AMENDMENT

HB1562/413524/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1562

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "district;" insert "providing that a public official may not have a financial interest in the establishment of a special taxing district;".

AMENDMENT NO. 2

On page 6, after line 19, insert:

"**(VII) A PUBLIC OFFICIAL MAY NOT HAVE A FINANCIAL INTEREST IN THE ESTABLISHMENT OF A SPECIAL TAXING DISTRICT.**".

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

Affirmative – 10 Negative – 32 (See Roll Call No. 990)

FLOOR AMENDMENT

HB1562/653626/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1562
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "district;" insert "requiring that any economic development officer hired by Cecil County to administer a special taxing district be a county employee;".

AMENDMENT NO. 2

On page 6, after line 19, insert:

"**(VII) IF THE COUNTY HIRES AN ECONOMIC DEVELOPMENT OFFICER TO ADMINISTER A SPECIAL TAXING DISTRICT, THE ECONOMIC DEVELOPMENT OFFICER SHALL BE A COUNTY EMPLOYEE.**".

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

Affirmative – 18 Negative – 25 (See Roll Call No. 991)

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) #70

Senate Bill 304 – Senator Middleton

AN ACT concerning

~~Consumer Products Safety – Lead and Mercury Reduction Act~~
Statewide Advisory Commission on Immunizations – Influenza Vaccines – Study

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

Affirmative – 47 Negative – 0 (See Roll Call No. 992)

The Bill was then sent to the House of Delegates.

Senate Bill 675 – Senators Brinkley and Kittleman

EMERGENCY BILL

AN ACT concerning

Carroll County – County Commissioners

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

Affirmative – 45 Negative – 0 (See Roll Call No. 993)

The Bill was then sent to the House of Delegates.

Senate Bill 1013 – Senator Middleton

AN ACT concerning

Public Service Commission – Nuclear Decommissioning, Electric Industry Restructuring, and Acquisition and Financing Approvals

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

Affirmative – 43 Negative – 0 (See Roll Call No. 994)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #22
CONSENT CALENDAR #12

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 586	Del. Kullen	Statewide Advisory Commission on Immunizations – Influenza Vaccines – Study	FIN & EHE
HB 790	Del. Montgomery	Department of Health and Mental Hygiene – Child Abuse Medical Providers Initiative	FIN
HB 1015	Prince George's Del.	Workers' Compensation – Prince George's County Correctional Officers PG 328–08	FIN
HB 1210	Del. Krebs	Higher Education – Credit Cards – Student Applicants	FIN
HB 1395 (AMENDED)	Del. Tarrant	DHMH and Maryland Health Quality and Cost Council – Chronic Care and Prevention Partnership Act	FIN
HB 1581	Del. Harrison	Priv Psgr Mtr Veh Ins, Hmonr's Ins, & Pers Ins – Polcs Renews – Transfs of Policyholdrs Betw Insr	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 12 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 995)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #23
CONSENT CALENDAR #13

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 639	Washington County Del.	Washington County – Board of Education – Vacancies	EHE
HB 787	Carroll County Del.	Noise Control – Carroll County Public Schools – Enforcement Prohibition	EHE
HB 963	Carroll County Del.	Carroll County – Board of Education – Compensation	EHE
HB 1011	Prince George's Del.	Prince George's County School Facilities Surcharge – Exemption PG 414–08	EHE
HB 1021	Prince George's Del.	Prince George's County – Alcoholic Beverages – Theme Park License PG 319–08	EHE
HB 1083	Washington County Del.	Washington County – Maintenance of Sidewalks	EHE
HB 1085	Washington County Del.	Washington County – Regulation of Special Events	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 13 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 996)

The Bills were then sent to the House of Delegates.

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

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

Affirmative – 40 Negative – 7 (See Roll Call No. 997)

The Bill was then sent to the House of Delegates.

House Bill 938 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Deer Hunting on Private Lands – Effective Date
MC 804–08

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

Affirmative – 42 Negative – 5 (See Roll Call No. 998)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #24
CONSENT CALENDAR #14

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 113	Del. Elmore	Somerset County – Regulation of Dogs and Cats – Violations of Ordinances and Regulations	EHE
HB 132	Del. Elmore	Somerset County – Sale of Charlie Swift Road	EHE
HB 163	Howard County Del.	Howard Co – Appointed Alc Bev Hearing Bd – Qualifs for Mbrshp Ho. Co. 15–08	EHE
HB 167	Howard County Del.	Howard County – Installation of Multiuse Sewerage Systems Ho. Co. 11–08	EHE
HB 170	Del. Mathias	Worcester County – Alcoholic Beverages – Service of Notice of Charges	EHE
HB 171	Del. Mathias	Worcester County – Alcoholic Beverages Licenses – Fines for Late Renewals	EHE
HB 173	Del. Elmore	Somerset County – Alcoholic Beverages – Death of Licensee	EHE
HB 180	Allegany County Del.	Allegany County Planning Commission – Membership	EHE
HB 198	Del. Elmore	Somerset County – Alcoholic	EHE

		Beverages – Licenses, Fees, and Fines	
HB 305	Howard County Del.	Howard County – Enabling Legislation – Sewerage System Performance Bond Ho. Co. 12–08	EHE
HB 325	Del. Elmore	Somerset County – County Roads Board – Authority to Sell County Roads	EHE
HB 634	Washington County Del.	Washington County – Board of License Commissioners – Annual Audit	EHE
HB 637	Washington County Del.	Washington County – County Clerk	EHE
HB 770	Washington County Del.	Washington County – Purchasing Goods and Services – Public Bidding	EHE
HB 827	Montgomery Co. Del.	Montgomery Co – Department of Lqr Ctrl – Sale of Items at Dispensaries and Retail Outlets MC 817–08	EHE
HB 828	Montgomery Co. Del.	Montgomery County – Alcoholic Beverages – Additional Class B Licenses MC 818–08	EHE
HB 878	Washington County Del.	Washington County – Regulation of Electricians and the Provision of Electrical Services	EHE
HB 899	Carroll County Del.	Carroll County – Alcoholic Beverages – Special Class C License for Arts Center	EHE
HB 941	PG/Montgomery Co. Del.	M–NCPPC – Minority Business Enterprise Utilization Program PG/MC 110–08	EHE
HB 945	Montgomery Co. Del.	Montgomery County – Oakmont Special Taxing Area –	EHE

		Competitive Bidding MC 820–08	
HB 1016	Prince George's Del.	Prince George's Co – Bd of License Commissioners – Comp of Board's Attorney PG 330–08	EHE
HB 1225	Montgomery Co. Del.	Montgomery Co – Alc Bevs – Licenses Held by Rev Auth for Public Golf Courses MC 807–08	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 14 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 999)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #26
CONSENT CALENDAR #16

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 664	Del. Barve	Corporate Income Tax – Reporting and Study	B&T
HB 1018	Prince George's Del.	Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs PG 421–08	B&T
HB 1211 (Emergency Bill)	Del. Oaks	Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption	B&T
HB 1566	Del. Beitzel	Garrett County – Local Tax – Date of Payment	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 16 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1000)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #25
CONSENT CALENDAR #15

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 213	Ch. Hlth & Govt Ops	Personal Records – Collection of Personal Information	EHE
HB 407 (AMENDED)	Ch., Econ Matters Co.	Commissioner of Lbr and Industry – Boiler and Pressure Vessel Saf – Authzd Inspection Agencies	EHE
HB 415	Ch., Econ Matters Co.	DLLR – Occupational and Prof Licensing Design Bds – Fee–Setting Authority	EHE
HB 629	Ch., Envir. Mat. Com.	State Ethics Law – Architectural and Engineering Services – Procurement	EHE
HB 651	Ch., Ways and Means	Department of Juv Services Educ Programs – Private Residential Rehabilitative Institutions – Rpl	EHE
HB 703	Del. Malone	Alcoholic Beverages – Special Brewery Promotional Event Permit	EHE
HB 940 (AMENDED)	PG/Montgomery Co. Del.	WSSC and M–NCPPC – Appointments – Interviews and Financial Statements PG/MC 102–08	EHE
HB 1078 (AMENDED)	Prince George's Del.	PG Co – TF to Stdy Locations in PG Co Best Suited for Use by St Agncs PG 413–08	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 15 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1001)

The Bills were then sent to the House of Delegates.

House Bill 497 – Delegates Kach, Impallaria, Jennings, and McDonough

AN ACT concerning

Oil Discharge – Groundwater Contamination – Reimbursement for Costs

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

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #27
CONSENT CALENDAR #17

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 74	Del. Healey	Maryland Housing Rehabilitation Program – Loans to Members of Cooperative Housing Corporations	EHE
HB 233	Ch. Hlth & Govt Ops	Physicians and Pharmacists – Therapy Management Contracts – Extension of Law	EHE
HB 271	Ch. Hlth & Govt Ops	Medical Review Committees	EHE
HB 279	Ch. Hlth & Govt Ops	Board of Physical Therapy Examiners – Issuance of Temporary Licenses – Repeal	EHE
HB 409	Ch., Econ Matters Co.	Maryland Home Improvement Commission – Home Improvement Guaranty Fund – Claims	EHE
HB 494 (AMENDED)	Del. Hubbard	Licensed Counselors and Therapists – Appraisal Activities – Training Requirements	EHE
HB 535	Del. Hubbard	Morbidity, Mortality, and Quality Review Committee – Pregnancy and Childhood	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 17 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1002)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #28

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

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

Affirmative – 42 Negative – 5 (See Roll Call No. 1003)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 43 Negative – 3 (See Roll Call No. 1004)

The Bill was then sent to the House of Delegates.

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~~

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1005)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1006)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1007)

The Bill was then sent to the House of Delegates.

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

Read the third time and failed for want of a constitutional majority:

Affirmative – 23 Negative – 24 (See Roll Call No. 1008)

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

FLOOR AMENDMENT

HB1253/113224/1

BY: Senator Greenip

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 25, in line 24, strike "**TWICE**" and substitute "**EQUAL TO**".

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

Affirmative – 14 Negative – 30 (See Roll Call No. 1009)

FLOOR AMENDMENT

HB1253/423422/1

BY: Senator Colburn

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 34, in line 32, strike "**300**" and substitute "**200**".

On page 35, in lines 5, 6, and 7, in each instance, strike "**300–FOOT**" and substitute "**200–FOOT**".

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

Affirmative – 32 Negative – 14 (See Roll Call No. 1010)

FLOOR AMENDMENT

HB1253/624432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1253
(Third Reading File Bill)

On page 22, in line 23, strike "**(1)(II)14**" and substitute "**(1)(III)14**".

On page 23, in line 1, strike "**(1)(II)15**" and substitute "**(1)(III)14**"; in line 5, strike "**(1)(II)15**" and substitute "**(1)(III)15**"; and in line 14, strike "**(1)(III)16**" and substitute "**(1)(III)15**".

On page 35, in line 21, after the second "**OF**" insert "**THE**".

The preceding amendment was read and adopted.

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1011)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #29

House Bill 36 – Delegate Bohanan

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1012)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1013)

The Bill was then sent to the House of Delegates.

House Bill 483 – Harford County Delegation

AN ACT concerning

Harford County – Special Taxing Districts – Creation

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

Affirmative – 42 Negative – 3 (See Roll Call No. 1014)

The Bill was then sent to the House of Delegates.

House Bill 680 – Delegates Ross, Barnes, Healey, Kaiser, and Walker

AN ACT concerning

Arts and Entertainment Districts – Tax Benefits – Jewelry and Clothing Designers

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1015)

The Bill was then sent to the House of Delegates.

House Bill 706 – Chair, Appropriations Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Department of Juvenile Services – Youth Welfare Funds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1016)

The Bill was then sent to the House of Delegates.

House Bill 720 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1017)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1018)

The Bill was then sent to the House of Delegates.

House Bill 722 – Chair, Ways and Means Committee (By Request – Departmental – Aging)

AN ACT concerning

Property – Tax Sale – Notification

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1019)

The Bill was then sent to the House of Delegates.

House Bill 723 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Biotechnology Investment Incentive Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1020)

The Bill was then sent to the House of Delegates.

House Bill 809 – ~~Delegate James~~ Delegates James, McDonough, and Riley

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1021)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1022)

The Bill was then sent to the House of Delegates.

House Bill 986 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of Berwyn Heights Employees – Participation in the Employees' Pension System

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1023)

The Bill was then sent to the House of Delegates.

House Bill 1115 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1024)

The Bill was then sent to the House of Delegates.

House Bill 1151 – Delegates Mathias and Conway

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 – 47 Negative – 0 (See Roll Call No. 1025)

The Bill was then sent to the House of Delegates.

House Bill 1233 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1026)

The Bill was then sent to the House of Delegates.

House Bill 1441 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Tax Increment Financing and Special Tax Districts – MEDCO

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1027)

The Bill was then sent to the House of Delegates.

House Bill 1537 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Real Property Assessments – Assessment Notice – Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1028)

The Bill was then sent to the House of Delegates.

House Bill 1572 – Delegates Mathias and Conway

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 – 0 (See Roll Call No. 1029)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1030)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #42

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

House Bill 269 – Delegate Nathan–Pulliam

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Powers and Duties – Licensing, Certification, and Regulation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 393 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Communicable Diseases or Conditions – Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 626 – Delegate Niemann

AN ACT concerning

Business Regulation – Maryland Real Estate Brokers Act – Violations and Penalties

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1090 – Delegates Morhaim and Harrison

AN ACT concerning

State Board of Morticians – Family Security Trust Fund and Pre–Need Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1309 – Delegate McHale

AN ACT concerning

Business Regulation – Mold Remediation Services – Licensing

HB1309/464335/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1309
(Third Reading File Bill)

On page 12, in line 26, strike "**2015**" and substitute "**2016**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #43

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

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

HB0199/114236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 199
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 7 down through "campaign;" in line 8.

AMENDMENT NO. 2

On page 6, in line 27, strike "**DECEMBER 1, 2008,**" and substitute "**MARCH 31, 2009,**".

AMENDMENT NO. 3

On page 7, strike in their entirety lines 25 and 26, inclusive; and in line 27, strike "**(D)**" and substitute "**(C)**".

On page 8, in lines 6, 9, 17, 19, 27, and 29, strike "**(E)**", "**(F)**", "**(G)**", "**(H)**", "**(I)**", and "**(D)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", "**(G)**", "**(H)**", and "**(C)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 652 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Public School Employees – Criminal Convictions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 973 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Water Management Administration – Living Shoreline Protection Act of 2008

HB0973/334935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 973
(Third Reading File Bill)

On page 1, in line 4, strike "a certain exception" and substitute "certain exceptions".

On page 2, in line 36, strike "**IN**" and substitute "**:**

(I) IN AREAS DESIGNATED BY DEPARTMENT MAPPING AS APPROPRIATE FOR STRUCTURAL SHORELINE STABILIZATION MEASURES; AND

(II) IN".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1056/164438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1056
(Third Reading File Bill)

AMENDMENT NO. 1

On page 8, strike beginning with "**(I)**" in line 3 down through "**(II)**" in line 7.

AMENDMENT NO. 2

On page 8, in line 28, after "**WITH**" insert "**TITLE 5 AND TITLE 16 OF**".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for April 5, 2008.

The motion was adopted.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1209 – Delegate Simmons

AN ACT concerning

Safe Schools Reporting Act of 2005 – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1287/214836/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1287
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Parren" insert "Workforce Shortage Student Assistance Grants – Public Servants –"; in the same line, strike "Program"; strike

beginning with "Scholarship" in line 8 down through "terms;" in line 14 and substitute "Scholarship in the Workforce Shortage Student Assistance grants program; requiring the Maryland Higher Education Commission to select and offer grants to certain students who plan to pursue a career in public service in certain areas; requiring the Commission to select certain students who are representative of certain criteria; requiring certain individuals awarded a certain scholarship to demonstrate to the Commission a certain intent to enter into public service at a certain time; repealing the requirement that the Maryland Higher Education Commission collaborate and consult with a certain advisory council in selecting and offering certain grants to certain students; requiring the Commission to select and offer grants under the William Donald Schaefer Scholarship to students who pursue a career in public service relating to providing legal services to certain low–income residents; repealing the requirement that certain individuals indicate and demonstrate a certain intent to a certain advisory council upon completion of a certain educational program;"; and in line 16, strike "Program".

On page 2, in line 6, strike "adding to" and substitute "repealing and reenacting, with amendments,"; in line 8, strike beginning with "18–17A–01" in line 8 down through "Program"" in line 10 and substitute "18–708".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 19 on page 2 through line 9 on page 6, inclusive, and substitute:

"18–708.

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

(2) "Advisory Council" means the Advisory Council on Workforce Shortage.

(3) "Eligible institution" means a public or private institution of higher education in this State that possesses a certificate of approval from the Commission.

(4) "Grant" means the Workforce Shortage Student Assistance grant.

(5) "Public good or benefit" means service to low–income or underserved residents or areas of the State in an occupation in the public sector or in

an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(b) There is a program of Workforce Shortage Student Assistance grants under this section for students who pledge to work in fields of critical shortage in the State on completion of their studies.

(c) The purpose of the program is to:

(1) Provide financial assistance to students enrolled at institutions of higher education in the State; and

(2) Address the workforce shortage needs of the State.

(d) A recipient of a Workforce Shortage Student Assistance grant under this section shall:

(1) Be a resident of the State;

(2) Be selected by the Office from qualified applicants;

(3) Sign a letter of intent to enroll at an eligible institution in the State in an eligible program as specified for each field in which there is a critical shortage in this State as provided in this section;

(4) Sign a letter of intent to perform the service obligation on completion of the recipient's required studies;

(5) Accept any other conditions attached to the grant;

(6) Satisfy any additional criteria the Commission may establish; and

(7) After completion of studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage, as provided in this section.

(e) (1) Except as provided in paragraph (5) of this subsection, the Commission shall on a biennial basis:

(i) Identify workforce shortage fields in the State;

(ii) Designate eligible workforce shortage fields under the grant program; and

(iii) Remove from the grant program any field that the Commission determines no longer qualifies as a workforce shortage.

(2) The Secretary shall appoint an Advisory Council on Workforce Shortage to:

(i) Identify workforce shortage fields in the State; and

(ii) Recommend to the Commission:

1. Priority workforce shortage fields to be included in the grant program; and

2. The removal of fields that in the Advisory Council's judgment no longer qualify as workforce shortage fields.

(3) In making recommendations to the Commission, the Advisory Council shall consider whether a workforce shortage field provides a public good or benefit to the citizens of Maryland.

(4) The Advisory Council shall include the following members:

(i) The Secretary of Higher Education or designee;

(ii) The Secretary of Labor, Licensing, and Regulation or designee;

(iii) One representative from the Governor's Workforce Investment Board, appointed by the Governor;

(iv) The Secretary of Business and Economic Development or designee;

(v) The Secretary of Health and Mental Hygiene or designee;

(vi) The State Superintendent of Schools or designee;

(vii) One representative of the Senate of Maryland, appointed by the President of the Senate;

(viii) One representative of the Maryland House of Delegates, appointed by the Speaker of the House;

(ix) Two representatives from the University System of Maryland, appointed by the Chancellor;

(x) The President of Morgan State University or designee;

(xi) The President of St. Mary's College or designee; and

(xii) Representatives nominated by the following organizations and appointed by the Secretary of Higher Education:

1. One representative from the Maryland Chamber of Commerce;

2. One representative from the Washington Board of Trade;

3. One representative from the Greater Baltimore Committee;

4. Two representatives from the Maryland Independent College and University Association;

5. Two representatives from the Maryland Association of Community Colleges;

6. One representative from the Maryland Association of Nonprofit Associations; and

7. One representative from the Financial Assistance Advisory Council representing a financial aid office at an institution of higher education.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the following workforce shortage fields shall be included in the grant program:

1. School teachers (the grant to be known as the Sharon Christa McAuliffe Memorial Teacher Scholarship);

2. Nurses;

3. Child care providers;

4. Developmental disabilities, mental health, child welfare, and juvenile justice providers (the grant to be known as the Ida G. and L. Leonard Ruben Scholarships);

5. Physical and occupational therapists and assistants; and

6. Public servants (the grant to be known as the William Donald Schaefer Scholarship **AND THE GRANT TO BE KNOWN AS THE PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP**).

(ii) The Commission may remove a shortage field specified in subparagraph (i) of this paragraph if in the Commission's judgment the field no longer qualifies as a workforce shortage field.

(6) A grant recipient in a workforce shortage field that is removed from the grant program may continue to receive renewal awards under the program.

(f) Each fiscal year, the Commission shall determine the number of grants to be awarded in eligible workforce shortage fields based on the:

(1) Priority of the workforce shortage field;

(2) Severity of the workforce shortage in the field; and

(3) Availability of funds.

(g) (1) The Office shall annually select eligible students and offer a grant to each student selected to be used at an eligible institution of the student's choice.

(2) Eligible students shall be selected based on academic accomplishment and financial need, as determined by standards established and approved by the Commission.

(3) Each grant shall be renewable for a maximum of 5 years subsequent to the original grant if the recipient:

(i) Continues to meet the qualifications specified in subsection (d) of this section; and

(ii) Meets satisfactory academic progress standards as determined by the eligible institution.

(h) A grant recipient:

(1) May be enrolled at an eligible institution on a part–time or full–time basis;

(2) Shall earn at least 12 undergraduate or 9 graduate credit hours in each academic year, including summer sessions;

(3) Except as provided in paragraph (4) of this subsection, shall be an undergraduate student at an eligible institution; and

(4) May be a graduate student if the Office determines that the shortage field requires employees with a graduate level education.

(i) (1) In this subsection, "cost of attendance" means the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate.

(2) Subject to paragraphs (3), (4), and (5) of this subsection, the Commission shall establish in guidelines the annual grant awards under this section.

(3) Annual grant awards shall be within the following ranges:

(i) For a part–time student attending a 2–year eligible institution – $1,000 and 12.5% of cost of attendance;

(ii) For a full–time student attending a 2–year eligible institution – $2,000 and 25% of cost of attendance;

(iii) For a part–time student attending a 4–year eligible institution – $2,000 and 25% of cost of attendance; and

(iv) For a full–time student attending a 4–year eligible institution – $4,000 and 50% of cost of attendance.

(4) For a student taking courses during a summer session to meet the minimum number of credit hours for full–time or part–time status, the Commission shall distribute grant awards to the student in the spring and summer sessions in amounts it determines to be appropriate.

(5) A student who is enrolled in an academic program that includes a mandatory summer academic session as part of the approved curriculum may receive an additional award not to exceed $1,000 per calendar year.

(j) The grant award may be used at any eligible institution for educational expenses as defined by the Commission, including tuition, mandatory fees, and room and board.

(k) (1) A grant recipient shall perform a service obligation in the recipient's field of critical shortage in:

(i) A full–time position at a rate of 1 year for each year that the recipient receives a grant awarded under this section; or

(ii) A part–time position at a rate of 2 years for each year that the recipient receives a grant awarded under this section.

(2) The Commission may establish alternative service obligation requirements for designated workforce shortage fields to address statewide and regional needs.

(l) (1) A grant recipient shall repay the Commission the funds received as set forth in § 18–112 of this title if the recipient does not:

(i) Earn at least 12 undergraduate or 9 graduate credit hours in each academic year in which the student receives assistance, including summer sessions;

(ii) Complete the specified degree, attain the licensure or certification required, or fulfill other requirements as provided in this section; or

(iii) Perform the service obligation required under subsection (k) of this section.

(2) The Office shall waive the repayment of a grant award at a rate of:

(i) 1 year for each year that the recipient performs the service obligation on a full–time basis; or

(ii) 6 months for each year that the recipient performs the service obligation on a part–time basis.

(3) A recipient shall begin repayment at any time during the period that the recipient is no longer performing the service obligation.

(4) A recipient may delay repayment as long as the recipient remains a student enrolled at least part–time in a degree–granting program.

(5) Except as otherwise provided in this section, repayment shall be made to the State within 6 years after the repayment period begins and shall follow a repayment schedule established by the Office.

(6) The Office may waive or defer repayment in the event of disability or extended sickness which prevents the recipient from fulfilling the service obligation required under this section.

(7) The Office shall grant a deferment from the service obligation required under this section to:

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

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

(m) (1) This subsection applies to recipients of the William Donald Schaefer Scholarship specified in subsection (e)(5) of this section.

(2) The Commission**[**, in collaboration and consultation with the William Donald Schaefer Scholarship Advisory Council,**]** shall annually select eligible students and offer grants to students who demonstrate outstanding potential for and who plan to pursue a career in public service **TO ASSIST IN PROVIDING LEGAL SERVICES TO LOW–INCOME RESIDENTS IN THE STATE**.

(3) In making William Donald Schaefer Scholarship awards under this section, the Commission shall endeavor to select award recipients who are representative of the State's rich cultural, geographic, racial, ethnic, and gender diversity.

(4) Each individual awarded a William Donald Schaefer Scholarship under this section must have indicated and demonstrated to the Commission **[**and to the William Donald Schaefer Scholarship Advisory Council**]** a serious intent to enter public service on the completion of the student's educational program.

(N) (1) THIS SUBSECTION APPLIES TO RECIPIENTS OF THE PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP SPECIFIED IN SUBSECTION (E)(5) OF THIS SECTION.

(2) THE COMMISSION SHALL ANNUALLY SELECT ELIGIBLE STUDENTS AND OFFER GRANTS TO STUDENTS WHO DEMONSTRATE OUTSTANDING POTENTIAL FOR AND WHO PLAN TO PURSUE A CAREER IN PUBLIC SERVICE AND ASSIST IN PROVIDING:

(I) SOCIAL WORK SERVICES TO LOW–INCOME RESIDENTS IN THE STATE;

(II) NURSING SERVICES IN NURSING SHORTAGE AREAS IN THE STATE AS DEFINED IN § 18–802 OF THIS TITLE; OR

(III) OTHER SERVICES IN THE PUBLIC OR NONPROFIT SECTORS IN WHICH THERE IS A SHORTAGE OF QUALIFIED PRACTITIONERS TO LOW–INCOME OR UNDERSERVED RESIDENTS OR AREAS OF THE STATE.

(3) IN MAKING PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP AWARDS UNDER THIS SECTION, THE COMMISSION SHALL ENDEAVOR TO SELECT AWARD RECIPIENTS WHO ARE REPRESENTATIVE OF THE STATE'S RICH CULTURAL, GEOGRAPHIC, RACIAL, ETHNIC, AND GENDER DIVERSITY.

(4) EACH INDIVIDUAL AWARDED A PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP UNDER THIS SECTION MUST HAVE INDICATED AND DEMONSTRATED TO THE COMMISSION A SERIOUS INTENT TO ENTER PUBLIC SERVICE ON THE COMPLETION OF THE STUDENT'S EDUCATIONAL PROGRAM.

[(n)**] (O)** (1) There is a Workforce Shortage Student Assistance Grant Fund in the Commission.

(2) The Commission:

(i) May accept any gift or grant from any person or corporation for the Workforce Shortage Student Assistance Grant Fund;

(ii) Shall use any gift or grant that it receives for a grant award from the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer in a nonbudgeted account.

(3) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Workforce Shortage Student Assistance Grant Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under § 2–1246 of the State Government Article.

[(o)**] (P)** A recipient may hold a Workforce Shortage Student Assistance grant and any other State grant or scholarship awarded by the Office provided that the total of all grants and scholarships does not exceed:

(1) The student's total cost of attendance, as certified by the institution where the student is enrolled; and

(2) The cost of attendance, as defined in subsection (i) of this section.

[(p)**] (Q)** Funds for the Workforce Shortage Student Assistance grant program shall be as provided in the annual budget of the Commission by the Governor.

[(q)**] (R)** The Commission shall adopt guidelines or regulations necessary to implement this section.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #40

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

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

HB0364/878972/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 364
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert "altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle;"; strike beginning with "requiring" in line 10 down through "locations;" in line 13; and in line 22, after "burden;" insert "adding to the list of defenses that the District Court may consider in defense of a certain violation;".

On page 2, in line 2, after the semicolon insert "requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner;"; strike beginning with "requiring" in line 5 down through "system" in line 8 and substitute "providing that the revenues from civil fines collected under this Act shall be paid in a certain manner"; strike beginning with "requiring" in line 12 down through "exception;" in line 14; and in line 15, strike "reasonable" and substitute "certain".

On pages 2 and 3, strike beginning with "requiring" in line 47 on page 2 down through "Court;" in line 1 on page 3.

On page 3, in line 6, strike "restricting the use of certain revenues generated by this Act;".

AMENDMENT NO. 2

On page 4, in line 35, before "controlled" insert "**OR A SPEED MONITORING SYSTEM**".

On page 5, in lines 30 and 31, strike "**A LOCAL**" and substitute "**THE STATE OR A**".

On page 6, in line 5, strike "**IMPLEMENT**" and substitute "**ENFORCE**".

On page 7, strike in their entirety lines 8 through 20, inclusive.

On page 7 in lines 21 and 28, and on page 8 in line 5, strike "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively.

On page 10, in lines 4 and 5, strike "**LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH**" and substitute "**EMPLOYEE OR AGENT OF**".

On page 13, in line 2, after "**APPROPRIATE**" insert "**STATE AND**"; in line 3, after "**AGENCIES**" insert "**OR UNITS**"; strike beginning with "**(1)**" in line 6 down through "**(2)**" in line 9; in line 10, after "**JURISDICTION**" insert "**OR AN AGENCY**"; and in lines 33 and 34, strike "**, INCLUDING A WORK ZONE SPEED CONTROL SYSTEM,**".

On pages 13 and 14, strike beginning with "**OR**" in line 36 on page 13 down through "**SYSTEM**" in line 1 on page 14.

On page 17, in line 8, after the semicolon insert "**AND**"; and strike beginning with "**; AND**" in line 10 down through "**POLICE**" in line 11.

On pages 17 and 18, strike in their entirety the lines beginning with line 25 on page 17 through line 1 on page 18, inclusive, and substitute:

"**(8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS A POLICE OFFICER WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK ZONE SPEED CONTROL SYSTEM.**".

On page 18, in lines 8 and 9, strike "**, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES,**"; and in lines 18 and 19, strike "**AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES**" and substitute "**WITHIN ONE–QUARTER OF A MILE**".

On page 19, strike in their entirety lines 24 through 29, inclusive.

On page 20, strike in their entirety lines 13 through 17, inclusive, and substitute:

"**(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:**".

On page 24, strike beginning with "**THE**" in line 13 down through "**(K)**" in line 17.

On page 25, strike in their entirety lines 17 through 24, inclusive; in line 26, strike "30–day" and substitute "12–month"; and in line 31, strike ", deploys, or operates" and substitute "or deploys".

On page 25 in lines 25, 30, and 34, and on page 26 in lines 3, 6, 11, and 15, strike "4.", "5.", "6.", "7.", "8.", "9.", and "10.", respectively, and substitute "3.", "4.", "5.", "6.", "7.", "8.", and "9.", respectively.

AMENDMENT NO. 3

On page 11, in line 24, strike "and"; and in line 25, after "(iii)" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND**

(IV)".

On page 12, after line 17, insert:

"**(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.**".

On page 22, in line 27, strike "**AND**"; and in line 28, after "**(III)**" insert "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND**

(IV)".

On page 23, after line 26, insert:

"**(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.**".

AMENDMENT NO. 4

On page 6, in line 30, strike "10" and substitute "**12**".

On page 18, in line 23, strike "**10**" and substitute "**12**".

AMENDMENT NO. 5

On page 7, in line 23, strike "**30 DAYS**" and substitute "**5 MONTHS**".

AMENDMENT NO. 6

On page 5, after line 4, insert:

"**(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE POLITICAL SUBDIVISION:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE COLLECTED TO THE COMPTROLLER ON AN ANNUAL BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.".

On page 15, strike in their entirety lines 28 through 33, inclusive, and substitute:

"**(2) OF THE CIVIL FINES COLLECTED THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21–810 OF THIS ARTICLE, THE REVENUES SHALL BE PAID TO:**

(I) THE STATE HIGHWAY ADMINISTRATION TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM; AND

(II) IN THE CASE OF REVENUES BEYOND THOSE NEEDED TO COVER COSTS, TO THE GENERAL FUND OF THE STATE.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1111 – Delegate Dumais

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

HB1111/278674/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1111

(Third Reading File Bill)

On page 2, in line 13, strike "**(4)**"; after line 14, insert:

"**(4) ONE FORMER MEMBER OF THE JUDICIARY WHO HAS HEARD A DEATH PENALTY CASE, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;**";

in line 15, before "**THE**" insert "**(5)**"; and in lines 17, 19, and 23, strike "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(6)**", "**(7)**", and "**(8)**", respectively.

On page 3, strike beginning with "**(IV)**" in line 4 down through the semicolon in line 6; in line 7, strike "**(V)**" and substitute "**(IV)**"; in the same line, strike "**ONE REPRESENTATIVE**" and substitute "**THREE REPRESENTATIVES**"; in line 8, after "**COMMUNITY**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**"; in line 9, strike "**(VI)**" and substitute "**(V)**"; in line 13, strike "**GOVERNOR**" and substitute "**PRESIDENT OF THE SENATE OF MARYLAND AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY**"; and in line 15, strike "**JUSTICE**" and substitute "**STATISTICAL**".

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 #33

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

Senate Bill 937 – Senator Jacobs

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0372/657576/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 372
(Third Reading File Bill)

On page 8, in line 5, after "**HOSPITALS**" insert a comma.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 752 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulation, Fees, and Assessments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1409/867974/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1409
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "terms;" insert "expressing certain legislative intent related to certain appropriations;".

AMENDMENT NO. 2

On page 6, after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding provided to implement this Act shall be in addition to and may not supplant funds, or alter the administration of funding, currently provided in the State budget to support other nanobiotechnology programs in the State.";

in line 12, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1435 – Chair, Appropriations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Employees – Veterans Seniority Points

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1506 – Delegates Walker, Benson, Braveboy, Davis, Frush, Griffith, Healey, Holmes, Hubbard, Ivey, Jennings, Levi, Niemann, Oaks, Proctor, Rice, Ross, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, ~~and Vaughn~~ Vaughn, and Elmore

AN ACT concerning

Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1557 – Delegates Vaughn, Feldman, Holmes, Kach, Krysiak, and Taylor

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

HB1557/717170/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1557
(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 33, after "**ORGANIZATION,**" insert "**WITH AT LEAST A 2–YEAR RECORD IN THE STATE AS A DEVELOPER OF AFFORDABLE HOUSING FOR PERSONS WITH LOW TO MODERATE INCOMES,**".

AMENDMENT NO. 2

On page 15, in line 2, strike "**IN**" and substitute "**IS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1589 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers – Licensing Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #21

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

House Bill 1039 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

HB1039/339033/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1039
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 27, strike the period; in line 34, after "law;" insert "requiring the Authority to publish certain notices in certain newspapers of record;"; strike beginning with "requiring" in line 44 down through "Directors;" in line 45; and in line 47, strike "establishing certain duties of the Board" and substitute "specifying the membership of the Authority that constitutes a quorum".

On page 2 in lines 46 and 48, and on page 3 in lines 1, 2, and 4, in each instance, strike "Board" and substitute "Authority".

On page 3, in line 9, after "owners;" insert "establishing certain requirements a new owner or owners must meet;"; and in line 29, after "State" insert "and County"; in the same line, after "Center" insert "and regarding the expenditure of funds appropriated to the Authority for operating expenses".

AMENDMENT NO. 2

On page 15, strike line 29 in its entirety; and in lines 30 and 31, strike "**(D)**" and "**(E)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; and in line 30, after the second "**COUNTY**" insert "**, MARYLAND**".

On page 16, in lines 1, 3, 15, and 26, strike "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively, and substitute "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively.

On page 19, strike beginning with "**BE**" in line 27 down through "**SHALL**" in line 29.

On page 20, in lines 3 and 5, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; and in line 28, after "**BOARD**" insert "**OF DIRECTORS**".

On page 20 in lines 4, 8, and 9, on page 21 in lines 8, 11, and 25, and on page 24 in line 19, in each instance, strike "**BOARD**" and substitute "**AUTHORITY**".

On page 27, in line 1, strike "**BOARD'S**" and substitute "**AUTHORITY'S**".

On page 30, in line 26, strike "of the Board".

AMENDMENT NO. 3

On page 18, after line 17, insert:

"**(5) THE AUTHORITY SHALL PUBLISH ALL NOTICES REQUIRED TO BE PUBLISHED UNDER THIS SUBTITLE IN NEWSPAPERS OF RECORD IN THE COUNTY AS PROVIDED BY SECTION 1008 OF THE COUNTY CHARTER.**".

AMENDMENT NO. 4

On page 20, in line 26, strike the second "**OR**"; in line 29, strike the period and substitute a semicolon; and after line 29, insert:

"**(III) HAVE A CURRENT OR PAST FINANCIAL INTEREST IN OR OTHER CONFLICT OF INTEREST WITH A POTENTIAL BIDDER;**

(IV) BE A LOBBYIST LICENSED BY THE STATE ETHICS COMMISSION;

(V) BE A CHAIR OR TREASURER OF A POLITICAL COMMITTEE REGISTERED WITH THE STATE BOARD OF ELECTIONS OR THE FEDERAL ELECTIONS COMMISSION; OR

(VI) BE A MEMBER OF A POLITICAL PARTY CENTRAL COMMITTEE.".

AMENDMENT NO. 5

On page 21, strike in their entirety lines 1 through 7, inclusive, and substitute:

"**(C) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD SHALL CONSTITUTE A QUORUM IN ACCORDANCE WITH § 3 OF ROBERT'S RULES OF ORDER, 10TH EDITION.**".

AMENDMENT NO. 6

On page 22, after line 21, insert:

"**(D) IF, AT THE END OF THE 60 DAYS, THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL HAVE FAILED TO REACH AGREEMENT BUT BELIEVE THAT AN EXTENSION OF TIME WOULD ENABLE THEM TO REACH THE AGREEMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL:**

(1) MAY EXTEND THEIR NEGOTIATIONS FOR UP TO BUT NOT MORE THAN 30 ADDITIONAL DAYS; AND

(2) SHALL NOTIFY THE AUTHORITY AND THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY OF THE EXTENSION OF TIME.";

in line 22, strike "**(D)**" and substitute "**(E)**"; in line 29, after "**AUTHORITY,**" insert "**OR WITHIN 90 DAYS AFTER THE ESTABLISHMENT OF THE AUTHORITY IF THE PARTIES USE THE ADDITIONAL TIME AS SET FORTH IN SUBSECTION (D) OF THIS SECTION,**"; and in line 35, after "**60**" insert "**OR 90**".

On page 23, in line 1, strike "**(B) AND (C)**" and substitute "**(B), (C), AND (D)**"; and in line 4, strike "**§ 24–1604(D)(3)**" and substitute "**§ 24–1604(E)(3)**".

On page 29 in line 26, and on page 30 in line 5, in each instance, strike "**§ 24–1604(D)(2)**" and substitute "**§ 24–1604(E)(2)**".

AMENDMENT NO. 7

On page 24, in line 7, after "**OF**" insert "**ALL OF**".

AMENDMENT NO. 8

On pages 24 and 25, strike in their entirety the lines beginning with line 31 on page 24 through line 1 on page 25, inclusive, and substitute:

"**(III) THE DEVELOPMENT POTENTIAL OF THE REAL PROPERTY REMAINING CONSISTENT WITH THE SURROUNDING AREAS AS NECESSARY TO IMPLEMENT THE AGREEMENT TO TRANSFER THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM;**".

AMENDMENT NO. 9

On page 24, strike in their entirety lines 10 through 12, inclusive, and substitute:

"**(I) THE PORTION OR PORTIONS OF THE REAL PROPERTY TO BE TRANSFERRED UNDER THE PROPOSAL;**".

AMENDMENT NO. 10

On page 24, in lines 14 and 18, in each instance, strike "**ACQUIRED OR**"; and in line 29, strike "**ACQUIRED BY OR**".

On page 27, in lines 10 and 11, strike "**THAT ARE ACQUIRED BY THE NEW OWNER OR OWNERS**" and substitute "**OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM**"; in line 13, after "**SECTION;**" insert "**AND**"; in line 16, strike "**; AND**" and substitute a period; strike in their entirety lines 17 through 20, inclusive; and in lines 29 and 30, strike "**ACQUIRED BY THE NEW OWNER OR OWNERS**" and substitute "**OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM**".

AMENDMENT NO. 11

On page 23, in line 5, strike "**WITHIN 90 DAYS AFTER ITS ESTABLISHMENT,**"; and in line 8, strike the period and substitute "**:**

(1) IF THE AGREEMENT REQUIRED UNDER § 24–1604(B) OF THIS SUBTITLE IS REACHED WITHIN 60 DAYS, THE AUTHORITY SHALL ISSUE THE REQUEST FOR PROPOSALS WITHIN 90 DAYS AFTER THE ESTABLISHMENT OF THE AUTHORITY; AND

(2) IF THE AGREEMENT REQUIRED UNDER § 24–1604(B) OF THIS SUBTITLE IS REACHED WITHIN 90 DAYS AS SET FORTH IN § 24–1604(D) OF THIS SUBTITLE, THE AUTHORITY SHALL ISSUE THE REQUEST FOR PROPOSALS WITHIN 120 DAYS AFTER THE ESTABLISHMENT OF THE AUTHORITY.".

AMENDMENT NO. 12

On page 27, after line 20, insert:

"**(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, ANY PROPERTY ON WHICH THERE IS NO FACILITY DEFINED AS PART OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM AND WHICH THE NEW OWNER OR OWNERS OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM WILL NOT USE OR DEVELOP SHALL REMAIN UNDER THE CONTROL AND OWNERSHIP OF THE COUNTY.**";

and in line 21, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 13

On page 27, in line 31, after "**SYSTEM**" insert "**, IN ACCORDANCE WITH THE GOALS SET FOR THE HEALTH CARE SYSTEM IN § 24–1602(C) OF THIS SUBTITLE,**".

AMENDMENT NO. 14

On page 27, in line 22, after "**PLACING**" insert "**FOR ITS BENEFIT**".

On page 28, in line 23, after "**COUNTY**" insert "**FOR ITS BENEFIT**".

AMENDMENT NO. 15

On page 28, in line 1, strike "**ONE YEAR**" and substitute "**2 YEARS**".

AMENDMENT NO. 16

On page 28, in line 14, strike "**TWO APPRAISALS**" and substitute "**ONE APPRAISAL**"; in line 17, strike "**AND**"; after line 17, insert:

"**(III) ONE APPRAISAL SHALL BE CONDUCTED BY AN INDEPENDENT QUALIFIED APPRAISER SELECTED BY THE AUTHORITY THAT IS NEITHER UNDER CONTRACT WITH THE STATE NOR THE COUNTY; AND**";

and in line 18, strike "**(III)**" and substitute "**(IV)**".

AMENDMENT NO. 17

On page 28, in line 20, after "**DIMENSIONS**" insert "**OR THE COUNTY**".

AMENDMENT NO. 18

On page 28, in line 21, strike "**SHALL BE**" and substitute "**MAY NOT BE**".

AMENDMENT NO. 19

On page 29, in line 2, strike "**ALL**" and substitute "**THE**".

AMENDMENT NO. 20

On page 29, in lines 14 and 15, strike "**AT THE PLACE DESIGNATED BY THE AUTHORITY**" and substitute "**IN PRINCE GEORGE'S COUNTY**".

AMENDMENT NO. 21

On page 30, in line 16, strike "**(1)**"; and strike in their entirety lines 20 through 24, inclusive.

On page 31, after line 21, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, if it becomes necessary to sustain operations at the Prince George's County health care system, the State and the County shall each make an initial payment in equal amounts to Dimensions out of the $12,000,000 each has appropriated for fiscal year 2009 in advance of the beginning of fiscal year 2009.".

AMENDMENT NO. 22

On page 31, in line 22, strike "5." and substitute "6."; after line 28, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the money for operating expenses that the Prince George's County Hospital Authority receives from the State and Prince George's County in accordance with § 24–1607(c) of the Health – General Article, as enacted by Section 1 of this Act, shall be used only for necessary expenses and kept at a minimum for the purpose of maximizing the funding for the continued operation of the Prince George's County health care system. Any money provided to the Prince George's County Hospital Authority for operating expenses that is neither used nor necessary for use by the Authority shall be transferred to the Dimensions Health Corporation or the new owner or owners of the Prince George's County health care system.";

and in lines 29, 32, and 37, strike "6.", "7.", and "8.", respectively, and substitute "8.", "9.", and "10.", respectively.

AMENDMENT NO. 23

On page 17, in line 13, after "**ARTICLE;**" insert "**AND**".

On page 25, in lines 21 and 22, in each instance, strike "**PRINCE GEORGE'S**".

On page 26, in lines 5 and 6, in each instance, strike "**PRINCE GEORGE'S**"; and in line 28, after "**FOR**" insert "**AN**".

On page 27, in line 11, after the third "**THE**" insert "**PRINCE GEORGE'S COUNTY**"; in line 16, after the second "**THE**" insert "**PRINCE GEORGE'S COUNTY**"; and in line 34, after the third "**THE**" insert "**PRINCE GEORGE'S COUNTY**".

On page 28, in line 3, after "**THE**" insert "**PRINCE GEORGE'S COUNTY**".

On page 30, in line 27, strike "two" and substitute "2"; and in the same line, strike the second "of" and substitute "after".

On page 31, in line 38, strike the first "two" and substitute "2"; in the same line, after the first "years" insert "from the date it is enacted"; and in the same line, strike "two years" and substitute "the 2–year period".

The preceding 23 amendments were read and adopted by a roll call vote as follows:

Affirmative – 35 Negative – 9 (See Roll Call No. 1031)

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

Affirmative – 37 Negative – 7 (See Roll Call No. 1032)

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #24

AMENDED IN THE HOUSE

Senate Bill 213 – The President (By Request – Administration) and Senators Frosh, Garagiola, Gladden, King, Madaleno, Peters, Pinsky, Raskin, ~~and~~ Robey, Conway, Dyson, Lenett, Rosapepe, Harrington, Colburn, and Harris

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

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

SB0213/960015/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 213
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, and on page 2, in lines 2, 14, and 19, and on page 3, in line 12, in each instance, strike "Bay" and substitute "and Atlantic Coastal Bays".

On page 2, in line 1, strike "State" and substitute "the BayStat Subcabinet"; and strike beginning with "that" in line 1 down through "Fund" in line 2 and substitute "to distribute to a certain administrative cost account a certain amount to administer grant programs".

AMENDMENT NO. 2

On page 3 in line 16, on page 5 in lines 26 and 31, on page 6 in lines 19, 21, 23, 26, and 29, on page 7 in lines 2 and 9, on page 8 in lines 6 and 27, on page 10 in line 11, on page 11 in lines 21 and 22, on page 12 in line 30, on page 14 in lines 28 and 29,

on page 15 in lines 1, 5, 7, 12, 15, 18, 22, 24, 27, 31, and 32, on page 16 in lines 2, 8, 10, 18, 20, 23, and 29, on page 17 in lines 16, 17, and 34, on page 18 in lines 13, 24, and 27, and on page 19 in line 13, in each instance, strike "**BAY**" and substitute "**AND ATLANTIC COASTAL BAYS**".

On page 3, in line 18, strike "Bay" and substitute "**AND ATLANTIC COASTAL BAYS**"; and in line 22, after "River**,**" insert "**AND TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES,**".

On page 4, in line 5, after "Agreement" insert "**AND TO IMPROVE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES**"; and in line 16, strike "Bay and its" and substitute "**AND ATLANTIC COASTAL BAYS AND THEIR**"; and in line 17, strike "Bay" and substitute "**BAY**".

On page 5, in line 25, strike "**BAY AND ITS**" and substitute "**AND ATLANTIC COASTAL BAYS AND THEIR**".

On page 7, after line 7, insert:

"**(II) THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES;**";

and in lines 8 and 10, strike "**(II)**" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively.

AMENDMENT NO. 3

On page 4, in line 27, and on page 5, in line 24, in each instance strike "**PHOSPHOROUS**" and substitute "**PHOSPHORUS**"; in line 15, strike "**AND**"; after line 19, insert:

"**(VIII) DEVELOPMENT, REDEVELOPMENT, OR IMPROVEMENT OF A MUNICIPAL PARK PROVIDED THAT THE DEVELOPMENT, REDEVELOPMENT, OR IMPROVEMENT INCORPRATES STATE–OF–THE–ART AND SUSTAINABLE NONPOINT SOURCE POLLUTION CONTROL MEASURES; AND**";

in line 20, strike "**(VIII)**" and substitute "**(IX)**"; and in line 21, after "**PROJECTS**" insert "**THAT HAVE BEEN FUNDED, IN WHOLE OR IN PART, WITH GRANTS FROM THE TRUST FUND**".

AMENDMENT NO. 4

On page 9, in line 20, strike "**A**" and substitute "**FUNDS FROM THE**"; in the same line, strike "**GRANT**"; and strike in their entirety lines 25 through 32, inclusive, and substitute:

"**(I) FOR AGENCIES RECEIVING MONEYS FROM THE TRUST FUND:**

1. A DESCRIPTION OF HOW THE FUNDS WERE ALLOCATED, INCLUDING:

A. THE NUMBER AND AMOUNTS OF GRANTS AWARDS; AND

B. DIRECT EXPENDITURES BY THE AGENCY;

2. HOW FUNDING WAS LEVERAGED; AND

3. ESTIMATED OR CALCULATED NUTRIENT REDUCTIONS ASSOCIATED WITH TRUST FUND EXPENDITURES.

(II) FOR RECIPIENTS OF COMPETITIVE GRANTS FROM THE TRUST FUND, A DESCRIPTION OF FUNDED PROJECTS, INCLUDING:

1. PROJECT LOCATION;

2. DESCRIPTION OF PRACTICES IMPLEMENTED;

3. TIME FRAMES FOR PROJECT COMPLETION;

4. ESTIMATED OR CALCULATED NUTRIENT REDUCTIONS; AND

5. PROVISIONS FOR LONG–TERM MAINTENANCE OF PRACTICES.".

AMENDMENT NO. 5

On page 10, strike beginning with "**A**" in line 31 down through "**ADMINISTRATION**" in line 33 and substitute "**THE BAYSTAT SUBCABINET AGENCIES MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE AMOUNT THAT IS NECESSARY TO ADMINISTER GRANT PROGRAMS, NOT TO EXCEED 1.5% OF THE ALLOCATIONS TO THE BAYSTAT SUBCABINET AGENCIES**".

The preceding 5 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 0213**
SPONSOR: The Pres (Admin), et al
SUBJECT: Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

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

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

Senator Pinsky, Chairman
Senator Greenip
Senator Lenett.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **SB 0795**
SPONSOR: Sen DeGrange
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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 DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

The House appoints:

Delegate Jones, Chair
Delegate Griffith
Delegate Conway
Delegate Proctor
Delegate Barkley

In addition, the House has appointed in advisory capacity: Delegates Bohanan and Stocksdale.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #25

AMENDED IN THE HOUSE

Senate Bill 198 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Collection Fee – Repeal of Sunset

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

The motion was adopted by roll call vote as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 1033)

SB0198/703725/2

BY: Delegates Kach, Elmore, O'Donnell, and Olszewski

AMENDMENTS TO SENATE BILL 198
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Alteration"; in the same line, after "Sunset" insert "and Collection from Obligor"; in line 5, after "cases;" insert "requiring the collection of a certain annual fee from a certain obligor; requiring that a certain earnings withholding include a certain annual collection fee;"; and after line 8, insert:

"BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–110 and 10–122(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"Article – Family Law

10–110.

(a) The Administration may:

(1) charge an initial application fee of not more than $25 for support services;

(2) deduct from the child support payment to defray the cost of providing support enforcement services under:

(i) the Income Tax Refund Intercept Program under this subtitle; and

(ii) the Federal Treasury Offset Program; **AND**

(3) collect fees from the obligor to defray the costs of providing support enforcement services**[**; and

(4) deduct from child support payments**]** **INCLUDING** an annual collection fee of $25 for cases in which the family never received temporary cash assistance and has received at least $500 in child support payments during the federal fiscal year.

(b) Except as provided in subsection (a) of this section, the Administration may not:

(1) collect fees from the child support obligee; or

(2) deduct fees from the child support payment.

10–122.

(a) The amount of the earnings withholding shall:

(1) be enough to pay the support and any arrearage included in the payments required by the support order; **[**and**]**

(2) include any arrearage accrued since the support order**; AND**

(3) INCLUDE, ANNUALLY, THE COLLECTION FEE OF $25 DESCRIBED IN § 10–110(A)(3) OF THIS SUBTITLE.".

The preceding 2 amendments were read and not concurred in.

SB0198/843921/1

BY: Delegates Kach and Olszewski

AMENDMENTS TO SENATE BILL 198
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "repealed;" insert "declaring the intent of the General Assembly;".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, to the extent that the annual fees collected from obligors as provided under this Act are less than the amount necessary to offset the reduction in federal funds under the Deficit Reduction Act of 2005 (P.L. 109–171, § 7310) for child support enforcement, the difference shall be made up in the State budget by general fund appropriations.";

and in line 9, strike "2." and substitute "3.".

The preceding 2 amendments were read and not concurred in.

SB0198/783126/2

BY: Delegate Kach

AMENDMENTS TO SENATE BILL 198
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "requiring" in line 5 down through "repealed" in line 7 and substitute "providing for the termination of certain provisions of this Act".

AMENDMENT NO. 2

On page 2 of Delegates Kach, Elmore, O'Donnell, and Olszewski's Amendments (SB0198/703725/2), after line 13 of Amendment No. 2, insert:

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

Article – Family Law".

On page 1 of the bill, before line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On pages 1 and 2 of the bill, strike beginning with "**IF**" in line 17 on page 1 down through "**REPEALED**" in line 3 on page 2 and substitute "It shall remain effective for a period of **[**1 year**]** **3 YEARS** and, at the end of September 30, **[**2008**]** **2010**".

On page 2 of the bill, strike beginning with "**AS**" in line 4 down through "**REPEAL**" in line 8.

AMENDMENT NO. 4

On page 2 of the bill, in line 9, strike "2." and substitute "4."; in line 10, strike "July" and substitute "October"; and in the same line, after "2008." insert "Section 2 of this Act shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 483 of the Acts of the General Assembly of 2007, as amended by Section 3 of this Act. If that termination provision takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.".

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 0198**
SPONSOR: Chr JPR (Dept)
SUBJECT: Family Law – Child Support Collection Fee – Repeal of Sunset

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 Gladden, Chairman
Senator Raskin
Senator Haines.

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 97 – Senators Pugh, Conway, Della, Exum, Gladden, Jones, Kelley, Lenett, Madaleno, McFadden, Raskin, and Stone

EMERGENCY BILL

AN ACT concerning

Lead–Containing Products – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (11) AND THE FAVORABLE REPORT.

SB0097/697574/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 97
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in line 2, after "Lead–Containing" insert "Children's"; strike beginning with "or" in line 4 down through "products" in line 5 and substitute "in a certain manner"; in line 6, after "devices" insert ", certain distribution operations or activities, or certain vehicles, products, parts, or equipment"; strike beginning with "authorizing" in line 6 down through "product;" in line 16; in line 16, after "Department" insert "of the Environment"; in the same line, strike "issue and"; in line 17, after "circumstances;" insert "requiring a manufacturer of a children's product to conduct a certain testing of the product and issue a certain certificate under certain circumstances; requiring a person to ensure that the certificate is transmitted to certain distributors and retailers in a certain manner; requiring certain manufacturers and retailers to maintain certain documents and to provide certain documents to the Department or any person on request; prohibiting a distributor or retailer from selling or offering for sale a children's product under certain circumstances;"; in line 21, after "penalties;" insert "authorizing the Comptroller to assess a certain fine against a certain person; requiring the Comptroller to distribute certain fines to a certain fund; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;"; in line 22, strike "Health and Mental Hygiene" and substitute "the Environment"; in line 23, strike "making this Act an emergency measure;" and substitute "requiring the Department to give certain notice to the Department of Legislative Services if a federal law establishing certain consumer product safety standards is enacted; providing for the termination of this Act under certain circumstances; providing for a delayed effective date;"; in line 24, after "lead–containing" insert "children's"; after line 24, insert:

"BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

in line 26, strike "Health – General" and substitute "Environment"; in line 27, strike "22–601" and substitute "6–1301"; in the same line, strike "22–609" and substitute "6–1311"; in the same line, strike "6." and substitute "13."; and in line 28, after "Lead–Containing" insert "Children's".

On page 2, in line 1, strike "2005" and substitute "2007".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(i) This title;

(ii) An order of the Attorney General or agreement of a party relating to unit pricing under Title 14, Subtitle 1 of this article;

(iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt Collection Act;

(iv) Title 14, Subtitle 3 of this article, the Maryland Door–to–Door Sales Act;

(v) Title 14, Subtitle 9 of this article, Kosher Products;

(vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

(vii) Section 14–1302 of this article;

(viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales Act;

(ix) Section 22–415 of the Transportation Article;

(x) Title 14, Subtitle 20 of this article;

(xi) Title 14, Subtitle 15 of this article, the Automotive Warranty Enforcement Act;

(xii) Title 14, Subtitle 21 of this article;

(xiii) Section 18–107 of the Transportation Article;

(xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone Solicitations Act;

(xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts Act;

(xvi) Title 10, Subtitle 6 of the Real Property Article;

(xvii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

(xviii) Title 14, Subtitle 26 of this article, the Maryland Door–to–Door Solicitations Act;

(xix) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;

(xx) Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;

(xxi) Title 14, Subtitle 33 of this article, the Social Security Number Privacy Act;

(xxii) Section 14–1319 or § 14–1320 of this article; **[**or**]**

(xxiii) Section 7–304 of the Criminal Law Article; or

(XXIV) TITLE 6, SUBTITLE 13 OF THE ENVIRONMENT ARTICLE; OR".

AMENDMENT NO. 3

On page 2, in line 4, strike "Health – General" and substitute "Environment"; in line 5, strike "**6.**" and substitute "**13.**"; in the same line, after "**LEAD–CONTAINING**" insert "**CHILDREN'S**"; in line 6, strike "**22–601.**" and substitute "**6–1301.**"; in line 9, strike "**7**" and substitute "**6**"; in line 11, after "**(C)**" insert "**(1)**"; in line 12, strike "**(1)**" and substitute "**(I)**"; in line 13, strike "**(2)**" and substitute "**(II)**"; after line 13, insert:

"**(2) "CHILDREN'S PRODUCT" DOES NOT INCLUDE FOOD AS DEFINED IN § 21–101 OF THE HEALTH – GENERAL ARTICLE.**";

strike in their entirety lines 14 through 24, inclusive; in line 25, strike "**(G)**" and substitute "**(D)**"; and in the same line, after "**ANY**" insert "**ACCESSIBLE**".

AMENDMENT NO. 4

On page 2, in line 27, strike the colon.

On page 3, in line 1, strike "**(1) GREATER**" and substitute "**GREATER**"; in the same line, strike "**0.02%**" and substitute "**0.06%**"; in line 2, strike "**COATING; OR**" and substitute "**COATING.**"; strike line 3 in its entirety and substitute:

"**(E) "MANUFACTURER" MEANS A PERSON THAT:**

(1) PRODUCES A PRODUCT OR A COMPONENT OF A PRODUCT;

(2) FOR A MULTICOMPONENT PRODUCT, PRODUCES OR ASSEMBLES THE FINAL PRODUCT; OR

(3) IS THE BRAND NAME OWNER OF A PRODUCT.";

in line 4, strike "**(H)**" and substitute "**(F)**"; in line 9, strike "**HOMEOPATHIC REMEDIES**" and substitute "**LUNCH BOXES AND EATING UTENSILS**"; in line 11, strike "**WRAPPERS**" and substitute "**ANY OTHER ITEM SPECIFIED BY THE DEPARTMENT IN REGULATION**"; strike in their entirety lines 12 through 21, inclusive; and in line 22, strike "**22–602.**" and substitute "**6–1302.**".

AMENDMENT NO. 5

On page 4, in line 5, strike "**AND**"; strike beginning with "**FACTORY**" in line 6 down through "**TERMINAL**" in line 7 and substitute "**DISTRIBUTION OPERATION OR ACTIVITY PERFORMED IN A FACTORY, WAREHOUSE, OR ESTABLISHMENT, OR, IN THE COURSE OF SURFACE TRANSPORTATION, AT A PORT FACILITY AS DEFINED IN § 6–101 OF THE TRANSPORTATION ARTICLE; AND**

(3) A VEHICLE AS DEFINED IN § 11–176 OF THE TRANSPORTATION ARTICLE, A PRODUCT OR PART FOR USE IN A VEHICLE, OR TRANSPORTATION EQUIPMENT";

in line 8, strike "**22–603.**" and substitute "**6–1303.**"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"**(A) A PERSON MAY NOT MANUFACTURE A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.**

(B) (1) A MANUFACTURER MAY NOT SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.

(2) A PERSON OTHER THAN A MANUFACTURER MAY NOT KNOWINGLY SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.".

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 11 on page 5, inclusive, and substitute:

"**6–1304.**

(A) A MANUFACTURER OF A CHILDREN'S PRODUCT SHALL:

(1) TEST WHETHER THE CHILDREN'S PRODUCT IS A LEAD–CONTAINING PRODUCT BY USING A QUALIFIED TESTING ENTITY THAT:

(I) 1. IS NOT OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER; AND

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; OR

(II) 1. IS OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER;

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED BY THE DEPARTMENT; AND

3. HAS PROCEDURES APPROVED IN ACCORDANCE WITH AN APPROVAL PROCESS UNDER FEDERAL LAW OR ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT TO ENSURE THAT THE TESTING ENTITY IS PROTECTED FROM UNDUE INFLUENCE; AND

(2) IF THE CHILDREN'S PRODUCT TESTED UNDER ITEM (1) OF THIS SUBSECTION IS NOT A LEAD–CONTAINING PRODUCT, ISSUE A CERTIFICATE THAT CERTIFIES THAT THE CHILDREN'S PRODUCT IS NOT A LEAD–CONTAINING PRODUCT.

(B) A PERSON SHALL ENSURE THAT THE CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IS TRANSMITTED WITH THE CHILDREN'S PRODUCT TO ANY DISTRIBUTOR OR RETAILER WHO RECEIVES THE CHILDREN'S PRODUCT.

(C) A MANUFACTURER SHALL:

(1) MAINTAIN A COPY OF ANY DOCUMENTS RELATED TO LEAD TESTING AND ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(D) A RETAILER SHALL:

(1) MAINTAIN A COPY OF ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(E) A DISTRIBUTOR OR RETAILER MAY NOT SELL OR OFFER FOR SALE IN THE STATE, BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT FOR WHICH THERE IS NO CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(F) A CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) BASED ON A TEST OF EACH CHILDREN'S PRODUCT OR ON A TESTING PROTOCOL THAT IS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; AND

(2) ON A FORM CREATED OR APPROVED BY THE DEPARTMENT.".

AMENDMENT NO. 7

On page 5, in line 12, strike "**22–605.**" and substitute "**6–1305.**"; in line 14, strike "**22–603**" and substitute "**6–1303**"; strike beginning with the colon in line 14 down through "**GIVE**" in line 17 and substitute "**GIVE**"; in line 18, strike "**22–603**" and substitute "**6–1303**"; strike beginning with "**OR**" in line 19 down through "**HAZARD**" in line 20; in line 22, strike "**(A)(2)**" and substitute "**(A)**"; in line 24, after "**ALL**" insert "**CHILDREN'S**"; strike beginning with "**AS**" in line 25 down through "**SUBTITLE**" in line 26; strike beginning with "**OR**" in line 29 down through "**PRODUCT**" in line 30; and in line 31, strike "**PERSON**" and substitute "**DISTRIBUTOR OR RETAILER**".

AMENDMENT NO. 8

On page 6, in line 1, strike "**OR THE LEAD–ADULTERATED CONSUMABLE PRODUCT**"; in line 3, strike "**22–606.**" and substitute "**6–1306.**"; in line 5, after "**A**" insert "**CHILDREN'S**"; in line 6, strike "**22–603**" and substitute "**6–1303**"; in line 9, strike "**22–607.**" and substitute "**6–1307.**"; and in line 17, strike "**$1,000**" and substitute "**$10,000**".

AMENDMENT NO. 9

On page 6, after line 18, insert:

"**6–1308.**

(A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE COMPTROLLER MAY ASSESS AGAINST A PERSON WHO VIOLATES § 6–1304(E) OF THIS SUBTITLE A FINE NOT EXCEEDING $1,000 FOR EACH VIOLATION, UP TO A MAXIMUM OF $50,000.

(B) A FINE ASSESSED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE ASSESSED UNTIL THE PERSON WHO COMMITTED THE VIOLATION HAS BEEN ISSUED THREE WARNINGS REGARDING THE VIOLATION.

(C) EACH DAY ON WHICH A VIOLATION OCCURS OR CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(D) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL DISTRIBUTE ALL FINES ASSESSED UNDER THIS SECTION TO THE LEAD POISONING PREVENTION FUND IN A MANNER DETERMINED BY THE DEPARTMENT AND THE COMPTROLLER.

6–1309.

IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.".

AMENDMENT NO. 10

On page 6, in line 19, strike "**22–608.**" and substitute "**6–1310.**"; in line 20, strike "**(A)**"; strike beginning with "**THAT**" in line 20 down through "**ADMINISTRATION**" in line 25 and substitute "**TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE**"; and in line 26, strike "**22–609.**" and substitute "**6–1311.**".

AMENDMENT NO. 11

On page 6, after line 30, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, if a federal law establishing consumer product safety standards for lead content in children's products is enacted:

(1) within 10 days after its enactment, the Department of the Environment shall notify the Department of Legislative Services about the enactment of the federal law; and

(2) 5 days after the date the Department of Legislative Services receives notice under item (1) of this section, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.";

and in line 31, strike "2." and substitute "3.".

On pages 6 and 7, strike beginning with "is" in line 31 on page 6 down through "enacted" in line 3 on page 7 and substitute "shall take effect June 1, 2009".

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0097/973720/1

BY: Senators Zirkin and Gladden

AMENDMENTS TO SENATE BILL 97, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0097/697574/2), in line 13 of Amendment No. 1, strike "distributor or retailer" and substitute "person"; in line 14, strike "under certain circumstances" and substitute "that is not accompanied by a certain certificate"; and strike beginning with "requiring" in line 21 down through "date;" in line 24.

AMENDMENT NO. 2

On page 2 of the bill, in line 9, after "**(B)**" insert "**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**"; in the same line, strike "**CHILD**" and substitute "**CHILD**"; in the same line, strike "**7**" and substitute "**6**"; and after line 10, insert:

"**(2) IF A FEDERAL LAW ESTABLISHING THE PERMISSIBLE LEVEL OF LEAD IN CHILDREN'S PRODUCTS IS ENACTED, "CHILD" SHALL MEAN AN INDIVIDUAL WHO IS THE AGE SPECIFIED IN THE FEDERAL LAW.**".

AMENDMENT NO. 3

On page 5 of the Finance Committee Amendments, in line 2 of Amendment No. 3, strike "**ACCESSIBLE**".

AMENDMENT NO. 4

On page 3 of the bill, in line 1, after "**THAN**" insert "**THE LESSER OF:**

(1)";

AMENDMENT NO. 5

On page 5 of the Finance Committee Amendments, in line 4 of Amendment No. 4, strike "**COATING.**" and substitute "**COATING; OR**

(2) THE STANDARD ESTABLISHED UNDER FEDERAL LAW REGARDING THE PERMISSIBLE LEVEL OF LEAD IN CHILDREN'S PRODUCTS.";

and strike beginning with the colon in line 5 down through "**IS**" in line 9 and substitute "**IS**".

AMENDMENT NO. 6

On page 6 of the Finance Committee Amendments, in line 8 of Amendment No. 5, strike "**(A)**"; in the same line, strike "**MANUFACTURE**" and substitute "**:**

(1) MANUFACTURE";

in line 9, strike "**PRODUCT.**" and substitute "**PRODUCT; OR**"; and strike beginning with "**(B)**" in line 10 down through "**SELL**" in line 15 and substitute:

"**(2) SELL**".

AMENDMENT NO. 7

On page 7 of the Finance Committee Amendments, in line 2 of Amendment No. 6, strike "**A**" and substitute "**AN INDEPENDENT THIRD PARTY**"; in line 3, strike "**1.**"; in line 5, strike "**2.**" and substitute "**(II)**"; in line 7, strike "**OR**" and substitute "**AND**"; and strike beginning with "**(II)**" in line 8 down through "**AND**" in line 15.

AMENDMENT NO. 8

On page 8 of the Finance Committee Amendments, in line 14 of Amendment No. 6, strike "**DISTRIBUTOR OR RETAILER**" and substitute "**PERSON**".

AMENDMENT NO. 9

On page 11 of the Finance Committee Amendments, in Amendment No. 11, strike beginning with "SECTION" in line 2 down through "effect." in line 10; in line 11, strike "3." and substitute "2."; and in line 13, strike "June 1, 2009" and substitute "July 1, 2008".

The preceding 9 amendments were read and adopted by a roll call vote as follows:

Affirmative – 30 Negative – 16 (See Roll Call No. 1034)

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 297 – Howard County Delegation

AN ACT concerning

Howard County – Local Government Tort Claims Act – Revenue Authority
Ho. Co. 04–08

FOR the purpose of altering the definition of "local government" under the Local Government Tort Claims Act to include the Howard County Revenue Authority; making conforming changes; providing for the application of this Act; and generally relating to the inclusion of the Howard County Revenue Authority under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d) and 5–304(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 784 – Delegates Kaiser, Barkley, Bartlett, Bates, Beitzel, Bohanan, Bromwell, Cardin, Carr, Costa, DeBoy, Dumais, George, Gutierrez, Hecht, Howard, James, Kelly, Kipke, Levy, Love, Mathias, McKee, Minnick, Montgomery, Robinson, Rudolph, Schuh, Schuler, Shank, Smigiel, Sophocleus, Stukes, Taylor, Weir, Weldon, ~~and Wood~~ Wood, Barve, Doory, Elmore, Frick, Gilchrist, Hixson, Ivey, Jennings, Krebs, Olszewski, Rice, Ross, Serafini, F. Turner, and Walker

AN ACT concerning

~~Interstate Compact on Educational Opportunity for Military Children~~
Task Force on Educational Issues Affecting Military Children

FOR the purpose of establishing~~, through a certain Interstate Compact with certain other member states, the Interstate Compact on Educational Opportunity for Military Children for certain purposes; providing for the transfer of certain educational records and enrollment of certain children in certain schools; providing for the placement of certain children in certain courses, educational programs, and special education services on transfer; establishing certain eligibility criteria for certain school programs; establishing certain procedures to facilitate the graduation of certain students from high school; establishing a certain State Council for coordinating certain services; establishing the Interstate Commission on Educational Opportunity for Military Children; providing for the composition, meetings, and powers and duties of the Interstate~~

~~Commission; providing for the organization and operation and the rulemaking functions of the Interstate Commission; providing for the oversight and enforcement of the Interstate Compact and the resolution of disputes between certain member states; providing for the financing of the Interstate Commission; establishing procedures for amending the Interstate Compact; establishing certain withdrawal and dissolution procedures for certain members of the Interstate Compact; defining certain terms; making this Act subject to a certain contingency; and generally relating to the Interstate Compact on Educational Opportunity for Military Children~~ a Task Force on Educational Issues Affecting Military Children; establishing the membership and staffing 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 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 on Educational Issues Affecting Military Children.

~~BY adding to~~
~~Article – Education~~
~~Section 7–1301 through 7–1303 to be under the new subtitle "Subtitle 13. Interstate Compact on Educational Opportunity for Military Children"~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

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

House Bill 830 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Local Government Tort Claims Act – Inclusion of Montgomery County Revenue Authority
MC 813–08

FOR the purpose of altering the definition of a "local government" under the Local Government Tort Claims Act to include the Montgomery County Revenue Authority; and generally relating to the inclusion of the Montgomery County Revenue Authority under the Local Government Tort Claims Act.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–301(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1319 – Delegates Hucker, Barve, Carr, Donoghue, Doory, Gilchrist, Hixson, Holmes, Howard, Jennings, Kullen, McHale, McIntosh, Myers, Ross, Sossi, Taylor, F. Turner, Valderrama, Waldstreicher, ~~and Weir~~ Weir, Bartlett, Elmore, Ivey, Kaiser, Rice, Serafini, and Stukes

AN ACT concerning

Expanded Early Childhood Education

FOR the purpose of altering certain definitions to provide that certain children whose families meet certain eligibility requirements are eligible for certain publicly funded prekindergarten programs; requiring the State Superintendent of Schools to determine and certify to the Governor and the General Assembly the amount of funding needed for the State to fully fund certain costs; providing that the inclusion of certain children in certain publicly funded prekindergarten programs is contingent on certain funds being appropriated in the State budget; and generally relating to eligibility requirements for publicly funded prekindergarten programs.

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

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

House Bill 1325 – Delegates Rosenberg, Beidle, Bronrott, Carr, Elmore, Lee, Mizeur, O'Donnell, Simmons, and Waldstreicher

AN ACT concerning

~~Family Law – CINA, Guardianship, Adoption, and Custody Proceedings – Blindness of Parent, Guardian, or Custodian~~
Children in Need of Assistance – Custody Determinations – Prohibition Against Consideration of Disabilities

FOR the purpose of prohibiting a court, ~~in a certain hearing concerning a child in need of assistance (CINA), from considering the blindness of the child's parent, guardian, or custodian in making a certain finding; prohibiting a court, in making a disposition on a CINA petition, from finding that a child is in need of assistance for the sole reason that the parent, guardian, or custodian of the child is blind; prohibiting a court, in determining whether to grant custody and guardianship of a CINA to a relative or nonrelative, from considering whether the relative or nonrelative is blind; defining "parental disability", under certain provisions of law relating to guardianship of a child, to exclude blindness; prohibiting a local department of social services, a guardian, or a child placement agency, in certain adoption proceedings, from withholding consent on an adoption petition solely because a prospective adoptive parent is blind; prohibiting a court, in ruling on a certain adoption petition, from denying the petition solely because the petitioner is blind; prohibiting a child from being committed to a local department of social services and placed in an out–of–home placement solely because the child's parent or guardian is blind; requiring the Social Services Administration to adopt certain regulations prohibiting a local department from taking certain actions solely because a child's parent or guardian is blind; prohibiting a court, in making a decision regarding custody or visitation, from considering whether a party to the proceeding is blind; and generally relating to the blindness of a child's parent, guardian, custodian, relative, nonrelative, or prospective adoptive parent in a CINA, guardianship, adoption, custody, or visitation proceeding~~ 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; defining a certain term; and generally relating to children in need of assistance.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section ~~3–816.1(d), 3–819(b), and 3–819.2(a)~~ 3–819.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 3–819.2(e)(1)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Family Law~~
~~Section 5–323(a), 5–338(b), 5–350(b), 5–3A–35(b), 5–3B–19(b), and 5–525(c)(2)(i) and (i)(2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Family Law~~
~~Section 5–323 (d)(2)(iii)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Family Law~~
~~Section 9–107~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

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

House Bill 1411 – Delegates Kaiser, Bronrott, Carr, Conway, Healey, Love, Manno, ~~and Montgomery~~ Montgomery, Howard, Ivey, Rice, Ross, and Stukes

AN ACT concerning

Fitness and Athletics Equity for Students with Disabilities Act

FOR the purpose of requiring county ~~school systems~~ boards of education to ensure ~~the participation of~~ that students with disabilities have certain opportunities in certain physical education and certain athletic programs; providing for certain exceptions to these requirements under certain circumstances; requiring county ~~school systems~~ boards to provide certain accommodations; requiring county ~~school systems~~ boards to develop certain ~~programs,~~ policies~~,~~ and procedures; requiring county ~~school systems~~ boards to provide opportunities meeting certain criteria to students; ~~requiring county school systems to designate a certain employee to handle certain duties and responsibilities; requiring each county school system to provide notice of certain information to certain individuals; requiring each county school system to adopt and publish grievance procedures meeting certain criteria;~~ requiring the State Board of Education to adopt a certain model policy to assist certain county boards; requiring the State Department of Education to monitor compliance by county ~~school systems~~ boards with certain requirements; authorizing the Department to investigate and take or require certain action in response to certain complaints; ~~authorizing the Department to make certain determinations; authorizing the State Board of Education to take certain actions;~~ requiring county ~~school systems~~ boards and the Department to provide certain reports; requiring the Department to adopt certain regulations; ~~clarifying the availability of certain legal remedies; providing for the availability of certain legal action for noncompliance with certain provisions;~~ defining certain terms; providing for a deadline for ~~local school system~~ compliance with certain provisions; providing for the construction of this Act; and generally relating to access to physical education and athletic programs in public schools by students with disabilities.

BY adding to
Article – Education
Section 7–4B–01 through ~~7–4B–07~~ 7–4B–06 to be under the new subtitle "Subtitle 4B. Physical Education and Athletic Programs for Students with Disabilities"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1466 – Chair, Economic Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Coal Combustion By–Products – Fees

FOR the purpose of authorizing the Department of the Environment to establish a fund for the management of certain coal combustion by–products; providing that the fund is a special, continuing, nonlapsing fund; authorizing the Department to establish and collect a certain fee; requiring the Department to consider certain factors in establishing and reviewing a fee; requiring the fee to be paid into the fund at a certain time; requiring the Department to use the fund for certain purposes; requiring the Department annually to submit a certain report; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to coal combustion by–products.

BY adding to
Article – Environment
Section 9–281 through 9–286, to be under the new part "Part VII. Coal Combustion By–Products Management Fund"
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1478 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County – Alcoholic Beverages – Waterfront Entertainment Retail Complex and Wine Festival
PG 332–08

FOR the purpose of exempting a certain hotel issued a Class BH license in Prince George's County from certain requirements relating to dining facilities and average daily receipts from the hire of rooms and the sale of food; exempting a certain hotel from a certain limit on the number of Class BH licenses that the Board of License Commissioners may issue; establishing in Prince George's County certain alcoholic beverages licenses to be issued for use in a waterfront entertainment retail complex as defined by county ordinance; prohibiting the Board of License Commissioners from issuing certain licenses within the complex unless a certain percentage of the licenses are held by certain persons; setting maximum limits on the number of certain licenses that the Board may issue in certain years; establishing a special Class B entertainment venue (on–sale) beer, wine and liquor license and a Class A waterfront plaza (off–sale) beer and wine license; requiring that the entertainment venue and waterfront plaza licenses be issued for use within the complex; providing for fees, restrictions on, and requirements for the entertainment venue and waterfront plaza licenses; ~~authorizing the Board to transfer or issue certain licenses to a supermarket or grocery store of a certain size within a waterfront entertainment retail complex;~~ establishing a wine festival license; restricting the issuance of the wine festival license to certain persons; authorizing wine festival licensees to display and sell wine under certain circumstances; authorizing the Board to establish a license fee and issue a certain license for the festival; requiring the Board to choose a certain location for the festival; requiring the Board to adopt certain regulations; defining certain terms; making this Act an emergency measure; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(4)(i) and 9–217(a) and (b)(15)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(4)(iii)2.C. and 3. ~~and 9–102(a–1)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(r)(4)(viii), 8–217(e), 8–217.1, and 8–310.2~~, and 9–102(a–2)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1479 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County – Alcoholic Beverages – Convention Center License
PG 331–08

FOR the purpose of establishing a Class B–CC (convention center) beer, wine and liquor license in Prince George's County; specifying that a license may be issued only to a certain establishment that is equipped with certain rooms and facilities; providing for an annual license fee; requiring that the total average daily receipts from certain sources exceed the average daily receipts from the sale of alcoholic beverages; specifying certain hours of sale; authorizing the sale of alcoholic beverages from locked, prestocked private bars under certain circumstances; authorizing the sale of alcoholic beverages and dancing and live entertainment throughout the licensed establishment; specifying that this Act does not preclude a license holder from having an interest in certain other licenses; providing for certain exceptions to certain licensing restrictions; making this Act an emergency measure; and generally relating to the Class B–CC (convention center) alcoholic beverages license in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i) and 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(d)(6), 9–102(a), and 9–217(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1578 – Delegates Levy, Bohanan, Frush, Kullen, Murphy, and Wood

AN ACT concerning

Electricity Generation – Long–Term Contracts and ~~Study on~~ Use of Consortium of Electric Companies to Build New Facilities

FOR the purpose of ~~prohibiting~~ authorizing the Public Service Commission ~~from requiring certain electric companies to enter into certain long–term contracts until the Commission reports the results of a certain study and evaluation; requiring the Commission to study and evaluate certain advantages and costs associated with the creation or authorization of~~ to authorize a ~~certain~~ private consortium of electric companies to ~~build~~ construct, acquire, or lease, and operate new regulated electricity generating facilities and associated transmission lines as an alternative to certain long–term contracts; ~~requiring the Commission to report the results of a certain study and evaluations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;~~ and generally relating to long–term electricity generation contracts and ~~a study on~~ the authorization of a consortium of electric companies to ~~build~~ construct, acquire, or lease, and operate new regulated electricity generating facilities.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–510(c)(6)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1624 – Delegates Cane, Cardin, Eckardt, Haddaway, Kullen, ~~and Stull~~ Stull, Riley, Beitzel, and Montgomery

AN ACT concerning

Milk Products – Farmstead Cheese Production

FOR the purpose of providing an exception to a certain prohibition on the imposition of certain fees by the Secretary of Health and Mental Hygiene for certain services; establishing a Laboratory Testing Fund for farmstead cheese laboratory testing purposes; authorizing the Secretary to establish a certain pilot farmstead cheese program under certain circumstances; authorizing the Secretary to issue a certain number of farmstead cheese permits under certain circumstances; altering certain requirements for obtaining a farmstead cheese permit; altering the terms and renewal of certain farmstead cheese permits; defining a certain term; altering the termination provision of a certain Act; providing for the termination of this Act; and generally relating to the production of farmstead cheese.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 17–103, 21–416.1, and 21–417
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 17–103.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–401(a) and (g) and 21–434
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 437 of the Acts of the General Assembly of 2007
Section 2

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

MESSAGE TO THE SENATE

BILL: **SB 0514**
SPONSOR: The Pres (DLS)
SUBJECT: State Board of Law Examiners – Sunset Extension and Program Evaluation

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:

Senator Raskin, Chair
Senator Gladden
Senator Frosh

The House appoints:

Delegate Waldstreicher, Chairman

Delegate Carter, and
Delegate McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0269**
SPONSOR: The Pres (Admin)
SUBJECT: Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Hwy Work Zones

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:

Senator Frosh, Chair
Senator Forehand
Senator Muse

The House appoints:

Delegate Malone, Chairman
Delegate Carr, and
Delegate Boteler.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0211**
SPONSOR: The Pres (Admin), et al
SUBJECT: Pub Sfty – Statewide DNA Data Base Sys – Crimes of Vlnc & Brgly – Samples – Postconviction

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:

Senator Frosh, Chair
Senator Gladden
Senator Haines

The House appoints:

Delegate Dumais, Chairman
Delegate Anderson, and
Delegate Kramer.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **HB 0511**
SPONSOR: Del Levy, et al
SUBJECT: Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Frosh moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

FLOOR AMENDMENT

HB0511/178979/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 511
(Third Reading File Bill)

On page 1, in line 6, after "a" insert "certain"; and in line 10, after "a" insert "certain".

On page 2, in line 15, after "**11–136.1**" insert "**(1)**".

The preceding amendment was withdrawn.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1035)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0511**
SPONSOR: Del Levy, et al
SUBJECT: Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

The Senate recedes from its position on HB 0511.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0063**
SPONSOR: Del Branch
SUBJECT: Elevator Safety Review Board Fund

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Vaughn, Chairman
Delegate Feldman, and
Delegate King.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Middleton moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

FLOOR AMENDMENT

HB0063/447672/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 63
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "certain inspections, certain registrations, and"; strike beginning with "providing" in line 7 down through "year;" in line 10; and in line 14, strike "12–809 and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 10 on page 3, inclusive.

On page 4, strike in their entirety lines 18 through 30, inclusive.

The preceding 2 amendments were withdrawn.

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

Affirmative – 40 Negative – 7 (See Roll Call No. 1036)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0063**
SPONSOR: Del Branch
SUBJECT: Elevator Safety Review Board Fund

The Senate recedes from its position on HB 0063.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #20

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

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **SB 0463**
SPONSOR: Sen Conway (Chr EHE)
SUBJECT: State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments and respectfully requests the Senate to reconsider and concur.

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

Delegate Pendergrass, Chairman
Delegate Benson, and
Delegate Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0463**
SPONSOR: Sen Conway (Chr EHE)
SUBJECT: State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

The Senate still does not concur in the House amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:

Delegate Pendergrass, Chair
Delegate Benson
Delegate Kach

The Senate appoints:

Senator Dyson, Chairman
Senator Harrington
Senator Harris.

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. 1037)

ADJOURNMENT

At 2:11 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 12:00 P.M. on Legislative Day April 2, 2008, Calendar Day Saturday, April 5, 2008, in honor of the Reverend Martin Luther King, Jr.

Annapolis, Maryland
Legislative Day: April 2, 2008
Calendar Day: Saturday, April 5, 2008
12:00 P.M. Session

The Senate met at 12:11 P.M.

QUORUM CALL

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

(See Roll Call No. 1039)

The Journal of April 1, 2008 was read and approved.

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

MESSAGE TO THE SENATE

BILL: **SB 0198**
SPONSOR: Chr JPR (Dept)
SUBJECT: Family Law – Child Support Collection Fee – Repeal of Sunset

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 Gladden, Chair
Senator Raskin
Senator Haines

The House appoints:
Delegate Dumais, Chairman
Delegate Levi, and
Delegate Ramirez.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0213**
SPONSOR: The Pres (Admin), et al
SUBJECT: Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Pinsky, Chair
Senator Greenip
Senator Lenett

The House appoints:
Delegate Frush, Chairman
Delegate Stein, and
Delegate Sossi.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **HB 0527**
SPONSOR: Del Reznik, et al

SUBJECT: Task Force to Study the Procurement of Health and Social Services by State Agencies

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Morhaim, Chairman
Delegate Reznik, and
Delegate Weldon.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0527**
SPONSOR: Del Reznik, et al
SUBJECT: Task Force to Study the Procurement of Health and Social Services by State Agencies

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Morhaim, Chair
Delegate Reznik
Delegate Weldon

The Senate appoints:
Senator Della, Chairman
Senator Exum

Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0771**
SPONSOR: The Spkr (DLS)
SUBJECT: State Board of Law Examiners – Sunset Extension and Program Evaluation

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Waldstreicher, Chairman
Delegate Carter, and
Delegate McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0771**
SPONSOR: The Spkr (DLS)

SUBJECT: State Board of Law Examiners – Sunset Extension and Program Evaluation

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Waldstreicher, Chair
Delegate Carter
Delegate McComas

The Senate appoints:
Senator Raskin, Chairman
Senator Gladden
Senator Frosh.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 1219**
SPONSOR: Del Kach, et al
SUBJECT: Health Insurance – Health Care Provider Panels – Provider Contracts

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Pendergrass, Chairman
Delegate Kullen, and
Delegate Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 1219**
SPONSOR: Del Kach, et al
SUBJECT: Health Insurance – Health Care Provider Panels – Provider Contracts

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Pendergrass, Chair
Delegate Kullen
Delegate Kach

The Senate appoints:
Senator Garagiola, Chairman
Senator Kelley
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 1	Sen. Lenett	Maryland Youth Advisory Council
SB 286	Sen. Gladden	Public Health – Antibiotic–Resistant

		Infection Prevention Campaign
SB 456	Sen. Astle	Sales and Use Tax – Energy Star Product Exemptions – Boilers
SB 566	Sen. Garagiola	Health Care Facility Visitation and Medical Decisions – Domestic Partners
SB 600	Sen. Conway	Schools – Early Intervention – Hearing and Vision Screenings
SB 608	Sen. Garagiola	Education – Veterans of the Afghanistan and Iraq Conflicts Scholarship – Extension
SB 773	Sen. Pugh	State Department of Education – Adult Education and Family Literacy Services
SB 841	Sen. Middleton	Maryland Community Health Resources Commission – Modifications
SB 918	Sen. Forehand	Long–Term Care Ins – Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services
SB 924 (Emergency Bill)	Sen. Peters	Motor Vehicle Excise Tax – Leased Vehicles – Application of Trade–In Value
SB 946	Sen. Middleton	Hsptl Reg and Financing – Md Hsptl Bond Program and User Fees of the Hlth Servs Cost Review Comm

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 9	Sen. Rosapepe	Prince George's County – Alcoholic Beverages – Beer Keg Sales – Registration Form
SB 44	Sen. Stone	Criminal Law – Dogfight and Cockfight Attendance – Penalties
SB 166	Sen. Haines	Furnishing an Alcoholic Beverage to Underage

		Individual – Penalty
SB 187	Chair, EHE Com.	Institutions of Postsecondary Education – Certificate of Approval
SB 188	Ch., Finance Com.	Comptroller – Cigarette Business Licenses – Grounds for Disciplinary Action
SB 204	The President	Maryland Transit Administration – Transit–Oriented Development
SB 208	The President	High Performance Buildings Act
SB 238	Sen. Stone	Juveniles – Arrests for Reportable Offenses – Expansion of Notification
SB 313	Sen. Stone	Real Property – Construction Contracts – Retention Proceeds
SB 314	Sen. Currie	State Employment Opportunity Credit – Sunset Extension
SB 387	Sen. Stone	Criminal Law – Possessing Stolen Property
SB 392	Sen. Forehand	Domestic Violence – Enforcement of Protective Order
SB 413	Sen. Stone	Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver
SB 438	Sen. Jones	Institutions of Higher Education – Plans for Programs of Cultural Diversity
SB 480	Sen. DeGrange	State Retirement and Pension System – Membership and System Study
SB 492	Sen. Frosh	Vehicular Crossings – Use by Pedestrians and Bicycles – Authorization
SB 511	Sen. Middleton	Hlth Occups – Den Hyg Stdts – Exc From Licnsr Reqmts While Participating in Approved Educ Pgm
SB 531	Sen. Muse	Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period
SB 546	Sen. Forehand	State Government –

		Commemorative Days – Maryland Charter Day and Annapolis Charter Day
SB 613	Sen. Munson	City of Hagerstown – Fire and Explosives Investigators – Authority
SB 676	Sen. Stoltzfus	Property Tax Credit – Commercial Waterfront Property
SB 679	Sen. Kittleman	Injured Workers' Insurance Fund – Regulation by the Maryland Insurance Commissioner
SB 695	Sen. Gladden	Police and Court Records – Nuisance Crimes – Expungement
SB 710	Sen. Lenett	Environment – Phosphorus – Dishwashing Detergent
SB 711	Sen. Lenett	Truth in Music Advertising Act
SB 742	Sen. Zirkin	Human Services – Residential Child Care Program – Bill of Rights
SB 762	Sen. Conway	Real Estate Licensees – Record Keeping
SB 782	Sen. Zirkin	Residential Child Care Programs – Statement of Need
SB 822	Carroll Co. Senators	Carroll County – Distribution of Tobacco Products to Minors – Prohibition and Penalties
SB 826	Sen. Conway	HIV Testing – Informed Consent and Treatment
SB 831	Sen. Colburn	Environment – Bay Restoration Fund – Authorized Uses of Fund
SB 847	Sen. Conway	Task Force on the Minority Business Enterprise Program and Equity Investment Capital
SB 878	Sen. Glassman	Harford County – Deer Hunting on Private Property – Sundays
SB 885	Sen. Madaleno	The Jane E. Lawton Loan Program
SB 900	Sen. Klausmeier	Exhibitors – Licensure – National Convention Exemption
SB 914	Sen. Muse	Handgun Roster Board – Membership
SB 926	Sen. Astle	Procurement – Chesapeake Bay Trust – State Contracts and

		Grants
SB 931	Sen. Colburn	Dorchester County – School Buses – Length of Operation
SB 945	Sen. Kasemeyer	Local Governments – Postemployment Benefits – Investment of Funds
SB 951	Sen. Miller	Public Safety – Industrialized Buildings – Exemptions
SB 953	Sen. Edwards	Garrett County – Local Tax – Date of Payment
SB 969	Sen. Della	State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators
SB 984	Sen. DeGrange	Board of Public Works – Notification – Capital Leases

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 146 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Condominiums – Conversion of Rental Facilities – Extended Leases – Property Tax Credit

FOR the purpose of altering the minimum period of a certain extended lease that a developer converting a rental facility to a condominium is required to offer certain households under certain circumstances; authorizing the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property owned by a developer that converts a residential rental facility to a condominium and offers extended leases to tenants of the residential rental facility; authorizing the county or municipal corporation to provide, by law, for the amount, duration, and application of the property tax credit and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to the conversion of rental facilities to condominiums.

BY repealing and reenacting, with amendments,

Article – Real Property
Section 11–102.1(f), 11–137(b) and (f)(1), and 11–140(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – Property
Section 9–248
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Rules.

House Bill 175 – Delegates Aumann, Bates, Boteler, G. Clagett, DeBoy, Eckardt, Elliott, Elmore, Frank, Haddaway, Impallaria, Jennings, Krebs, Lafferty, Manno, McComas, McDonough, Miller, Minnick, Myers, Riley, Shewell, Smigiel, Sossi, and Stocksdale

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

FOR the purpose of reducing the number of years of creditable service that a member of the State Retirement and Pension System is required to accrue in order to be eligible to receive military service credit; and generally relating to the eligibility requirements for receiving military service credit in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 38–104
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 503 – Delegates Walker, Cardin, Barnes, Beitzel, Benson, Bohanan, Branch, Braveboy, Bromwell, Burns, Cane, Carter, Conaway, Costa, Elmore, Feldman, Frush, George, Glenn, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, King, Kipke, Kirk, Kullen, Lafferty, Levy, Miller, Minnick, Morhaim, Oaks, Pena–Melnyk, Proctor, Reznik, Robinson, Ross, Schuh, Schuler, Smigiel, Stein, V. Turner, Valderrama, and Weir

AN ACT concerning

~~**Brian Moore Student Health and Fitness Act of Maryland**~~

Task Force on Student Physical Fitness in Maryland Public Schools

FOR the purpose of establishing a Task Force on Student Physical Fitness in Maryland Public Schools; providing for the membership and chair of the Task Force; requiring the State Department of Education 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 Student Physical Fitness in Maryland Public Schools ~~requiring that public school students in kindergarten through a certain grade be provided certain minimum levels of a program of physical activity each week; requiring that the program of physical activity for a certain category of student be consistent with a certain plan for the student; requiring public elementary schools to designate a certain group to plan and coordinate certain activities; requiring students in public high schools to complete a certain amount of physical education in order to graduate; requiring the State Board of Education to adopt certain regulations; providing for certain extensions; and generally relating to student health and fitness~~.

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 7–205(a)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 7–409~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

Read the first time and referred to the Committee on Rules.

House Bill 875 – Delegates Frick, Bronrott, Cardin, Kaiser, Levy, McComas, Montgomery, Morhaim, Pendergrass, Reznik, ~~and Rice~~ Rice, Ali, Beidle, Bobo, Boteler, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Hucker, Lafferty, Malone, McIntosh, Niemann, Norman, O'Donnell, Sossi, Stein, and Weir

AN ACT concerning

Vehicular Crossings – Use by Pedestrians and Bicycles – Authorization

FOR the purpose of authorizing the use of certain vehicular crossings under the jurisdiction of the Maryland Transportation Authority by pedestrians and

bicycles when authorized by the Chairman of the Maryland Transportation Authority; and generally relating to the use of vehicular crossings.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1401
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1405
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 947 – Delegates Feldman, Burns, Haddaway, Impallaria, Jameson, Kirk, Krysiak, Love, Manno, Mathias, Miller, Minnick, Rudolph, Stifler, Vaughn, Walkup, and Wood

AN ACT concerning

Credit Regulation – Debt Management Services

FOR the purpose of authorizing a person that is not a nonprofit organization to provide debt management services in the State; requiring a person that is licensed to provide debt management services to provide a certain notice to a consumer and to make certain determinations before providing debt management services for a consumer; altering certain requirements for a debt management services license; altering the information that must be included in a certain annual report to the Commissioner of Financial Regulation; altering the records that must be preserved by a licensee; altering certain definitions; repealing a certain defined term; making conforming changes; and generally relating to debt management services.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 12–901, 12–905(a), 12–907(a), 12–908(b)(11), 12–916(a)(1), 12–921(a), and 12–922(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 12–908(a)
Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Financial Institutions
Section 12–916(a)(3)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 1008 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

FOR the purpose of adding Worcester County to the list of counties in which certain nonprofit fraternal, religious, and war veterans' organizations may own and operate a certain number of slot machines under certain circumstances; and generally relating to slot machines in Worcester County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–304
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 1231 – Delegates Malone, Aumann, Bromwell, Dwyer, Frank, Kach, Kelly, Kullen, McComas, McConkey, Myers, O'Donnell, Shank, Sossi, ~~and Stull~~ Stull, Eckardt, Haddaway, Montgomery, and Shewell

AN ACT concerning

Vehicle Laws – Failure to Yield Right–of–Way – Penalties for Death or Serious Bodily Injury

FOR the purpose of establishing that if a person fails to yield the right–of–way in violation of certain provisions of law and the violation contributes to an accident that results in the death or serious bodily injury of another, the person is subject to a certain fine and the Motor Vehicle Administration is authorized to suspend the person's license for a certain period of time; providing that a licensee may request a hearing on a license suspension imposed under this Act; and generally relating to penalties for a failure to yield the right–of–way that contributes to an accident that results in death or serious bodily injury.

BY adding to
Article – Transportation
Section 27–114
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 1495 – Cecil County Delegation

AN ACT concerning

Cecil County – Volunteer Length of Service Award Program – Age of Eligibility

FOR the purpose of authorizing certain members of volunteer fire departments, rescue squads, and ambulance corps to receive certain benefits at a certain age under the Volunteer Length of Service Award Program in Cecil County.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–209
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 1615 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission – System Improvement Charges

FOR the purpose of altering the properties for which the St. Mary's County Metropolitan Commission is required to impose and collect a certain per EDU system improvement charge; requiring the Commission to impose and collect a certain per EDU system improvement charge at the same time the EDU is allocated; and generally relating to a system improvement charge imposed by the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, without amendments,
The Public Local Laws of St. Mary's County
Section 113–29 A.
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 113–29 B.(1)
Article 19 – Public Local Laws of Maryland
(2007 Edition, as amended)

Read the first time and referred to the Committee on Rules.

House Bill 1626 – The Speaker (By Request – Administration)

AN ACT concerning

Public Service Commission – Nuclear Decommissioning, Electric Industry Restructuring, and Acquisition and Financing Approvals

FOR the purpose of authorizing the Public Service Commission to exercise certain authority as set forth in certain provisions of federal law under certain circumstances; providing for the construction of certain provisions of this Act; granting the circuit court jurisdiction to enforce certain provisions of law; providing for the application of certain provisions of this Act; authorizing the Commission to authorize the taking, holding, or acquiring of certain capital stock of a ~~certain~~ gas and electric company by a ~~certain~~ stock corporation or ~~certain~~ public utility under certain circumstances; providing that certain provisions of law apply to a gas and electric company; requiring a ~~certain~~ gas and electric company to provide the Commission with a copy of a certain document that is filed with a certain federal agency or commission under certain circumstances; requiring the Commission to provide a ~~certain~~ gas and electric company with certain confidentiality and other protections under certain circumstances; prohibiting a person from acquiring power to exercise certain influence over the policies and actions of a ~~certain~~ gas and electric company without prior authorization of the Commission under certain circumstances; providing that a person may not be considered to have acquired certain power to exercise substantial influence over the policies and actions of a gas and electric company under certain circumstances; authorizing the Commission to order compliance with, and take certain actions authorized by, certain provisions with respect to a ~~certain~~ gas and electric company under certain circumstances; requiring the Commission to consider a certain factor in considering a certain acquisition; requiring the Commission to issue a certain order within a certain time period after the filing of a certain application under certain circumstances; providing that, unless the Commission finds that a certain period should be extended by a certain time period, the failure of the Commission to issue a certain order within a certain time period shall be considered to be an approval of a certain acquisition; repealing a certain requirement of the Commission to conduct certain hearings, provide to certain customers funds for mitigation of certain rate increases, and require that certain funds be in the form of a nonbypassable credit on certain customer bills; altering the date by which a certain electric company shall determine and apply certain residential electric credits; altering the time periods during which an

electric company shall determine and apply a certain credit; altering the form of a certain credit; requiring a certain electric company to determine and apply certain suspensions for a certain time period by a certain date under certain circumstances; altering the time frame within which a certain electric company must cease collecting a certain component of a certain charge; altering the time frame within which a certain credit of a certain nuclear decommissioning charge collected is to be imputed as if deposited in a certain trust fund and is to be credited against certain electric customer bills; providing that a one–time total credit of a certain amount be divided in a certain manner and credited against certain residential electric customer bills by a certain date; providing that a certain nuclear decommissioning charge may be altered only in a certain manner under certain circumstances; providing that certain residential electric customer suspensions may not be recovered through electric rates; providing that certain ratepayers may not bear certain financial obligations with regard to a certain nuclear power plant under certain circumstances; providing that ratepayers shall be deemed to have paid a certain amount in accordance with a certain agreement under certain circumstances; providing that certain nuclear decommissioning rights and obligations shall be deemed fully extinguished and satisfied under certain circumstances; requiring a certain gas and electric company to implement certain depreciation accruals until certain circumstances exist; requiring the Commission to review certain regulations; declaring that the provisions of this Act are not severable; and generally relating to nuclear decommissioning, electric industry restructuring, and acquisition and financing approvals of public service companies.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 3–109, 6–101(c), and 6–105
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing
Chapter 5 of the Acts of the General Assembly of the Special Session of 2006, as amended by Chapter 549 of the Acts of the General Assembly of 2007
Section 5

BY repealing and reenacting, with amendments,
Chapter 549 of the Acts of the General Assembly of 2007
Section 2(a)(1) and (3)

BY repealing and reenacting, with amendments,
Chapter 5 of the Acts of the General Assembly of the Special Session of 2006
Section 6

Read the first time and referred to the Committee on Rules.

CONFERENCE COMMITTEE REPORT

REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 90 – THE BUDGET BILL

(See Exhibit L of Appendix III)

CONFERENCE COMMITTEE REPORT ON SENATE BILL 90 – THE BUDGET BILL

(See Exhibit M of Appendix III)

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 39 Negative – 6 (See Roll Call No. 1040)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 38 Negative – 7 (See Roll Call No. 1041)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 545** SPONSOR: **Ch., Budget & Tax**

SUBJECT: **Health Care Funds – Transfers and Disbursements**

THIRD READING CALENDAR HOUSE NO. **4** SENATE NO. **35**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Appropriations Committee Amendments (SB0545/494469/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0545/593122/1) be adopted.

BY: Conference Committee

AMENDMENTS TO SENATE BILL 545
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "circumstances;" insert "authorizing the Department of Health and Mental Hygiene to use certain funds for certain purposes; requiring the Department to submit a certain report to certain committees of the General Assembly;".

AMENDMENT NO. 2

On page 3, in line 21, strike "$1,000,000" and substitute "$2,000,000".

AMENDMENT NO. 3

On page 3, after line 35, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding § 19–310.1 of the Health – General Article or any other provision of law, the Department of Health and Mental Hygiene may use $8,500,000 of General Funds and $8,500,000 of Federal Funds currently allocated for nursing home reimbursements in the fiscal year 2009 budget to fund an increase in utilization of long–term care services resulting from any changes in the level of care used to determine medical assistance eligibility. On or before November 1, 2008, the Department of Health and Mental Hygiene shall submit a report to the Senate Finance Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee concerning the changes made in the level of care, the number of additional individuals eligible for care as a result of the changes, and the fiscal implications of the change.";

and in line 36, strike "4.", and substitute "5.".

Senate Members:	House Members:
Chairman, **Ulysses Currie**	Chairman, **James E. Proctor, Jr.**
Edward J. Kasemeyer	**Mary–Dulany James**
James E. DeGrange, Sr.	**Melony G. Griffith**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 39 Negative – 7 (See Roll Call No. 1042)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 40 Negative – 6 (See Roll Call No. 1043)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 540** SPONSOR: **Ch., Budget & Tax**

SUBJECT: **Transfer of Special Fund Balances**

THIRD READING CALENDAR HOUSE NO. **2** SENATE NO. **35**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Appropriations Committee Amendments (SB0540/864264/1) be adopted.

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".

Senate Members:	House Members:
Chairman, **Ulysses Currie**	Chairman, **Norman H. Conway**
Edward J. Kasemeyer	**Melony G. Griffith**
James E. DeGrange, Sr.	**Galen R. Clagett**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 43 Negative – 3 (See Roll Call No. 1044)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 527** SPONSOR: **Ch., Budget & Tax**

SUBJECT: **Spending Mandate and Revenue Dedication Relief Act**

THIRD READING CALENDAR HOUSE NO. **2** SENATE NO. **35**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Appropriations Committee Amendments (SB0527/354769/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0527/173120/1) be adopted.

SB0527/173120/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 527
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "for" insert "a"; in line 10, strike "years" and substitute "year"; and in line 11, after "years;" insert "requiring the Governor to appropriate at least a certain amount before a certain date for the purchase of certain helicopters;".

On page 2, in line 7, strike the first comma and substitute "and"; and in the same line, strike ", and 2–1302.2".

AMENDMENT NO. 2

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.

AMENDMENT NO. 3

On page 6, strike in their entirety lines 23 through 34, inclusive.

AMENDMENT NO. 4

On page 7, after line 12, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) To replace funds diverted from the State Police Helicopter Replacement Fund as provided in Section 2 of this Act, from the revenues collected from the sales and use tax, the Governor shall appropriate in the State budgets for fiscal 2010, fiscal 2011, and fiscal 2012, amounts totaling in the aggregate at least $70,000,000 for the purchase of Med–Evac helicopters, on a schedule compatible with procurement of 12 helicopters on or before June 30, 2012. The appropriations required under this section may be made from any budgetary fund to which proceeds of the sales and use tax are credited.

(b) The amount required to be appropriated under subsection (a) of this section shall be reduced on a dollar for dollar basis by:

(1) The amount that capital debt is authorized before June 30, 2012, to purchase Med–Evac helicopters; or

(2) Contributions, transfers, or other financing acquired from the Maryland Automobile Insurance Fund for the procurement of Med–Evac helicopters, as authorized by an Act of the General Assembly.";

in lines 13 and 15, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively; and in line 16, strike "3" and substitute "4".

Senate Members:	House Members:
Chairman, **Ulysses Currie**	Chairman, **James E. Proctor, Jr.**
Edward J. Kasemeyer	**John L. Bohanan, Jr.**
James E. DeGrange, Sr.	**Tawanna P. Gaines**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1045)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 182** SPONSOR: **Ch., Budget & Tax**

SUBJECT: **Maryland Transportation Authority**

THIRD READING CALENDAR HOUSE NO. **4** SENATE NO. **35**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Appropriations Committee Amendments (SB0182/274660/1) be adopted.

(2) That the attached Conference Committee Amendments (SB0182/963229/1) be adopted.

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)**".

SB0182/963229/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 182, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "highway;" insert "making certain provisions of this Act contingent on the taking effect of certain legislation;".

On page 2, after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321(e)(2)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 2, in line 32, after "**REVENUE**" insert "**BY TOLL FACILITY**".

On page 4, in line 30, after the first "**DATE**" insert "**OF UP TO**".

AMENDMENT NO. 3

On page 6, in line 15, strike the first "**THE**"; and strike beginning with "**FOR**" in line 16 down through "**SECTION**" in line 17.

AMENDMENT NO. 4

On page 8, after line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

4–321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(2) From the General Fund, an aggregate appropriation by fiscal year **[**2012**]** **2011** equal to $264,913,000, as follows:

(i) $53,000,000 for fiscal year 2007 **[**and for each of fiscal years 2009 through 2011 ; and**];**

(II) $85,000,000 FOR FISCAL YEAR 2009;

(III) $63,000,000 FOR FISCAL YEAR 2010; AND

[(ii)**] (IV)** **[**$52,913,000**]** **$63,913,000** for fiscal year **[**2012**]** **2011**; and";

in line 11, strike "2." and substitute "3."; in lines 20 and 24, in each instance, strike "3–year"; in line 23, strike "in fiscal years 2011 and 2012"; in line 28, strike "in fiscal year 2011 and fiscal year 2012"; in line 29, strike "received in those fiscal years"; in line 32, strike "received in fiscal years 2011 and 2012"; and after line 36, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the taking effect of legislation to increase the State income tax rate applicable to net taxable income of individuals in excess of $1,000,000 to at least 6.25% beginning January 1, 2008, and if legislation to increase the State income tax rate applicable to net taxable income of individuals in excess of $1,000,000 to at least 6.25% beginning January 1, 2008, does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.".

On page 9, in line 1, strike "3." and substitute "5."; and in the same line, after "That" insert ", subject to Section 4 of this Act,".

Senate Members:	House Members:
Chairman, **Ulysses Currie**	Chairman, **Tawanna P. Gaines**
Edward J. Kasemeyer	**Murray D. Levy**
James E. DeGrange, Sr.	**Susan L. M. Aumann**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(x) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 39 Negative – 7 (See Roll Call No. 1046)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #26

AMENDED IN THE HOUSE

Senate Bill 570 – Senators Garagiola, Astle, Exum, Glassman, Kittleman, Klausmeier, Middleton, Pugh, and Robey

AN ACT concerning

State Emergency Medical Services Board – Public Access Automated External Defibrillator Program

Senator Middleton moved that the Senate concur in the House amendments.

SB0570/316985/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 570
(Third Reading File Bill)

AMENDMENT NO. 1

On page 7, in line 31, strike "authorized" and substitute "**REGISTERED**".

AMENDMENT NO. 2

On page 8, in line 20, strike "an authorized" and substitute "**A REGISTERED**"; in line 22, strike "authorized" and substitute "**EXPECTED**"; in line 31, strike "**AED**"; and in the same line, after "**REGIONAL**" insert "**COUNCIL AED**".

AMENDMENT NO. 3

On page 9, in line 8, strike "July" and substitute "October".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1047)

AMENDED IN THE HOUSE

Senate Bill 701 – Senators Jones, Astle, and McFadden

AN ACT concerning

Insurance Producers – Life and Health Insurance Examinations – Annual Reports

Senator Middleton moved that the Senate concur in the House amendments.

SB0701/366186/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 701
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Reports" and substitute "Report"; strike beginning with "requiring" in line 8 down through "manner;" in line 13 and substitute "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 in line 14, after "to" insert "reports on".

AMENDMENT NO. 2

On page 3, in line 4, strike "**AND**"; in line 6, after "**EXAMINATION**" insert "**; AND**

(V) THE CORRECT ANSWER RATE AND CORRELATION FOR EACH TEST QUESTION AND EACH TEST FORM";

and strike beginning with "**(F)**" in line 7 down through "**CORRELATIONS**" in line 16 and substitute:

"**(3) AS SOON AS PRACTICABLE AFTER ITS PUBLICATION, THE COMMISSIONER OR A DESIGNEE OF THE COMMISSIONER SHALL SUBMIT THE REPORT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1048)

CONCURRENCE CALENDAR #27

AMENDED IN THE HOUSE

Senate Bill 33 – ~~Senator Muse~~ Senators Muse, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education

Senator Conway moved that the Senate concur in the House amendment.

SB0033/705467/2

BY: Committee on Ways and Means

SUBSTITUTE AMENDMENT TO SENATE BILL 33
(Third Reading File Bill)

On pages 4 through 6, strike in their entirety the lines beginning with line 23 on page 4 through line 18 on page 6, inclusive, and substitute:

"**(B) SCHOOL BOARD DISTRICT I CONSISTS OF:**

(1) ELECTION DISTRICT 10;

(2) ELECTION DISTRICT 1, PRECINCTS 1 AND 3 THROUGH 6;

(3) ELECTION DISTRICT 14, PRECINCT 8;

(4) ELECTION DISTRICT 21, PRECINCTS 5, 14, AND 97;

(5) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003; AND

(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY WEST, NORTH, AND EAST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUES ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.

(C) SCHOOL BOARD DISTRICT II CONSISTS OF:

(1) ELECTION DISTRICT 19, PRECINCTS 1 AND 2;

(2) ELECTION DISTRICT 20, PRECINCTS 1, 5, 6, AND 10;

(3) ELECTION DISTRICT 21, PRECINCTS 1, 2, 3, 4, 6 THROUGH 13, 15, 16, 17, 98, AND 99;

(4) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003;

(5) THAT PART OF ELECTION DISTRICT 2, PRECINCT 5 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE TOWN OF EDMONSTON AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002;

(6) THAT PART OF ELECTION DISTRICT 16, PRECINCT 1 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF HYATTSVILLE AS THAT BOUNDARY EXISTED ON NOVEMBER 1, 2006;

(7) THAT PART OF ELECTION DISTRICT 19, PRECINCT 4 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE TOWN OF RIVERDALE PARK AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002; AND

(8) THAT PART OF ELECTION DISTRICT 20, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF NEW CARROLLTON AS THAT BOUNDARY EXISTED ON JANUARY 30, 2006.

(D) SCHOOL BOARD DISTRICT III CONSISTS OF:

(1) ELECTION DISTRICT 17;

(2) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 4;

(3) ELECTION DISTRICT 19, PRECINCT 3; AND

(4) THAT PART OF ELECTION DISTRICT 16, PRECINCT 1 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF HYATTSVILLE AS THAT BOUNDARY EXISTED ON NOVEMBER 1, 2006.

(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

(1) ELECTION DISTRICT 2, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 10;

(2) ELECTION DISTRICT 13, PRECINCTS 1 THROUGH 3, 8, 14, AND 17;

(3) ELECTION DISTRICT 14, PRECINCT 2;

(4) ELECTION DISTRICT 16, PRECINCT 99;

(5) ELECTION DISTRICT 18, PRECINCTS 5 AND 12;

(6) THAT PART OF ELECTION DISTRICT 2, PRECINCT 5 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE TOWN OF EDMONSTON AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002;

(7) THAT PART OF ELECTION DISTRICT 19, PRECINCT 4 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE TOWN OF RIVERDALE PARK AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002; AND

(8) THAT PART OF ELECTION DISTRICT 20, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF NEW CARROLLTON AS THAT BOUNDARY EXISTED ON JANUARY 30, 2006.

(F) SCHOOL BOARD DISTRICT V CONSISTS OF:

(1) ELECTION DISTRICT 3;

(2) ELECTION DISTRICT 7, PRECINCTS 1 THROUGH 11, 13, AND 14;

(3) ELECTION DISTRICT 14, PRECINCTS 1, 3 THROUGH 7, AND 10;

(4) ELECTION DISTRICT 15, PRECINCT 5; AND

(5) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY EAST, SOUTH, AND WEST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUES ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.

(G) SCHOOL BOARD DISTRICT VI CONSISTS OF:

(1) ELECTION DISTRICT 6, PRECINCTS 19 AND 20;

(2) ELECTION DISTRICT 7, PRECINCT 12;

(3) ELECTION DISTRICT 13, PRECINCTS 4 THROUGH 7 AND 9 THROUGH 13, 15, AND 16;

(4) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 11; AND

(5) ELECTION DISTRICT 20, PRECINCT 3.".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1049)

AMENDED IN THE HOUSE

Senate Bill 77 – Senators Kelley, Colburn, Conway, Della, Exum, Madaleno, McFadden, Pinsky, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

Senator Conway moved that the Senate concur in the House amendments.

SB0077/775760/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 77
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "hardship;" insert "requiring certain affidavits to include certain notice; making a conforming change concerning the form of a certain affidavit;".

AMENDMENT NO. 2

On page 4, in line 5, after the third "the" insert "**PUBLIC SCHOOL OR**".

On page 5, in line 8, after the second "the" insert "**PUBLIC SCHOOL OR**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1050)

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate concur in the House amendments.

SB0264/815663/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "individuals;" insert "providing for the application of this Act;"; and in line 8, strike "or intend to leave".

AMENDMENT NO. 2

On page 2, strike beginning with "**, IS**" in line 3 down through "**AT**" in line 4; after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to students who, on or after the effective date of this Act, officially withdraw from a public high school prior to obtaining a high school diploma or certificate.";

and in line 9, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1051)

AMENDED IN THE HOUSE

Senate Bill 828 – Senator Conway

AN ACT concerning

Department of Health and Mental Hygiene – Birth Defects Research – Medical Information

Senator Conway moved that the Senate concur in the House amendments.

SB0828/446088/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 828
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 24, after "research;" insert "including guardians of children with birth defects among the individuals who may be appointed to a certain committee that determines certain information to be prepared on birth defects and certain services;".

AMENDMENT NO. 2

On page 6, in line 1, after "Parents" insert "**OR GUARDIANS**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1052)

AMENDED IN THE HOUSE

Senate Bill 848 – Senator Conway

AN ACT concerning

State Board of Social Work Examiners – Membership – Qualifications

Senator Conway moved that the Senate concur in the House amendment.

SB0848/646387/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 848
(Third Reading File Bill)

On page 2, in line 13, strike "**PRIMARILY**" and substitute "**WHO IS:**

A. PRIMARILY";

in line 14, strike "**AN ACCREDITED**" and substitute "**A**"; strike beginning with "**AND**" in line 14 down through "**COMMISSION**" in line 16 and substitute "**ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION; AND**

B. NOMINATED FROM A LIST OF NAMES SUBMITTED BY THE DEANS AND DIRECTORS OF THE MARYLAND SOCIAL WORK EDUCATION PROGRAMS".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1053)

THE COMMITTEE ON RULES REPORT #11

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

House Bill 368 – The Speaker (By Request – Administration) and Delegates McHale, Hecht, Mathias, Ali, Aumann, Barve, Bobo, Bronrott, Cardin, Carr, G. Clagett, Conway, Doory, Dumais, Eckardt, Elmore, Gilchrist, Haynes, Healey, Hixson, Howard, Hucker, James, Jones, Kaiser, Krebs, Lee, Love, Manno, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Riley, Rosenberg, Shewell, Sophocleus, Stein, Tarrant, ~~and F. Turner~~ F. Turner, Burns, Feldman, Haddaway, Harrison, Kirk, and Krysiak

AN ACT concerning

Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

House Bill 374 – The Speaker (By Request – Administration) and Delegates Feldman, Ali, Barve, Bobo, Bronrott, Cardin, Carr, G. Clagett, Conway,

Doory, Dumais, Elmore, Haynes, Healey, Hecht, Hixson, Howard, Hucker, Jones, Kaiser, Lee, Manno, Mathias, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Rice, Riley, Rosenberg, Shewell, Stein, Tarrant, ~~and Vaughn~~ Vaughn, Harrison, Kirk, Krysiak, and McHale

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

House Bill 375 – The Speaker (By Request – Administration) and Delegates Stein, Ali, Barve, Bobo, Bronrott, Cardin, Carr, Doory, Dumais, Haynes, Hecht, Hixson, Howard, Hucker, Lee, Manno, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Rosenberg, ~~and F. Turner~~ F. Turner, Burns, Feldman, Harrison, Kirk, Krysiak, and McHale

AN ACT concerning

Renewable Portfolio Standard Percentage Requirements – Acceleration

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

House Bill 748 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commercial Law – Consumer Debt Collection

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

House Bill 944 – Delegates Lafferty, Glenn, Haynes, Jameson, Levy, McHale, Mizeur, Murphy, Niemann, Schuh, Schuler, and Stein

AN ACT concerning

Credit Regulation – ~~Subprime~~ Advisory Loans – Requirements for Housing ~~Counseling~~ Advice

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:

House Bill 1052 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Real Property – Home Builders – Community Amenities
PG 405–08

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

House Bill 1234 – Delegate Kach

AN ACT concerning

State Residential Centers ~~and State Facilities~~ – Study – Services for ~~Developmentally Disabled Individuals~~ Individuals with Developmental Disabilities

The bill was re–referred to the Committee on Finance.

CONCURRENCE CALENDAR #28

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate not concur in the House amendments.

SB0473/145160/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 473
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "part" in line 7 down through "requests" in line 8 and substitute "distributed with a request for"; and in line 8, after "years" insert "to certain students or the parent or guardian of certain students".

AMENDMENT NO. 2

On page 3, in line 8, strike "**A**" and substitute "**SUBJECT TO SUBSECTION (D) OF THIS SECTION, A**"; in line 10, after "**(D)**" insert "**(1)**"; in the same line, after the first "**THE**" insert "**ACADEMIC**"; in line 11, strike "**A PART OF THE CARD REQUESTING**" and substitute "**DISTRIBUTED WITH THE**"; in line 12, after "**INFORMATION**" insert "**REQUEST**"; and after line 13, insert:

"**(2) THE DENIAL OF PERMISSION FORM SHALL BE DISTRIBUTED ONLY TO A STUDENT OR THE PARENT OR GUARDIAN OF A STUDENT WHO MAY BE SUBJECT TO THE SURVEY ADMINISTERED UNDER THIS SECTION.**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0473**
SPONSOR: Sen Garagiola, et al
SUBJECT: Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Pinsky, Chairman

Senator Harris
Senator Rosapepe.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #71

Senate Bill 97 – Senators Pugh, Conway, Della, Exum, Gladden, Jones, Kelley, Lenett, Madaleno, McFadden, Raskin, and Stone

~~EMERGENCY BILL~~

AN ACT concerning

Lead–Containing Children's Products – Prohibition

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 1054)

The Bill was then sent to the House of Delegates.

Senate Bill 937 – Senator Jacobs

AN ACT concerning

Cecil County – Volunteer Length of Service Award Program – Age of Eligibility

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1055)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #30

House Bill 652 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Public School Employees – Criminal Convictions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1056)

The Bill was then sent to the House of Delegates.

House Bill 973 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Water Management Administration – Living Shoreline Protection Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1057)

The Bill was then sent to the House of Delegates.

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1058)

The Bill was then sent to the House of Delegates.

House Bill 1209 – Delegate Simmons

AN ACT concerning

Safe Schools Reporting Act of 2005 – Sunset Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 1059)

The Bill was then sent to the House of Delegates.

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1060)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #31
CONSENT CALENDAR #19

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 269 (Emergency Bill)	Del. Nathan–Pulliam	State Board of Nursing – Powers and Duties – Licensing, Certification, and Regulation	EHE
HB 393	Ch. Hlth & Govt Ops	Communicable Diseases or Conditions – Reporting	EHE
HB 626	Del. Niemann	Business Regulation – Maryland Real Estate Brokers Act – Violations and	EHE

		Penalties	
HB 923 (Emergency Bill)	Del. Elmore	State Board of Nursing – Temporary Licenses and Temporary Practice Letters – Extensions	EHE
HB 1090	Del. Morhaim	State Board of Morticians – Family Security Trust Fund and Pre–Need Contracts	EHE
HB 1309 (AMENDED)	Del. McHale	Business Regulation – Mold Remediation Services – Licensing	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 19 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1061)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #32

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 37 Negative – 10 (See Roll Call No. 1062)

The Bill was then sent to the House of Delegates.

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1063)

The Bill was then sent to the House of Delegates.

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 27 Negative – 20 (See Roll Call No. 1064)

The Bill was then sent to the House of Delegates.

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1065)

The Bill was then sent to the House of Delegates.

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 38 Negative – 6 (See Roll Call No. 1066)

The Bill was then sent to the House of Delegates.

House Bill 752 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulation, Fees, and Assessments

Read the third time and passed by yeas and nays as follows:

Affirmative – 39 Negative – 6 (See Roll Call No. 1067)

The Bill was then sent to the House of Delegates.

House Bill 1039 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority
PG 403–08

FLOOR AMENDMENT

HB1039/643827/1

BY: Senator Harrington

AMENDMENTS TO HOUSE BILL 1039, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (HB1039/339033/1), in the last line of Amendment No. 1, after "expenses" insert "; requiring the State and Prince George's County each immediately to make a certain payment to Dimensions Health Corporation at the point in time the Governor, the County Executive, and the County Council agree to extend a certain deadline for reaching a certain agreement".

AMENDMENT NO. 2

On page 7 of the Budget and Taxation Committee Amendments, after the last line of Amendment No. 21, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding Section 5 of this Act and in accordance with § 24–1604 of the Health – General Article, as enacted by Section 1 of this Act, at the end of 60 days after the establishment of the Prince George's County Hospital Authority, if the Governor, the County Executive, and the County Council extend their negotiations for up to but not more than 30 additional days to enable them to reach an agreement as to the commitment of State and County funding for support of the Prince George's County health care system if it is transferred to a new owner or owners, the State and Prince George's County shall each immediately make a payment to Dimensions Health Corporation of $6,000,000 out of the $12,000,000 each has appropriated for fiscal year 2009 at the point in time the decision is made to extend the negotiations up to an additional 30 days.".

On page 7 of the Budget and Taxation Committee Amendments, in Amendment No. 22, in line 1, strike "6." and substitute "7."; and in line 2, strike "7." and substitute "8.".

On page 8, in line 1 of Amendment No. 22, strike the second "8." and substitute "9."; and in line 2, strike "9." and "10.", respectively, and substitute "10." and "11.", respectively.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 34 (See Roll Call No. 1068)

FLOOR AMENDMENT

HB1039/473722/1

BY: Senator Harrington

AMENDMENT TO HOUSE BILL 1039, AS AMENDED
(Third Reading File Bill)

On page 22 of the bill, in lines 5, 28, and 35, in each instance, strike "**60**" and substitute "**90**".

On page 3 of the Budget and Taxation Committee Amendments (HB1039/339033/1), in line 2 of Amendment No. 6, strike "**60**" and substitute "**90**"; in line 8, strike "**30**" and substitute "**60**"; and in lines 12 and 14, in each instance, strike "**90**" and substitute "**150**".

On page 5 of the Budget and Taxation Committee Amendments, in line 4 of Amendment No. 11, strike "**60**" and substitute "**90**"; in line 5, strike "**90**" and substitute "**120**"; in line 8, strike "**90**" and substitute "**150**"; and in line 10, strike "**120**" and substitute "**180**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 9 Negative – 38 (See Roll Call No. 1069)

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 1070)

The Bill was then sent to the House of Delegates.

House Bill 1111 – Delegate Dumais

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

Read the third time and passed by yeas and nays as follows:

Affirmative – 34 Negative – 13 (See Roll Call No. 1071)

The Bill was then sent to the House of Delegates.

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1072)

The Bill was then sent to the House of Delegates.

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 1073)

The Bill was then sent to the House of Delegates.

House Bill 1435 – Chair, Appropriations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Employees – Veterans Seniority Points

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the House of Delegates.

House Bill 1506 – Delegates Walker, Benson, Braveboy, Davis, Frush, Griffith, Healey, Holmes, Hubbard, Ivey, Jennings, Levi, Niemann, Oaks, Proctor, Rice, Ross, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, ~~and Vaughn~~ Vaughn, and Elmore

AN ACT concerning

Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 2 (See Roll Call No. 1075)

The Bill was then sent to the House of Delegates.

House Bill 1557 – Delegates Vaughn, Feldman, Holmes, Kach, Krysiak, and Taylor

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 1076)

The Bill was then sent to the House of Delegates.

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

Senator Jacobs moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 1589 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers – Licensing Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1077)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

HB1056/164438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1056
(Third Reading File Bill)

AMENDMENT NO. 1

On page 8, strike beginning with "**(I)**" in line 3 down through "**(II)**" in line 7.

AMENDMENT NO. 2

On page 8, in line 28, after "**WITH**" insert "**TITLE 5 AND TITLE 16 OF**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #29

AMENDED IN THE HOUSE

Senate Bill 476 – Senator Madaleno

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

Senator Middleton moved that the Senate concur in the House amendments.

SB0476/304667/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 476
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Program;" insert "providing that certain provisions of this Act do not apply to certain health insurance policies and contracts;".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"**(B) THIS SECTION DOES NOT APPLY TO A FIXED INDEMNITY HEALTH INSURANCE POLICY OR CONTRACT IF THE PREMIUMS ARE PAID SOLELY BY AN INDIVIDUAL.**";

and in lines 15 and 26, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

On page 3, in line 1, strike "**(D)**" and substitute "**(E)**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1078)

AMENDED IN THE HOUSE

Senate Bill 720 – Senators Klausmeier ~~and Della~~, Della, Exum, Garagiola, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics ~~Committee~~ Committees

Senator Middleton moved that the Senate concur in the House amendment.

SB0720/696585/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 720
(Third Reading File Bill)

On page 7, in line 9, strike "**SECTION**" and substitute "**SUBTITLE**"; and in line 14, strike "**§ 15–1601**" and substitute "**TITLE 15, SUBTITLE 16**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1079)

MESSAGE TO THE SENATE

BILL: **HB 1604**
SPONSOR: Del Carr, et al
SUBJECT: Department of Natural Resources – Municipal Parks Program

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Holmes, Chairman
Delegate McIntosh, and
Delegate Sossi.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 1604**
SPONSOR: Del Carr, et al
SUBJECT: Department of Natural Resources – Municipal Parks Program

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Holmes, Chair
Delegate McIntosh
Delegate Sossi

The Senate appoints:
Senator DeGrange, Chairman
Senator Munson
Senator Robey.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #36

CONSENT CALENDAR #54

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 152 – Delegate Rudolph

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 203 – Delegates Cane, Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 208 – Delegates Riley, Beitzel, Norman, James, Jennings, McComas, Smigiel, and Sossi

AN ACT concerning

Agriculture – ~~Seed and Nursery Stock for Native Plants – Funding~~ Wild Pollinators Program

HB0208/594239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 208
(Third Reading File Bill)

On page 1, in line 8, after "Program;" insert "providing for the termination of this Act;".

On page 2, in line 29, after "2008." insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2010, with no further action required by te 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:

House Bill 276 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in County Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 428 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Cafe License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 437 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses – Additional Class B Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 561 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Tarrant, V. Turner, and Weldon

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 696 – Delegates Hixson, Waldstreicher, Gutierrez, Hucker, ~~and Mizeur~~ Mizeur, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Malone, McIntosh, Niemann, O'Donnell, Norman, Shewell, Sossi, and Stein

AN ACT concerning

Farm–to–School Program – Activities and Promotional Events

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 805 – Delegates Weldon, Bates, G. Clagett, Hecht, Miller, ~~and Stull~~ Stull, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement – Preferences – Employment Works Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 881 – ~~Delegate Weldon~~ Delegates Weldon, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement – Preference Procurement Program for Sheltered Workshops – Individual With Disability Owned Businesses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 957 – Delegate V. Clagett

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day and Annapolis Charter Day

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 1473 – Delegate Malone

AN ACT concerning

Forest and Park Wardens – Responsibilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 303 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Well Drillers – Permit Fee

HB0303/974239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 303
(Third Reading File Bill)

On page 2, in lines 15 and 22, in each instance, strike the first "**SUBPARAGRAPH**" and substitute "**ITEM**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 501 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 545 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2008

Favorable report adopted.

FLOOR AMENDMENT

HB0545/733024/1

BY: Senator Colburn

AMENDMENT TO HOUSE BILL 545
(Third Reading File Bill)

On page 1, in line 20, after "circumstances;" insert "clarifying and".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 1482 – Harford County Delegation

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #37

CONSENT CALENDAR #52

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
HB 205	FAV	Del Love, et al	Alc Bevs – Beer Manufacturer and Distributor Agreements – Obligation of Successor Manufacturer
HB 422	FAV	Del Kirk, et al	Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer
HB 566	FAV	Del McConkey, et al	Real Estate Salespersons – Qualifications for Licensure – Education Requirements
HB 653	FAV	Del Hixson, et al	Schools – Early Intervention – Hearing and Vision Screenings
HB 991	FAV	Del Pena–Melnyk, et al	HIV Testing – Informed Consent and Treatment
HB 1316	FAV	Del Vaughn, et al	Real Estate Licensees – Record Keeping
HB 1455	FAV	Del Eckardt, et al	Dorchester County – School Buses – Length of Operation
HB 1561	FAV	Del Krysiak	State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators
HB 1563	FAV	Del Hubbard	State Board of Chiropractic and Massage Therapy Examiners – Licensure of Massage Therapists

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 1463 – Delegates Conway, Elmore, and Mathias

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

Favorable report adopted.

FLOOR AMENDMENT

HB1463/993026/1

BY: Senator Stoltzfus

AMENDMENT TO HOUSE BILL 1463
(Third Reading File Bill)

On page 8, in line 9, after "**MINORITY**" insert "**AND WOMEN–OWNED**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 1476 – Delegates Holmes, Beidle, Cane, Frush, Hucker, Niemann, Ross, Shewell, and Sossi

AN ACT concerning

Public Safety – Industrialized ~~Building – Definition~~ Buildings – Exemptions

Favorable report adopted.

FLOOR AMENDMENT

HB1476/173029/1

BY: Senator Conway

AMENDMENT TO HOUSE BILL 1476

(Third Reading File Bill)

On page 3, in line 22, strike "October" and substitute "June".

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 #38

CONSENT CALENDAR #53

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 261 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Deputy Sheriffs – Repeal of Residency Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 314 – Delegate Beitzel

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 330 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Assistant Sheriff

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Performing Arts Facility MC 806–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 1087 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Catering, Stadium, and Sidewalk Café Licenses

HB1087/944732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1087
(Third Reading File Bill)

On page 5, in line 9, strike "**$1,000**" and substitute "**$500**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #39

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

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

HB0139/214633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 139
(Third Reading File Bill)

On page 4, in line 12, strike "Two" and substitute "One"; in the same line, strike "representatives" and substitute "representative"; in line 13, strike "and"; in line 14, strike "Two students" and substitute "One student"; in the same line, strike "represent" and substitute "represents a"; in the same line, strike "organizations" and substitute "organization"; and in line 15, after "systems" insert:

"(xii) One representative of a child advocacy group;

(xiii) One representative of an organization that represents special education students;

(xiv) One representative from a local law enforcement agency; and

(xv) One representative of the juvenile justice system in the State".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 169 – Delegates Jones, Branch, Burns, Dumais, Gaines, Haynes, Hecht, Morhaim, Nathan–Pulliam, and F. Turner

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

Favorable report adopted.

FLOOR AMENDMENT

HB0169/604236/2

BY: Senator Pinsky

AMENDMENTS TO HOUSE BILL 169
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "hardship;" insert "requiring certain affidavits to include certain notice; making a conforming change concerning the form of a certain affidavit;".

AMENDMENT NO. 2

On page 4, in line 5, after the third "the" insert "**PUBLIC SCHOOL OR**".

On page 5, in line 8, after the second "the" insert "**PUBLIC SCHOOL OR**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Senator Harris moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2008.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 310 – Delegates Rosenberg and Cardin

~~CONSTITUTIONAL AMENDMENT~~

AN ACT concerning

~~Elective Franchise – Youth Voter Registration and Participation in Elections~~ Elections – Voter Registration and Voting – Age

HB0310/204835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 310
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "CONSTITUTIONAL AMENDMENT"; strike line 3 in its entirety and substitute "Elective Franchise – Voting by 17–Year–Old Citizens"; and strike beginning with "altering" in line 8 down through "follows:" in line 19 and substitute "authorizing certain citizens who are less than 18 years old to vote in certain elections under certain circumstances; making stylistic

changes; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article I – Elective Franchise
Section 1

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:".

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with line 35 on page 2 through line 22 on page 3, inclusive, and substitute:

"Article I – Elective Franchise

1.

All elections shall be by ballot. Every citizen of the United States, **[**of the age of 18 years or upwards**]** **WHO IS AT LEAST 18 YEARS OLD OR WILL BE 18 YEARS OLD ON OR BEFORE THE DAY OF THE NEXT SUCCEEDING GENERAL OR SPECIAL ELECTION**, who is a resident of the State as of the time for the closing of registration next preceding the election, shall be entitled to vote in the ward or election district in which **[**he**]** **THE CITIZEN** resides at all elections to be held in this State. A person once entitled to vote in any election district, shall be entitled to vote there until **[**he**]** **THE PERSON** shall have acquired a residence in another election district or ward in this State.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section proposed as an amendment to the Maryland Constitution shall be submitted to the legal and qualified voters of this State at the next general election to be held in November, 2008 for their adoption or rejection pursuant to Article XIV of the

Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 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

HB0369/294435/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 369
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 4, in each instance, strike "and Atlantic Coastal Bays" and substitute "Bay".

On page 2, in line 2, strike "State" and substitute "the BayStat Subcabinet"; strike beginning with "that" in line 2 down through "Fund" in line 3 and substitute "to distribute to a certain administrative cost account a certain amount to administer

grant programs"; in lines 4 and 21, in each instance, strike "and Atlantic Coastal Bays" and substitute "Bay"; strike beginning with "and" in line 15 down through "Bays" in line 16 and substitute "Bay".

AMENDMENT NO. 2

On page 3, in line 14, strike "and Atlantic Coastal Bays" and substitute "Bay"; in lines 18 and 21, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**"; strike beginning with "**AND**" in line 26, down through "**TRIBUTARIES,**" in line 27.

On page 4, strike beginning with "**AND**" in line 8 down through "**TRIBUTARIES**" in line 10; in line 21, strike "**AND ATLANTIC COASTAL BAYS AND THEIR**" and substitute "**BAY AND ITS**"; in line 23, strike "**BAY**" and substitute "**BAY**".

On page 5, strike beginning with "**AND**" in line 33 down through "**THEIR**" in line 34 and substitute "**BAY AND ITS**".

On page 6, in lines 1 and 2, 6, and 25 and 26, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 7, in lines 2 and 3, 5 and 6, 8 and 9, 11, 17 and 18, and 22, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**"; strike beginning with "**THE**" in line 19 down through "**(III)**" in line 21; and in line 24, strike "**(IV)**" and substitute "**(III)**".

On page 8, in line 19, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 9, in lines 7 and 8, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 11, in line 15, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 12, in lines 27 and 28, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 13, in line 36, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 16, in lines 1, 3, 8 and 9, 12 and 13, 14 and 15, 20, 24, 28 and 29, and 33, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 17, in lines 1, 5, 6, 10, 12, 17 and 18, 24, 26, and 35, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 18, in lines 1 and 2, 4, 10 and 11, 33, and 34 and 35, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 19, in lines 14 and 15 and 31 and 32, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 20, in lines 4, 8, and 29, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

AMENDMENT NO. 3

On page 5, in line 10, strike "**, OR**" and substitute "**OR**"; in line 21, after "**PROJECT;**" insert "**AND**"; and strike beginning with "**DEVELOPMENT**" in line 22 down through "**(IX)**" in line 26.

AMENDMENT NO. 4

On page 9, in line 9, strike "**AND**"; and in line 12, after "**PROJECTS**" insert "**; AND**

(IV) TO THE WOODLAND INCENTIVE FUND ESTABLISHED UNDER § 5–307 OF THIS ARTICLE".

AMENDMENT NO. 5

On page 9, strike in their entirety lines 23 through 26, inclusive.

On page 12, strike beginning with "**A**" in line 4 down through "**ADMINISTRATION**" in line 6 and substitute "**THE BAYSTAT SUBCABINET AGENCIES MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE**

AMOUNT THAT IS NECESSARY TO ADMINISTER GRANT PROGRAMS, NOT TO EXCEED 1.5% OF THE ALLOCATIONS TO THE BAYSTAT SUBCABINET AGENCIES".

The preceding 5 amendments were read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today's business .

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 438 – Delegate Hubbard

AN ACT concerning

Department of Health and Mental Hygiene – Birth Defects Research – Medical Information

HB0438/944236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "number" in line 8 down through "days" in line 9 and substitute "period of time".

AMENDMENT NO. 2

On page 3, in line 14, 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:

House Bill 459 – Chair, Health and Government Operations Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 487 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

HB0487/814833/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 487
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 7 down through "circumstances;" in line 12; strike beginning with "requiring" in line 16 down through "date;" in line 20; and in line 24, strike "7–202,".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 21 on page 2 through line 26 on page 5, inclusive.

AMENDMENT NO. 3

On page 9, strike in their entirety lines 3 through 14, inclusive; and in line 15, strike "7." and substitute "6.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 551 – Delegate Donoghue

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

HB0551/774534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 551
(Third Reading File Bill)

On page 2, in line 7, strike "**AND**"; and in line 8, after "**(IV)**" insert "**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 preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 795 – Delegates Reznik, Ali, Cardin, Conaway, Davis, Feldman, Frick, Haddaway, Hammen, Ivey, Kaiser, King, Kipke, Manno, Rice, Schuler, Taylor, Vaughn, and Walker

AN ACT concerning

Athletics – Mixed Martial Arts – Regulation by State Athletic Commission – Boxing and Wrestling Tax

HB0795/494038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 795
(Third Reading File Bill)

On page 10, in line 21, strike "**AND EXHIBITIONS**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 808 – Delegates Weldon, Bartlett, G. Clagett, Hecht, Krebs, O'Donnell, Shank, and Stull

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

HB0808/214639/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 808
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike in their entirety lines 23 through 25, inclusive; and in line 26, strike "**(F)**" and substitute "**(E)**".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 4 and 5; in line 6, strike "**(H)**" and substitute "**(F)**"; strike beginning with "**POWER**" in line 8 down through "**BOILER**" in line 9 and substitute "or boiler, each generating pressure of [at least] **MORE THAN** 15 psi and operating at 30 or more horsepower"; in line 12, strike "**(I)**" and substitute "**(G)**"; and in line 27, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE WATER**".

AMENDMENT NO. 3

On page 4, in line 15, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

On page 5, in line 20, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

On page 6, in line 15, strike "**POWER BOILER OR A HIGH PRESSURE, HIGH TEMPERATURE**".

On page 7, in line 10, 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:

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

HB0811/104836/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 811
(Third Reading File Bill)

On page 2 in line 7, and on page 7 in line 10, in each instance, after "General" insert "and the Secretary of Health and Mental Hygiene".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 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

HB0905/334334/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 905
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after the first "the" insert "diversity"; and in the same line, after "Education;" insert "requiring the Commission to submit a certain report to certain committees of the General Assembly on or before a certain date each year; defining a certain term;".

AMENDMENT NO. 2

On page 2, in line 21, 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 26, strike "**(2)**" and substitute "**(3)**"; and in line 29, strike "**(1)**" and substitute "**(2)**".

AMENDMENT NO. 3

On page 3, in line 1, after "**(A)**" insert "**IN THIS SECTION, "CULTURAL DIVERSITY" MEANS THE INCLUSION OF THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE OR HAVE BEEN UNDERREPRESENTED IN HIGHER EDUCATION.**

(B)";

in line 18, strike "**RESPONDING TO**" and substitute "**REPORTING CAMPUS–BASED**"; strike beginning with "**AND**" in line 18 down through "**CAMPUS**" in line 19 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 25, after "**TRAINING**" insert "**OF THE STUDENT BODY, FACULTY, AND STAFF**"; in line 27, strike "**(B)**" and substitute "**(C)**"; and in line 28, strike "**(A)**" and substitute "**(B)**".

AMENDMENT NO. 4

On page 4, in line 1, strike "**(C)**" and substitute "**(D) (1)**"; in line 2, strike "**(B)**" and substitute "**(C)**"; and after line 4, insert:

"**(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMISSION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE EXTENT TO WHICH THE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE ARE IN COMPLIANCE WITH THE DIVERSITY GOALS OF THE STATE PLAN FOR HIGHER EDUCATION.**".

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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 1041 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education
PG 401–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 1089 – Delegate Donoghue

AN ACT concerning

Direct Billing of Anatomic Pathology Services

HB1089/204238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1089
(Third Reading File Bill)

On page 4, in line 33, after "**DIRECTLY**" insert "**UNLESS OTHERWISE PROHIBITED BY LAW**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 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

HB1140/694838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1140
(Third Reading File Bill)

On page 7, in line 29, strike "**JOINTLY**"; strike beginning with "**AND**" in line 29 down through "**PHYSICIANS**" in line 30; and in line 30, strike "**AND TITLE 14**".

On page 11, in lines 6 and 20, in each instance, strike "**JOINTLY**"; strike beginning with "**AND**" in line 6 down through "**PHYSICIANS**" in line 7; and strike beginning with "**AND**" in line 20 down through "**PHYSICIANS**" in line 21.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 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

HB1242/984330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1242

(Third Reading File Bill)

On page 4, in line 3, strike "paragraph (2)" and substitute "item (5) of this subsection".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 1266 – Delegates Cane, Eckardt, and Haddaway

AN ACT concerning

Wetlands – Construction of Structure on Pier – ~~Dorchester County~~ Exception

HB1266/654134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1266
(Third Reading File Bill)

On page 1, in line 7, strike "license" and substitute "permit"; and in line 9, strike "State" and substitute "private".

On page 4, in line 1, strike "**LICENSE**" and substitute "**PERMIT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 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

HB1280/824234/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1280

(Third Reading File Bill)

On page 5, in line 13, strike "**§ 25B(A)**" and substitute "**§ 254B(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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 1504 – Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

HB1504/564931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1504
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second "to" in line 3 down through "Engineers" in line 4; in line 4, strike "fossil" and substitute "buried"; in line 5, after "shells;" insert "requiring the Department to apply for a certain permit on or before a certain date under certain circumstances;"; and in the same line, strike "fossil" and substitute "buried".

AMENDMENT NO. 2

On page 2, strike beginning with "**TO**" in line 3 down through "**ENGINEERS**" in line 4; in line 4, strike "**FOSSIL**" and substitute "**BURIED**"; after line 4, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge buried oyster shells on or before December 1, 2008, if the Oyster Advisory Committee recommends the application based on its work, including a review of the findings of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.";

and in line 5, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **HB 0018**
SPONSOR: Del Smigiel, et al
SUBJECT: Sex Offender Registry – Additional Information

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Barnes, Chairman

Delegate Valderrama, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0018**
SPONSOR: Del Smigiel, et al
SUBJECT: Sex Offender Registry – Additional Information

The Senate does not recede in the Senate amendments.
The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #30

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate concur in the House amendments.

SB0564/974260/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 564
(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, strike beginning with "**IS**" in line 31 down through "**MARYLAND**" in line 33 and substitute "**IS ELIGIBLE FOR MEMBERSHIP IN THE JUDGES' RETIREMENT SYSTEM AS PROVIDED IN § 27–201(A) OF THIS TITLE**".

On page 11, strike beginning with "**IS**" in line 1 down through "**MARYLAND**" in line 3 and substitute "**IS ELIGIBLE FOR MEMBERSHIP IN THE JUDGES' RETIREMENT SYSTEM AS PROVIDED IN § 27–201(A) OF THIS TITLE**".

AMENDMENT NO. 2

On page 12, strike beginning with "is" in line 23 down through "(ii)" in line 26; and in line 28, strike "(iii)" and substitute "(ii)".

On page 13, strike beginning with "is" in line 7 down through "Maryland" in line 9 and substitute "is eligible for membership in the Judges' Retirement System as provided in § 27–201(a) of the State Personnel and Pensions Article".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 42 Negative – 0 (See Roll Call No. 1080)

AMENDED IN THE HOUSE

Senate Bill 565 – Senators Garagiola, Brochin, Edwards, Forehand, Middleton, Peters, Raskin, and Rosapepe

AN ACT concerning

Income Tax Credit – Bio–Heating Oil

Senator Currie moved that the Senate concur in the House amendment.

SB0565/825562/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 565
(Third Reading File Bill)

On page 2, in line 11, strike "**5**" and substitute "**3**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 42 Negative – 0 (See Roll Call No. 1081)

AMENDED IN THE HOUSE

Senate Bill 859 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

Senator Currie moved that the Senate concur in the House amendments.

SB0859/704363/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 859
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "requiring the Blue Ribbon Commission to Study Retiree Health Care Funding Options to issue a certain report by a certain date;".

AMENDMENT NO. 2

On page 2, in line 2, after "(g)" insert "**(1)**"; in the same line, strike the brackets; in the same line, strike "**2009**"; strike beginning with "a" in line 2 down through "final" in line 3 and substitute "**AN INTERIM**"; in line 3, strike "and recommendations"; and after line 4, insert:

"**(2) ON OR BEFORE DECEMBER 31, 2009, THE COMMISSION SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1082)

CONCURRENCE CALENDAR #31

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate concur in the House amendment.

SB0712/420016/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 712
(Third Reading File Bill)

On page 2, in line 4, after "**OR**" insert "**, AS DEFINED IN § 27–113 OF THIS SUBTITLE,**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1083)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #36

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 16 – Delegate Smigiel

AN ACT concerning

Local Government Tort Claims Act – Notice

Senator McFadden moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2008.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 149 – Delegate Dumais

AN ACT concerning

Family Law – Counsel for Minor – Payment of Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 452 – Delegates Niemann, Holmes, Sossi, and Stein

AN ACT concerning

Landlord and Tenant – Summary Ejectment – Deceased Tenant

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 577 – Delegate Simmons

AN ACT concerning

Preservation of Right to Jury or Judge Trial Act

HB0577/978672/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 577
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "limits" in line 4 down through "certain" in line 5 and substitute "requires"; in line 6, after the semicolon insert "providing a certain exception;"; and in line 7, after the semicolon, insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 17 through 20, inclusive, and substitute:

"**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY PROVISION IN AN INSURANCE CONTRACT WITH A CONSUMER THAT REQUIRES ARBITRATION IS VOID AND UNENFORCEABLE.**

(2) THIS SUBSECTION DOES NOT APPLY TO A PROVISION THAT ESTABLISHES AN APPRAISAL PROCESS TO DETERMINE THE VALUE OF PROPERTY.".

AMENDMENT NO. 3

On page 2, in line 26, strike "October 1, 2008" and substitute "January 1, 2009".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 638 – Allegany County Delegation

AN ACT concerning

Western Maryland Code Counties – Junkyard Abatement – Liens on Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 645 – Delegates Beidle, Cane, and Niemann

AN ACT concerning

Maryland Contract Lien Act – Foreclosure of Liens – Time Period

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 646 – Delegates Beidle, Dumais, Bobo, Healey, Lafferty, McComas, McConkey, Norman, and Sophocleus

AN ACT concerning

Condominiums – Property Insurance Deductible – Unit Owner Responsibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 786 – Delegate Dumais

AN ACT concerning

Maryland Uniform Interstate Family Support Act – Revision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 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

HB0910/138078/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 910
(Third Reading File Bill)

On page 3, in lines 15 and 28, in each instance, strike "**10**" and substitute "**15**".

On page 4, in line 20, strike "**TEN (10)**" and substitute "**FIFTEEN (15)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 974 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Required Security – Suspension of Registration for Violation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1030 – Prince George's County Delegation

AN ACT concerning

Prince George's County – State's Attorney's Office – Composition and Salaries
PG 304–08

HB1030/498571/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1030
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "for" in line 7 down through "deadline" in line 11.

AMENDMENT NO. 2

On page 4, in line 7, strike "**(I)**"; and strike beginning with "$125,500" in line 7 down through "**JUDGE**" in line 17 and substitute "**$150,000**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1038 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Master for Juvenile Causes – Authority PG 303–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1186 – Delegates Sophocleus, Beidle, V. Clagett, Love, and McConkey

AN ACT concerning

Office of the State's Attorney – Repeal of Obsolete Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #37

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 148 – Delegate Beitzel

AN ACT concerning

Garrett County – Tobacco Products – Distribution to Minors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 165 – Howard County Delegation

AN ACT concerning

Howard County – Criminal History Records Checks – Fingerprinting Requirement
Ho. Co. 05–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 225 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Motor Vehicles – Salvage Vehicle Inspection Fee – Collection and Payment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 230 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – School Crossing Guards – Authority to Direct Traffic

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 263 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Police Training Commission – Membership and Chairman

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 353 – Delegates Rosenberg, Branch, Glenn, Harrison, and Oaks

AN ACT concerning

Criminal Law – ~~Restitution –~~ Destruction of Funerary Objects ~~and Limit on Judgment for Acts of Child~~ – Restitution

Senator Gladden moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2008.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 824 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Fire and Explosive Investigator – ~~Rank~~ Qualifications
MC 805–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #39

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

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

HB0370/108978/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 370
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Charge" insert "– Postconviction DNA Testing".

On page 2, in line 15, strike "deems" and substitute "considers"; in line 17, after "collected" insert "by a certain person at the facility where certain charging is processed or"; in line 31, after "persons;" insert "requiring the Director of the Crime Laboratory to adopt certain procedures;"; in lines 32 and 33, strike "records and samples" and substitute "samples and records"; and in line 33, after "be" insert "destroyed or".

On page 3, strike beginning with "requiring" in line 8 down through "committees;" in line 10 and substitute "providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; and after line 26, insert:

"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 7, strike in their entirety lines 16 through 24, inclusive, and substitute:

"**(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.".

AMENDMENT NO. 3

On page 9, in line 7, after "**6–204**" insert "**OF THE CRIMINAL LAW ARTICLE**".

On page 11, strike beginning with "**INDIVIDUAL**" in line 5 down through "**ARTICLE**" in line 9 and substitute "**DNA RECORD MAY BE EXPUNGED AND THE DNA SAMPLE DESTROYED IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE.**"; in line 11, after "**AS**" insert "**EVIDENCE OF**"; in line 12, strike "**DEEMS**" and substitute "**CONSIDERS**"; and in line 17, strike "**ARREST**" and substitute "**CHARGING**".

On page 12, in lines 11 and 14, in each instance, strike "**OR RETURNED**"; and in line 17, after "**THAT**" insert "**:**

(I)";

in line 18, after "**HOSPITAL**" insert "**; AND**

(II) IS RELATED TO THE CHARGES AGAINST THE INDIVIDUAL".

On page 13, in line 1, after "**SEARCH**" insert "**OF THE STATEWIDE DNA DATA BASE**"; strike in their entirety lines 2 and 3, inclusive, and substitute "**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 17, strike "**RECORDS AND SAMPLES**" and substitute "**SAMPLES AND RECORDS**"; in line 18, after "**BE**" insert "**DESTROYED OR EXPUNGED**"; strike in its entirety line 20; in lines 21, 24, and 25, strike "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 27, after "**DNA**" insert "**SAMPLE OR DNA**"; in the same line, after "**BE**" insert "**DESTROYED OR**"; after line 30, insert:

"**(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.**";

in line 31, strike "**(B)**" and substitute "**(C)**"; and in the same line, strike "**OR SAMPLE**".

On page 14, in lines 1, 3, 7, and 13, strike "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 3, strike "**SAMPLE**" and substitute "**RECORD**"; in line 7, after "**EXPUNGEMENT**" insert "**OR DESTRUCTION**"; and in line 11, after "**EXPUNGED**" insert "**OR DESTROYED**".

AMENDMENT NO. 4

On page 15, in line 23, strike "**DNA**" and substitute "**A DNA SAMPLE**"; after line 25, insert:

"**(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.";

in line 26, strike "**(D)**" and substitute "**(E)**"; and after line 28, insert:

"**(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.**".

On page 16, in line 1, strike "**LOCAL**" and substitute "**ON OR BEFORE SEPTEMBER 1, 2009, AND ANNUALLY THEREAFTER, LOCAL**"; and in line 2, strike "**ANNUALLY ON OR BEFORE SEPTEMBER 1**".

On page 17, in line 10, after "**(A)**" insert "**(1)**"; in line 11, strike "**DEPARTMENTS**" and substitute "**DEPARTMENT OR THE OFFICE OF THE SHERIFF,**

AS APPROPRIATE,"; in line 13, after "**JURISDICTIONS**" insert a period; in line 14, strike "**AND THE**" and substitute:

"**(2) THE**";

in lines 17, 19, 21, 23, 25, and 27, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; and in line 31, after "**DEPARTMENTS**" insert "**AND SHERIFF OFFICES**".

AMENDMENT NO. 5

On page 18, after line 2, 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 evidence of 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.**]**

(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 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.

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 18, in line 3, strike "2." and substitute "3."; in line 5, after "person" insert "from whom a DNA sample is required to be collected in compliance with this Act and"; strike in their entirety lines 7 through 13, inclusive, and substitute:

"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 and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 488 – ~~Delegate Davis~~ Delegates Davis, Anderson, Aumann, Beitzel, Boteler, Cardin, Carter, Costa, DeBoy, Eckardt, Frank, George, Griffith, Haddaway, Jennings, Lafferty, McComas, McConkey, McDonough, Miller, Morhaim, Myers, Norman, Shewell, Smigiel, Stein, Stocksdale, and Weir

EMERGENCY BILL

AN ACT concerning

Motor Vehicle Accident Reports – Access

HB0488/268272/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 488
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "a" insert "certain".

AMENDMENT NO. 2

On page 5, in line 17, after "**PERSON**" insert "**WHO IS NOT A LAWYER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1113 – Delegates Lee, McComas, and Niemann (Task Force to Study Identity Theft) and Delegates ~~Barkley, Barnes, Benson, Bronrott, DeBoy, Dumais, Frick, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, Montgomery, Pena–Melnyk, Pendergrass, Ramirez, Schuh, Schuler, Shank, Smigiel, Stocksdale, Valderrama, and Waldstreicher~~ Aumann, Barkley, Barnes, Beitzel, Benson, Bronrott, Carter, DeBoy, Dumais, Eckardt, Elliott, Frank, Frick, George, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, McConkey, McDonough, Miller, Montgomery, Myers, Norman, Pena–Melnyk, Pendergrass, Ramirez, Robinson, Schuh, Schuler, Shank,

Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Valderrama, Waldstreicher, and Wood

AN ACT concerning

Identity Fraud – ~~Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult –~~ Prohibitions, Evidence, and Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1247 – Delegates Hucker and Weir

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2008.

The motion was adopted.

CONCURRENCE CALENDAR #32

AMENDED IN THE HOUSE

Senate Bill 56 – Senators Zirkin, Brochin, Currie, Haines, Jacobs, Kittleman, Kramer, Mooney, Muse, Raskin, Robey, ~~and Stoltzfus~~ Stoltzfus, Forehand, Simonaire, and Stone

AN ACT concerning

Sex Offender Registry – ~~Identifying~~ Additional Information

Senator Frosh moved that the Senate not concur in the House amendments.

SB0056/782515/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 56

(Third Reading File Bill)

On page 2, in line 16, before "**ELECTRONIC**" insert "**NICKNAMES,**".

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0056**
SPONSOR: Sen Zirkin, et al
SUBJECT: Sex Offender Registry – Additional Information

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 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

Senator Frosh moved that the Senate not concur in the House amendments.

SB0551/752814/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 551
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Family Law –"; and in line 3, strike "Child" and substitute "Children in Need of Assistance –".

On page 2, strike beginning with "prohibiting" in line 4 down through "visitation" in line 7 and substitute "; defining a certain term; and generally relating to children in need of assistance"; and strike in their entirety lines 29 through 33, inclusive.

AMENDMENT NO. 2

On page 6, in line 27, strike "Article – Family Law".

On page 8, strike in their entirety lines 17 through 32, inclusive.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0551**
SPONSOR: Sen Gladden
SUBJECT: Family Law – Child Custody Determinations – Prohibition Against Consideration of Disabilities

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 Gladden, Chairman
Senator Jacobs
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 614 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Mooney, and Muse

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

Senator Frosh moved that the Senate not concur in the House amendments.

SB0614/382113/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 614
(Third Reading File Bill)

On page 2, strike beginning with "**ONE**" in line 13 down through "**(5)**" in line 15; in lines 17, 19, and 23, strike "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(5)**", "**(6)**", and "**(7)**", respectively; in line 19, after "**ATTORNEY**" insert "**OR ASSISTANT STATE'S ATTORNEY**"; in line 21, strike "**SUPPORTS THE DEATH PENALTY AND**"; and strike beginning with "**A**" in line 29 down through "**AS**" in line 30.

On page 3, in line 1, after "**WHO**" insert "**WAS ON DEATH ROW AND**"; in line 2, strike "**OF THE CRIME FOR WHICH THE INDIVIDUAL WAS INCARCERATED**"; in line 3, strike "**THREE REPRESENTATIVES**" and substitute "**ONE REPRESENTATIVE**"; in line 5, strike "**THREE**" and substitute "**SIX**"; in line 6, strike "**MEMBER**" and substitute "**MEMBERS**"; and in the same line, strike "**ONE**" and substitute "**THREE**".

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0614**
SPONSOR: Sen Raskin, et al
SUBJECT: Death Penalty – Maryland Commission on Capital Punishment

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON FINANCE REPORT #29

Senator Middleton, Chair, for the Committee on Finance and Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

House Bill 62 – ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

~~EMERGENCY BILL~~

AN ACT concerning

Lead–Containing Children's Products – Prohibition

HB0062/197477/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 62
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, strike "person" and substitute "distributor or retailer"; strike beginning with "that" in line 3 down through "certificate" in line 4 and substitute "under certain circumstances"; in line 14, after "regulations;" insert "requiring the Department to give certain notice to the Department of Legislative Services if a federal law establishing certain consumer product safety standards is enacted; providing for the termination of this Act under certain circumstances; providing for a delayed effective date;".

AMENDMENT NO. 2

On page 4, strike beginning with "**(1)**" in line 10 down through "**CHILD**" in line 11 and substitute "**"CHILD**"; and strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 3

On page 5, in line 7, after "**ANY**" insert "**ACCESSIBLE**"; in line 9, strike "**THE LESSER OF:**"; in line 10, strike "**(1)**"; strike beginning with the semicolon in line 11 down through "**PRODUCTS**" in line 14; and in line 15, after "**THAT**" insert "**:**

(1) PRODUCES A PRODUCT OR A COMPONENT OF A PRODUCT;

(2) FOR A MULTICOMPONENT PRODUCT, PRODUCES OR ASSEMBLES THE FINAL PRODUCT; OR

(3)".

AMENDMENT NO. 4

On pages 6 and 7, strike beginning with line 25 on page 6 through line 3 on page 7, inclusive, and substitute:

"**(A) A PERSON MAY NOT MANUFACTURE A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.**

(B) (1) A MANUFACTURER MAY NOT SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.

(2) A PERSON OTHER THAN A MANUFACTURER MAY NOT KNOWINGLY SELL, OFFER FOR SALE, IMPORT, OR DISTRIBUTE, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT THAT IS A LEAD–CONTAINING PRODUCT.".

AMENDMENT NO. 5

On page 8, in line 7, strike "**AN INDEPENDENT THIRD PARTY**" and substitute "**A**"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"**(I) 1. IS NOT OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER; AND**

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; OR

(II) 1. IS OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER;

2. IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED BY THE DEPARTMENT; AND

3. HAS PROCEDURES APPROVED IN ACCORDANCE WITH AN APPROVAL PROCESS UNDER FEDERAL LAW OR ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT TO ENSURE THAT THE TESTING ENTITY IS PROTECTED FROM UNDUE INFLUENCE; AND".

On page 9, in line 1, strike "**PERSON**" and substitute "**DISTRIBUTOR OR RETAILER**".

AMENDMENT NO. 6

On page 11, after line 19, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, if a federal law establishing consumer product safety standards for lead content in children's products is enacted:

(1) within 10 days after its enactment, the Department of the Environment shall notify the Department of Legislative Services about the enactment of the federal law; and

(2) 5 days after the date the Department of Legislative Services receives notice under item (1) of this section, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.";

in line 20, strike "2." and substitute "3."; and in line 24, strike "July 1, 2008" and substitute "June 1, 2009".

The preceding 6 amendments were read and rejected by a roll call vote as follows:

Affirmative – 12 Negative – 35 (See Roll Call No. 1084)

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 142 – Delegate Morhaim

AN ACT concerning

Department of Health and Mental Hygiene – ~~Renaming and~~ Review of Reports and Commissions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 235 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Medical Assistance Program – Emergency Service Transporters – Payments

HB0235/417875/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 235
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Emergency" in line 2 down through "Payments" in line 3 and substitute "Transporters"; in line 7, after "Department;" insert "requiring the Department, in consultation with certain stakeholders, to study certain issues regarding the creation of a uniform nonemergency statewide transportation program to serve enrollees of the Maryland Medical Assistance Program; requiring the Department to report certain findings to certain committees of the General Assembly on or before a certain date;"; in the same line, strike "emergency"; and in line 8, after "transporters" insert "for enrollees of the Maryland Medical Assistance Program".

AMENDMENT NO. 2

On page 2, after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene shall study:

(1) the feasibility of creating a uniform nonemergency statewide transportation program to serve enrollees of the Maryland Medical Assistance Program;

(2) any cost savings that might arise from the creation of a statewide program;

(3) any potential for quality improvement that would result from the creation of a statewide program; and

(4) the impact that creation of a statewide program would have on local health departments.

(b) In conducting the study, the Department shall consult with the appropriate stakeholders, including providers, consumers, and local health departments.

(c) On or before October 1, 2008, the Department shall report its findings under this section, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.";

in line 12, strike "2." and substitute "3."; and in line 13, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

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

HB0257/547774/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 257
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 12 down through "claim" in line 14 and substitute "requiring a pharmacy benefits manager to establish a certain process for review of a failure to pay the contractual reimbursement amount of

certain claims"; in line 16, strike "providing certain penalties;" and substitute "providing that this Act may not be construed to limit the applicability of certain provisions of law under certain circumstances;"; and in line 21, strike "15–1604" and substitute "15–1603".

AMENDMENT NO. 2

On page 6, strike in their entirety lines 24 through 28, inclusive.

On page 7, in line 10, strike "**15–1604**" and substitute "**15–1603**".

AMENDMENT NO. 3

On page 8, strike in their entirety lines 10 through 18, inclusive, and substitute:

"**(7) IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION, ALLOW A PHARMACY OR PHARMACIST TO PRODUCE DOCUMENTATION TO ADDRESS ANY DISCREPANCY FOUND DURING THE AUDIT; AND**

(8) DELIVER THE FINAL AUDIT REPORT TO THE PHARMACY OR PHARMACIST:

(I) WITHIN 6 MONTHS AFTER DELIVERY OF THE PRELIMINARY AUDIT REPORT IF THE PHARMACY OR PHARMACIST DOES NOT REQUEST AN INTERNAL APPEAL UNDER SUBSECTION (G) OF THIS SECTION; OR

(II) WITHIN 30 DAYS AFTER THE CONCLUSION OF THE INTERNAL APPEALS PROCESS UNDER SUBSECTION (G) OF THIS SECTION IF THE PHARMACY OR PHARMACIST REQUESTS AN INTERNAL APPEAL.".

AMENDMENT NO. 4

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 2 on page 9, inclusive, and substitute:

"**(G) (1) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH AN INTERNAL APPEALS PROCESS UNDER WHICH A PHARMACY OR PHARMACIST MAY APPEAL ANY DISPUTED CLAIM IN A PRELIMINARY AUDIT REPORT.**

(2) UNDER THE INTERNAL APPEALS PROCESS, A PHARMACY BENEFITS MANAGER SHALL ALLOW A PHARMACY OR PHARMACIST TO REQUEST AN INTERNAL APPEAL WITHIN 30 WORKING DAYS AFTER RECEIPT OF THE PRELIMINARY AUDIT REPORT, WITH REASONABLE EXTENSIONS ALLOWED.

(3) THE PHARMACY BENEFITS MANAGER SHALL INCLUDE IN ITS PRELIMINARY AUDIT REPORT A WRITTEN EXPLANATION OF THE INTERNAL APPEALS PROCESS, INCLUDING THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO WHOM AN INTERNAL APPEAL SHOULD BE ADDRESSED.".

On page 9, in line 3, strike "**(3)**" and substitute "**(4)**"; after line 6, insert:

"**(5) THE PHARMACY BENEFITS MANAGER SHALL DELIVER THE FINAL AUDIT REPORT TO THE PHARMACY OR PHARMACIST WITHIN 30 CALENDAR DAYS AFTER CONCLUSION OF THE INTERNAL APPEALS PROCESS.**";

in line 10, strike "**PROVIDED**" and substitute "**DELIVERED**"; and in line 18, after "**DISCREPANCY**" insert "**FOR ALL DISPUTED CLAIMS IN A PRELIMINARY AUDIT REPORT**".

AMENDMENT NO. 5

On pages 9 and 10, strike in their entirety the lines beginning with line 20 on page 9 through line 8 on page 10, inclusive, and substitute:

"**(I) (1) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH A REASONABLE INTERNAL REVIEW PROCESS FOR A PHARMACY TO REQUEST THE REVIEW OF A FAILURE TO PAY THE CONTRACTUAL REIMBURSEMENT AMOUNT OF A SUBMITTED CLAIM.**

(2) A PHARMACY MAY REQUEST A PHARMACY BENEFITS MANAGER TO REVIEW A FAILURE TO PAY THE CONTRACTUAL REIMBURSEMENT AMOUNT OF A CLAIM WITHIN 180 CALENDAR DAYS AFTER THE DATE THE SUBMITTED CLAIM WAS PAID BY THE PHARMACY BENEFITS MANAGER.

(3) THE PHARMACY BENEFITS MANAGER SHALL GIVE WRITTEN NOTICE OF ITS REVIEW DECISION WITHIN 90 CALENDAR DAYS AFTER RECEIPT OF A REQUEST FOR REVIEW FROM A PHARMACY UNDER THIS SUBSECTION.

(4) IF THE PHARMACY BENEFITS MANAGER DETERMINES THROUGH THE INTERNAL REVIEW PROCESS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE PHARMACY BENEFITS MANAGER UNDERPAID A PHARMACY, THE PHARMACY BENEFITS MANAGER SHALL PAY ANY MONEY DUE TO THE PHARMACY WITHIN 30 WORKING DAYS AFTER COMPLETION OF THE INTERNAL REVIEW PROCESS.

(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE ABILITY OF A PHARMACY AND A PHARMACY BENEFITS MANAGER TO CONTRACTUALLY AGREE THAT A PHARMACY MAY HAVE MORE THAN 180 CALENDAR DAYS TO REQUEST AN INTERNAL REVIEW OF A FAILURE OF THE PHARMACY BENEFITS MANAGER TO PAY THE CONTRACTUAL AMOUNT OF A SUBMITTED CLAIM.".

On page 10, in line 11, after "**OR**" insert "**INTERNAL**"; strike in their entirety lines 12 through 17, inclusive; in line 22, strike "this Act" and substitute "the provisions of § 15–1602 of the Insurance Article, as enacted by Section 1 of this Act,"; after line 26, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed to limit the applicability of §§ 15–1008, 15–1009(b), 27–303(2), 27–304(4), and 27–304(15) of the Insurance Article to claim denials made by or on behalf of an insurer, nonprofit health service plan, dental plan organization, or health maintenance organization.";

and in line 27, strike "4." and substitute "5.".

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:

House Bill 600 – Delegates Taylor, Frush, Haynes, and Proctor

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

HB0600/567377/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 600
(Third Reading File Bill)

On page 3, strike in their entirety lines 5 and 6; in lines 7, 14, 16, 19, and 22, strike "(14)", "(17)", "(18)", "(19)", and "(20)", respectively, and substitute "(13)", "(14)", "(15)", "(16)", and "(17)", respectively; strike in their entirety lines 9 through 13, inclusive; and in line 22, strike "two consumer members" and substitute "a consumer member".

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 #31

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Hereditary and Congenital Disorders – Newborn Screening

HB0216/657377/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 216
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "regulations;" insert "requiring the Department to conduct a certain study; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; providing for a delayed effective date of this Act;".

AMENDMENT NO. 2

On page 4, after line 3, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene shall study whether a coordinated statewide system for screening newborn infants in the State for certain heredity and congenital disorders should be applied to all newborn infants in the State.

(b) The Department shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the conclusions from the study required under subsection (a) of this section on or before December 1, 2008.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2009.";

in line 4, strike "2." and substitute "4."; in line 4, after "That" insert ", except as provided in Section 3 of this Act,"; in line 5, strike "October 1, 2008" and substitute "June 1, 2009".

The preceding 2 amendments were read only.

Senator Greenip moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2008.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 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

HB0594/987075/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 594
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "enrollee;" insert "authorizing a carrier to require a certain disclosure to be in writing and acknowledged by an enrollee; authorizing a carrier to require a certain disclosure as a condition of reimbursement at a certain rate under certain circumstances;".

AMENDMENT NO. 2

On page 5, in line 18, after "**FOR**" insert "**COVERED**"; and in line 33, after "**(6)**" insert "**(I)**".

AMENDMENT NO. 3

On page 6, in lines 1 and 3, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; in line 4, strike "**AND**"; after line 4, insert:

"**3. THE CARRIER HAS NOT COMPLETED ITS ASSESSMENT OF THE QUALIFICATIONS OF THE TREATING PROVIDER TO PROVIDE SERVICES AS A PARTICIPATING PROVIDER; AND**";

in line 5, strike "**(III)**" and substitute "**4.**"; and after line 6, insert:

"**(II) A CARRIER MAY REQUIRE THE DISCLOSURE TO BE IN WRITING AND ACKNOWLEDGED BY THE ENROLLEE.**

(III) A CARRIER MAY REQUIRE THE DISCLOSURE TO BE PROVIDED AS A CONDITION OF REIMBURSEMENT AT THE PARTICIPATING PROVIDER RATE UNDER THIS SUBSECTION IF:

1. THE CARRIER HAS A UNIFORM POLICY THAT THE DISCLOSURE IS A CONDITION OF REIMBURSEMENT AT THE PARTICIPATING PROVIDER RATE UNDER THIS SUBSECTION;

2. THE CARRIER DISCLOSES THE POLICY TO THE GROUP PRACTICE:

A. AT THE TIME OF CONTRACT EXECUTION;

B. 30 DAYS PRIOR TO IMPLEMENTATION OF THE POLICY;

C. 30 DAYS BEFORE A CHANGE IN THE POLICY; AND

D. AT THE REQUEST OF THE GROUP PRACTICE; AND

3. THE CARRIER PROVIDES A STATEMENT OF THE POLICY TO THE COMMISSIONER ON REQUEST.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 942 – Delegate Nathan–Pulliam

AN ACT concerning

Health Disparities – Institutions of Higher Education – Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 1050 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Economic Development

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 1051 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Economic Development – Cross–References ~~and Corrections~~, Corrections, and Modifications

HB1051/687078/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1051
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "matters;" insert "altering the application of certain statutes to certain public corporations;".

On page 2, in line 30, after "13–615," insert "13–628 through 13–640,".

On page 3, in line 31, after "(c)" insert "and 12–101(a)(2)(viii)"; and after line 33, insert:

"BY adding to
Article – State Government
Section 12–101(a)(2)(x) and (xi)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 21, after line 9 insert:

"**[**13–628.

(a) In this part the following words have the meanings indicated.

(b) "Agreement" means a written settlement agreement or assurance of discontinuance.

(c) "Board" means the Advisory Board on Consumer Affairs.

(d) "Consumer" means a purchaser, lessee, or recipient or a prospective purchaser, lessee, or recipient of consumer goods or services or consumer credit.**]**

[13–629.

This part applies to a good, service, debt, or obligation of a consumer, or an extension of credit to a consumer, that is primarily for a personal, household, family, or agricultural purpose.**]**

[13–630.

Before this part may be implemented, the Council shall adopt a resolution specifically directing the implementation.**]**

[13–631.

(a) There is an Advisory Board on Consumer Affairs under the Council.

(b) The Board consists of three members appointed by the Executive Director and chosen from the staff members of the Council.

(c) A member of the Board serves at the pleasure of the Executive Director.**]**

[13–632.

The Executive Director is the director of the Board.**]**

[13–633.

(a) The Board shall meet at least once a month, at the times and places that it determines.

(b) A member of the Board is not entitled to compensation as a member of the Board.**]**

[13–634.

(a) The purpose of the Board is to promote and protect the interests of consumers in the region.

(b) The Board may:

(1) represent the interest of consumers before administrative, regulatory, and legislative units;

(2) assist, advise, and cooperate with the better business bureaus of the region and local, State, and federal units to protect and promote the interest of consumers;

(3) assist, develop, and conduct programs of consumer education and information through public hearings, meetings, publications, or other materials prepared for distribution to consumers in the region;

(4) encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services and in the extension of credit; and

(5) exercise and perform any other functions and duties consistent with this part that are necessary or appropriate to protect and promote the welfare of consumers in the region.**]**

[13–635.

(a) A consumer who is subjected to an unlawful, unfair, or deceptive trade practice may file a written complaint with the Board.

(b) The complaint shall contain:

(1) the name and address of the person alleged to have committed the particular trade practice; and

(2) the other information that the Board requires.**]**

[13–636.

(a) The Board may investigate deceptive or unfair trade practices:

(1) based on a consumer complaint; or

(2) on its own initiative.

(b) The Board shall investigate each complaint to ascertain facts and issues.**]**

[13–637.

(a) (1) If the Board determines there are reasonable grounds to believe an unlawful, unfair, or deceptive trade practice has occurred, the Board shall attempt to

conciliate the matter by initial conference and persuasion with all interested parties and any representatives of the parties.

(2) A conciliation conference is informal and is not public.

(b) (1) The terms of conciliation agreed to by the parties may be reduced to writing and incorporated into an agreement to be signed by the parties.

(2) The agreement is for conciliation purposes only and does not constitute an admission by a party that the law has been violated.

(3) The director of the Board shall sign an agreement on behalf of the Board.

(c) A person may not violate or fail to adhere to a provision contained in an agreement.

(d) (1) A person who violates this section is subject to a civil penalty payable to the appropriate county in an amount not exceeding $500 for each violation.

(2) The county may recover the civil penalty in a civil action.

(e) The Board does not waive any right of the Board or provision of an agreement if the Board fails to enforce a violation of a provision of the agreement.**]**

[13–638.

(a) As appropriate, the Board may report information concerning violation of a consumer protection law to:

(1) the Consumer Protection Division of the Office of the Attorney General;

(2) the Federal Trade Commission; or

(3) any other unit that has jurisdiction over consumer protection.

(b) The Board shall forward a complaint to the appropriate county attorney for appropriate legal action if the Board:

(1) fails to conciliate the complaint after the parties have attempted a conciliation in good faith;

(2) fails to achieve an agreement; or

(3) determines that the complaint is not suitable for conciliation.**]**

[13–639.

This part does not prevent a person from:

(1) exercising a right or seeking a remedy to which the person might be entitled; or

(2) filing a complaint with another unit or a court.**]**

[13–640.

The Board shall report each year to the Council on the number of complaints filed, the nature and disposition of the complaints, and other relevant activities of the Board during the previous year.**]**".

On page 26, after line 16, insert:

"Article – State Government

12–101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(2) an employee or official of the:

(viii) Maryland African American Museum Corporation; **[**and**]**

(X) MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY; AND

(XI) MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION;".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2008.

The motion was adopted.

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 410
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike "acting or".

AMENDMENT NO. 2

On page 3, in line 18, strike "**ACT OR**"; in line 29, strike "**1 YEAR**" and substitute "**5 YEARS**"; and in the same line, strike "**$1,000**" and substitute "**$5,000**".

The preceding 2 amendments were read only.

Senator Greenip moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2008.

The motion was adopted.

House Bill 1031 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors
PG 313–08

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

HB1031/913521/1

BY: Senator Harrington

AMENDMENTS TO HOUSE BILL 1031
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Beverages" insert "– Licenses"; in line 4, after the first "of" insert "specifying the number of licenses that a certain newly merged entity may directly or indirectly hold under certain circumstances;"; in line 6, after "changes;" insert "providing for the termination of certain provisions of this Act; providing for the effective dates of this Act;"; after line 7, insert:

"BY adding to
Article 2B – Alcoholic Beverages
Section 8–217(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

and in line 15, after "Section" insert "9–102(a) and".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"8–217.

(E) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(2) IF EACH OF TWO ENTITIES DIRECTLY OR INDIRECTLY HOLD ONE OR MORE LICENSES FOR USE ON THE PREMISES OF A RESTAURANT, AND THE ENTITIES MERGE OWNERSHIP BY STOCK ACQUISITION OR OTHER MANNER, THE TOTAL NUMBER OF LICENSES THE NEWLY MERGED ENTITY MAY DIRECTLY OR INDIRECTLY HOLD IS THE GREATER OF:

(I) THE SUM OF THE LICENSES HELD BY BOTH ENTITIES BEFORE THE MERGED OWNERSHIP; OR

(II) THE NUMBER OF LICENSES THE NEWLY MERGED ENTITY IS AUTHORIZED UNDER THIS ARTICLE.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or

Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701, and nothing herein shall be construed to apply to § 6–201(r)(15), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), **§ 8–217(E),** § 8–508, or § 12–202 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 16 and 17 and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect June 1, 2008. 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, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2008.".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 497 – Delegates Kach, Impallaria, Jennings, and McDonough

AN ACT concerning

Oil Discharge – Groundwater Contamination – Reimbursement for Costs

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB0497/403729/1

BY: Senator Conway

AMENDMENT TO HOUSE BILL 497, AS AMENDED

In the Education, Health, and Environmental Affairs Committee Amendment (HB0497/914238/1), in line 9, after "**ETHER**" insert "**AT OR IN EXCESS OF 20 PARTS PER BILLION**".

The preceding amendment was read and adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 2 (See Roll Call No. 1085)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #44

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 400 – Senator Astle

AN ACT concerning

Anne Arundel County – Development Impact Fees – Not–For–Profit Entities

SB0400/324734/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 400
(First Reading File Bill)

On page 1, in line 5, after "by" insert "certain"; and in line 25, after "**ENTITIES**" insert "**THAT HAVE BEEN IN EXISTENCE FOR AT LEAST 3 YEARS**".

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 1014 – The President (By Request – Administration) and Senator Dyson

EMERGENCY BILL

AN ACT concerning

Election Law – Special Congressional Election

SB1014/524532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1014
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, in line 26, strike "**FROM**" and substitute "**OF**".

On page 6, in line 13, after the second "**VACANT**" insert a comma; in line 14, strike the first comma; in line 16, strike "**MAY**"; and in line 18, after "**BE**" insert "**HELD ON A TUESDAY THAT IS**".

AMENDMENT NO. 3

On page 6, in line 27, after the second "**PARTY**" insert "**, AFTER CONSIDERATION OF THE RECOMMENDATION OF THE LOCAL CENTRAL COMMITTEE OF THE POLITICAL PARTY IN EACH COUNTY THAT IS INCLUDED IN THE DISTRICT OF THE OFFICE**".

AMENDMENT NO. 4

On page 7, in line 20, after "Article" insert "or of any regulation adopted in accordance with the Election Law Article".

AMENDMENT NO. 5

On page 7, in line 26, after "enacted." insert "It shall remain effective for a period of 1 year from the date it is enacted, and at the end of the 1–year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

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 JUDICIAL PROCEEDINGS REPORT #41

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 629 – Senator Jacobs

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

SB0629/728175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 629
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Jacobs" and substitute "Senators Jacobs and Stone".

AMENDMENT NO. 2

On page 2, in line 7, strike "**AN OFFENSE**" and substitute "**ONE OF THE FOLLOWING OFFENSES**"; and strike beginning with "**FOR**" in line 8 down through "**SUBTITLE**" in line 9 and substitute "**:**

(1) RAPE IN THE FIRST DEGREE UNDER § 3–303 OF THE CRIMINAL LAW ARTICLE;

(2) RAPE IN THE SECOND DEGREE UNDER § 3–304(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

(3) SEXUAL OFFENSE IN THE FIRST DEGREE UNDER § 3–305 OF THE CRIMINAL LAW ARTICLE;

(4) SEXUAL OFFENSE IN THE SECOND DEGREE UNDER § 3–306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE; OR

(5) SEXUAL ABUSE OF A MINOR UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 943 – Senator Forehand

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

SB0943/188973/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 943
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "business;" in line 29 and substitute "prohibiting a manufacturer, distributor, or factory branch

from varying the price of or incentives related to certain motor vehicles or accessories under certain circumstances;".

On page 2, strike beginning with "altering" in line 3 down through "term;" in line 4; after line 5, insert:

"BY adding to
Article – Transportation
Section 15–207(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

and in line 8, strike "15–207, 15–208, 15–211, and".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"**(H) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY NOT VARY THE PRICE OF OR INCENTIVES RELATED TO NEW MOTOR VEHICLES OR ACCESSORIES SOLD TO, OR SOLD BY, A DEALER BASED ON THE DEALER'S AGREEMENT OR LACK OF AGREEMENT TO:**

(1) PURCHASE OR CONSTRUCT NEW DEALERSHIP FACILITIES; OR

(2) RELOCATE, REMODEL, RENOVATE, OR REPAIR EXISTING DEALERSHIP FACILITIES.";

and on pages 2 through 8, strike in their entirety the lines beginning with line 15 on page 2 through line 28 on page 8, inclusive.

AMENDMENT NO. 3

On page 9, in line 11, strike the first set of brackets; in the same line, strike "**2**"; and strike beginning with "**[**end**]**" in line 11 down through "**[**program**]**" in line 12 and substitute "**DATE THE CLAIM WAS PAID OR A CREDIT WAS ISSUED**".

AMENDMENT NO. 4

On page 9, in line 26, strike "**HAD SPECIFIC KNOWLEDGE**" and substitute "**KNEW OR SHOULD HAVE KNOWN**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

HB0369/294435/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 369
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 4, in each instance, strike "and Atlantic Coastal Bays" and substitute "Bay".

On page 2, in line 2, strike "State" and substitute "the BayStat Subcabinet"; strike beginning with "that" in line 2 down through "Fund" in line 3 and substitute "to distribute to a certain administrative cost account a certain amount to administer grant programs"; in lines 4 and 21, in each instance, strike "and Atlantic Coastal Bays" and substitute "Bay"; strike beginning with "and" in line 15 down through "Bays" in line 16 and substitute "Bay".

AMENDMENT NO. 2

On page 3, in line 14, strike "and Atlantic Coastal Bays" and substitute "Bay"; in lines 18 and 21, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**"; strike beginning with "**AND**" in line 26, down through "**TRIBUTARIES,**" in line 27.

On page 4, strike beginning with "**AND**" in line 8 down through "**TRIBUTARIES**" in line 10; in line 21, strike "**AND ATLANTIC COASTAL BAYS AND THEIR**" and substitute "**BAY AND ITS**"; in line 23, strike "**BAY**" and substitute "**BAY**".

On page 5, strike beginning with "**AND**" in line 33 down through "**THEIR**" in line 34 and substitute "**BAY AND ITS**".

On page 6, in lines 1 and 2, 6, and 25 and 26, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 7, in lines 2 and 3, 5 and 6, 8 and 9, 11, 17 and 18, and 22, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**"; strike beginning with "**THE**" in line 19 down through "**(III)**" in line 21; and in line 24, strike "**(IV)**" and substitute "**(III)**".

On page 8, in line 19, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 9, in lines 7 and 8, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 11, in line 15, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 12, in lines 27 and 28, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 13, in line 36, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 16, in lines 1, 3, 8 and 9, 12 and 13, 14 and 15, 20, 24, 28 and 29, and 33, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 17, in lines 1, 5, 6, 10, 12, 17 and 18, 24, 26, and 35, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 18, in lines 1 and 2, 4, 10 and 11, 33, and 34 and 35, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 19, in lines 14 and 15 and 31 and 32, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

On page 20, in lines 4, 8, and 29, in each instance, strike "**AND ATLANTIC COASTAL BAYS**" and substitute "**BAY**".

AMENDMENT NO. 3

On page 5, in line 10, strike "**, OR**" and substitute "**OR**"; in line 21, after "**PROJECT;**" insert "**AND**"; and strike beginning with "**DEVELOPMENT**" in line 22 down through "**(IX)**" in line 26.

AMENDMENT NO. 4

On page 9, in line 9, strike "**AND**"; and in line 12, after "**PROJECTS**" insert "**; AND**

(IV) TO THE WOODLAND INCENTIVE FUND ESTABLISHED UNDER § 5–307 OF THIS ARTICLE".

AMENDMENT NO. 5

On page 9, strike in their entirety lines 23 through 26, inclusive.

On page 12, strike beginning with "**A**" in line 4 down through "**ADMINISTRATION**" in line 6 and substitute "**THE BAYSTAT SUBCABINET AGENCIES MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE AMOUNT THAT IS NECESSARY TO ADMINISTER GRANT PROGRAMS, NOT TO EXCEED 1.5% OF THE ALLOCATIONS TO THE BAYSTAT SUBCABINET AGENCIES**".

The preceding 5 committee amendments were withdrawn.

HB0369/294435/2

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 369
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, strike "State" and substitute "the BayStat Subcabinet"; strike beginning with "that" in line 2 down through "Fund" in line 3 and substitute "to distribute to a certain administrative cost account a certain amount to administer grant programs".

AMENDMENT NO. 2

On page 5, in line 10, strike "**, OR**" and substitute "**OR**"; and strike beginning with "**DEVELOPMENT**" in line 22 down through "**MEASURES**" in line 25 and substitute "**IMPROVEMENT OF A MUNICIPAL PARK LOCATED ON OR ADJACENT TO A WATERWAY, PROVIDED THAT THE IMPROVEMENT IS LIMITED TO STATE–OF–THE–ART AND SUSTAINABLE NONPOINT SOURCE POLLUTION CONTROL MEASURES THAT DEMONSTRABLY IMPROVE WATER QUALITY BY REDUCING NITROGEN, PHOSPHORUS, AND SEDIMENT POLLUTION**".

AMENDMENT NO. 3

On page 9, in line 9, strike "**AND**"; and in line 12, after "**PROJECTS**" insert "**; AND**

(IV) TO THE WOODLAND INCENTIVE FUND ESTABLISHED UNDER § 5–307 OF THIS ARTICLE".

AMENDMENT NO. 4

On page 9, strike in their entirety lines 23 through 26, inclusive.

On page 12, strike beginning with "**A**" in line 4 down through "**ADMINISTRATION**" in line 6 and substitute "**THE BAYSTAT SUBCABINET AGENCIES MAY DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE AMOUNT THAT IS NECESSARY TO ADMINISTER GRANT PROGRAMS, NOT TO EXCEED 1.5% OF THE ALLOCATIONS TO THE BAYSTAT SUBCABINET AGENCIES**".

The preceding 4 substitute committee amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

STATUS OF BILL: BILL IS ON THIRD READING.

FLOOR AMENDMENT

HB1562/113628/1

BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 1562
(Third Reading File Bill)

On page 5, in line 19, after "**(II)**" insert "**1.**"; and after line 21, insert:

"**2. THE COUNTY MAY NOT EXERCISE THE AUTHORITY GRANTED UNDER THIS SECTION IN AREAS THAT ARE ZONED FOR RESIDENTIAL USE.**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 14 Negative – 31 (See Roll Call No. 1086)

Read the third time and passed by yeas and nays as follows:

Affirmative – 34 Negative – 11 (See Roll Call No. 1087)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 1088)

RECESS

At 3:58 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 10:00 A.M. on Legislative Day, April 2, 2008, Calendar Day, Monday, April 7, 2008 in memory of Louise Beauregard.