JOURNAL

of

PROCEEDINGS

of the

HOUSE OF DELEGATES

of

MARYLAND

REGULAR SESSION, 2008

VOLUME III

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AFTER RECESS
Annapolis, Maryland
Legislative Day: March 14, 2008
Calendar Day: Monday, March 17, 2008

At 8:08 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate John Olszewski, Jr. of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 368)

EXCUSES:
Del. Davis – illness
Del. Harrison – illness – flu
Del. Hecht – illness
Del. Howard – illness
Del. Jameson – recovering from surgery
Del. Stull – wife's illness
Del. Walkup – illness

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #8

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations and the Committee on Health and Government Operations:

House Bill 1597 – Delegate Schuh

AN ACT concerning

Maryland Tobacco Settlement Securitization Authority Act

The Bill was re–referred to the Committee on Appropriations and the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

House Bill 1618 – Chair, Appropriations Committee

AN ACT concerning

Unpaid Child Support – Liens Against Monetary Awards Owed to Child Support Obligors

The Bill was re–referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

House Bill 1619 – Delegates Haddaway, Bartlett, Bates, Beitzel, Donoghue, Eckardt, Elmore, James, Kelly, McComas, Myers, Norman, O'Donnell, Riley, Serafini, Shank, Smigiel, Sossi, Stifler, Stull, and Weldon

AN ACT concerning

Rural Broadband Communication Services – Railroads and Tributaries

The Bill was re–referred to the Committee on Environmental Matters.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

Delegate Sophocleus moved the House Joint Resolution be introduced.

The Speaker put the question: Shall the House Joint Resolution be introduced?

The roll call vote resulted as follows:

Affirmative – 129 Negative – 0 (See Roll Call No. 369)

In compliance with the rules, the House Joint Resolution was introduced.

House Joint Resolution 5 – Delegate Sophocleus

A House Joint Resolution concerning

Turkish Treatment of the Ecumenical Patriarchate and the Ecumenical Patriarch of the Orthodox Christian Church

FOR the purpose of urging the government of the Republic of Turkey to uphold and safeguard certain rights, cease certain discrimination, grant the Ecumenical Patriarch of the Orthodox Christian Church appropriate recognition,

ecclesiastic succession, and the right to train certain clergy, and respect certain human and property rights; providing that a copy of this resolution be forwarded by the Department of Legislative Services to certain individuals; and generally relating to the Ecumenical Patriarchate of the Orthodox Christian Church.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 370)

ADJOURNMENT

At 8:18 P.M. on motion of Delegate Barve the House adjourned until 8:18 P.M., on Legislative Day March 15, 2008, Calendar Day Monday, March 17, 2008.

Annapolis, Maryland
Legislative Day: March 15, 2008
Calendar Day: Monday, March 17, 2008

The House met at 8:18 P.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 371)

The Journal of March 14, 2008 was read and approved.

EXCUSES:
Del. Davis – illness
Del. Harrison – illness – flu
Del. Hecht – illness
Del. Howard – illness
Del. Jameson – recovering from surgery
Del. Stull – wife's illness
Del. Walkup– illness

THE COMMITTEE ON APPROPRIATIONS REPORT #6

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

Senate Bill 90 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2009)

REPORT OF THE HOUSE COMMITTEE ON APPROPRIATIONS
TO THE MARYLAND HOUSE OF DELEGATES – 2008 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit G of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
SENATE BILL 90 – THE BUDGET BILL

(See Exhibit H of Appendix II)

HOUSE COMMITTEE ON APPROPRIATIONS REPORT ON
SENATE BILL 90 – THE BUDGET BILL

(See Exhibit I of Appendix II)

Delegate Conway moved to make the Bill and Amendments a Special Order for Wednesday.

The motion was adopted.

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

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

SB0527/354769/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 527
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "courts;" insert "altering certain State grants to county boards of education for certain fiscal years;"; in line 9, after "for" insert "a"; in line 10, strike "years" and substitute "year"; and in line 20, after "Section" insert "5–206(f),".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"5–206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal **[**year 2007**]** **YEARS 2009 AND 2010**, the following amounts for the following counties:

1. Allegany County.....**[**$166,000**]** **$173,171**;

2. Anne Arundel County .....**[**$859,000**]** **$896,109**;

3. Baltimore City.....**[**$2,356,000**]** **$2,457,779**;

4. Baltimore County.....**[**$1,484,000**]** **$1,548,109**;

5. Calvert County ..... **[**$65,000**]** **$67,808**;

6. Caroline County ..... **[**$85,000**]** **$88,672**;

7. Carroll County.....**[**$233,000**]** **$243,066**;

8. Cecil County .....**[**$163,000**]** **$170,042**;

9. Charles County..... **[**$85,000**]** **$88,672**;

10. Dorchester County ..... **[**$65,000**]** **$67,808**;

11. Frederick County .....**[**$310,000**]** **$323,392**;

12. Garrett County..... **[**$65,000**]** **$67,808**;

13. Harford County .....**[**$369,000**]** **$384,941**;

14. Howard County .....[$149,000] **$155,437**;

15. Kent County .....[$65,000] **$67,808**;

16. Montgomery County.....[$1,023,000] **$1,067,194**;

17. Prince George's County....[$2,053,000] **$2,141,690**;

18. Queen Anne's County.....[$85,000] **$88,672**;

19. St. Mary's County.....[$85,000] **$88,672**;

20. Somerset County.....[$65,000] **$67,808**;

21. Talbot County.....[$65,000] **$67,808**;

22. Washington County.....[$229,000] **$238,893**;

23. Wicomico County.....[$181,000] **$188,819**; and

24. Worcester County.....[$65,000] **$67,808**; and

(ii) Except as provided in paragraph (3) of this subsection, in fiscal year [2008] **2011** and in each fiscal year thereafter, the funding level for the county for the prior fiscal year increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year.

(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.".

AMENDMENT NO. 3

On page 6, in lines 1 and 15, in each instance, strike "**EACH OF THE FISCAL YEARS**" and substitute "**THE FISCAL YEAR**"; strike beginning with "**AND**" in line 1 down through "**2009,**" in line 2; and strike beginning with "**AND**" in line 15 down through "**2009,**" in line 16.

The preceding 3 amendments were read only.

Delegate Conway moved to make the Bill and Amendments a Special Order for Wednesday.

The motion was adopted.

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

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Central Collection Unit –~~ Transfer of Special Fund Balances

SB0540/864264/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 540
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 3 down through "Fund;" in line 4; strike beginning with "providing" in line 9 down through "Act;" in line 10; and in line 15, strike "3–306 and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 23, inclusive.

On page 3, in lines 3, 6, 11, 16, and 22, strike "3.", "4.", "5.", "6.", and "8.", respectively, and substitute "2.", "3.", "4.", "5.", and "6.", respectively; and strike in their entirety lines 20 and 21.

AMENDMENT NO. 3

On page 3, in line 15, strike "$50,000,000" and substitute "$100,000,000".

The preceding 3 amendments were read only.

Delegate Conway moved to make the Bill and Amendments a Special Order for Wednesday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 372)

RECESS

At 8:49 P.M. on motion of Delegate Barve the House recessed until 10:00 A.M. on Legislative Day March 15, 2008, Calendar Day Tuesday, March 18, 2008.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 15, 2008
Calendar Day: Tuesday, March 18, 2008

At 10:30 A.M. the House resumed its session and pledged Allegiance to the Flag.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 373)

EXCUSES:
Del. Davis – illness
Del. Harrison – illness – flu
Del. Jameson – recovering from surgery
Del. Walkup – husband's illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 155 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

FOR the purpose of establishing in Dorchester County that an unpaid Bay Restoration Fee is a lien against the property on which the wastewater facility, onsite sewage disposal system, or holding tank is located; requiring ~~the~~ a notice of lien to be recorded in the ~~office of the clerk for~~ land records of Dorchester County; and generally relating to the Bay Restoration Fee.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)
Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

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

Senate Bill 173 – Senators Astle, Brinkley, and Robey

AN ACT concerning

Income Tax – Credit for Installation of Fire Suppression Systems

FOR the purpose of allowing a credit against the State income tax for certain costs of certain fire suppression systems; providing that the credit may not exceed the State income tax for that taxable year and that any unused credit may be carried over to another taxable year; allowing certain taxpayers to claim a refund of the credit; defining certain terms; providing for the application of this Act; and generally relating to a State income tax credit for certain fire suppression systems.

BY adding to
Article – Tax – General
Section 10–726
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 239 – Senators Kasemeyer, Astle, Brinkley, Conway, Currie, DeGrange, Della, Edwards, Frosh, Garagiola, Jones, Kittleman, Klausmeier, Middleton, Munson, Peters, Robey, Stoltzfus, ~~and Stone~~ Stone, Colburn, Dyson, Glassman, Harris, Kelley, Pipkin, and Simonaire

EMERGENCY BILL

AN ACT concerning

Homestead Property Tax Credit

FOR the purpose of repealing a requirement for homeowners to file certain applications to the State Department of Assessments and Taxation to qualify for the homestead property tax credit; repealing certain provisions relating to a certain application requirement; making this Act an emergency measure; and generally relating to the homestead property tax credit.

BY repealing
Article – Tax – Property
Section 9–105(d)(6), (l), and (m)

Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing
Chapter 564 of the Acts of the General Assembly of 2007
Section 2

BY repealing
Chapter 565 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(d)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

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

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

FOR the purpose of prohibiting a lender from requiring or authorizing the imposition of a prepayment penalty, fee, premium, or other charge in connection with certain ~~subprime~~ mortgage loans; prohibiting certain lenders and credit grantors from making certain mortgage loans without giving due regard to the borrower's ability to repay the loans; repealing certain provisions of law that establish a certain presumption about a borrower's ability to repay a loan; requiring due regard to a borrower's ability to repay to include consideration of a certain debt to income ratio and verification of certain income and assets by review of certain written documentation; altering the threshold amount of a commercial loan on which prepayment charges or penalties may be charged; ~~providing that no prepayment charges may be imposed on consumer borrowers in connection with certain open-end credit;~~ requiring a certain representation by a mortgage broker to be contained in a finder's fee agreement; authorizing the Commissioner of Financial Regulation to participate in the establishment and implementation of a multistate automated licensing system for mortgage lenders and mortgage originators and to adopt certain regulations to facilitate implementation of the system; requiring certain license applicants and licensees to have and maintain a certain net worth; requiring the Commissioner to deny an application for certain licenses filed by persons with certain felony

convictions; requiring the Commissioner to set certain fees by regulation and to publish certain fee schedules; requiring certain licensees to file surety bonds in certain amounts; altering the procedures for renewing a certain license; altering certain examination requirements for a mortgage originator's license; ~~requiring mortgage originators to reside within 100 miles of the licensed office locations from which they work;~~ requiring the Commissioner to revoke the mortgage originator license of any licensee who, while licensed, has been convicted of certain felonies; requiring the Commissioner to conduct certain studies; requiring the Commissioner to report certain findings and recommendations on or before a certain date; defining certain terms; repealing ~~a certain definition~~ certain definitions; altering a certain definition; making certain conforming changes; providing for the application of this Act; and generally relating to credit regulation, extensions of credit, mortgage lending, and mortgage origination.

BY renumbering
Article – Commercial Law
Section 12–105(a), (b), (c), and (d), respectively
to be Section 12–105(b), (c), (e), and (f), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 12–105(a) and (d), ~~12–905(g),~~ and 12–925
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–105(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–127, 12–311, 12–409.1, 12–805, and 12–1029
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–105.1, ~~11–506(a) and (d)~~ 11–506(d), 11–507(b), 11–508, 11–511, 11–515(c), 11–605(a) and (b), 11–606(b), 11–609(b), and 11–615(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Financial Institutions
Section 11–503.1, 11–508.1, 11–612.1, and 11–615(f)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 11–507(a)(1) and 11–515(a)(1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 287 – Senators Stoltzfus, Brinkley, Conway, Currie, DeGrange, Dyson, Edwards, Exum, Frosh, Garagiola, Gladden, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

State Designations – Smith Island Cake – State Dessert

FOR the purpose of designating Smith Island cake as the State dessert.

BY adding to
Article – State Government
Section 13–320
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 297 – Senators King, Astle, Currie, DeGrange, Edwards, Garagiola, Klausmeier, Madaleno, Munson, Peters, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Tax Credit for Employer Established Work–Based Learning Programs for Students

FOR the purpose of authorizing certain persons to establish certain approved paid work–based learning programs under which arrangements are made between schools and employers to provide students certain structured employer–supervised learning; allowing a credit against the State income tax and insurance premiums tax for wages paid to each student under an approved paid work–based learning program; providing for calculation of the credit; providing for the carrying forward of the credit if the credit exceeds the total tax otherwise payable for a taxable year; providing for the termination of the credit after a certain taxable year; requiring that a certain study be done and provided to certain committees of the General Assembly on or before a certain date; providing for the application of this Act; providing for the termination of this Act; and generally relating to the establishment of approved paid work–based learning programs and a credit against the State income tax and insurance premiums tax for certain wages paid to each student pursuant to an approved paid work–based learning program.

BY adding to
Article – Education
Section 21–501 to be under the new subtitle "Subtitle 5. Approved Paid Work–Based Learning Programs"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–711
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 6–118
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 310 – Senators Brinkley and Mooney

AN ACT concerning

~~Frederick County –~~ Annual Financial ~~Report~~ and Audit Reports – Filing Date

FOR the purpose of altering the date by which Frederick County may file its annual financial report for the fiscal year with the Maryland Department of Legislative Services; ~~and generally relating to the annual financial report of Frederick County~~ 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.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 37 and 40(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 326 – Senator Miller

AN ACT concerning

Calvert County – Sheriff – Pensions

FOR the purpose of ~~requiring that any individual who has served as Sheriff of Calvert County since a certain date and for a certain period of time receive a certain pension; requiring that the pension be paid at least at certain intervals of time; making stylistic changes;~~ permitting certain individuals serving as the Sheriff of Calvert County to participate in the Calvert County Employees' Savings Plan; and generally relating to pensions for sheriffs of Calvert County.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Courts and Judicial Proceedings
Section 2–309(f)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(f)(6)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 340 – Senators Peters, Brinkley, Currie, DeGrange, Edwards, Kasemeyer, King, Kramer, Madaleno, Munson, Robey, and Stoltzfus

AN ACT concerning

Task Force on Reducing State Budget Expenditures for Record Management and Retention

FOR the purpose of establishing the Task Force on Reducing State Budget Expenditures for Record Management and Retention; providing for the membership, cochairs, and staffing of the Task Force; prohibiting a member of the Task Force from being compensated; authorizing a member to be reimbursed for expenses under certain circumstances; requiring the Task Force to examine and make recommendations on certain matters and to issue a report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Reducing State Budget Expenditures for Record Management and Retention.

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

Senate Bill 375 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Retirement and Pension System – Imposition of Administrative Fees on Employers

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to adopt regulations to impose certain fees on certain participating employers that fail to provide certain information to the State Retirement Agency with regard to the enrollment of eligible employees in the State Retirement and Pension System; and generally relating to the imposition of administrative fees on employers participating in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–110(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 488 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Police Retirement System – Survivor Benefits

FOR the purpose of altering the survivor benefit for certain beneficiaries of certain retirees of the State Police Retirement System; repealing a supplemental survivor benefit for certain beneficiaries of certain retirees of the State Police

Retirement System; and generally relating to survivor benefits for beneficiaries of retirees of the State Police Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–403
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 24–404
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 504 – Senators Brinkley, Currie, Glassman, Haines, Jacobs, King, Kittleman, Kramer, Middleton, Munson, Robey, Stoltzfus, and Stone

AN ACT concerning

Criminal Law – Theft of Rental Property

FOR the purpose of prohibiting a person from hiring or leasing personal property or equipment from another person who is in lawful possession of the personal property or equipment with intent to defraud that person of the rental due under the rental agreement; prohibiting a person from abandoning or willfully refusing to redeliver personal property as required under a rental agreement without the consent of the lessor or the lessor's agent with intent to defraud the lessor or the lessor's agent; establishing penalties for a violation of this Act; making technical corrections; and generally relating to theft of rental property.

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

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

Senate Bill 531 – Senators Muse and Forehand

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

FOR the purpose of altering the time period within which a person may leave an unharmed newborn with a responsible adult and be immune from civil liability or criminal prosecution for the act; and generally relating to immunity from liability for leaving an unharmed newborn with a responsible adult.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–641(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

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

FOR the purpose of creating a Task Force to Study How to Improve Financial Literacy in the State; providing for the composition, co–chairs, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study the ability of certain consumers to understand certain financial concepts and the problems created for certain consumers by a lack of financial literacy or knowledge; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor and to the General Assembly; providing for the termination of this Act; and generally relating to the Task Force to Study How to Improve Financial Literacy in the State.

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

Senate Bill 563 – ~~Senator Raskin~~ Senators Raskin, Forehand, Gladden, and Muse

AN ACT concerning

Lilly Ledbetter Fair Pay Act of 2008

FOR the purpose of authorizing the recovery of certain back pay where a certain unlawful employment practice is similar or related to a certain other unlawful

employment practice; clarifying that a certain unlawful employment practice occurs when a certain decision or practice is adopted, when an individual becomes subject to a certain decision or practice, or when an individual is affected by application of a certain decision or practice, including each time certain compensation is paid under a discriminatory compensation decision or practice; declaring the intent of the General Assembly; providing for the application of this Act; and generally relating to unlawful discriminatory compensation practices.

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 11(e) and 11A(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 11B(e–1) and 16(f–1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

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

FOR the purpose of altering certain provisions of law establishing certain rights and privileges for individuals with certain disabilities to include all individuals with disabilities; altering certain provisions of law relating to use of service animals by individuals with certain disabilities to include all individuals with disabilities and the parents of certain minor children with disabilities; altering certain provisions of law relating to access by service animal trainers to certain places; altering the scope of certain provisions of law; defining certain terms; altering a certain definition; and generally relating to individuals with disabilities and service animals.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–701, 7–704, and 7–705
Annotated Code of Maryland
(2007 Volume)

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

Senate Bill 699 – Senator Gladden

AN ACT concerning

Task Force to Study the Development of Environmentally Friendly Communities in Urban Areas

FOR the purpose of establishing a Task Force to Study the Development of Environmentally Friendly Communities in Urban Areas; establishing the membership of the Task Force; requiring the President of the Senate and the Speaker of the House of Delegates to jointly appoint the chair and co–chair of the Task Force; providing for the staffing of the Task Force; providing for reimbursement of the expenses of a member of the Task Force; requiring the Task Force to evaluate and make recommendations regarding the development of environmentally friendly communities in urban areas; requiring the Task Force to 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 establishment of the Task Force to Study the Development of Environmentally Friendly Communities in Urban Areas.

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

Senate Bill 822 – Carroll County Senators

AN ACT concerning

Carroll County – Distribution of Tobacco Products to Minors – Prohibition and Penalties

FOR the purpose of prohibiting certain distributions of certain tobacco products, cigarette rolling papers, and tobacco–related coupons to minors in Carroll County; authorizing certain defenses to a violation of this Act; establishing certain civil penalties; and generally relating to the illegal distribution of tobacco and tobacco–related products to minors in Carroll County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–102.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

FOR the purpose of requiring the Secretary of Housing and Community Development to transfer certain amounts in the Maryland Housing Fund at the end of any fiscal year to the Homeownership Programs Fund, the Rental Housing Programs Fund, and the Special Loan Programs Fund; and generally relating to the transfer of certain unallocated reserves of the Maryland Housing Fund.

BY adding to
Article – Housing and Community Development
Section 3–203(i)
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–502(d), 4–504(e)(1), and 4–505(g)(1)
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

Senate Joint Resolution 2 – Senators Rosapepe, Peters, and Pinsky

A Senate Joint Resolution concerning

Henry A. Wallace Beltsville Agricultural Research Center and the National Agricultural Library

FOR the purpose of describing and expressing the support of the Maryland General Assembly for the research and education programs of the Henry A. Wallace Beltsville Agricultural Research Center (BARC) and the National Agricultural Library (NAL); urging the Governor to request increased funding for BARC and NAL; and generally relating to BARC and NAL in Prince George's County.

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

THE COMMITTEE ON APPROPRIATIONS REPORT #5

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

House Bill 1356 – Delegates Branch and Conway

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

HB1356/284466/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1356
(First 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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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 ECONOMIC MATTERS REPORT #11

Delegate Davis, Chair, for the Committee on Economic Matters 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

AN ACT concerning

Credit Regulation – Mortgage Lending and Other Extensions of Credit

HB0363/913894/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 363
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Carr".

AMENDMENT NO. 2

On page 1, in line 5, strike "subprime" and substitute "mortgage"; in line 7, after "loans;" insert "repealing certain provisions of law that establish a certain presumption about a borrower's ability to repay a loan;"; in line 8, after "include" insert "consideration of a certain debt to income ratio and"; in the same line, after "income" insert "and assets"; strike beginning with "providing" in line 10 down through "credit;" in line 12; and in line 17, after "applicants" insert "and licensees".

On pages 1 and 2, strike beginning with "requiring" in line 23 on page 1 down through "work;" in line 1 on page 2.

On page 2, in line 3, after "felonies;" insert "requiring the Commissioner to conduct certain studies; requiring the Commissioner to report certain findings and recommendations on or before a certain date;"; in line 4, strike "a certain definition" and substitute "certain definitions; altering a certain definition"; in line 5, 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;"; in line 15, strike "12–905(g),"; in line 31, strike "11–506(a) and (d)" and substitute "11–506(d)"; in the same line, after "11–515(c)," insert "11–603(c),"; in line 32, after "11–609(b)," insert "11–613(b),"; and in line 37, after "11–503.1," insert "11–508.1,".

AMENDMENT NO. 3

On page 19, after line 28, 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 21, after line 15, 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**.".

AMENDMENT NO. 4

On page 3, in line 12, strike "**(1)**"; in the same line, after "**SECTION**" insert a comma; strike beginning with the first "**THE**" in line 12 down through "**(4)**" in line 20; and in line 20, strike "**MORTGAGE**" and substitute "**MORTGAGE**".

On pages 3 and 4, strike in their entirety the lines beginning with line 22 on page 3 through line 14 on page 4, inclusive.

On page 5, in line 10, strike "**(1)**"; in lines 10 and 12, in each instance, strike "**SUBPRIME**" and substitute "**MORTGAGE**"; strike in their entirety lines 14 through 18, inclusive; in line 27, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 28, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in the same line, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**"; in line 31, after "(3)" insert "**(I)**"; after line 32, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

and strike in their entirety lines 33 through 35, inclusive.

On page 6, in line 1, strike "(1)"; in line 2, after the second "the" insert "**MORTGAGE**"; strike in their entirety lines 7 through 11, inclusive; in line 17, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 18, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 20, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 21 down through "**BORROWER**" in line 22 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 23, strike "**FEDERAL**"; in line 25, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 26 down through "**EMPLOYER**" in line 27 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 7, in lines 3 and 4, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 4, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in lines 4 and 5, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE LENDER**"; in line 10, after "**(5)**" insert "**(I)**"; after line 11, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

and strike in their entirety lines 12 through 14, inclusive.

On page 8, in line 4, strike "(1)"; in line 5, after the second "the" insert "**MORTGAGE**"; strike in their entirety lines 10 through 14, inclusive; in line 20, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 21, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 23, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 24 down through "**BORROWER**" in line 25 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 26, strike "**FEDERAL**"; in line 28, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 29 down through "**EMPLOYER**" in line 30 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 9, in lines 14 and 15, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 15, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in line 16, strike "**IT IS ORIGINATED**" and substitute "**THE SECONDARY MORTGAGE LOAN IS APPROVED BY THE LENDER**"; strike in their entirety lines 21 through 23, inclusive; in line 24, strike "(1)"; and strike in their entirety lines 30 through 34, inclusive.

On page 10, in line 6, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 7, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 10, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 11 down through "**BORROWER**" in line 12 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 13, strike "**FEDERAL**"; in line 15, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 16 down through "**EMPLOYER**" in line 17 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A SECONDARY MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL

HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

On page 11, strike in their entirety lines 20 through 22, inclusive; in lines 26 and 27, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; in line 27, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**"; in lines 27 and 28, strike "**IT IS ORIGINATED**" and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**"; in line 30, after "**(3)**" insert "**(I)**"; and after line 31, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**".

On page 12, in line 1, strike "**(1)**"; strike in their entirety lines 7 through 11, inclusive; in line 13, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 14, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 16, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 17 down through "**BORROWER**" in line 18 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 19, strike "**FEDERAL**"; in line 21, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; strike beginning with "**A**" in line 22 down through "**EMPLOYER**" in line 23 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION";

in lines 32 and 33, strike "**APPLICABLE TO A**" and substitute "**, AS DEFINED IN THE**"; and in line 33, strike "**FOR A RESIDENTIAL REAL PROPERTY**" and substitute "**DOCUMENTS, PREVAILING**".

On pages 12 and 13, strike beginning with "**IT**" in line 33 on page 12 down through "**ORIGINATED**" in line 1 on page 13 and substitute "**THE MORTGAGE LOAN IS APPROVED BY THE CREDIT GRANTOR**".

On page 13, in line 6, after "**(5)**" insert "**(I)**"; after line 7, insert:

"**(II) "MORTGAGE LOAN" DOES NOT INCLUDE A REVERSE MORTGAGE LOAN.**";

in line 8, strike "(1)"; strike in their entirety lines 14 through 18, inclusive; in line 24, strike "**VERIFICATION**" and substitute "**:**

(I) CONSIDERATION OF THE BORROWER'S DEBT TO INCOME RATIO, INCLUDING EXISTING DEBTS AND OTHER OBLIGATIONS; AND

(II) VERIFICATION";

in line 25, after "**INCOME**" insert "**AND ASSETS**"; in the same line, after "**OF**" insert "**THIRD–PARTY**"; in line 27, after "**ACCEPTABLE**" insert "**THIRD–PARTY**"; strike beginning with "**A**" in line 28 down through "**BORROWER**" in line 29 and substitute "**THE BORROWER'S INTERNAL REVENUE SERVICE FORM W–2**"; in line 30, strike "**FEDERAL**"; in line 32, strike "**THE BORROWER'S MOST RECENT PAY STUB; AND**" and substitute "**PAYROLL RECEIPTS;**"; and strike beginning with "**A**" in line 33 down through "**EMPLOYER**" in line 34 and substitute "**THE RECORDS OF A FINANCIAL INSTITUTION; OR**

(V) OTHER THIRD–PARTY DOCUMENTS THAT PROVIDE REASONABLY RELIABLE EVIDENCE OF THE BORROWER'S INCOME OR ASSETS.

(3) THIS SUBSECTION DOES NOT APPLY TO A MORTGAGE LOAN APPROVED FOR GOVERNMENT GUARANTY BY THE FEDERAL HOUSING

ADMINISTRATION, VETERANS ADMINISTRATION, OR COMMUNITY DEVELOPMENT ADMINISTRATION".

AMENDMENT NO. 5

On pages 15 and 16, strike in their entirety the lines beginning with line 9 on page 15 through line 4 on page 16, inclusive.

On page 18, in line 13, strike "**$1,000,000**" and substitute "**$750,000**"; and after line 23, insert:

"**11–508.1.**

(A) AN APPLICANT FOR A NEW LICENSE OR FOR THE RENEWAL OF A LICENSE SHALL SATISFY THE COMMISSIONER THAT THE APPLICANT OR LICENSEE HAS, AND AT ALL TIMES WILL MAINTAIN, A MINIMUM NET WORTH COMPUTED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES:

(1) IN THE CASE OF AN APPLICANT OR LICENSEE THAT DOES NOT LEND MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF $25,000; AND

(2) IN THE CASE OF AN APPLICANT OR LICENSEE THAT LENDS MONEY SECURED BY RESIDENTIAL REAL PROPERTY, IN THE AMOUNT OF:

(I) $25,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR THE RENEWAL APPLICATION, LENT IN THE AGGREGATE 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;

(III) $100,000, IF THE APPLICANT OR LICENSEE, IN THE 12 MONTHS PRIOR TO THE LICENSE APPLICATION OR RENEWAL APPLICATION,

LENT IN THE AGGREGATE MORE THAN $5,000,000 BUT 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 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 PROMISSORY NOTE.

(II) A LINE OF CREDIT MAY NOT BE USED TOWARD SATISFYING MORE THAN 50% OF THE MINIMUM NET WORTH REQUIREMENTS UNDER SUBSECTION (A)(2) OF THIS SECTION.".

On page 20, in line 7, after "**REGULATION;**" insert "**AND**"; and strike beginning with "**; AND**" in line 10 down through "**LICENSEE**" in line 13.

AMENDMENT NO. 6

On page 22, after line 15, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the feasibility of conducting examinations of mortgage lender licensees using a risk–based approach rather than a fixed schedule approach.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Financial Regulation shall study the use of a call feature in which a mortgage loan contains a provision that permits the lender or credit grantor, in its sole discretion, absent a default or failure of the borrower to abide by the material terms of the mortgage loan, to accelerate the indebtedness of a mortgage loan.

(b) On or before January 1, 2009, the Commissioner shall report the findings of the study and any recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding Section 2 of this Act, the fees 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 that 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.".

and in line 16, strike "4." and substitute "7.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 422 – Delegates Kirk, Conway, DeBoy, Haddaway, Harrison, Haynes, Impallaria, Jameson, King, Krysiak, Lafferty, Levy, Love, Malone, Manno, Mathias, Minnick, Niemann, Stifler, Taylor, and Wood

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

HB0422/713894/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 422
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "dealer;" insert "altering the definitions of "fixed business address" and "local law enforcement unit", as they relate to the regulation of secondhand precious metal object dealers, to clarify their scope;"; and in line 16, after "12–101(b)" insert ", (d), and (f)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"(d) "Fixed business address" means a single physical location **IN MARYLAND** where a licensee regularly conducts business and at which the licensee or an employee of the licensee is physically present:

(1) during normal business hours; or

(2) other hours as provided in the application for the license which are sufficient to provide an authorized law enforcement officer or agent access to the licensee's place of business as provided in § 12–306 of this title.";

and after line 12, insert:

"(f) "Local law enforcement unit" means the **MARYLAND** Department of State Police, a **MARYLAND** police department, or **MARYLAND** sheriff, as designated by resolution of the county or municipal governing body, with jurisdiction over any place where a dealer transacts business other than the dealer's fixed business address.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 505 – Delegates Heller and Robinson

AN ACT concerning

Public Transportation – Drivers and Operators – Criminal History Records Check and Training

HB0505/743696/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 505
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Public Transportation – Drivers and Operators" and substitute "Transit Service for Disabled Persons"; in line 3, after "Training" insert "for Persons Providing Service"; strike beginning with "Public" in line 4 down through "course" in line 10 and substitute "Maryland Transit Administration and certain of the Administration's contractors to apply for certain criminal history records checks for certain persons who provide transit service to disabled persons; requiring the Administration to ensure that employees of the Administration and of the Administration's contractors who provide transit service to disabled persons successfully complete certain training"; strike beginning with "drivers" in line 11 down through "carrier" in line 12 and substitute "certain persons who provide transit service to disabled persons"; and strike in their entirety lines 13 through 22, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–102.1(e)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 10–206.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 13 on page 3, inclusive, and substitute:

"Article – Transportation

7–102.1.

(e) **(1)** The public interest requires the development of an effective and efficient transit service to meet the special needs of elderly and handicapped persons.

(2) WHEN PROVIDING TRANSIT SERVICE TO MEET THE SPECIAL NEEDS OF DISABLED PERSONS, THE ADMINISTRATION SHALL:

(I) APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF THE ADMINISTRATION'S EMPLOYEES WHO ARE OR WILL BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS;

(II) ENSURE THAT ANY ENTITY THAT CONTRACTS WITH THE ADMINISTRATION TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS APPLIES TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF THE CONTRACTOR'S EMPLOYEES WHO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS; AND

(III) ENSURE THAT ALL EMPLOYEES OF THE ADMINISTRATION OR A CONTRACTOR OF THE ADMINISTRATION WHO ARE OR WILL BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS SUCCESSFULLY COMPLETE A COURSE, JOINTLY DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF DISABILITIES AND APPROVED BY THE ADMINISTRATION, ON MATTERS RELATING TO APPROPRIATE ACCOMMODATION, INCLUDING CUSTOMER SERVICE, SENSITIVITY, AND

RESPECTFUL AND COURTEOUS TREATMENT OF ALL PASSENGERS, INCLUDING DISABLED PERSONS.

(3) (I) IN THIS PARAGRAPH, "CENTRAL REPOSITORY" HAS THE MEANING STATED IN § 10–201 OF THE CRIMINAL PROCEDURE ARTICLE.

(II) THE ADMINISTRATION OR CONTRACTOR SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH EMPLOYEE SUBJECT TO THIS SUBSECTION.

(III) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATION OR CONTRACTOR SHALL SUBMIT TO THE CENTRAL REPOSITORY:

1. TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

2. THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

3. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(IV) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE EMPLOYEE AND THE ADMINISTRATION OR CONTRACTOR A PRINTED STATEMENT OF THE EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

(V) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION SHALL BE:

1. CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

2. USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SUBSECTION.

(VI) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.

10–206.1.

(A) THE MARYLAND TRANSIT ADMINISTRATION SHALL ENSURE THAT TRANSIT SERVICE PROVIDED IN THE STATE IN ACCORDANCE WITH THIS SUBTITLE MEETS THE SPECIAL NEEDS OF DISABLED PERSONS.

(B) WHEN PROVIDING TRANSIT SERVICE TO MEET THE SPECIAL NEEDS OF DISABLED PERSONS, THE MARYLAND TRANSIT ADMINISTRATION SHALL:

(1) APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF THE MARYLAND TRANSIT ADMINISTRATION'S EMPLOYEES WHO ARE OR WILL BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS;

(2) ENSURE THAT ANY ENTITY THAT CONTRACTS WITH THE MARYLAND TRANSIT ADMINISTRATION TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS APPLIES TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS OF THE CONTRACTOR'S EMPLOYEES WHO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS; AND

(3) ENSURE THAT ALL EMPLOYEES OF THE MARYLAND TRANSIT ADMINISTRATION OR A CONTRACTOR OF THE ADMINISTRATION WHO ARE OR WILL BE EMPLOYED TO PROVIDE TRANSIT SERVICE TO DISABLED PERSONS SUCCESSFULLY COMPLETE A COURSE, JOINTLY DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF DISABILITIES AND APPROVED BY THE MARYLAND TRANSIT ADMINISTRATION, ON MATTERS RELATING TO APPROPRIATE ACCOMMODATION, INCLUDING CUSTOMER SERVICE, SENSITIVITY, AND RESPECTFUL AND COURTEOUS TREATMENT OF ALL PASSENGERS, INCLUDING DISABLED PERSONS.

(C) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" HAS THE MEANING STATED IN § 10–201 OF THE CRIMINAL PROCEDURE ARTICLE.

(2) THE MARYLAND TRANSIT ADMINISTRATION OR CONTRACTOR SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH EMPLOYEE SUBJECT TO THIS SUBSECTION.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE MARYLAND TRANSIT ADMINISTRATION OR CONTRACTOR SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE EMPLOYEE AND THE MARYLAND TRANSIT ADMINISTRATION OR CONTRACTOR A PRINTED STATEMENT OF THE EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION SHALL BE:

(I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

(II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SUBSECTION.

(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 566 – Delegates McConkey, Eckardt, Haddaway, Krysiak, and McHale

AN ACT concerning

Real Estate Salespersons – Qualifications for Licensure – Education Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 700 – Delegates Schuler, Barnes, and Manno

AN ACT concerning

Workers' Compensation – Permanent Partial Disability – Compensation

HB0700/333599/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 700
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike ", Barnes,"; in the same line, after "Manno" insert "and Delegates Barnes, McHale, and Krysiak"; in line 3, after "increasing" insert ", in a certain manner,"; and in line 6, after "Act;" insert "making certain conforming changes; providing for a delayed effective date".

AMENDMENT NO. 2

On page 2, in line 27, strike "(f) and (g)" and substitute "**(G) AND (H)**".

On page 3, in lines 4, 9, and 14, in each instance, strike "(f) and (g)" and substitute "**(G) AND (H)**"; in line 18, strike the brackets; in lines 18 and 19, strike "**ONE–FIFTH OF THE STATE AVERAGE WEEKLY WAGE**"; after line 19, insert:

"**(F) EXCEPT AS PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS SECTION, IF A COVERED EMPLOYEE IS AWARDED COMPENSATION FOR LESS THAN 75 WEEKS, THE EMPLOYER OR ITS INSURER SHALL PAY TO THE COVERED EMPLOYEE COMPENSATION THAT EQUALS ONE–THIRD OF THE AVERAGE WEEKLY WAGE OF THE COVERED EMPLOYEE BUT DOES NOT EXCEED:**

(1) FOR CLAIMS ARISING FROM EVENTS OCCURRING ON OR AFTER JANUARY 1, 2009, BUT BEFORE JANUARY 1, 2010, 14.3% OF THE STATE AVERAGE WEEKLY WAGE;

(2) FOR CLAIMS ARISING FROM EVENTS OCCURRING ON OR AFTER JANUARY 1, 2010, BUT BEFORE JANUARY 1, 2011, 15.4% OF THE STATE AVERAGE WEEKLY WAGE; AND

(3) FOR CLAIMS ARISING FROM EVENTS OCCURRING ON OR AFTER JANUARY 1, 2011, 16.7% OF THE STATE AVERAGE WEEKLY WAGE.";

and in lines 20 and 25, strike "(f)" and "(g)", respectively, and substitute "**(G)**" and "**(H)**", respectively.

On page 4, in line 11, strike "for permanent partial disability filed" and substitute "arising from events occurring"; and in line 14, strike "October 1, 2008" and substitute "January 1, 2009".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 728 – Delegates Feldman and Hammen

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

HB0728/833794/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 728
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Hammen" and substitute ", Hammen, Krysiak, and McHale".

AMENDMENT NO. 2

On page 3, in line 17, strike "**OTHERWISE**".

On page 4, in line 11, after "**CORPORATION**" insert "**WHO OTHERWISE WOULD BE BOUND BY THE TERMS OF THE TRANSACTION UNDER SUBSECTION (C)(1) OF THIS SECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

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

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

HB0749/203099/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 749

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "or" in line 4 down through "military" in line 5; in line 7, after "Act;" insert "requiring the Department to provide a certain report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, in line 5, strike the brackets; and strike beginning with the semicolon in line 17 down through "**LOCATION**" in line 27.

On page 3, in line 9, after "**MILITARY;**" insert "**OR**"; strike beginning with "**OR**" in line 11 down through "**MILITARY;**" in line 13; and in line 26, strike "**(B)(3)**" and substitute "**(C)(1)(III)**".

AMENDMENT NO. 3

On page 4, after line 10, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before June 1, 2009, the Department of Labor, Licensing, and Regulation shall report to the House Economic Matters Committee and the Senate Finance Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act. The report shall include:

(a) The number of claims filed pursuant to this Act;

(b) The estimated fiscal impact of those claims;

(c) Any directives that govern administration or enforcement of this Act; and

(d) Any issues related to administration or enforcement of this Act.";

and in line 11, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 907 – Delegates Hecht, Barkley, Beidle, Bobo, Cardin, V. Clagett, Frush, Howard, Kaiser, Lee, Manno, McComas, Mizeur, Morhaim, Niemann, Olszewski, Stein, F. Turner, Waldstreicher, and Weldon

AN ACT concerning

Sustainable Energy Task Force

HB0907/833691/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 907
(First Reading File Bill)

On page 1, in lines 16 and 18, in each instance, strike "one member" and substitute "two members".

On page 2, in line 3, strike "and"; in line 4, after "(7)" insert "two members of the general public, one member appointed by the Speaker of the House and one member appointed by the President of the Senate; and

(8)";

in line 6, after "industry;" insert "and"; and strike beginning with the semicolon in line 7 down through "public" in line 8.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1051 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Economic Development – Cross–References and Corrections

HB1051/613296/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1051
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Corrections" and substitute ", Corrections, and Modifications"; in line 6, after "provisions;" insert "repealing certain obsolete and redundant provisions, including provisions relating to certain industrial development bonds, the dissolution of certain units, and compliance with certain requirements; altering certain reporting dates; providing for the removal of certain members of certain units in a certain manner; providing for the appointment of certain members of certain units in a certain manner; authorizing the Board of Directors of the Maryland Economic Development Corporation to determine certain matters; altering and repealing certain definitions; providing for the oversight of certain matters by the Secretary of the Environment; clarifying the authority of the governing bodies of certain political subdivisions over certain matters;"; in line 9, strike "and corrections" and substitute ", corrections, and modifications"; after line 9, insert:

"BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 25
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

in line 18, after "(4)" insert "and (b)"; in line 23, after "Section" insert "2–207(a), 4–205, 4–206, 4–603(b)(1)(i) through (iii), 5–103(c), 5–415(a), 5–432, 5–437(a), 5–603(b)(1), 5–1001(b), 10–107, 10–108, 10–109(c)(4), 10–111(c), 10–130(c)(1), 10–207(c) and (d), 10–211(c), 10–301(g)(1)(iv)2,"; in the same line, after "10–324(c)(1)" insert ", 10–408(7)(iii), 10–620(d)(4)(iii), 10–643(f)(1)(i)3B, 11–307, 12–109(a)(2)(i), 12–209(b)(2), 12–211(a), 12–308(b)(2), and 13–202"; and after line 25, insert:

"BY adding to
Article – Economic Development
Section 4–204(d)(4)
Annotated Code of Maryland

(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing
Article – Economic Development
Section 10–201(k) and 10–433; 12–401 through 12–409 and the subtitle "Subtitle 4. Industrial Development Bonds"; and 13–417, 13–615, 13–715, 13–811, 13–911, and 13–1011
Annotated Code of Maryland
(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)".

On page 2, in line 17, after "13–1101(p)" insert ", 19–222(g)(3)(iii), and 19–223".

On page 3, after line 14 insert:

"BY repealing
The article designation "Article 45A – Industrial Development"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
The article designation "Article 78D – Baltimore Metropolitan Council"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
The article designation "Article 83A – Department of Business and Economic Development"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 41 – Governor – Executive and Administrative Departments
The title designation "Title 13. Miscellaneous Statewide Development and Assistance Programs"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, after line 16, insert:

"Article 1 – Rules of Interpretation

25.

(a) Unnumbered revised articles of the Annotated Code of Maryland may be cited as stated in this section.

(b) A section of the Agriculture Article may be cited as: "§___ of the Agriculture Article".

(c) A section of the Business Occupations and Professions Article may be cited as: "§___ of the Business Occupations and Professions Article".

(d) A section of the Business Regulation Article may be cited as: "§___ of the Business Regulation Article".

(e) A section of the Commercial Law Article may be cited as: "§___ of the Commercial Law Article".

(f) A section of the Corporations and Associations Article may be cited as: "§___ of the Corporations and Associations Article".

(g) A section of the Correctional Services Article may be cited as: "§___ of the Correctional Services Article".

(h) A section of the Courts and Judicial Proceedings Article may be cited as: "§___ of the Courts Article".

(i) A section of the Criminal Law Article may be cited as: "§___ of the Criminal Law Article".

(j) A section of the Criminal Procedure Article may be cited as: "§___ of the Criminal Procedure Article".

(K) A SECTION OF THE ECONOMIC DEVELOPMENT ARTICLE MAY BE CITED AS: "§___ OF THE ECONOMIC DEVELOPMENT ARTICLE".

[(k)**] (L)** A section of the Education Article may be cited as: "§___ of the Education Article".

[(l)**] (M)** A section of the Election Law Article may be cited as: "§___ of the Election Law Article".

[(m)**] (N)** A section of the Environment Article may be cited as: "§___ of the Environment Article".

[(n)**] (O)** A section of the Estates and Trusts Article may be cited as: "§___ of the Estates and Trusts Article".

[(o)**] (P)** A section of the Family Law Article may be cited as: "§___ of the Family Law Article".

[(p)**] (Q)** A section of the Financial Institutions Article may be cited as: "§___ of the Financial Institutions Article".

[(q)**] (R)** A section of the Health – General Article may be cited as: "§___ of the Health – General Article".

[(r)**] (S)** A section of the Health Occupations Article may be cited as: "§___ of the Health Occupations Article".

[(s)**] (T)** A section of the Housing and Community Development Article may be cited as: "§___ of the Housing and Community Development Article".

[(t)**] (U)** A section of the Human Services Article may be cited as: "§___ of the Human Services Article".

[(u)**] (V)** A section of the Insurance Article may be cited as: "§___ of the Insurance Article".

[(v)**] (W)** A section of the Labor and Employment Article may be cited as: "§___ of the Labor and Employment Article".

[(w)**] (X)** A section of the Natural Resources Article may be cited as: "§___ of the Natural Resources Article".

[(x)**] (Y)** A section of the Public Safety Article may be cited as: "§___ of the Public Safety Article".

[(y)**] (Z)** A section of the Public Utility Companies Article may be cited as: "§___ of the Public Utility Companies Article".

[(z)**] (AA)** A section of the Real Property Article may be cited as: "§___ of the Real Property Article".

[(aa)**] (BB)** A section of the State Finance and Procurement Article may be cited as: "§___ of the State Finance and Procurement Article".

[(bb)**] (CC)** A section of the State Government Article may be cited as: "§___ of the State Government Article".

[(cc)**] (DD)** A section of the State Personnel and Pensions Article may be cited as: "§___ of the State Personnel and Pensions Article".

[(dd)**] (EE)** A section of the Tax – General Article may be cited as: "§___ of the Tax – General Article".

[(ee)**] (FF)** A section of the Tax – Property Article may be cited as: "§___ of the Tax – Property Article".

[(ff)**] (GG)** A section of the Transportation Article may be cited as: "§___ of the Transportation Article".".

On page 4, after line 29, insert:

"(b) The Department and the State are not liable to any lender for payment of the principal or interest on a loan to an eligible business in accordance with **[**Article 83A, § 5–927 of the Code**] § 5–451 OF THE ECONOMIC DEVELOPMENT ARTICLE**.";

and after line 30, insert:

"2–207.

(a) On or before **[**December 31**] JANUARY 15** of each year, the Commission shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on its activities during the previous year.

4–204.

(d) **(4) A PRIVATE BUSINESS COMMUNITY MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE MAY BE REMOVED BY THE APPOINTING OFFICER WITH OR WITHOUT CAUSE.**

4–205.

[(1)**] (A)** Each year the Board shall elect a chair, five vice chairs, and a secretary–treasurer from among its members.

[(2)**] (B)** Of the five vice chairs, there shall be one representative each from the lodging, food service, transportation, retail, and amusements and attractions sectors.

4–206.

[(1)**] (A)** The director of the Office is the Executive Director of the Board as part of the regular duties of the director of the Office.

[(2)**] (B)** The director may not receive additional compensation for serving as Executive Director of the Board.

4–603.

(b) (1) The Commission consists of the following 11 members:

(i) **AS DESIGNATED BY THE CHAIR OF THE COUNCIL, EITHER** the Executive Director or a member of the Maryland State Arts Council established under Subtitle 5 of this title;

(ii) **AS DESIGNATED BY THE CHAIR OF THE TRUST, EITHER** the Director or a member of the Maryland Historical Trust established under Title 5A, Subtitle 3 of the State Finance and Procurement Article;

(iii) **AS DESIGNATED BY THE STATE ARCHIVIST, EITHER** the State Archivist or a member of the Commission on Artistic Property established under Title 9, Subtitle 10 of the State Government Article;

5–103.

(c) Subject to subsections (d) and (e) of this section, the Secretary may transfer money to the Economic Development Opportunities Program **[**Fund**]** **ACCOUNT** established under § 7–314 of the State Finance and Procurement Article from any of the accounts that are:

(1) in the Department or subject to its control; and

(2) used to provide financial support of any kind.

5–415.

(a) The Authority may approve, or may authorize the **[**executive director**]** **EXECUTIVE DIRECTOR** to approve, the form of an agreement by the Authority under this subtitle.

5–432.

[(a)**]** The portion of the aggregate principal amount of bonds and authorized purpose obligations that the Fund insures at any time may not exceed 5 times the Fund balance.

5–437.

(a) **[**(1)**]** The Authority may authorize the Executive Director of the Authority to approve, on behalf of the Authority, financial assistance under § 5–431 of this subtitle not exceeding the aggregate amount of $250,000 for a single transaction.

5–603.

(b) (1) Whenever the Department is authorized by law to make a grant, including a grant **FROM THE ECONOMIC DEVELOPMENT OPPORTUNITIES**

PROGRAM ACCOUNT authorized under § 7–314 of the State Finance and Procurement Article, the Department may use money appropriated for the grant to make an equity investment in a business enterprise.

5–1001.

(b) "Service–disabled veteran" means a veteran with a disability that is service–connected, as defined in 38 U.S.C. § 101(16)**[**, who was domiciled in the State when the service–connected disability was incurred**]**.

10–107.

(A) From among its members, the Board shall elect a chair, a vice chair, and a treasurer.

(B) THE BOARD SHALL DETERMINE THE MANNER OF ELECTION OF OFFICERS AND THEIR TERMS OF OFFICE.

10–108.

(a) **(1)** Seven members of the Board are a quorum.

[(b)**] (2)** An affirmative vote of at least seven members is needed for the Board to act.

(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

10–109.

(c) The Executive Director, or the Executive Director's designee, shall:

(4) approve all salaries, per diem payments, and allowable expenses of the Corporation, its **[**employees**] EMPLOYEES,** and its consultants;

10–111.

(c) [For purposes of making agreements in connection with loans, grants, insurance, or other financial assistance, the] **THE** Corporation is a public body under Title 5, Subtitle 4 of this article, the Maryland Industrial Development Financing Authority Act**, FOR PURPOSES OF APPLYING FOR, RECEIVING, AND MAKING AGREEMENTS IN CONNECTION WITH:**

(1) A LOAN;

(2) A GRANT;

(3) INSURANCE; OR

(4) ANY OTHER FORM OF FINANCIAL ASSISTANCE.

10–130.

(c) (1) The Fund is a continuing, nonlapsing fund that is not subject to **REVERSION UNDER** § 7–302 of the State Finance and Procurement Article.

10–201.

[(k) "Seafood" includes edible and inedible fish and shellfish.]

10–207.

(c) A development or project is subject to applicable State health laws and regulations of the Secretary of Health and Mental Hygiene **AND THE SECRETARY OF THE ENVIRONMENT**.

(d) [(1)] A development or project is subject to all zoning and subdivision regulations of the political subdivision in which the development or project is located.

[(2) If required by this subtitle, the Authority shall:

(i) obtain any applicable licenses and permits from the political subdivision where a development or project is located; and

(ii) follow any required procedures.]

10–211.

(c) The Authority may not acquire a site under this section for the establishment or construction of a development, or establish or construct a development on a site, unless the site is approved:

(1) for Baltimore City, by the Board of Estimates; and

(2) for any other political subdivision, by the county commissioners, county executive, or in a charter county without a county executive, the county council**, OR IN A MUNICIPAL CORPORATION, BY ITS GOVERNING BODY**.

10–301.

(g) (1) "Health care institution" means an institution in the State that is operated by a person, a local government, or, subject to paragraph (3) of this subsection, the State, is available to the public, and is:

(iv) except as provided in paragraph (3) of this subsection:

2. a not–for–profit life care or continuing care community that provides **[**self–continued**]** **SELF–CONTAINED** residence facilities for the retired or elderly;".

On page 5, after line 6, insert:

"10–408.

The Corporation may:

(7) acquire, purchase, hold, lease as lessee, and use:

(iii) an interest in the property listed in this item; **[**and**]**

[10–433.

(a) The authority of the Secretary over plans, proposals, and projects of units in the Department does not include the authority to disapprove or modify any decision

or determination that the Commission makes under authority specifically delegated by law to the Commission.

(b) The authority of the Secretary to transfer by regulation or written directive any staff, functions, or money of units in the Department does not apply to any staff, functions, or money of the Commission.**]**

10–620.

(d) (4) Lease payments to the Authority appropriated by the State shall be transferred to:

(iii) the Hippodrome Performing Arts Fund if appropriated for a Hippodrome Performing Arts facility**[.]; ;**

10–643.

(f) (1) The Authority shall secure a written agreement with Ocean City, as approved by the Board of Public Works:

(i) in which Ocean City agrees to:

3. be solely responsible for all operating deficits and capital improvements:

B. after the repayment of the Ocean City Convention facility bonds issued by the Authority**[.]; AND**

11–307.

[(a)**]** From among its members, the Board shall elect a chair, a vice chair, and a treasurer.

[(b) The chair, vice chair, and treasurer serve at the pleasure of the Governor.**]**

12–109.

(a) (2) An authority may:

(i) receive money from its incorporating county or municipal corporation, the State, other governmental units, or [not for profit] **NOT–FOR–PROFIT** organizations;

12–209.

(b) If bonds are outstanding with respect to a development district, the special fund may be used as described in subsection (a) of this section in any fiscal year only if:

(2) the special fund is not restricted so **AS** to prohibit the use.

12–211.

(a) The principal amount of bonds, interest payable on bonds, the transfer of bonds, and income from bonds, including profit made in the sale or transfer of [bonds] **BONDS,** is exempt from State and local taxes.

12–308.

(b) (2) [The signature of an officer who leaves office before delivery of the bond is] **AN OFFICER'S SIGNATURE OR FACSIMILE SIGNATURE ON A BOND REMAINS** valid [and sufficient for all purposes as] **EVEN** if the officer [had remained in] **LEAVES** office [until delivery] **BEFORE THE BOND IS DELIVERED**.

13–202.

The Southern States Energy Compact is entered into by this State with other states legally joining the compact in accordance with its terms, in the form substantially as follows:

[(1)] Article I. Policy and Purpose.

The party states recognize that the proper employment and conservation of energy and employment of energy–related facilities, materials, and products, within the context of a responsible regard for the environment, can assist substantially in the

industrialization of the South and the development of a balanced economy for the region. They also recognize that optimum benefit from and acquisition of energy resources and facilities require systematic encouragement, guidance, and assistance from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and framework for such a cooperative effort to improve the economy of the South and contribute to the individual and community well–being of the region's people.

[(2)**]** Article II. The Board.

(a) There is hereby created an agency of the party states to be known as the "Southern States Energy Board" (hereinafter called the board). The board shall be composed of three members from each party state, one of whom shall be appointed or designated in each state to represent the governor, the state senate, and the state house of delegates, respectively. Each member shall be designated or appointed in accordance with the law of the state which the member represents and serving and subject to removal in accordance with such law. Any member of the board may provide for the discharge of the member's duties and the performance of the member's functions thereon (either for the duration of the membership or for any lesser period of time) by a deputy or assistant, if the law of the member's state makes specific provision therefore. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) Each party state shall be entitled to one vote on the board, to be determined by majority vote of each member or member's representative from the party state present and voting on any question. No action of the board shall be binding unless taken at a meeting at which a majority of all party states are represented and unless a majority of the total number of votes on the board are cast in favor thereof.

(c) The board shall have a seal.

(d) The board shall elect annually, from among its members, a chairman, vice–chairman, and a treasurer. The board shall appoint an executive director who shall serve at its pleasure and who shall also act as secretary, and who, together with the treasurer, shall be bonded in such amounts as the board may require.

(e) The executive director, with the approval of the board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the

board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The board may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full–time employees. Employees of the board shall be eligible for Social Security coverage in respect of old–age and survivors insurance provided that the board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The board may borrow, accept, or contract for the services of personnel from any state of the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

(i) The board may establish and maintain such facilities as may be necessary for the transacting of its business. The board may acquire, hold, and convey real and personal property and any interest therein.

(j) The board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The board annually shall make to the governor of each party state, a report covering the activities of the board for the preceding year, and embodying such recommendations as may have been adopted by the board, which report shall be transmitted to the legislature of said state. The board may issue such additional reports as it may deem desirable.

[(3)**]** Article III. Finances.

(a) The board shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One half of the total amount of each budget of estimated expenditures shall be apportioned among the party states in equal shares; one quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial federal census; and one quarter of each such budget shall be apportioned among the party states on the basis of the relative average per–capita income of the inhabitants in each of the party states based on the latest computations published by the federal census–taking agency. Subject to appropriation by their respective legislatures, the board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the board.

(c) The board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact provided that the board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article II (h) hereof, the board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) The board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the board shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the board.

(e) The accounts of the board shall be open at any reasonable time for inspection.

[(4)**]** Article IV. Advisory Committees.

The board may establish such advisory and technical committees as it may deem necessary, membership on which to include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state and federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

[(5)**]** Article V. Powers.

The board shall have the power to:

(a) ascertain and analyze on a continuing basis the position of the South with respect to energy, energy–related industries, and environmental concerns.

(b) encourage the development, conservation, and responsible use of energy and energy–related facilities, installations, and products as part of a balanced economy and healthy environment.

(c) collect, correlate, and disseminate information relating to civilian use of energy and energy–related materials and products.

(d) conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspect of:

(1) energy, environment, and application of energy, environmental, and related concerns to industry, medicine, or education or the promotion or regulation thereof.

(2) the formulation or administration of measures designed to promote safety in any matter related to the development, use, or disposal of energy and energy–related materials, products, installations, or wastes.

(e) organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of energy product, material, or equipment use and disposal and of proper techniques or processes for the application of energy resources to the civilian economy or general welfare.

(f) undertake such nonregulatory functions with respect to sources of radiation as may promote the economic development and general welfare of the region.

(g) study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to energy and environmental fields.

(h) recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstance which may justify variations to meet local conditions.

(i) prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(j) cooperate with the United States Department of Energy or any agency successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(k) act as licensee of the United States government or any party state with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

(l) ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of energy and environmental incidents in the area comprising the party states, to coordinate the nuclear, environmental, and other energy–related incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with energy and environmental incidents. The board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with energy and environmental incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

[(6)**]** Article VI. Supplementary Agreements.

(a) To the extent that the board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the board. The board shall give such approval unless it finds that the supplementary agreement or the activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

[(7)**]** Article VII. Other Laws and Relationships.

Nothing in this compact shall be construed to:

(a) permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) limit, diminish, or impair jurisdiction exercised by the United States Department of Energy, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress.

(c) alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) permit or authorize the board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the board own or operate any facility or installation for industrial or commercial purposes.

[(8)**]** Article VIII. Eligible Parties, Entry into Force and Withdrawal.

(a) Any or all of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, the Commonwealth of Puerto Rico, and the United States Virgin Islands shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature has enacted the same into law: Provided that it shall not become initially effective until enacted into law by seven states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

[(9)**]** Article IX. Severability and Construction.

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary

agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

[13–417.

(a) (1) This section applies only if the Council is dissolved.

(2) This section does not apply to the disposition of money or other assets of the State.

(b) After providing for the payment of its liabilities, the Council shall dispose of its assets in a manner consistent with the purposes of the Council by transferring the assets to an organization that:

(1) is organized and operated exclusively for charitable, educational, religious, or scientific purposes; and

(2) qualifies as a tax exempt organization under § 501(c)(3) of the Internal Revenue Code.

(c) In a manner consistent with subsection (b) of this section, the circuit court for the county where the Council has its principal office shall dispose of any assets that the Council fails to dispose of by interpleader or other appropriate action.**]**

[13–615.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as it determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal

under subsection (b) of this section exclusively for the purposes of the Council or to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.]

[13–715.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as it determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for the purposes of the Council or to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.]

[13–811.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as it determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for the purposes of the Council or to the counties in the region.]

[13–911.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as the Council determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to an organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for the purposes of the Council or to the counties in the region.**]**

[13–1011.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as the Council determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for a purpose of the Council or to the counties in the region.**]**".

On page 6, after line 10, insert:

"19–222.

(g) (3) The Commission may provide, as appropriate, for temporary adjustment of the rates of those hospitals that are directly involved in the merger or

consolidation, closure, or delicensure in order to provide sufficient funds for an orderly transition. These funds may include:

(iii) Any other closure costs as defined in [§ 16A of Article 43C of the Code] **§ 10–340 OF THE ECONOMIC DEVELOPMENT ARTICLE**; or

19–223.

The Commission shall assess a fee on all hospitals whose rates have been approved by the Commission to pay for:

(1) The amounts required by [subsection (k) of § 16A of] **§ 10–350 OF THE ECONOMIC DEVELOPMENT** Article [43C of the Code] with respect to public [body] obligations or closure costs of a closed or delicensed hospital as defined in [Article 43C, § 16A of the Code] **§ 10–340 OF THE ECONOMIC DEVELOPMENT ARTICLE**; and

(2) Funding the Hospital Employees Retraining Fund.".

On page 15, after line 26, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the following Section(s) and designations of the Annotated Code of Maryland be repealed:

The article designation "Article 45A – Industrial Development"

The article designation "Article 78D – Baltimore Metropolitan Council"

The article designation "Article 83A – Department of Business and Economic Development"

Article 41 – Governor – Executive and Administrative Departments
The title designation "Title 13. Miscellaneous Statewide Development and Assistance Programs"

Article – Economic Development
Section(s) 12–401 through 12–409 and the subtitle "Subtitle 4. Industrial Development Bonds"

(As enacted by Ch. ___ (H.B. 1050) of the Acts of the General Assembly of 2008)";

and in lines 27, 33, and 34, strike "3.", "4.", and "3", respectively, and substitute "4.", "5.", and "4", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1057 – Delegate King

AN ACT concerning

Commercial Law – Automotive Repair Facilities – Invoices

HB1057/263398/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1057
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "is" in line 5 down through "facility" in line 7 and substitute "may not be responsible for damage to the customer's motor vehicle under certain circumstances, and that the customer should ask a representative of the automotive repair facility about the extent of its responsibility".

AMENDMENT NO. 2

On page 2, strike beginning with "**IS**" in line 6 down through "**FACILITY**" in line 8 and substitute "**MAY NOT BE RESPONSIBLE FOR DAMAGE TO THE CUSTOMER'S MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, AND THAT THE CUSTOMER SHOULD ASK A REPRESENTATIVE OF THE AUTOMOTIVE REPAIR FACILITY ABOUT THE EXTENT OF ITS RESPONSIBILITY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1337 – Delegates Stein, Hecht, Cardin, Carr, and Morhaim

AN ACT concerning

Maryland Clean Energy Center

HB1337/453199/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1337
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Hecht," insert "Bronrott,"; and in the same line, strike "and Morhaim" and substitute "Morhaim, Burns, Feldman, Krysiak, Manno, Mathias, McHale, and Minnick".

AMENDMENT NO. 2

On page 4, after line 23, insert:

"**(K) "GOVERNMENTAL UNIT" MEANS:**

(1) A COUNTY;

(2) A MUNICIPAL CORPORATION;

(3) A STATE UNIT;

(4) A LOCAL UNIT; OR

(5) ANY OTHER PUBLIC BODY OR UNIT ESTABLISHED IN ACCORDANCE WITH A STATE OR LOCAL LAW, ORDINANCE, OR RESOLUTION.";

and in lines 24 and 27, strike "**(K)**" and "**(L)**", respectively, and substitute "**(L)**" and "**(M)**", respectively.

On page 5, strike in their entirety lines 1 through 7, inclusive.

On page 10, in line 19, strike "**(A)**"; and strike in their entirety lines 21 and 22.

AMENDMENT NO. 3

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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1350 – Delegates Stein and Kach

AN ACT concerning

Consumer Protection – Advertisement of Rebate for Consumer Goods

HB1350/943999/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1350
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 3 down through "term" in line 9 and substitute "requiring a merchant that advertises a rebate for consumer goods that is only available if the consumer mails in a rebate form to include a certain statement in the advertisement".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 9 on page 2, inclusive, and substitute:

"**IF A MERCHANT ADVERTISES A REBATE FOR CONSUMER GOODS THAT IS AVAILABLE ONLY IF A CONSUMER MAILS IN A REBATE FORM, THE ADVERTISEMENT SHALL CLEARLY STATE THAT THE REBATE IS ONLY AVAILABLE BY MAIL.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1386 – Delegate Rudolph

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #11

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

House Bill 1 – Delegate Hubbard

AN ACT concerning

Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether – Prohibition

HB0001/810511/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hubbard" and substitute "Delegates Hubbard and Montgomery"; in line 7, strike "or" and substitute a comma; in line 8, after "products" insert ", certain vehicles, or certain products, parts, or replacement parts for use in certain vehicles"; and in the same line, after "term;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, in line 5, after "(b)" insert "**(1)**"; in the same line, strike "section" and substitute "**SUBSECTION**"; in line 9, strike "(c)" and substitute "**(2)**"; in line 11, in each instance, strike the bracket; in the same line, in each instance, strike the comma; in the same line, strike "**OR DECABDE**"; after line 12 insert:

"**(C) (1) THIS SUBSECTION DOES NOT APPLY TO:**

(I) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT SERVICE PARTS OR OTHER PRODUCTS MANUFACTURED BEFORE JANUARY 1, 2010, IF THE PART OR PRODUCTS WERE MANUFACTURED IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL LAWS; AND

(II) 1. A VEHICLE, AS DEFINED IN § 11–176 OF THE TRANSPORTATION ARTICLE; OR

2. A PRODUCT, PART, OR REPLACEMENT PART FOR USE IN A VEHICLE.

(2) ON OR AFTER JANUARY 1, 2010, A PERSON MAY NOT MANUFACTURE, PROCESS, SELL, OR DISTRIBUTE IN THE STATE A NEW PRODUCT OR FLAME–RETARDANT PART OF A NEW PRODUCT THAT CONTAINS MORE THAN ONE–TENTH OF 1% OF DECABDE BY MASS.";

and in line 14, strike "October 1, 2008" and substitute "January 1, 2010".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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

HB0630/500715/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 630
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "exceptions;" insert "altering certain definitions;".

AMENDMENT NO. 2

On page 2, in line 6, strike "for more than 10 years"; in line 20, strike "**REQUIRE**" and substitute "**MANAGE**"; in line 25, strike "or"; and in line 27, after "operation" insert "**; OR**

(III) A PERSON THAT HAS A VALID NURSERY INSPECTION CERTIFICATE OR PLANT DEALER LICENSE ISSUED IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THE AGRICULTURE ARTICLE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 836 – Delegates Hucker, Feldman, and Gutierrez

AN ACT concerning

Environment – Task Force to Study the Regulation of Swimming Pools

HB0836/740715/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 836
(First Reading File Bill)

On page 1, in line 23, strike "and"; and in line 24, after "designee" insert "**;**

(5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE; AND

(6) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION REPRESENTING HOMEOWNERS ASSOCIATIONS".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 938 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Deer Hunting on Private Lands – Effective Date

MC 804–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 977 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Controlled Hazardous Substances – Discharge or Release – Reporting Requirements

HB0977/150216/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 977
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "has" in line 5 and substitute "certain persons that possess certain"; in line 5, strike "discharge or"; in line 6, after "substance" insert "under certain circumstances"; in the same line, strike "incident" and substitute "finding immediately"; in the same line, after "Environment;" insert "requiring the Department to consider certain factors in determining certain thresholds for reporting a release of a hazardous substance;"; in line 7, strike "authorizing" and substitute "requiring"; in the same line, after "regulations" insert "on or before a certain date"; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 2

On page 2, in lines 1, 22, and 24, in each instance, strike the bracket; in lines 1, 22, and 24, strike "**(B)**", "**(C)**", and "**(D)**", respectively; and strike in their entirety lines 28 and 29 and substitute:

"**(D) (1) ON OR AFTER OCTOBER 1, 2009, A RESPONSIBLE PERSON THAT POSSESSES A SAMPLE RESULT OR OTHER ENVIRONMENTAL ASSESSMENT THAT INDICATES THE RELEASE OF A HAZARDOUS SUBSTANCE INTO THE ENVIRONMENT, AT OR ABOVE A THRESHOLD ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, SHALL REPORT THE FINDING IMMEDIATELY TO THE DEPARTMENT.**

(2) IN DETERMINING A REPORTABLE THRESHOLD OF A RELEASE OF A HAZARDOUS SUBSTANCE, THE DEPARTMENT SHALL CONSIDER:

(I) THE QUANTITY OF A HAZARDOUS SUBSTANCE;

(II) THE ASSOCIATED RISK FACTORS OF A HAZARDOUS SUBSTANCE; AND

(III) ANY OTHER FACTOR DETERMINED NECESSARY BY THE DEPARTMENT.

(3) ON OR BEFORE JUNE 30, 2009, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS 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.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #12

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

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

AN ACT concerning

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

HB0361/190712/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 361
(First Reading File Bill)

AMENDMENT NO. 1

On page 6, in line 19, strike "**30**" and substitute "**60**".

AMENDMENT NO. 2

On page 6, after line 25, insert:

"**(L) "SETTLEMENT" MEANS AN IN–PERSON, FACE–TO–FACE MEETING WITH THE HOMEOWNER TO COMPLETE FINAL DOCUMENTS INCIDENT TO THE SALE OR TRANSFER OF REAL PROPERTY OR THE CREATION OF A MORTGAGE OR EQUITABLE INTEREST IN REAL PROPERTY, CONDUCTED BY A SETTLEMENT AGENT, DURING WHICH THE HOMEOWNER MUST BE PRESENTED WITH A COMPLETED COPY OF THE HUD–1 SETTLEMENT FORM.**";

in lines 31 and 35, in each instance, strike the bracket; in line 31, strike "is owed an obligation" and substitute "**SERVICES A MORTGAGE LOAN**"; in lines 31 and 32, strike "lien on any"; in line 32, strike "foreclosure" and substitute "**DEFAULT**"; strike beginning with "services" in line 32 down through the second "lien" in line 33 and substitute "**SERVICING, COLLECTION, AND LOSS MITIGATION ACTIVITIES IN REGARD TO THAT MORTGAGE LOAN, PROVIDED THE MORTGAGE LOAN**"; and in line 34, strike "reconveyance" and substitute "**CONSULTING CONTRACT**".

On page 7, in line 6, strike the brackets; in the same line, strike "**(3)**"; in line 12, after "license;" insert a bracket; in line 13, strike "(7)" and substitute "**(5)**"; in the same line, strike "mortgage broker or"; in line 14, strike "acting" and substitute "**:**

(I) ACTING"; in line 15, strike "license;" and substitute "**LICENSE IN REGARD TO A RESIDENCE IN DEFAULT; AND**

(II) ARRANGING FOR A REFINANCING OF A MORTGAGE LOAN FOR THE RESIDENCE IN DEFAULT;";

in line 16, strike "(8)" and substitute "**(6)**"; strike beginning with the comma in line 18 down through "or" in line 21 and substitute "**ONLY:**

(I) WHILE THE PERSON:

1. ENGAGES IN ANY ACTIVITY FOR WHICH THE PERSON IS LICENSED UNDER TITLE 17 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

2. DOES NOT VIOLATE ANY PROVISION OF § 7–307 OF THIS SUBTITLE OR TITLE 17 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(II) IF THE RESIDENCE IN DEFAULT FOR WHICH THE PERSON IS CONDUCTING A LICENSED ACTIVITY:

1. IS LISTED IN THE LOCAL MULTIPLE LISTING SERVICE; AND

2. IS SOLD OR TRANSFERRED THROUGH A SETTLEMENT, INCLUDING THE CONVEYANCE OR TRANSFER OF DEED, TITLE, OR ESTABLISHMENT OF EQUITABLE INTEREST; OR";

in line 22, strike "**(4)**" and substitute "**(7)**"; and in lines 24 and 25, strike "or foreclosure purchasers".

AMENDMENT NO. 3

On page 1, in line 11, strike "cancel" and substitute "rescind".

On page 7, in line 34, in each instance, strike the bracket.

On page 8 in line 1, on page 9 in lines 28 and 30, on page 10 in line 24, on page 13 in lines 19 and 23, and on page 21 in line 5, in each instance, strike "**CANCEL**" and substitute "**RESCIND**".

On page 8 in line 6, on page 10 in lines 15 and 25, on page 11 in line 11, on page 22 in lines 13, 18, 19, and 29, on page 23 in lines 4, 18, 19, 23, and 31, and on page 24 in line 1, in each instance, strike "**[**Rescission**]** **CANCELLATION**" and substitute "Rescission".

On page 8 in lines 7, 11, 13, 17, and 19, on page 10 in lines 2 and 3 and line 29, on page 15 in line 11, on page 16 in line 5, on page 22 in line 14, and on page 23 in lines 20 and 21, in each instance, strike "**[**rescission**]** **CANCELLATION**" and substitute "rescission".

On page 8 in lines 15 and 23, on page 10 in line 26, on page 11 in lines 6 and 12, on page 15 in line 7, on page 16 in lines 1, 16, and 24, on page 22 in lines 8, 10, 26, and

32, and on page 23 in lines 16, 33, and 34, in each instance, strike "**[**rescind**] CANCEL**" and substitute "rescind".

On page 9, in line 31, strike "**CANCELLATION**" and substitute "**RESCISSION**"; in line 32, strike "**CANCELLATION**" and substitute "**RESCISSION**"; and in line 36, strike "**[**rescind the transfer**] CANCEL**" and substitute "rescind".

On page 10, in line 11, strike "cancellation" and substitute "**RESCISSION**".

On page 10 in lines 14 and 20, on page 11 in line 3, on page 16 in line 12, and on page 22 in line 24, in each instance, strike "**[**RESCISSION**] CANCELLATION**" and substitute "RESCISSION".

On page 10 in line 22, and on page 15 in line 31, in each instance, strike "cancel **[**or rescind**]**" and substitute "rescind".

On page 15, in line 9, strike "**CANCEL**" and substitute "**RESCIND**"; in lines 20, 22, and 28, in each instance, strike "CANCEL" and substitute "**RESCIND**".

On page 16, in line 21, strike "Cancel" and substitute "**RESCIND**".

On page 19, in line 13, strike "**[**rescind or**]** cancel" and substitute "rescind".

On page 22, in line 28, strike "cancel" and substitute "**RESCIND**".

On page 23, in line 15, in each instance, strike the bracket; and in the same line, strike "**TO CANCEL**".

AMENDMENT NO. 4

On page 13, in line 19, before "**IN**" insert "**(A)**"; strike beginning with "**IF**" in line 20 down through the comma in line 22; in line 22, strike the second "**THE**" and substitute "**A**"; in line 23, strike the second "**THE**" and substitute "**A**"; in line 24, after "**TRANSFER**" insert "**OF THE RESIDENCE IN DEFAULT**"; and after line 24, insert:

"**(B) ANY PROVISION IN A CONTRACT OR OTHER AGREEMENT CONCERNING A SALE OR TRANSFER OF A RESIDENCE IN DEFAULT THAT ATTEMPTS OR PURPORTS TO WAIVE THE HOMEOWNER'S RIGHTS UNDER THIS**

TITLE, CONSENT TO JURISDICTION FOR LITIGATION OR CHOICE OF LAW IN A STATE OTHER THAN MARYLAND, CONSENT TO VENUE IN A COUNTY OTHER THAN THE COUNTY IN WHICH THE PROPERTY IS LOCATED, OR IMPOSE ANY COSTS OR FILING FEES GREATER THAN THE FEES REQUIRED TO FILE AN ACTION IN A CIRCUIT COURT, IS VOID.

(C) EXCEPT WHEN A PRIMARY MORTGAGE LENDER TAKES A DEED IN LIEU OF FORECLOSURE, A SALE OR TRANSFER OF A RESIDENCE IN DEFAULT MAY NOT BE EXECUTED USING A QUITCLAIM DEED.

(D) A NOTICE OF RESCISSION UNDER THIS SECTION:

(1) SHALL BE IN WRITING BUT NEED NOT TAKE ANY PARTICULAR FORM SPECIFIED IN THIS SUBTITLE OR ANY FORM CONTAINED IN ANY AGREEMENT WITH THE PURCHASER OR TRANSFEREE; AND

(2) IS EFFECTIVE, HOWEVER EXPRESSED, IF IT INDICATES THE INTENTION OF THE HOMEOWNER TO RESCIND THE CONTRACT.

(E) THE RIGHT TO RESCIND MAY NOT BE CONDITIONED ON THE REPAYMENT OF ANY FUNDS, PROVIDED HOWEVER THAT ANY DEBT EXISTING PRIOR TO A RESCISSION SHALL CONTINUE TO EXIST.

(F) WITHIN 10 DAYS AFTER RECEIPT OF A NOTICE OF RESCISSION, THE PURCHASER OR TRANSFEREE SHALL RETURN, WITHOUT CONDITION, ANY ORIGINAL DEED, TITLE, CONTRACT, AND ANY OTHER DOCUMENT SIGNED BY THE HOMEOWNER.

(G) DURING THE 5–DAY RESCISSION PERIOD, A DEED OR OTHER DOCUMENT AFFECTING TITLE TO THE HOMEOWNER'S RESIDENCE IN DEFAULT MAY NOT BE RECORDED.".

On pages 16 and 17, strike in their entirety the lines beginning with line 27 on page 16 through line 18 on page 17, inclusive.

AMENDMENT NO. 5

On page 18, in lines 12, 15, 16, and 17, in each instance, strike the bracket; and in lines 12 and 13, strike "**COMPLETE A SALE OR TRANSFER OF THE RESIDENCE IN DEFAULT UNTIL THE**".

On page 19, in line 6, strike "**(3)**" and substitute "**(2)**"; and in line 13, strike "**(4)**" and substitute "**(3)**".

AMENDMENT NO. 6

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 21, after "changes;" insert "making this Act an emergency measure;".

On page 26, strike in their entirety lines 3 and 4 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McConkey moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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

AN ACT concerning

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

HB0365/580117/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 365
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "prohibiting" and substitute "requiring"; in line 5, strike "from being recorded unless it contains" and substitute "on certain residential property to contain"; in line 6, after "lender" insert "when recorded in the land records"; in the same line, after the semicolon insert "requiring the Commissioner of Financial Regulation to adopt certain regulations to enforce certain provisions of this Act;"; in line 11, strike "a certain person" and substitute "certain persons"; in line 20, after "mortgagor" insert "or grantor"; in line 23, after "mortgagor" insert "or grantor"; and in the same line, after "mortgagor's" insert "or grantor's".

On page 2, in line 2, after "term" insert "; providing for the application of certain provisions of this Act"; in line 3, strike "prerequisites to"; and in line 7, strike "3–104(h)" and substitute "3–104.1".

AMENDMENT NO. 2

On page 2, in line 18, strike "3–104." and substitute "**3–104.1.**"; after line 18, insert:

"**(A) IN THIS SECTION, "RESIDENTIAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS.**";

in line 19, strike "**(H)**" and substitute "**(B)**"; in the same line, strike "**A**" and substitute "**WHEN RECORDED, A**"; in line 20, strike "**MAY NOT BE RECORDED UNLESS IT CONTAINS**" and substitute "**ON RESIDENTIAL PROPERTY SHALL CONTAIN**"; in line 24, strike "**INDIVIDUAL**" and substitute "**PERSON**"; and after line 34, insert:

"**(C) THE COMMISSIONER OF FINANCIAL REGULATION SHALL ADOPT REGULATIONS TO ENFORCE THE PROVISIONS OF THIS SECTION, INCLUDING:**

(1) MINIMUM REQUIREMENTS FOR THE INCLUSION OF LICENSING INFORMATION WHEN A MORTGAGE, DEED OF TRUST, OR OTHER INSTRUMENT SECURING A MORTGAGE LOAN ON RESIDENTIAL PROPERTY IS RECORDED; AND

(2) PENALTIES FOR THE FAILURE TO INCLUDE LICENSING INFORMATION WHEN A MORTGAGE, DEED OF TRUST, OR OTHER INSTRUMENT SECURING A MORTGAGE LOAN ON RESIDENTIAL PROPERTY IS RECORDED.".

AMENDMENT NO. 3

On page 4, in line 13, strike "**AT LEAST**" and substitute "**THE LATER OF**"; and in line 15, strike "**AND**" and substitute "**OR**".

On page 5, in line 8, after "**GRANTOR**" insert "**AND THE RECORD OWNER**".

On page 6, in line 9, strike "**THE**" and substitute "**IF APPLICABLE, THE**"; and in line 10, strike "**IF APPLICABLE, THE**" and substitute "**THE**".

On page 7, in line 10, after "**FORM**" insert "**, AS PRESCRIBED BY THE COMMISSIONER OF FINANCIAL REGULATION**".

On page 8, in line 3, strike "**1–877–462–7555**" and substitute "**(INSERT TELEPHONE NUMBER)**"; in line 14, strike "**1–888–743–0023**" and substitute "**(INSERT TELEPHONE NUMBER)**"; and in line 19, after "**FORECLOSE**" insert "**ON RESIDENTIAL PROPERTY**".

On page 9, in line 15, after "**DEFAULT**" insert "**BY PAYING ALL PAST DUE PAYMENTS, PENALTIES, AND FEES**".

AMENDMENT NO. 4

On page 8, in line 26, after "**GRANTOR**" insert "**UNDER SUBSECTION (E)(1) OF THIS SECTION**"; in line 31, after "**BY**" insert "**CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND**"; and in line 33, after "**ADDRESS**" insert "**AND, IF DIFFERENT, TO THE ADDRESS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE MORTGAGE OR DEED OF TRUST**".

On page 9, in line 3, after the first "**THE**" insert "**RESIDENTIAL**".

AMENDMENT NO. 5

On page 9, in line 12, after "**CIRCULATION**" insert "**IN THE COUNTY WHERE THE ACTION IS PENDING**"; and in line 13, strike "**, NOT LESS THAN 10 DAYS BEFORE THE SALE**" and substitute "**A WEEK FOR 3 SUCCESSIVE WEEKS, THE FIRST PUBLICATION TO BE NOT LESS THAN 15 DAYS BEFORE THE SALE AND THE LAST PUBLICATION TO BE NOT MORE THAN 1 WEEK BEFORE THE SALE**".

AMENDMENT NO. 6

On page 15, after line 5, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That § 3–104.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any mortgage, deed of trust, or other instrument recorded before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That § 7–105.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any foreclosure action filed before the effective date of this Act.".

AMENDMENT NO. 7

On page 1, at the top of the page, insert "EMERGENCY BILL".

On page 2, in line 2, after the second semicolon insert "making this Act an emergency measure;".

On page 15, strike in their entirety lines 6 and 7 and substitute:

"SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 976 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Program – Lot Releases

HB0976/540418/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 976
(First Reading File Bill)

On page 2, in line 5, strike "**ADJACENT**" and substitute "**:**

A. ADJACENT";

strike beginning with "**THAT**" in line 7 down through "**LAW**" in line 8 and substitute "**AND MAY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTY THROUGH NOISE, ODOR, VIBRATION, FUMES, DUST, GLARE, OR OTHER INTERFERENCE;**

B. THERE IS NO RECOURSE AGAINST THE EFFECTS OF ANY NORMAL AGRICULTURAL OPERATION PERFORMED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES; AND

C. ACKNOWLEDGMENTS MADE UNDER ITEMS A AND B OF THIS ITEM ARE BINDING TO ANY SUCCESSOR OR ASSIGN OF THE LANDOWNER OR CHILD".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters recommended the following Bill be re–referred to the Committee on Economic Matters:

House Bill 1588 – Delegate Shewell

AN ACT concerning

Critical Infrastructure Protection Task Force

The Bill was re–referred to the Committee on Economic Matters.

THE COMMITTEE ON JUDICIARY REPORT #6

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

House Bill 41 – Delegate Ramirez

AN ACT concerning

Crimes – Hate Crimes – Hanging or Placing of a Noose

HB0041/682511/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 41
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Ramirez" and substitute "Delegates Ramirez, Ali, Taylor, and Vaughn"; in line 2, strike "Hanging or Placing of a Noose" and substitute "Use of a Noose or Swastika to Threaten or Intimidate"; strike beginning with "expanding" in line 3 down through "group" in line 8 and substitute "prohibiting a person from affixing, erecting, or placing a noose or swastika on a certain building or real property, without the express permission of the owner of the building or property or the owner's agent, with the intent to threaten or intimidate any person or group of persons; establishing that a certain penalty applies to a violation of this Act"; in line 8, strike "hate crimes" and substitute "the use of a noose or swastika to threaten or intimidate a person or group of persons"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"BY adding to
Article – Criminal Law
Section 10–305.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 22 on page 2, inclusive, and substitute:

"**10–305.1.**

A PERSON MAY NOT AFFIX, ERECT, OR PLACE A NOOSE OR SWASTIKA ON A BUILDING OR REAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS PERMISSION OF THE OWNER, OWNER'S AGENT, OR LAWFUL OCCUPANT OF THE BUILDING OR REAL PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE ANY PERSON OR GROUP OF PERSONS.

10–306.

(a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b) (1) A person who violates § 10–304(2)(i) of this subtitle 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.

(2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary 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

HB0182/952318/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 4 down through "abuse" in line 5 and substitute "requiring the court to issue a new final protective order against

an individual under certain circumstances; limiting the relief that a court is authorized to grant in a final protective order issued under this Act; establishing that a final protective order issued under this Act is permanent unless terminated at the request of the victim".

AMENDMENT NO. 2

On page 2, strike beginning with "**RESPONDENT**" in line 14 down through "**(G)(3)**" in line 16 and substitute "**COURT ISSUES A PERMANENT ORDER UNDER SUBSECTION (H)**".

On page 5, in line 3, in each instance, strike the bracket; in the same line, strike "**PARAGRAPHS (2) AND (3)**"; and strike in their entirety lines 9 through 12, inclusive, and substitute:

"**(H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COURT SHALL ISSUE A NEW FINAL PROTECTIVE ORDER AGAINST AN INDIVIDUAL IF:**

(I) THE INDIVIDUAL WAS PREVIOUSLY A RESPONDENT UNDER THIS SUBTITLE AGAINST WHOM A FINAL PROTECTIVE ORDER WAS ISSUED;

(II) THE INDIVIDUAL WAS CONVICTED AND SERVED A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS UNDER § 2–205, § 2–206, § 3–202, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, OR § 3–312 OF THE CRIMINAL LAW ARTICLE FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE FINAL PROTECTIVE ORDER; AND

(III) THE VICTIM OF THE ABUSE WHO WAS THE PERSON ELIGIBLE FOR RELIEF IN THE ORIGINAL FINAL PROTECTIVE ORDER REQUESTS THE ISSUANCE OF A NEW FINAL PROTECTIVE ORDER WITHIN A REASONABLE TIME AFTER THE RELEASE OF THE INDIVIDUAL FROM THE TERM OF IMPRISONMENT.

(2) IN A FINAL PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION, THE COURT MAY GRANT ONLY THE RELIEF THAT WAS GRANTED IN

THE ORIGINAL PROTECTIVE ORDER UNDER SUBSECTION (D)(1) OR (2) OF THIS SECTION.

(3) UNLESS TERMINATED AT THE REQUEST OF THE VICTIM, A FINAL PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION SHALL BE PERMANENT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 424 – Delegates Shank and Dumais

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

HB0424/802216/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "subpoenas" in line 3 down through "circumstances" in line 5 and substitute "a subpoena for the production of certain records or documents for a certain purpose"; in line 6, after "specifying" insert "the manner of service of a subpoena,"; in the same line, after "subpoena" insert a comma; in line 9, after "subpoena" insert "to a certain circuit court"; and in the same line, after "grant" insert "certain".

AMENDMENT NO. 2

On page 1, strike beginning with "**MAY**" in line 22 down through the second "**AND**" in line 23.

On page 2, in line 4, after "**INVESTIGATION**" insert "**UNDER § 14–107 OF THIS TITLE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

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

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

HB0869/662912/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 869
(First 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 7 down through "2." in line 10; in line 11, strike "3." and substitute "**2.**"; in line 13, strike "4." and substitute "**3.**".

The preceding 2 amendments were read only.

Delegate Vallario moved to make the Bill and Amendments a Special Order for the end of this calendar.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1038 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Master for Juvenile Causes – Authority

PG 303–08

HB1038/422516/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1038
(First Reading File Bill)

On page 1, in line 4, strike "limits the authority of" and substitute "prohibits"; in line 5, strike "to appoint or continue" and substitute "from appointing or continuing"; in line 6, strike "only to conduct" and substitute "except for the purpose of conducting"; in line 8, strike "an" and substitute "a certain"; in the same line, strike the first "or" and substitute "hearing, a"; and in the same line, after "hearing" 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.

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

House Bill 1240 – Delegate Frush

AN ACT concerning

Juvenile Justice – Disposition on Petition – Alternative Education Program

HB1240/312213/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1240
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Juvenile Justice – Disposition on Petition" and substitute "Education – Student Discipline"; in line 3, strike the first "certain" and substitute "juvenile"; strike beginning with "Juvenile" in line 4 down through "school" in line 5 and substitute "juvenile justice alternative education program"; strike beginning with "in" in line 5 down through "juvenile" in line 6 and substitute "; providing for the termination of this Act; and generally relating to student discipline"; in line 7, strike "repealing and reenacting, with amendments," and substitute "adding to"; in line 8, strike "Courts and Judicial Proceedings" and substitute "Education"; and in line 9, strike "3–8A–19(d)" and substitute "7–305.1".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"Article – Education

7–305.1.

IN ANY COUNTY THAT HAS A JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM, THE JUVENILE COURT MAY ORDER A STUDENT WHO IS SUSPENDED, EXPELLED, OR IDENTIFIED AS A CANDIDATE FOR SUSPENSION OR EXPULSION FROM SCHOOL TO ATTEND THAT SCHOOL.".

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 37 on page 2, inclusive.

AMENDMENT NO. 3

On page 3, in line 2, after "2008." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

SPECIAL ORDERS

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

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

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

HB0869/662912/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 869
(First 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 7 down through "2." in line 10; in line 11, strike "3." and substitute "**2.**"; in line 13, strike "4." 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.

THE COMMITTEE ON JUDICIARY REPORT #7

Delegate Vallario, Chair, for the Committee on Judiciary 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

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

HB0370/532016/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 370
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "The" down through "Wood" and substitute "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"; in line 2, strike the comma and substitute "and"; in line 3, strike ", and Breaking and Entering a Motor Vehicle"; in line 4, strike "Arrest" and substitute "Charge"; in line 5, after the first "of" insert "adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances;"; in line 6, strike "arrested for or"; in line 7, after "regulations;" insert "requiring that a certain individual from whom a DNA sample is collected be given a certain notice;"; strike beginning with "by" in line 7 down through "processed" in line 8 and substitute "at a facility specified by the Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed or returned and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a search for a certain purpose"; in line 10, after the first "requiring" insert "a"; in the same line, strike "documentation" and substitute "notice"; strike beginning with the second "requiring" in line 10 down through "procedures" in line 11 and substitute "providing that a DNA record or sample that is required to be expunged by a certain provision of law may not

be used for any purpose, including the establishment of probable cause in a subsequent civil or criminal proceeding; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain provision of law to provide that certain violations are felonies; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring the police department of each county and Baltimore City and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly"; in line 12, after "terms;" insert "requiring the Secretary of State Police to adopt certain regulations and procedures; requiring the Office of the Public Defender and the Governor's Office of Crime Control and Prevention to jointly submit a certain report to certain committees;"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)";

in line 16, strike "and" and substitute "2–506,"; in the same line, after "2–511" insert ", and 2–512"; after line 18, insert:

"BY adding to
Article – Public Safety
Section 2–511.1, 2–513, and 2–514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)";

after line 20, insert:

"Article – Criminal Procedure

6–232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records **AND ANY DNA SAMPLE AND DNA RECORD** relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article **AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE**.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.".

AMENDMENT NO. 2

On page 2, in line 4, strike "**6–204, AND 6–205**" and substitute "**AND 6–204**"; in line 12, after "**(E)**" insert:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**";

in the same line, strike "**CRIME**" and substitute "**CRIME**"; after line 13, insert:

"**(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.**";

in line 24, strike "**ARRESTED FOR OR**"; in line 27, after "**VIOLENCE;**" insert "**OR**".

On page 3, strike in their entirety lines 1 and 2; in line 4, strike "analysis" and substitute "**TESTING**"; in line 22, after "**(3)**" insert "**(I)**"; in line 24, strike "**ARRESTED FOR OR**"; in line 25, strike "**(I)**" and substitute "**1.**"; in line 26, after "**VIOLENCE;**" insert "**OR**"; in line 27, strike "**(II)**" and substitute "**2.**"; strike beginning with "**; OR**" in line 27 down through "**ARTICLE**" in line 29; and after line 29, insert:

"**(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE INDIVIDUAL MAY HAVE THE RIGHT TO HAVE THE DNA RECORD AND THE DNA SAMPLE EXPUNGED ON REQUEST IN ACCORDANCE WITH § 2–511 OF THIS SUBTITLE IF THE INDIVIDUAL MEETS THE REQUIREMENTS OF TITLE 10, SUBTITLE 1 OF THE CRIMINAL PROCEDURE ARTICLE.**".

On page 4, after line 5, insert:

"**(2) AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;**";

in lines 6, 9, and 11, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; after line 16, insert:

"**(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE.**

(2) IF A CRIMINAL CHARGE IS DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED OR RETURNED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED OR RETURNED.";

in line 17, strike "(d)" and substitute "**(E)**"; in line 20, strike "(e)" and substitute "**(F)**"; after line 22, insert:

"2–506.

(a) Each DNA record of identification characteristics that results from DNA testing **UNDER THIS SUBTITLE** shall be stored and maintained **ONLY** by the Crime Laboratory in the statewide DNA data base system**, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS**.

(b) Each DNA sample **OBTAINED UNDER THIS SUBTITLE** shall be stored securely and maintained **ONLY** by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH FOR THE PURPOSE OF IDENTIFYING A FAMILY MEMBER OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.";

in line 26, strike "**ARREST**" and substitute "**CHARGE**"; in line 28, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**"; and in lines 29 and 30, strike "§ 10–105 or § 10–106" and substitute "**TITLE 10, SUBTITLE 1**".

AMENDMENT NO. 3

On page 5, in line 1, strike "(c)"; strike in their entirety lines 4 through 15, inclusive, and substitute:

"**(C) EXPUNGEMENT OF A DNA SAMPLE AND DNA RECORD MAY BE ORDERED ONLY IF THE DNA SAMPLE AND DNA RECORD WAS OBTAINED IN CONNECTION WITH A CASE IN WHICH ELIGIBILITY FOR EXPUNGEMENT HAS BEEN ESTABLISHED.**

(D) IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE, ON RECEIPT OF AN ORDER OF EXPUNGEMENT, THE DIRECTOR SHALL:

(1) WITHIN 60 DAYS AFTER RECEIPT OF THE ORDER, PURGE FROM THE STATEWIDE DNA DATA BASE SYSTEM ANY DNA RECORD OR OTHER IDENTIFIABLE INFORMATION COVERED BY THE ORDER AND DESTROY ANY DNA SAMPLE FROM THE STATEWIDE DNA REPOSITORY COVERED BY THE ORDER; AND

(2) WITHIN 10 DAYS AFTER EXPUNGEMENT, NOTIFY THE INDIVIDUAL WHOSE DNA RECORD AND DNA SAMPLE ARE EXPUNGED BY CERTIFIED MAIL AT THE ADDRESS SPECIFIED BY THE COURT.

2–511.1.

A DNA RECORD OR DNA SAMPLE THAT IS ORDERED TO BE EXPUNGED UNDER THIS SUBTITLE MAY NOT BE USED FOR ANY PURPOSE, INCLUDING THE ESTABLISHMENT OF PROBABLE CAUSE IN A SUBSEQUENT CIVIL OR CRIMINAL PROCEEDING.

2–512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST DNA FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

[(c)**] (D)** A person who violates this section is guilty of a **[**misdemeanor**] FELONY** and on conviction is subject to imprisonment not exceeding **[**3**] 5** years or a fine not exceeding **[**$1,000**] $5,000** or both.

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) LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT ANNUALLY ON OR BEFORE SEPTEMBER 1 WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM, SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

(I) INDIVIDUALS WHO HAVE BEEN ARRESTED FOR A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2–501 OF THIS SUBTITLE; AND

(II) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;

(4) THE NUMBER OF BIOLOGICAL SAMPLES COLLECTED FROM INDIVIDUALS;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

(I) THE NUMBER OF MATCHES;

(II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;

(III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;

(IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;

(V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;

(VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND

(VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2–514.

(A) ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE POLICE DEPARTMENTS OF EACH COUNTY AND BALTIMORE CITY SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN THEIR RESPECTIVE JURISDICTIONS, AND THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE, INCLUDING:

(1) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE ROUTINELY COLLECTED;

(2) THE APPROXIMATE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

(3) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE COLLECTION AND ANALYSIS;

(4) THE NUMBER OF CRIME SCENE DNA SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

(5) THE NUMBER OF CRIME SCENE DNA SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

(6) 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 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. 4

On page 5, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person who refuses to voluntarily submit to collection of the sample.

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.";

and in line 16, strike "2." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary 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

AN ACT concerning

Crimes – Child Neglect – Penalties

HB0410/652410/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 410
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walkup" and substitute "Ali, Dumais, and Shank".

AMENDMENT NO. 2

On page 1, in line 2, strike "Neglect – Penalties" and substitute "Endangerment"; strike beginning with "parent," in line 3 down through "neglect." in line 9 and substitute "parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor from recklessly acting or failing to act in a certain manner with respect to the child; establishing the crime of child endangerment and specifying certain penalties for a violation of this Act; and generally relating to the crime of child endangerment."; and in line 12, strike "3–608 and 3–609" and substitute "3–602.1".

AMENDMENT NO. 3

On pages 1 through 3, strike in their entirety the lines beginning with line 18 on page 1 through line 9 on page 3, inclusive, and substitute:

"**3–602.1.**

(A) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT RECKLESSLY ACT OR FAIL TO ACT IN A MANNER THAT CREATES A SUBSTANTIAL RISK OF:

(1) DEATH TO THE MINOR; OR

(2) PERMANENT OR PROTRACTED SERIOUS:

(I) DISFIGUREMENT OF THE MINOR;

(II) LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OF THE MINOR; OR

(III) IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OF THE MINOR.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF CHILD ENDANGERMENT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000 OR BOTH.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 847 – Delegate Schuler

AN ACT concerning

Vehicle Laws – Falsifying Documents and Registration Plates – Arrest and Penalties

HB0847/892415/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 847
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second "and" in line 2 down through "Penalties" in line 3; strike beginning with "making" in line 6 down through "penalty;" in line 8; in line 9, strike "penalties" and substitute "arrest"; in line 18, strike "and 27–101(c)"; and in line 23, strike "and 27–114".

AMENDMENT NO. 2

On page 2, in line 30, strike "**§ 14–110**" and substitute "**§ 14–110(B), (C), (D), OR (E)**".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 23 on page 4, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 964 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Carter, Doory, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, Lee, Levi, McHale, McIntosh, Murphy, Oaks, Robinson, Rosenberg, Smigiel, Stukes, Waldstreicher, and Wood

AN ACT concerning

Criminal Procedure – No Good Time for Gun Crime

HB0964/872510/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 964
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "No Good Time for Gun Crime" and substitute "Diminution of Confinement Credits – Possession of a Regulated Firearm".

AMENDMENT NO. 2

On page 2, in line 27, strike "**§ 5–133**" and substitute "**§ 5–133(C)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

Delegate Vallario, Chair, for the Committee on Judiciary 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 WAYS AND MEANS REPORT #5

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

House Bill 102 – Delegates Rosenberg, Bronrott, Dumais, Haynes, Ivey, Rice, Ross, and F. Turner

AN ACT concerning

Voter's Rights Protection Act of 2008

HB0102/645260/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 102
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and F. Turner" and substitute "F. Turner, Frick, Gilchrist, Cardin, Doory, Olszewski, and Stukes"; in line 17, after "implications;" insert "authorizing a court to impose a certain civil penalty or issue a certain injunction only after making certain findings;"; and in line 19, after "changes;" insert "providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 4, strike beginning with "**THE**" in line 1 down through "**HOUR**" in line 2 and substitute "**A POLLING PLACE IS CLOSED FOR MORE THAN 1 HOUR BETWEEN 7 A.M. AND 8 P.M. ON AN ELECTION DAY**"; and in line 5, strike "**OF THE DELAY**" and substitute "**THAT THE POLLING PLACE WAS CLOSED**".

AMENDMENT NO. 3

On page 9, after line 20, insert:

"**(C) (1) A COURT MAY IMPOSE A CIVIL PENALTY UNDER § 13–604 OF THIS TITLE FOR A VIOLATION OF THIS SECTION ONLY IF IT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT A VIOLATION OCCURRED.**

(2) A COURT MAY ISSUE AN INJUNCTION UNDER § 13–605 OF THIS TITLE AGAINST A VIOLATION OF THIS SECTION ONLY IF IT FINDS:

(I) BY CLEAR AND CONVINCING EVIDENCE THAT A VIOLATION IS OCCURRING OR IS ABOUT TO OCCUR;

(II) AN INJUNCTION IS NECESSARY TO ACCOMPLISH THE STATE'S INTEREST; AND

(III) OTHER AVAILABLE ALTERNATIVES ARE INSUFFICIENT TO ACCOMPLISH THE STATE'S INTEREST.".

AMENDMENT NO. 4

On page 9, before line 1, insert:

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

On page 11, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2009.";

in line 6, strike "2." and substitute "4."; and in the same line, after "That" insert ", except as provided in Section 3 of this Act,".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McDonough moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

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

House Bill 296 – Delegates Stifler and Norman

AN ACT concerning

Campaign Finance – Attribution, Receipt, and Deposit of Contributions

HB0296/965064/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 296
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Norman" and substitute ", Norman, Cardin, Rice, Bartlett, Ivey, Ross, Frick, Stukes, and F. Turner"; and in line 4, after "period" insert "and election cycle".

AMENDMENT NO. 2

On page 1, in line 17, strike "(a) Except as provided in subsection (b) of this section, a" and substitute "**A**"; in line 18, in each instance, strike the bracket; in line 19, strike "**THE CONTRIBUTOR ISSUES THE CONTRIBUTION**"; and strike in their entirety lines 20 through 22, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 576 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Children, Youth, and Families – Local Coordinating Councils – Membership

HB0576/595466/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 576

(First Reading File Bill)

On page 2, in line 11, strike "and"; and in line 13, after "community" insert "**;** **AND**

(3) **A NONVOTING REPRESENTATIVE OF THE LOCAL OFFICE OF THE DIVISION OF REHABILITATIVE SERVICES TO REPRESENT INDIVIDUALS WHO ARE 16 YEARS OLD AND OLDER**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

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

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

HB0723/835467/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "credit;" insert "providing for recapture of the credit under certain circumstances;".

AMENDMENT NO. 2

On page 4, in line 12, strike the colon and substitute a comma; in line 13, strike "**(I)**"; in line 16, strike "**; OR**" and substitute a period; and strike in their entirety lines 17 through 22, inclusive.

AMENDMENT NO. 3

On page 8, in line 12, strike the comma; in line 13, strike ", the" and substitute "**:**

(I) THE";

in line 15, after "credit" insert "**; OR**

(II) THE QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY THAT GAVE RISE TO THE CREDIT CEASES OPERATING AS AN ACTIVE BUSINESS WITH ITS HEADQUARTERS AND BASE OF OPERATIONS IN THE STATE";

in line 18, after "(i)" insert "**THE TOTAL AMOUNT OF THE CREDIT CLAIMED OR, IN THE CASE OF AN EVENT DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION,**"; in line 19 strike beginning with "as" through "subsection"; in lines 20, 22, 24, and 30, in each instance, strike "disposition" and substitute "**EVENT REQUIRING RECAPTURE OF THE CREDIT**"; and in line 30, strike beginning with "described" through "subsection".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 566 – ~~Senator Garagiola~~ Senators Garagiola and Kelley

AN ACT concerning

Health Care Facility Visitation and Medical Decisions – Domestic Partners

FOR the purpose of requiring certain health care facilities to allow domestic partners and certain relatives of domestic partners to visit a domestic partner except under certain circumstances; requiring two adults to be treated as domestic partners under certain circumstances related to medical emergencies; providing that a health care agent retains certain authority to make certain decisions notwithstanding certain provisions of law; providing that an individual who asserts a domestic partnership may be required to provide certain proof; prohibiting the Department of Health and Mental Hygiene from denying a domestic partner the right to inspect a record to permit a disinterment or reinterment of a body; authorizing a domestic partner to give consent to conduct a postmortem examination of a certain body; authorizing a domestic partner to arrange for the final disposition of the body of a decedent under certain circumstances; authorizing a domestic partner to make the health care decisions for a certain person; authorizing a domestic partner of a certain patient to petition a court to enjoin the actions of a certain health care provider; authorizing a domestic partner to accompany an individual being transported from one health care facility to another health care facility under certain circumstances; establishing that a domestic partner may be a representative of a deceased from whom a hospital is asking for authorization for a human organ donation; prohibiting a hospital from billing a domestic partner for the costs associated with the deceased domestic partner's organ donation; requiring that domestic partners be given the opportunity to share a room in a certain facility under certain circumstances; requiring certain related institutions to allow a resident who is a party to a domestic partnership to have privacy during a visit by the other domestic partner; authorizing a domestic partner of a resident of a facility to file a certain complaint; authorizing a domestic partner to arrange the final disposition of the body of a decedent with a mortician under certain circumstances; establishing that for purposes of an interest in the property of a burial site, a domestic partner is a person in interest; establishing that a domestic partner is a next of kin for purposes of making anatomical gifts of a decedent; defining certain terms; making the provisions of this Act severable; providing for the construction of this Act; and generally relating to health care facility visitation and medical decisions by a domestic partner.

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

Section 1–101, 4–215(e), 5–501(b), 5–509(c), 5–605(a)(2), 5–612(b), 10–807(e), 19–310(a)(4) and (7), and 19–344(h), (k), and (q)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–215(a), 5–501(a), 5–509(a), 5–605(a)(1), 5–612(a), 10–807(a), and 19–344(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 6–101 through 6–203 to be under the new title "Title 6. Health Care Facility Visitation and Medical Emergencies"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–410(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–410(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–121(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 4–501
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

Senate Bill 590 – Senators Pinsky, Brochin, Frosh, Lenett, Raskin, and Rosapepe

AN ACT concerning

Environment – Statute of Limitations

FOR the purpose of altering the statute of limitations for prosecution of and suits for certain violations of certain laws relating to the environment; declaring the intent of the General Assembly; and generally relating to laws relating to the environment.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–106(a) and 5–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 5–106(n)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 1–303
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing
Article – Environment
Section 2–610.2, 8–509.1, and 9–343.1
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY renumbering
Article – Courts and Judicial Proceedings
Section 5–106(o) through (bb), respectively
to be Section 5–106(n) through (aa), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 959 – Senators Middleton, Miller, Astle, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Haines, Harrington,

Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

~~Statewide Phase–Out of Electronic Gaming Devices~~
Slot Machines – Definition

FOR the purpose of ~~prohibiting, on or after a certain date, the purchase, lease, sale, transfer, replacement, licensure, or operation of an electronic gaming device in the State; providing certain exceptions to the prohibition; defining a certain term; providing certain penalties; altering certain definitions~~ altering the definition of "slot machine" for purposes of certain provisions of law to include certain machines, apparatuses, or devices that make a certain award to a user through the reading of a game of chance or the delivery of a game of chance; providing that the definition of "slot machine" does not include certain machines, apparatuses, or devices; authorizing the continued use of certain instant bingo machines under certain circumstances; establishing that the enforcement and implementation of this Act may not be stayed under certain circumstances; making this Act an emergency measure; and generally relating to ~~electronic gaming devices~~ slot machines.

~~BY repealing and reenacting, without amendments,~~
~~Article – Criminal Law~~
~~Section 12–101(a), 12–102, 12–104, 12–111, 12–302, and 13–203~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Law~~
~~Section 12–101(d), 12–301, 12–304(c), and 13–101~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Criminal Law~~
~~Section 12–108.1~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–301
Annotated Code of Maryland

(2002 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–302
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)

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

Senate Bill 269 – The President (By Request – Administration)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FOR the purpose of expanding to all counties in the State the authority to use certain speed monitoring systems to enforce certain highway speed laws under certain standards and procedures; ~~altering the maximum fine for a violation of law enforced by means of a speed monitoring system;~~ altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle; prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring certain local ordinances or resolutions to provide for the issuance of warnings during a certain period for certain violations; increasing the maximum speed limit for the purpose of establishing residential highways on which speed laws may be enforced using speed monitoring systems; requiring a local jurisdiction to publish a certain notice before activating a certain speed monitoring system; adding to the list of defenses that the District Court may consider in defense of a certain violation; requiring the Chief Judge of the District Court to consult with certain agencies in adopting certain procedures; clarifying that certain fines for certain motor vehicle violations shall be paid to the District Court; requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner; expanding the pool of entities authorized to administer a speed monitoring program; authorizing the placement of certain work zone speed control systems on certain highways under certain circumstances; providing that the revenues from civil fines collected under this Act shall ~~first cover the costs of implementing and administering the work zone speed control system~~ be paid in a certain manner; limiting the issuance of citations to owners or drivers of vehicles that exceed certain speeds; requiring a work zone speed control system operator to complete certain training and follow certain procedures; requiring a work zone speed control system to undergo certain calibration; requiring the State Highway Administration to place a certain road sign within a certain distance of a highway work zone containing a speed monitoring system; providing that certain owners or drivers of motor vehicles, recorded by a work

zone speed control system while being operated in violation of certain speed limit laws, are subject to certain penalties; authorizing certain police departments to mail a certain citation to the owner of a motor vehicle; establishing certain civil penalties for a violation of certain provisions of this Act; requiring certain citations to include certain information; authorizing a police department to send a warning instead of a citation under certain circumstances; authorizing the police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and to indicate the amount of a certain civil penalty on the citation; establishing the standard of proof in a trial for certain violations of this Act; authorizing persons receiving certain citations to have the work zone speed control system operator be present and testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving certain citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited for violating certain provisions of this Act fails to pay the civil penalty or contest liability; prohibiting certain violations under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; clarifying certain language; prohibiting an insurer from considering a certain civil penalty for purposes of reclassifying an insured; prohibiting the custodian of recorded images produced by a work zone speed control system from allowing inspection of the recorded images, subject to certain exceptions; requiring the Department of State Police and the State Highway Administration jointly to adopt regulations establishing the standards and procedures for work zone speed control systems; providing that the fees of certain contractors may not be contingent on the number of citations issued or paid under this Act; requiring the issuance of warnings for a certain time period for certain violations; defining certain terms; repealing a certain definition; altering a certain definition; making certain stylistic changes; making a technical correction; ~~restricting the use of certain revenues generated by this Act;~~ providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; requiring certain local jurisdictions to issue a certain report by a certain date; and generally relating to the use of speed monitoring systems to enforce certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–301(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(c), 21–809, 26–305(a), and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 21–810
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 328 – Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

FOR the purpose of authorizing an individual who is only able to work part–time to be deemed eligible for certain benefits under certain circumstances; clarifying that the Secretary of Labor, Licensing, and Regulation may not use the disability of a qualified individual with a disability in finding that an individual is not available for work, actively seeking work, or eligible for benefits under this Act; providing that a part–time worker is not considered to be unemployed if the part–time worker is working all hours for which the part–time worker is

available; defining a certain term; requiring the Secretary to adopt certain regulations; requiring the Department of Labor, Licensing, and Regulation to provide a certain report to the Legislative Policy Committee on or before a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to unemployment insurance benefits for part–time workers.

BY renumbering
Article – Labor and Employment
Section 8–101(u), (v), (w), (x), and (y), respectively
to be Section 8–101(v), (w), (x), (y), and (z), respectively
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 8–101(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 8–101(u)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–801 and 8–903
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

SPECIAL ORDERS

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

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

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

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

FLOOR AMENDMENT

HB0364/803420/1

BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 364, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, after "State" insert "**, with certain exceptions,**".

AMENDMENT NO. 2

On page 6 of the bill, in line 22, after "**(I)**" insert "**THIS SECTION DOES NOT AUTHORIZE A SPEED MONITORING SYSTEM IN CAROLINE COUNTY, CECIL COUNTY, KENT COUNTY, OR QUEEN ANNE'S COUNTY.**

(II)".

AMENDMENT NO. 3

On page 2 of the Environmental Matters Committee Amendments (HB0364/370715/1), in line 3 of Amendment No. 3, strike "**(II)**" and substitute "**(III)**"; in line 16, strike "**(III)**" and substitute "**(IV)**"; in line 19, strike "**(IV)**" and substitute "**(V)**"; and in the same line, strike "**(V)**" and substitute "**(VI)**".

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

Affirmative – 47 Negative – 84 (See Roll Call No. 374)

FLOOR AMENDMENT

HB0364/933226/1

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 364, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, after "State" insert ", with certain exceptions,".

AMENDMENT NO. 2

On page 6 of the bill, in line 22, after "**(I)**" insert "**THIS SECTION DOES NOT AUTHORIZE A SPEED MONITORING SYSTEM IN ALLEGANY COUNTY, GARRETT COUNTY, OR WASHINGTON COUNTY.**

(II)".

AMENDMENT NO. 3

On page 2 of the Environmental Matters Committee Amendments (HB0364/370715/1), in line 3 of Amendment No. 3, strike "**(II)**" and substitute "**(III)**"; in line 16, strike "**(III)**" and substitute "**(IV)**"; in line 19, strike "**(IV)**" and substitute "**(V)**"; and in the same line, strike "**(V)**" and substitute "**(VI)**".

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

Affirmative – 41 Negative – 91 (See Roll Call No. 375)

FLOOR AMENDMENT

HB0364/523026/1

BY: Delegate Frank

AMENDMENTS TO HOUSE BILL 364
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 38, after "date;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 24, in line 29, after "2008." insert "It shall remain effective for a period of 5 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

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

Affirmative – 47 Negative – 82 (See Roll Call No. 376)

FLOOR AMENDMENT

HB0364/553127/1

BY: Delegate McComas

AMENDMENTS TO HOUSE BILL 364
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 26, 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;".

AMENDMENT NO. 2

On page 18, after line 11, 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.**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB0364/363421/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 364
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "State" insert ", with a certain exception,".

AMENDMENT NO. 2

On page 6 after line 21, and on page 16 before line 24, in each instance, insert:

"**(A–1) THIS SECTION DOES NOT APPLY IN BALTIMORE COUNTY.**".

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

Affirmative – 41 Negative – 89 (See Roll Call No. 377)

FLOOR AMENDMENT

HB0364/913223/1

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 364, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 17, after "Court;" insert "requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner;"; and strike beginning with "cover" in line 21 down through "system" in line 22 and substitute "be paid in a certain manner".

On page 2, strike beginning with "restricting" in line 35 down through the first "Act;" in line 36.

AMENDMENT NO. 2

On page 1 of the Environmental Matters Committee Amendments (HB0364/370715/1), in lines 12 and 13 of Amendment No. 1, strike "in an amount to".

AMENDMENT NO. 3

On page 4 of the bill, after line 26, insert:

"**(4)** **(I)** **FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE POLITICAL SUBDIVISION:**

1. **MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND**

2. **SHALL REMIT THE BALANCE COLLECTED TO THE COMPTROLLER ON A MONTHLY BASIS.**

(II) **THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.**".

AMENDMENT NO. 4

On page 14 of the bill, in line 26, after "**(2)**" insert "**(I)**"; and after line 30, insert:

"**(II)** **THE COMPTROLLER SHALL DEPOSIT REVENUES COLLECTED IN EXCESS OF THOSE REQUIRED TO COVER THE COSTS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.**".

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 91 (See Roll Call No. 378)

FLOOR AMENDMENT

HB0364/363421/2

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 364
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "State" insert ", with a certain exception,".

AMENDMENT NO. 2

On page 6 after line 21, and on page 16 before line 24, in each instance, insert:

"**(A–1)** **THIS SECTION DOES NOT APPLY IN HARFORD COUNTY.**".

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

Affirmative – 34 Negative – 90 (See Roll Call No. 379)

Delegate Schuh moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The "Smart on Crime" Act

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

Delegate Anderson moved to make the Bill a Special Order for Thursday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 380)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #29

House Bill 141 – Charles County Delegation

AN ACT concerning

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 381)

The Bill was then sent to the Senate.

House Bill 167 – Howard County Delegation

AN ACT concerning

Howard County – Installation of Multiuse ~~Septic~~ Sewerage Systems

Ho. Co. 11–08

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

Affirmative – 135 Negative – 1 (See Roll Call No. 382)

The Bill was then sent to the Senate.

House Bill 305 – Howard County Delegation

AN ACT concerning

Howard County – Enabling Legislation – ~~Septic~~ Sewerage System Performance Bond

Ho. Co. 12–08

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

Affirmative – 137 Negative – 0 (See Roll Call No. 383)

The Bill was then sent to the Senate.

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

AN ACT concerning

Lead Poisoning Prevention Act of 2008

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

Affirmative – 136 Negative – 0 (See Roll Call No. 384)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 385)

The Bill was then sent to the Senate.

House Bill 638 – Allegany County Delegation

AN ACT concerning

Western Maryland Code Counties – Junkyard Abatement – Liens on Property

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

Affirmative – 136 Negative – 0 (See Roll Call No. 386)

The Bill was then sent to the Senate.

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 – 88 Negative – 49 (See Roll Call No. 387)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 388)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 389)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #30

House Bill 180 – Allegany County Delegation

AN ACT concerning

Allegany County Planning Commission – Membership

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

Affirmative – 137 Negative – 0 (See Roll Call No. 390)

The Bill was then sent to the Senate.

House Bill 261 – St. Mary's County Delegation

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 391)

The Bill was then sent to the Senate.

House Bill 330 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Assistant Sheriff

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

Affirmative – 137 Negative – 0 (See Roll Call No. 392)

The Bill was then sent to the Senate.

House Bill 335 – Cecil County Delegation

AN ACT concerning

Cecil County – Waste Disposal – Northeast Maryland Waste Disposal Authority

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

Affirmative – 134 Negative – 0 (See Roll Call No. 393)

The Bill was then sent to the Senate.

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

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

Affirmative – 117 Negative – 19 (See Roll Call No. 394)

The Bill was then sent to the Senate.

House Bill 633 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages

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

Affirmative – 134 Negative – 1 (See Roll Call No. 395)

The Bill was then sent to the Senate.

House Bill 637 – Washington County Delegation

AN ACT concerning

Washington County – County Clerk

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

Affirmative – 133 Negative – 0 (See Roll Call No. 396)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 397)

The Bill was then sent to the Senate.

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

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

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

Affirmative – 137 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #31

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 399)

The Bill was then sent to the Senate.

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

AN ACT concerning

Inflatable Amusement Attractions – Inspections

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

Affirmative – 137 Negative – 0 (See Roll Call No. 400)

The Bill was then sent to the Senate.

House Bill 766 – Delegate Malone

AN ACT concerning

Vehicle Laws – Medical Advisory Board – Confidentiality

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

Affirmative – 136 Negative – 0 (See Roll Call No. 401)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 402)

The Bill was then sent to the Senate.

House Bill 866 – Delegate Beidle

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

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

Affirmative – 137 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 404)

The Bill was then sent to the Senate.

House Bill 1119 – Delegates Ali and ~~Malone~~ Sossi

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

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

Affirmative – 137 Negative – 0 (See Roll Call No. 405)

The Bill was then sent to the Senate.

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

AN ACT concerning

Task Force to Study Gasoline Zone–Pricing in Maryland

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

Affirmative – 130 Negative – 7 (See Roll Call No. 406)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 407)

ADJOURNMENT

At 1:29 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day, March 16, 2008, Calendar Day, Wednesday, March 19, 2008.

Annapolis, Maryland
Legislative Day: March 16, 2008
Calendar Day: Wednesday, March 19, 2008

The House met at 10:15 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Doyle L. Niemann of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 122 Members present.

(See Roll Call No. 408)

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

EXCUSES:
Del. Davis – illness
Del. Harrison – illness – flu
Del. Jameson – recovering from surgery
Del. Love – late – personal
Del. Walkup – late – personal

THE COMMITTEE ON ECONOMIC MATTERS REPORT #12

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

House Bill 40 – Delegate Doory

AN ACT concerning

Flexible Leave Act

HB0040/783392/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 40

(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Doory" and substitute "Delegates Doory, Braveboy, Feldman, Harrison, Hecht, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Taylor, and Vaughn".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Wood moved to make the Bill a Special Order for Thursday.

The motion was adopted.

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

House Bill 647 – Delegates Minnick, Boteler, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Rudolph, Stifler, Taylor, Vaughn, Walkup, and Weir

AN ACT concerning

Real Property – Construction Contacts – Retention Proceeds

HB0647/803396/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 647
(First Reading File Bill)

On page 1, in line 2, strike "Contacts" and substitute "Contracts".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters and Delegate Vallario, Chair, for the Committee on Judiciary 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.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #13

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

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

AN ACT concerning

Real Property – Maryland Mortgage Fraud Protection Act

HB0360/693993/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 360
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Carr"; in lines 5, 7, 8, 9, and 10, in each instance, before "this" insert "certain provisions of"; in line 10, after "circumstances;" insert "establishing procedures for the forfeiture of certain property;"; in line 11, after "terms;" insert "making this Act an emergency measure;"; after line 11, insert:

"BY adding to
Article – Criminal Procedure
Section 13–401 through 13–408 to be under the new subtitle "Subtitle 4. Violations of the Maryland Mortgage Fraud Protection Act"
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)";

and in line 14, strike "and (m)".

On page 2, strike in their entirety lines 20 through 24, inclusive.

AMENDMENT NO. 2

On page 3, in line 29, after "**DOCUMENT**" insert "**RELATING TO A MORTGAGE LOAN THAT**".

On page 4, strike beginning with "**HAS**" in line 15 down through "**ARTICLE**" in line 16 and substitute "**MEANS REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS**".

AMENDMENT NO. 3

On page 7, after line 9, insert:

"**(C) THE FORFEITURE OF PROPERTY UNDER THIS SUBTITLE SHALL BE SUBJECT TO TITLE 13, SUBTITLE 4 OF THE CRIMINAL PROCEDURE ARTICLE.**".

On page 2, after line 3, insert:

"Article – Criminal Procedure

SUBTITLE 4. VIOLATIONS OF THE MARYLAND MORTGAGE FRAUD PROTECTION ACT.

13–401.

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

(B) "MORTGAGE FRAUD LAW" MEANS THE MARYLAND MORTGAGE FRAUD PROTECTION ACT, TITLE 7, SUBTITLE 4 OF THE REAL PROPERTY ARTICLE.

(C) "FORFEITING AUTHORITY" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(D) "GOVERNING BODY" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(E) "LIENHOLDER" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(F) "OWNER" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

(G) "PROCEEDS" INCLUDES PROPERTY DERIVED DIRECTLY OR INDIRECTLY IN CONNECTION WITH OR AS A RESULT OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(H) (1) "PROPERTY" INCLUDES:

(I) REAL PROPERTY AND ANYTHING GROWING ON OR ATTACHED TO REAL PROPERTY;

(II) PERSONAL PROPERTY; AND

(III) MONEY.

(2) "PROPERTY" DOES NOT INCLUDE A LESSOR'S INTEREST IN PROPERTY SUBJECT TO A BONA FIDE LEASE, UNLESS THE FORFEITING AUTHORITY CAN SHOW THAT:

(I) THE LESSOR PARTICIPATED IN A VIOLATION OF THE MORTGAGE FRAUD LAW; OR

(II) THE PROPERTY WAS THE PROCEEDS OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(I) "SEIZING AUTHORITY" HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.

13–402.

THE FOLLOWING PROPERTY IS SUBJECT TO FORFEITURE:

(1) PROPERTY USED OR INTENDED FOR USE IN THE COURSE OF A VIOLATION OF THE MORTGAGE FRAUD LAW;

(2) PROPERTY DERIVED FROM OR REALIZED THROUGH A VIOLATION OF THE MORTGAGE FRAUD LAW; AND

(3) PROCEEDS OF PROPERTY DESCRIBED IN ITEM (1) OR (2) OF THIS SECTION.

13–403.

(A) PROPERTY OR AN INTEREST IN PROPERTY MAY NOT BE FORFEITED IF THE OWNER ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION OF THE MORTGAGE FRAUD LAW WAS COMMITTED WITHOUT THE OWNER'S ACTUAL KNOWLEDGE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS SUBTITLE UNLESS ONE OF THE OWNERS OF THE PROPERTY WAS CONVICTED OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(2) WITHOUT A CONVICTION, A COURT MAY ORDER A FORFEITURE OF PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IF THE OWNER OF THE FAMILY RESIDENCE:

(I) FAILS TO APPEAR FOR A REQUIRED COURT APPEARANCE; AND

(II) FAILS TO SURRENDER TO THE JURISDICTION OF THE COURT WITHIN 180 DAYS AFTER THE REQUIRED COURT APPEARANCE.

(C) PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE BY A HUSBAND AND WIFE AND HELD BY THE HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY MAY NOT BE FORFEITED UNLESS:

(1) THE PROPERTY WAS USED IN CONNECTION WITH:

(I) A VIOLATION OF THE MORTGAGE FRAUD LAW; OR

(II) AN ATTEMPT OR CONSPIRACY TO VIOLATE THE MORTGAGE FRAUD LAW; AND

(2) BOTH THE HUSBAND AND WIFE ARE CONVICTED OF:

(I) A VIOLATION OF THE MORTGAGE FRAUD LAW; OR

(II) AN ATTEMPT OR CONSPIRACY TO VIOLATE THE MORTGAGE FRAUD LAW.

13–404.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROPERTY SUBJECT TO FORFEITURE UNDER THIS SUBTITLE MAY BE SEIZED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN §§ 12–202, 12–203, AND 12–208 THROUGH 12–211 OF THIS ARTICLE.

(B) THE PROBABLE CAUSE REQUIRED UNDER § 12–202(A)(2)(V) OF THIS ARTICLE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY HAS BEEN USED OR IS INTENDED TO BE USED IN VIOLATION OF THE MORTGAGE FRAUD LAW.

13–405.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FORFEITURE OF PROPERTY UNDER THIS SUBTITLE SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN §§ 12–301 THROUGH 12–308 OF THIS ARTICLE.

(B) THE ALLEGATION REQUIRED UNDER § 12–305(A)(7) OF THIS ARTICLE REFERS TO THE MORTGAGE FRAUD LAW RATHER THAN THE CONTROLLED DANGEROUS SUBSTANCES LAW.

13–406.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION AND § 12–403(C) OF THIS SUBTITLE, AN OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE REAL PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF THE MORTGAGE FRAUD LAW.

(B) FORFEITURE PROCEEDINGS FOR REAL PROPERTY MAY BE BROUGHT IN THE JURISDICTION WHERE:

(1) THE CRIMINAL CHARGES ARE PENDING;

(2) THE OWNER RESIDES; OR

(3) THE REAL PROPERTY IS LOCATED.

(C) (1) IF FORFEITURE PROCEEDINGS FOR REAL PROPERTY ARE BROUGHT IN A JURISDICTION OTHER THAN WHERE THE REAL PROPERTY IS LOCATED, A NOTICE OF PENDING LITIGATION SHALL BE FILED IN THE JURISDICTION WHERE THE REAL PROPERTY IS LOCATED.

(2) A NOTICE OF PENDING LITIGATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST:

(I) THE NAME AND ADDRESS OF THE OWNER OF THE REAL PROPERTY;

(II) A DESCRIPTION OF THE REAL PROPERTY; AND

(III) A DESCRIPTION OF THE REASONS FOR THE FILING OF THE FORFEITURE PROCEEDINGS AND NOTICE OF PENDING LITIGATION.

(D) IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IS CONVICTED UNDER THE MORTGAGE FRAUD LAW AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT SHALL STAY FORFEITURE PROCEEDINGS UNDER § 12–403(C) OF THIS ARTICLE OR SUBSECTION (F) OF THIS SECTION AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE APPEAL.

(E) (1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THERE IS A REBUTTABLE PRESUMPTION THAT PROPERTY OR PART OF A PROPERTY IN WHICH A PERSON HAS AN OWNERSHIP INTEREST IS SUBJECT TO FORFEITURE AS PROCEEDS, IF THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE PERSON HAS VIOLATED THE MORTGAGE FRAUD LAW;

(II) THE PROPERTY WAS ACQUIRED BY THE PERSON DURING THE VIOLATION OR WITHIN A REASONABLE TIME AFTER THE VIOLATION; AND

(III) THERE WAS NO OTHER LIKELY SOURCE FOR THE PROPERTY.

(2) A CLAIMANT OF THE PROPERTY HAS THE BURDEN OF PROOF TO REBUT THE PRESUMPTION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER SUBSECTION (E) OF THIS SECTION UNLESS:

(1) AN OWNER OF THE REAL PROPERTY WAS CONVICTED UNDER SUBSECTION (E)(1) OF THIS SECTION; OR

(2) THE REAL PROPERTY IS COVERED BY § 13–403(B)(2) OF THIS SUBTITLE.

13–407.

(A) EXCEPT AS PROVIDED IN THIS SECTION, DISPOSITION OF PROPERTY AFTER FORFEITURE UNDER THIS SUBTITLE SHALL BE SUBJECT TO §§ 12–401, 12–402, AND 12–404 OF THIS ARTICLE.

(B) THE COURT DETERMINATION UNDER § 12–402(C) OF THIS ARTICLE SHALL INCLUDE THAT THE PROPERTY WAS BEING USED OR WAS TO BE USED IN VIOLATION OF THE MORTGAGE FRAUD LAW RATHER THAN THE CONTROLLED DANGEROUS SUBSTANCES LAW.

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "IDENTIFIABLE LOSSES" INCLUDE:

1. EXPENSES NECESSARY TO:

A. DISCOVER THE EXTENT OF A VIOLATION OF THE MORTGAGE FRAUD LAW;

B. REPAIR DAMAGES RESULTING FROM A VIOLATION OF THE MORTGAGE FRAUD LAW, INCLUDING REPAIRING CREDIT RATINGS AND CORRECTING ERRORS IN CONSUMER REPORTS; AND

C. PREVENT FURTHER DAMAGES RESULTING FROM A VIOLATION OF THE MORTGAGE FRAUD LAW; AND

2. LOST WAGES RESULTING FROM TIME AWAY FROM WORK IN ORDER TO RECTIFY ANY FRAUD CAUSED BY A VIOLATION OF THE MORTGAGE FRAUD LAW.

(II) "VICTIM" INCLUDES A BUSINESS THAT LOSES ANY THING OF VALUE AS A RESULT OF A VIOLATION OF THE MORTGAGE FRAUD LAW.

(2) DISPOSITION OF FORFEITED PROPERTY UNDER THIS SUBTITLE SHALL FOLLOW THE PROCEDURES IN THIS SUBSECTION.

(3) WHENEVER PROPERTY IS FORFEITED UNDER THIS SUBTITLE, THE GOVERNING BODY WHERE THE PROPERTY WAS SEIZED SHALL SELL THE PROPERTY AT PUBLIC AUCTION.

(4) THE PROCEEDS OF A SALE UNDER THIS SUBSECTION SHALL BE DISTRIBUTED AS FOLLOWS:

(I) FIRST, TO PAY ALL PROPER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE AND SALE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE OF CUSTODY, ADVERTISING, AND COURT COSTS;

(II) SECOND, FOR RESTITUTION AS ORDERED BY THE COURT TO VICTIMS TO PAY FOR IDENTIFIABLE LOSSES RESULTING FROM THE VIOLATION OF THE MORTGAGE FRAUD LAW; AND

(III) FINALLY, TO THE GENERAL FUND OF THE STATE.

13–408.

LIENHOLDERS OF PROPERTY SEIZED UNDER THIS SUBTITLE SHALL HAVE THE RIGHTS AND OBLIGATIONS SET FORTH IN TITLE 12, SUBTITLE 5 OF THIS ARTICLE.".

AMENDMENT NO. 4

On page 1, at the top of the page, insert "EMERGENCY BILL".

On page 7, strike beginning with "shall" in line 13 down through "2008" in line 14 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #13

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

HB0369/700918/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 369
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stein" and substitute "Stein, Ali, Beidle, Carr, Frush, Glenn, Healey, Hucker, Sossi, and Weir"; in line 3, after "purposes;" insert "stating the intent of the General Assembly;"; in line 8, strike "an"; in the same line, strike "plan" and substitute "plans"; in line 9, strike the first "the"; in the same line, strike "plan" and substitute "plans"; in line 10, after "submission;" insert "requiring the BayStat Subcabinet to prepare a final work and expenditure plan;"; and strike beginning with "redistribute" in line 13 down through "Fund" in line 14 and substitute "administer the funds, including redistributing the funds in a certain manner".

On page 1, in lines 2, 3, and 23, and on page 2 in lines 5, 10, and 39, in each instance, strike "Bay" and substitute "and Atlantic Coastal Bays".

On page 2, after line 35, insert:

"BY renumbering
Article – Natural Resources
Section 8–2A–01 and 8–2A–02, respectively
to be Section 8–2A–02 and 8–2A–01, respectively
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 3, in line 22, after "(f)" insert "**(1)**"; in line 23, strike "**MEASURES**" and substitute "**PROJECTS**"; and after line 24, insert:

"**(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN POSSIBLE, MONEYS IN THE FUND SHALL BE GRANTED TO LOCAL GOVERNMENTS AND OTHER POLITICAL SUBDIVISIONS FOR AGRICULTURAL, FORESTRY, STREAM AND WETLAND RESTORATION, AND URBAN AND SUBURBAN STORMWATER NONPOINT SOURCE POLLUTION CONTROL PROJECTS.**".

AMENDMENT NO. 3

On page 4, in line 4, strike "**(1)**"; in the same line, strike "**SECTION**" and substitute "**SUBTITLE**"; in line 6, strike "**(2)**" and substitute "**(B)**"; in the same line, strike beginning with "**OR**" through the third "**PROGRAM**" and substitute "**MEANS THE PROGRAM**"; in line 8, strike "**(3) (I)**" and substitute "**(C) (1)**"; in line 10, strike "**PHOSPHOROUS**" and substitute "**PHOSPHORUS**"; in line 11, strike "**(II)**" and substitute "**(2)**"; in lines 13, 17, 19, 21, 22, 23, and 29, strike "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", "**6.**", and "**8.**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively; in line 19, after "**A**" insert "**SUSTAINABLE**"; in the same line, strike "**OR**" and substitute "**, INCLUDING A FOREST STEWARDSHIP PLAN, OR A**"; strike in their entirety lines 27 and 28; and in line 30, strike "**AND**".

On page 5, in line 1, strike "**9.**" and substitute "**(VIII)**"; and in line 4, after "**MEASURES**" insert "**; AND**

(IX) STRATEGIC MONITORING OF WATER QUALITY IMPROVEMENTS FROM NONPOINT SOURCE POLLUTION CONTROL PROJECTS

THAT HAVE BEEN FUNDED, IN WHOLE OR IN PART, WITH GRANTS FROM THE TRUST FUND".

AMENDMENT NO. 4

On page 5, in lines 5 and 9, strike "**(4)**" and "**(5)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 7, strike "**PHOSPHOROUS**" and substitute "**PHOSPHORUS**"; in line 22, strike "**AND**"; and in line 24, after "**SCIENCE**" insert "**;**

(VI) THE DEAN OF THE COLLEGE OF AGRICULTURE AND NATURAL RESOURCES AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK; AND

(VII) THE CHAIR OF THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS".

AMENDMENT NO. 5

On page 6, in line 22, after "**(2)**" insert "**(I)**"; in the same line, strike "**AND EXPENDITURE**"; strike beginning with the colon in line 22 down through "**IDENTIFIES**" in line 23 and substitute "**IDENTIFIES**"; in line 23, strike "**AND EXPENDITURES**" and substitute "**TO BE FUNDED WITH MONEY**"; in line 24, after "**FUND**" insert "**FOR THE NEXT FISCAL YEAR, INCLUDING ANNUAL NUTRIENT AND SEDIMENT REDUCTION TARGETS, PERFORMANCE MEASURES, AND ACCOUNTABILITY CRITERIA**"; in line 25, strike "**PROVIDES**" and substitute "**DEVELOP AN ANNUAL EXPENDITURE PLAN THAT IDENTIFIES PLANNED EXPENDITURES FOR THE WORK PLAN AND INCLUDES**"; in line 28, strike "**PLAN**" and substitute "**PLANS**"; and after line 29, insert:

"**(E) ON AN ANNUAL BASIS THE BAYSTAT SUBCABINET SHALL PREPARE A FINAL WORK AND EXPENDITURE PLAN BASED ON THE BUDGET APPROVED BY THE GENERAL ASSEMBLY.**".

AMENDMENT NO. 6

On page 7, in line 4, after "**(B)**" insert "**(1)**"; in the same line, after "**THE**" insert "**BAYSTAT**"; in line 6, after "**FUNDS**" insert "**, GEOGRAPHICALLY AND BY PRACTICE, TO PROVEN, SCIENTIFICALLY–BASED PROJECTS**"; in the same line, after "**COST–EFFECTIVE**" insert "**AND MEASURABLE**"; after line 7, insert:

"**(2) TO THE MAXIMUM EXTENT PRACTICABLE, THE BAYSTAT PROGRAM SHALL DISTRIBUTE THE TRUST FUND MONEYS ON A COMPETITIVE BASIS.**";

in line 8, after "**THE**" insert "**BAYSTAT**"; in line 9, after "**AGENCIES**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS**"; in line 10, strike "**REDISTRIBUTE**" and substitute "**ADMINISTER**"; in line 11, after "**FUNDS**" insert "**IN ACCORDANCE WITH THE FINAL WORK AND EXPENDITURE PLANS, INCLUDING THE DISTRIBUTION OF FUNDS**"; in lines 12 and 13, strike "**, TO THE MAXIMUM EXTENT PRACTICABLE ON A COMPETITIVE BASIS,**"; in line 22, strike "**AND**"; and in line 24, after "**ARTICLE**" insert "**; AND**

(III) TO THE MARYLAND AGRICULTURAL COST–SHARE PROGRAM ESTABLISHED UNDER TITLE 8, SUBTITLE 7 OF THE AGRICULTURE ARTICLE FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS".

AMENDMENT NO. 7

On page 7, in line 26, after "**GRANTS**" insert "**THAT SHALL INCLUDE CONSIDERATION OF THE EXTENT TO WHICH A PROPOSED PROJECT, BOTH GEOGRAPHICALLY AND BY PRACTICE, WILL DELIVER THE GREATEST, MOST COST–EFFECTIVE, AND MEASURABLE NONPOINT SOURCE POLLUTION REDUCTION PER TRUST FUND DOLLAR**"; in line 27, after "**THE**" insert "**BAYSTAT**"; in the same line, strike "**MAY**" and substitute "**SHALL**"; in the same line, strike "**A**" and substitute "**MULTI–YEAR, MULTI–PARTNER PROPOSALS, LOCAL**"; in line 28, strike the first comma and substitute "**OR**"; in the same line, after "**COST–SHARE**" insert "**AGREEMENTS**"; in the same line, strike "**OTHER ACTION**" and substitute "**SIMILAR ACTIONS**"; and after line 29, insert:

"**(4) 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.**".

On page 8, in line 5, strike "**AND**"; in line 6, strike "**MULTIYEAR**" and substitute "**MULTI–YEAR**"; in line 7, after "**ADMINISTRATION**" insert "**; AND**

(3) INCLUDE PROVISIONS FOR VERIFICATION THAT PRACTICES ARE BEING IMPLEMENTED";

in line 8, strike "**A**" and substitute "**FUNDS FROM THE**"; in the same line, strike "**GRANT**"; and strike in their entirety lines 13 through 17, 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. TIMEFRAMES FOR PROJECT COMPLETION;

4. ESTIMATED OR CALCULATED NUTRIENT REDUCTIONS; AND

5. PROVISIONS FOR LONG–TERM MAINTENANCE OF PRACTICES.".

AMENDMENT NO. 8

On page 8, strike beginning with "**PAY**" in line 18 down through "**PURPOSES**" in line 20 and substitute "**ENABLE AN INDIVIDUAL CITED FOR NONCOMPLIANCE WITH A NONPOINT SOURCE POLLUTION CONTROL LAW OR REGULATION TO ACHIEVE COMPLIANCE**"; and in line 24, after "**THE**" insert "**BAYSTAT PROGRAM SCIENTIFIC ADVISORY**".

AMENDMENT NO. 9

On page 9, in line 1, strike "**SEPTEMBER**" and substitute "**AUGUST**"; in line 10, after "**THE**" insert "**PROPOSED**"; in the same line, strike "**AND EXPENDITURE**"; and in line 16, strike the semicolon and substitute a period.

On page 18, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8–2A–01 and 8–2A–02, respectively, of Article – Natural Resources of the Annotated Code of Maryland, as enacted by Section 2 of this Act, shall be renumbered to be Section(s) 8–2A–02 and 8–2A–01, respectively.";

and in line 6, strike "3." and substitute "4.".

AMENDMENT NO. 10

On page 3 in line 2, on page 5 in lines 9, 14, and 28, on page 6 in lines 2, 4, 7, 10, 16, and 19, on page 7 in lines 7 and 23, on page 8 in line 28, on page 10 in lines 9 and 10, on page 11 in line 16, on page 13 in lines 16, 17, 22, 26, 28, and 33, on page 14 in lines 3, 6, 10, 12, 15, 19, 20, 24, 30, and 32, on page 15 in lines 6, 8, 11, and 17, on page 16 in lines 1, 2, 19, and 36, and on page 17 in lines 9, 12, and 34, in each instance, strike "**BAY**" and substitute "**AND ATLANTIC COASTAL BAYS**".

On page 3, in line 4, strike "Bay" and substitute "**AND ATLANTIC COASTAL BAYS**"; in line 8, after "River**,**" insert "**AND TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES,**"; in line 24, after "Agreement" insert "**AND TO IMPROVE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES**"; and in line 30, strike "Bay and its" and substitute "**AND ATLANTIC COASTAL BAYS AND THEIR**".

On page 4, in line 1, strike "Bay" and substitute "**BAY**".

On page 5, in line 8, strike "**BAY AND ITS**" and substitute "**AND ATLANTIC COASTAL BAYS AND THEIR**".

On page 6, after line 17, insert:

"**(II) THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES;**";

and in lines 18 and 20, strike "**(II)**" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively.

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Frank moved to make the Bill a Special Order for Thursday.

The motion was adopted.

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

House Bill 511 – Delegates Levy, Jameson, Murphy, Bohanan, and Wood

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

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

House Bill 646 – Delegates Beidle, Dumais, Bobo, Healey, Lafferty, McComas, McConkey, Norman, and Sophocleus

AN ACT concerning

Condominiums – Property Insurance Deductible – Unit Owner Responsibility

HB0646/140813/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 646
(First Reading File Bill)

On page 3, in lines 4 and 6, in each instance, strike "**$10,000**" and substitute "**$5,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 857 – Delegates Carr, Ali, Healey, Montgomery, and Shewell

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

HB0857/140316/3

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 857
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "that" insert "certain consent provisions and certain"; in line 4, strike "into" and substitute "by"; in line 5, strike the second "a"; strike beginning with "parcel" in line 5 down through "boundary" in line 6 and substitute "parcels"; and in line 6, after "circumstances;" insert "prohibiting a municipal corporation from annexing a certain maximum number of acres under this Act; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 20, after "**(T)**" insert "**(1)**"; in the same line, after "**SECTION**" insert "**REQUIRING CONSENT OF RESIDENTS AND OWNERS OF PROPERTY IN THE AREA TO BE ANNEXED AND**"; in lines 22 and 23, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; strike beginning with the colon in line 23 down through "**ANOTHER**" in line 24 and substitute "**CONTAINS:**

1. AT LEAST ONE OTHER";

in line 25, after "**THE**" insert "**MUNICIPAL**"; and strike in their entirety lines 26 through 27, inclusive, and substitute:

"**2. ONLY PARCELS THAT HAVE BEEN INCLUDED IN THE MUNICIPAL CORPORATE AREA FOR 3 YEARS OR MORE.**

(2) A MUNICIPAL CORPORATION MAY NOT ANNEX MORE THAN 25 ACRES, REGARDLESS OF THE NUMBER OF PARCELS OR LOTS ANNEXED, UNDER THE PROVISIONS OF THIS SUBSECTION.".

AMENDMENT NO. 3

On page 2, in line 29, after the period insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #6

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 29 – Delegate Manno

AN ACT concerning

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

HB0029/116087/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 29
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Manno" and substitute "Delegates Manno, Riley, Pena–Melnyk, Montgomery, Kipke, Morhaim, Reznik, V. Turner, Kullen, and Pendergrass"; strike beginning with "Discrimination" in line 2 down through "Prohibited" in line 3 and substitute "Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services"; strike beginning with "insurers" in line 4 down through "insurance" in line 12 and substitute "a carrier or insurance producer of a carrier that provides long–term care insurance from requesting or requiring a genetic test or from using a genetic test, the results of a genetic test, genetic information, or a request for genetic services to take certain actions with regard to long–term care insurance; providing for a certain exception; defining certain terms; and generally relating to prohibited acts relating to genetic tests, genetic information, and genetic services with regard to long–term care insurance"; in line 18, strike "adding to" and substitute "repealing and reenacting, with amendments,"; and in line 20, strike "18–105.1" and substitute "18–120".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 20, inclusive, and substitute:

"18–120.

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

(2) (I) "GENETIC INFORMATION" MEANS INFORMATION DERIVED FROM A GENETIC TEST:

1. ABOUT CHROMOSOMES, GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS THAT MAY DERIVE FROM AN INDIVIDUAL OR A FAMILY MEMBER;

2. NOT OBTAINED FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES; AND

3. OBTAINED AT A TIME WHEN THE INDIVIDUAL TO WHOM THE INFORMATION RELATES IS ASYMPTOMATIC FOR THE DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT TO WHICH THE INFORMATION RELATES.

(II) "GENETIC INFORMATION" DOES NOT INCLUDE INFORMATION:

1. RELATING TO A DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT IS OR HAS BEEN MANIFESTED OR FOR WHICH THE INDIVIDUAL IS OR HAS BEEN SYMPTOMATIC; OR

2. DERIVED FROM:

A. ROUTINE PHYSICAL MEASUREMENTS;

B. CHEMICAL, BLOOD, AND URINE ANALYSES;

C. TESTS FOR THE USE OF DRUGS;

D. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR

E. TESTS FOR THE PURPOSE OF DIAGNOSING A MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT.

(3) "GENETIC SERVICES" MEANS HEALTH SERVICES THAT ARE PROVIDED TO OBTAIN, ASSESS, OR INTERPRET GENETIC INFORMATION OR THE RESULTS OF GENETIC TESTS.

(4) (I) "GENETIC TEST" MEANS AN ANALYSIS OF HUMAN DNA, RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.

(II) "GENETIC TEST" DOES NOT INCLUDE:

1. ROUTINE PHYSICAL MEASUREMENTS;

2. CHEMICAL, BLOOD, AND URINE ANALYSES;

3. TESTS FOR THE USE OF DRUGS;

4. TESTS FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS; OR

5. TESTS THAT ARE DIRECTLY RELATED TO A MANIFESTED DISEASE, DISORDER, ILLNESS, OR IMPAIRMENT THAT COULD REASONABLY BE DETECTED BY A HEALTH CARE PROFESSIONAL WITH APPROPRIATE TRAINING AND EXPERTISE IN THE FIELD OF MEDICINE INVOLVED.

(B) In addition to the other practices prohibited under this article, a carrier or insurance producer of a carrier that provides long–term care insurance may not:

(1) employ a method of marketing that induces or tends to induce the purchase of long–term care insurance through undue pressure;

(2) use a method of marketing that fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance, and that contact will be made by an insurance producer or carrier; [or]

(3) knowingly make a misleading representation or an incomplete or fraudulent comparison of policies or carriers to induce a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert a policy or take out a policy with another carrier[.];

(4) REQUEST OR REQUIRE A GENETIC TEST TO:

(I) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG–TERM CARE INSURANCE COVERAGE AVAILABLE TO AN INDIVIDUAL; OR

(II) CHARGE A DIFFERENT RATE FOR THE SAME LONG–TERM CARE INSURANCE COVERAGE; OR

(5) USE A GENETIC TEST, THE RESULTS OF A GENETIC TEST, GENETIC INFORMATION, OR A REQUEST FOR GENETIC SERVICES TO:

(I) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG–TERM CARE INSURANCE COVERAGE AVAILABLE TO AN INDIVIDUAL; OR

(II) CHARGE A DIFFERENT RATE FOR THE SAME LONG–TERM CARE INSURANCE.

(C) NOTWITHSTANDING SUBSECTION (B)(5) OF THIS SECTION, IF THE USE IS BASED ON SOUND ACTUARIAL PRINCIPLES, THE RESULTS OF A GENETIC TEST OR GENETIC INFORMATION MAY BE USED TO:

(1) DENY OR LIMIT THE AMOUNT, EXTENT, OR KIND OF LONG–TERM CARE INSURANCE COVERAGE MADE AVAILABLE TO AN INDIVIDUAL; OR

(2) CHARGE A DIFFERENT RATE FOR THE SAME LONG–TERM CARE INSURANCE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 83 – Delegates Branch, Barve, and Proctor

AN ACT concerning

State Holiday – American Indian Heritage Day

FOR the purpose of making a certain date a legal State holiday named American Indian Heritage Day; providing that a certain paid holiday for State employees is for American Indian Heritage Day; and generally relating to making American Indian Heritage Day a holiday in the State.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 241 – Delegate Love

AN ACT concerning

Anne Arundel County – Health Department – License Fees for Food Establishments

HB0241/816880/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 241
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation"; and 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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

AN ACT concerning

Pharmacy Benefits Managers – Prescription Drug Substitution

HB0343/366287/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 343
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Donoghue, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, and Pendergrass"; in line 2, strike "Prescription Drug Substitution" and substitute "Therapeutic Interchanges"; strike beginning with "from substituting" in line 3 down through "prescribed" in line 4 and substitute "or its agent from requesting a therapeutic interchange"; strike beginning with "requiring" in line 5 down through the semicolon in line 6; in line 7, after "manager" insert "or its agent"; in the same line, strike "drug substitution" and substitute "therapeutic interchange"; strike beginning with

"providing" in line 8 down through "information" in line 11 and substitute "requiring a pharmacy benefits manager or its agent to disclose certain information to a beneficiary and include a certain insert and a certain telephone number with the prescription drug dispensed; requiring a pharmacy benefits manager or its agent to cancel and reverse a therapeutic interchange under certain circumstances; requiring a pharmacy benefits manager or its agent to take certain actions if a therapeutic interchange is reversed"; in line 13, after the first semicolon insert "requiring certain disclosures to comply with certain privacy standards; requiring a pharmacy benefits manager to establish certain policies and procedures; making certain provisions applicable to health maintenance organizations;"; in line 17, after "15–1601" insert "and 15–1602"; and after line 20, insert:

"BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 1 on page 2 through line 14 on page 6, inclusive, and substitute:

"**15–1601.**

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

(B) "AGENT" MEANS A PHARMACY, A PHARMACIST, A MAIL ORDER PHARMACY, OR A NONRESIDENT PHARMACY ACTING ON BEHALF OR AT THE DIRECTION OF A PHARMACY BENEFITS MANAGER.

(C) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.

(D) "ERISA" HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(E) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.

(F) "NONRESIDENT PHARMACY" HAS THE MEANING STATED IN § 12–403 OF THE HEALTH OCCUPATIONS ARTICLE.

(G) "PHARMACIST" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(H) "PHARMACY" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(I) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT, AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

(J) "PHARMACY BENEFITS MANAGER" MEANS A PERSON THAT PERFORMS PHARMACY BENEFITS MANAGEMENT SERVICES.

(K) "PHARMACY AND THERAPEUTICS COMMITTEE" MEANS A COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER TO:

(1) OBJECTIVELY APPRAISE AND EVALUATE PRESCRIPTION DRUGS; AND

(2) MAKE RECOMMENDATIONS TO A PURCHASER REGARDING THE SELECTION OF DRUGS FOR THE PURCHASER'S FORMULARY.

(L) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ASSOCIATION AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.

(M) (1) "THERAPEUTIC INTERCHANGE" MEANS ANY CHANGE FROM ONE PRESCRIPTION DRUG TO ANOTHER.

(2) "THERAPEUTIC INTERCHANGE" DOES NOT INCLUDE:

(I) A CHANGE INITIATED PURSUANT TO A DRUG UTILIZATION REVIEW;

(II) A CHANGE INITIATED FOR PATIENT SAFETY REASONS;

(III) A CHANGE REQUIRED DUE TO MARKET UNAVAILABILITY OF THE CURRENTLY PRESCRIBED DRUG;

(IV) A CHANGE FROM A BRAND NAME DRUG TO A GENERIC DRUG IN ACCORDANCE WITH § 12–504 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(V) A CHANGE REQUIRED FOR COVERAGE REASONS BECAUSE THE ORIGINALLY PRESCRIBED DRUG IS NOT COVERED BY THE BENEFICIARY'S FORMULARY OR PLAN.

(N) "THERAPEUTIC INTERCHANGE SOLICITATION" MEANS ANY COMMUNICATION BY A PHARMACY BENEFITS MANAGER FOR THE PURPOSE OF REQUESTING A THERAPEUTIC INTERCHANGE.

15–1602.

(A) A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT REQUEST A THERAPEUTIC INTERCHANGE UNLESS:

(1) THE PROPOSED THERAPEUTIC INTERCHANGE IS FOR MEDICAL REASONS THAT BENEFIT THE BENEFICIARY; OR

(2) THE PROPOSED THERAPEUTIC INTERCHANGE WILL RESULT IN FINANCIAL SAVINGS AND BENEFITS TO THE PURCHASER OR THE BENEFICIARY.

(B) (1) BEFORE MAKING A THERAPEUTIC INTERCHANGE, A PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL OBTAIN AUTHORIZATION FROM A PRESCRIBER OR AN INDIVIDUAL AUTHORIZED BY THE PRESCRIBER.

(C) IN ANY THERAPEUTIC INTERCHANGE SOLICITATION, THE FOLLOWING SHALL BE DISCLOSED TO THE PRESCRIBER:

(1) THAT A THERAPEUTIC INTERCHANGE IS BEING SOLICITED;

(2) THE CIRCUMSTANCES UNDER WHICH THE ORIGINALLY PRESCRIBED DRUG WILL BE COVERED BY THE PURCHASER;

(3) THE DIFFERENCE IN COPAYMENTS OR COINSURANCE TO BE PAID BY THE BENEFICIARY TO OBTAIN THE PROPOSED DRUG;

(4) THE CIRCUMSTANCES AND EXTENT TO WHICH HEALTH CARE COSTS RELATED TO THE THERAPEUTIC INTERCHANGE WILL BE COMPENSATED; AND

(5) ANY CLINICALLY SIGNIFICANT DIFFERENCES, AS DETERMINED BY A PHARMACY AND THERAPEUTICS COMMITTEE OF THE PHARMACY BENEFITS MANAGER, WITH RESPECT TO EFFICACY, SIDE EFFECTS, AND POTENTIAL IMPACT ON HEALTH AND SAFETY.

(D) WHEN SOLICITING A THERAPEUTIC INTERCHANGE FROM A PRESCRIBER, A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT MAKE A CLAIM THAT THE THERAPEUTIC INTERCHANGE WILL SAVE THE PURCHASER MONEY UNLESS THE CLAIM CAN BE SUBSTANTIATED.

(E) IF THE PHARMACY BENEFITS MANAGER OR ITS AGENT RECEIVES PAYMENT FOR MAKING A THERAPEUTIC INTERCHANGE FROM A

PHARMACEUTICAL MANUFACTURER OR OTHER PERSON, INCLUDING THE PHARMACY BENEFITS MANAGER, THAT IS NOT REFLECTED IN COST SAVINGS TO THE PURCHASER, THE EXISTENCE OF THE PAYMENT SHALL BE COMMUNICATED TO THE PRESCRIBER AT THE TIME OF THE THERAPEUTIC INTERCHANGE SOLICITATION.

(F) IF A THERAPEUTIC INTERCHANGE OCCURS, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL:

(1) DISCLOSE TO THE BENEFICIARY, ORALLY OR IN WRITING:

(I) THAT THE PHARMACY BENEFITS MANAGER OR ITS AGENT REQUESTED A THERAPEUTIC INTERCHANGE BY CONTACTING THE BENEFICIARY'S PRESCRIBER;

(II) THE PRESCRIBER APPROVED THE THERAPEUTIC INTERCHANGE;

(III) THE NAMES OF THE ORIGINALLY PRESCRIBED DRUG AND THE DRUG DISPENSED PURSUANT TO THE THERAPEUTIC INTERCHANGE;

(IV) THE DIFFERENCE IN COPAYMENTS OR COINSURANCE TO BE PAID BY THE BENEFICIARY TO OBTAIN THE DRUG DISPENSED PURSUANT TO THE THERAPEUTIC INTERCHANGE;

(V) THE CIRCUMSTANCES UNDER WHICH THE ORIGINALLY PRESCRIBED DRUG WILL BE COVERED;

(VI) THE CIRCUMSTANCES UNDER AND THE EXTENT TO WHICH HEALTH CARE COSTS RELATED TO THE THERAPEUTIC INTERCHANGE WILL BE COMPENSATED; AND

(VII) THAT THE BENEFICIARY MAY DECLINE THE THERAPEUTIC INTERCHANGE IF THE ORIGINALLY PRESCRIBED DRUG REMAINS ON THE BENEFICIARY'S FORMULARY, AND THE BENEFICIARY IS WILLING TO PAY ANY DIFFERENCE IN THE COPAYMENT OR COINSURANCE; AND

(2) INCLUDE WITH THE PRESCRIPTION DRUG DISPENSED:

(I) A PATIENT PACKAGE INSERT ABOUT POTENTIAL SIDE EFFECTS; AND

(II) A TOLL–FREE TELEPHONE NUMBER TO COMMUNICATE WITH THE PHARMACY BENEFITS MANAGER.

(G) (1) A PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL CANCEL AND REVERSE A THERAPEUTIC INTERCHANGE ON WRITTEN OR VERBAL INSTRUCTIONS FROM A PRESCRIBER, THE BENEFICIARY, OR THE BENEFICIARY'S REPRESENTATIVE.

(2) IF A THERAPEUTIC INTERCHANGE IS REVERSED, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL:

(I) OBTAIN A PRESCRIPTION FOR AND DISPENSE THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG; AND

(II) CHARGE THE BENEFICIARY NO MORE THAN ONE COPAYMENT.

(3) IF THE THERAPEUTIC INTERCHANGE OCCURRED THROUGH A MAIL ORDER PHARMACY AND A BENEFICIARY WILL EXHAUST AN EXISTING SUPPLY OF THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG BEFORE A REPLACEMENT SHIPMENT WILL ARRIVE TO THE BENEFICIARY, THE PHARMACY BENEFITS MANAGER OR ITS AGENT SHALL ARRANGE FOR DISPENSING OF AN APPROPRIATE QUANTITY OF REPLACEMENT PRESCRIPTION DRUGS AT A LOCAL COMMUNITY PHARMACY AT NO ADDITIONAL COST TO THE BENEFICIARY.

(4) A PHARMACY BENEFITS MANAGER OR ITS AGENT MAY NOT BE REQUIRED TO CANCEL AND REVERSE A THERAPEUTIC INTERCHANGE IF A BENEFICIARY IS UNWILLING TO PAY A HIGHER COPAYMENT OR COINSURANCE ASSOCIATED WITH THE ORIGINALLY PRESCRIBED PRESCRIPTION DRUG.

(H) (1) A PHARMACY BENEFITS MANAGER SHALL MAINTAIN A TOLL–FREE TELEPHONE NUMBER MONDAY THROUGH SATURDAY FOR PRESCRIBERS, PHARMACIES, PHARMACISTS, AND BENEFICIARIES TO REQUEST INFORMATION REGARDING A THERAPEUTIC INTERCHANGE.

(2) THE TOLL–FREE TELEPHONE NUMBER SHALL BE ACCESSIBLE FROM 8 A.M. UNTIL AT LEAST 8 P.M. EASTERN STANDARD TIME.

(I) ALL DISCLOSURES MADE UNDER THIS SECTION SHALL COMPLY WITH THE PRIVACY STANDARDS SET FORTH IN STATE AND FEDERAL LAW.

(J) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH APPROPRIATE POLICIES AND PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

(K) (1) THE COMMISSIONER MAY ASSESS A CIVIL PENALTY NOT EXCEEDING $10,000 FOR EACH VIOLATION OF THIS SECTION.

(2) IN ADDITION TO OR INSTEAD OF ASSESSING A CIVIL PENALTY, THE COMMISSIONER MAY REQUIRE THE PHARMACY BENEFITS MANAGER TO MAKE RESTITUTION TO ANY PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS SECTION.

Article – Health – General

19–706.

(PPP) THE PROVISIONS OF TITLE 15, SUBTITLE 16 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

HB0358/596381/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 358
(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 5 on page 2 through line 11 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 12 down through "**(2)**" in line 15.

AMENDMENT NO. 3

On page 4, after line 21, 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 22, strike "2." and substitute "3."; and in line 23, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 376 – The Speaker (By Request – Administration) and Delegates Morhaim, Bronrott, Barve, Conway, Hammen, Ali, Aumann, Barkley, Beitzel, Bobo, Bohanan, Branch, Bromwell, Cardin, Carr, G. Clagett, V. Clagett, Doory, Dumais, Eckardt, Elliott, Elmore, Feldman, Frank, Frick, Gaines, Gutierrez, Guzzone, Haddaway, Haynes, Healey, Hecht, Heller, Hixson, Howard, Hucker, Ivey, James, Jones, Kach, Kaiser, Krebs, Kullen, Lafferty, Lee, Levy, Love, Manno, Mathias, McHale, McIntosh, Miller, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Riley, Schuh, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Tarrant, Taylor, F. Turner, Vaughn, Waldstreicher, Walker, and Weldon

AN ACT concerning

High Performance Buildings Act

HB0376/276982/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 376
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Pendergrass, Benson, Costa, Donoghue, Hubbard, Kipke, McDonough, and V. Turner".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 450 – Delegates Hammen and Nathan–Pulliam

AN ACT concerning

Department of Health and Mental Hygiene – Behavioral Health

HB0450/296785/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 450
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Hammen and Nathan–Pulliam" and substitute "Hammen, 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"; in line 2, after the second "Health" insert "and Disabilities"; and strike beginning with

"requiring" in line 7 down through "State" in line 10 and substitute "requiring the Secretary to develop a certain system of services for certain individuals, to address systems change in a certain manner, and to identify and implement certain individualized treatment and supports".

AMENDMENT NO. 2

On page 1, in line 24, after "**HEALTH**" insert "**AND DISABILITIES**".

On page 2, in line 13, strike "Health" and substitute "Hygiene"; in line 15, strike "Services" and substitute "and Disabilities".

On pages 2 and 3, strike beginning with "develop" in line 16 on page 2 down through "and" in line 5 on page 3, inclusive, and substitute "for individuals with co–occurring disorders, develop a coordinated system of individualized services, in the most integrated setting;

(3) address systems change to best serve individuals with co–occurring disorders, that includes:

(i) best practices, program standards, and design;

(ii) identification and utilization of screening and assessment tools;

(iii) integration of treatment plans and supports;

(iv) staff competencies and cross–disciplinary training; and

(v) measurable outcomes;

(4) identify and implement individualized treatment and supports, consistent with standards and best practices from each discipline; and".

On page 3, in line 6, strike "(4)" and substitute "(5)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 459 – Chair, Health and Government Operations Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

HB0459/936587/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 459
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 2, strike "providing for the termination of the term of a member of the Board;".

AMENDMENT NO. 2

On page 9, in lines 12 and 14, in each instance, strike "**11**" and substitute "**13**"; in line 15, in each instance, strike the brackets; in the same line, strike "**FOUR**"; in line 22, strike "**TWO**" and substitute "**THREE**"; and strike beginning with "certified" in line 24 down through "or" in line 25.

On page 10, strike beginning with "certified" in line 30 down through "or" in line 31.

On page 11, in line 4, strike "**, § 17–402, OR § 17–403**".

On page 13, strike beginning with "certified" in line 9 down through "or" in line 10; and strike beginning with "certified" in line 12 down through "or" in line 13.

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 525 – Delegates Kullen, Beitzel, Donoghue, Gilchrist, Kaiser, Mizeur, Pena–Melnyk, Pendergrass, Reznik, Stull, V. Turner, and Weldon

AN ACT concerning

Prescription Drug Monitoring Program

HB0525/486782/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 525
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Benson, Elliott, Hammen, Kach, Kipke, McDonough, Montgomery, Oaks, and Riley"; strike in its entirety line 2 and substitute:

"Advisory Council on Prescription Drug Monitoring – Study";

strike in their entirety lines 3 through 28, inclusive, and substitute:

"FOR the purpose of establishing an Advisory Council on Prescription Drug Monitoring in the Department of Health and Mental Hygiene; establishing the membership and chair of the Council; requiring the Council to study the establishment of a certain prescription drug monitoring program; requiring the study to make recommendations to the Secretary of Health and Mental Hygiene for establishing a prescription drug monitoring program for certain purposes;

requiring the Council to include certain items in its study and recommendations; requiring the Council to submit a certain interim report and a certain final report on or before certain dates; defining a certain term; providing for the termination of this Act; and generally relating to an Advisory Council on Prescription Drug Monitoring and a study of a prescription drug monitoring program.".

On page 2, in lines 2 and 3, strike beginning with "through" in line 2 down through "Program" in line 3 and substitute "to be under the new subtitle "Subtitle 2A. Advisory Council on Prescription Drug Monitoring".

AMENDMENT NO. 2

On page 2, in line 27, strike "**PRESCRIPTION DRUG MONITORING PROGRAM**" and substitute "**ADVISORY COUNCIL ON PRESCRIPTION DRUG MONITORING**".

On pages 2 through 7, strike in their entirety the lines beginning with line 29 on page 2 through line 1 on page 7, inclusive, and substitute:

"**(A) IN THIS SUBTITLE, "COUNCIL" MEANS THE ADVISORY COUNCIL ON PRESCRIPTION DRUG MONITORING.**".

AMENDMENT NO. 3

On page 7, in lines 2 and 4, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in lines 2 and 4, in each instance, strike "**BOARD**" and substitute "**COUNCIL**"; in line 4, strike "**21**"; in line 25, after "**THE**" insert "**MARYLAND NURSES COALITION, THE MARYLAND COALITION OF NURSE PRACTITIONERS, THE NURSE PRACTITIONER ASSOCIATION OF MARYLAND, THE MARYLAND ASSOCIATION OF NURSE ANESTHETISTS, AND THE**"; and in line 29, strike "**EPIC PHARMACIES**" and substitute "**UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY**".

On page 8, strike in their entirety lines 5 through 7, inclusive; in lines 8, 10, 13, and 15, strike "**(10)**", "**(11)**", "**(12)**", and "**(13)**", respectively, and substitute "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively; in line 14, strike "**AND**"; in line 17, after "**INITIATIVE**" insert "**; AND**

(13) ANY OTHER INDIVIDUAL OR REPRESENTATIVE AT THE SECRETARY'S DISCRETION";

in line 18, strike "**(C)**" and substitute "**(D)**"; in lines 18 and 24, in each instance, strike "**BOARD**" and substitute "**COUNCIL**"; strike in their entirety lines 19 through 23, inclusive; and strike beginning with the colon in line 24 down through "**AND**" in line 30 and substitute "**STUDY THE ESTABLISHMENT OF A PRESCRIPTION DRUG MONITORING PROGRAM THAT ELECTRONICALLY COLLECTS AND STORES DATA CONCERNING MONITORED PRESCRIPTION DRUGS.**

(F) THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE SECRETARY FOR ESTABLISHING A PRESCRIPTION DRUG MONITORING PROGRAM THAT:

(1) ASSISTS HEALTH CARE PROVIDERS AND LAW ENFORCEMENT PROFESSIONALS IN:

(I) THE IDENTIFICATION, TREATMENT, AND PREVENTION OF PRESCRIPTION DRUG ABUSE; AND

(II) THE IDENTIFICATION AND INVESTIGATION OF UNLAWFUL PRESCRIPTION DRUG DIVERSION;

(2) PROMOTES A BALANCED USE OF PRESCRIPTION DRUG MONITORING DATA TO ASSIST APPROPRIATE LAW ENFORCEMENT ACTIVITIES WHILE PRESERVING THE PROFESSIONAL PRACTICE OF HEALTH CARE PROVIDERS AND THE ACCESS OF PATIENTS TO OPTIMAL PHARMACEUTICAL CARE; AND

(3) PROMOTES APPROPRIATE AND REAL–TIME ACCESS TO PRESCRIPTION DRUG MONITORING DATA BY DISPENSERS AND PRESCRIBERS TO HELP PREVENT SUBSTANCE ABUSE AND PRESCRIPTION DRUG DIVERSION.

(G) IN ITS STUDY AND RECOMMENDATIONS, THE COUNCIL SHALL:

(1) IDENTIFY THE PRESCRIPTION DRUGS TO BE MONITORED;

(2) IDENTIFY THE TYPES OF DISPENSERS THAT SHALL BE REQUIRED TO SUBMIT INFORMATION TO A PRESCRIPTION DRUG MONITORING PROGRAM;

(3) DETERMINE THE DATA A DISPENSER MUST SUBMIT TO A PRESCRIPTION DRUG MONITORING PROGRAM FOR A MONITORED PRESCRIPTION DRUG;

(4) DETERMINE THE PROCESS FOR SUBMITTING PRESCRIPTION DRUG MONITORING DATA TO A PRESCRIPTION DRUG MONITORING PROGRAM;

(5) SPECIFY RECIPIENTS AUTHORIZED TO RECEIVE PRESCRIPTION DRUG MONITORING DATA FROM A PRESCRIPTION DRUG MONITORING PROGRAM;

(6) IDENTIFY THE CIRCUMSTANCES UNDER WHICH PRESCRIPTION DRUG MONITORING DATA ARE PROVIDED TO AN AUTHORIZED RECIPIENT;

(7) IDENTIFY THE CIRCUMSTANCES UNDER WHICH AN AUTHORIZED RECIPIENT MAY DISCLOSE PRESCRIPTION DRUG MONITORING DATA PROVIDED BY A PRESCRIPTION DRUG MONITORING PROGRAM;

(8) DETERMINE HOW TO ENSURE THAT CONFIDENTIAL OR PRIVILEGED PATIENT INFORMATION IS KEPT CONFIDENTIAL;

(9) DEFINE THE PROCESS FOR INTERPRETING PRESCRIPTION DRUG MONITORING DATA FOR DISCIPLINARY OR LAW ENFORCEMENT PURPOSES;

(10) DETERMINE THE MOST EFFICIENT AND EFFECTIVE OPERATION OF A PRESCRIPTION DRUG MONITORING PROGRAM;

(11) DETERMINE THE COST OF AND SOURCES OF FUNDS FOR ESTABLISHING AND OPERATING A PRESCRIPTION DRUG MONITORING

PROGRAM, INCLUDING THE COST OF AND SOURCES OF FUNDS FOR SUBMITTING AND RECEIVING PRESCRIPTION DRUG MONITORING DATA TO AND FROM THE PROGRAM;

(12) DETERMINE WHETHER THE ESTABLISHMENT AND OPERATION OF A PRESCRIPTION DRUG MONITORING PROGRAM IS FEASIBLE WITHOUT ADDITIONAL COST TO DISPENSERS AND AUTHORIZED RECIPIENTS;

(13) DETERMINE A TIMELINE FOR ESTABLISHING AND IMPLEMENTING A PRESCRIPTION DRUG MONITORING PROGRAM;

(14) IDENTIFY THE TYPES OF EDUCATION AND TRAINING NEEDED TO IMPLEMENT A PRESCRIPTION DRUG MONITORING PROGRAM;

(15) DETERMINE THE NEED FOR IMMUNITY FROM LIABILITY IN CONNECTION WITH THE SUBMISSION OR RECEIPT OF PRESCRIPTION DRUG MONITORING DATA; AND

(16) DETERMINE THE NEED FOR PENALTIES FOR IMPROPER SUBMISSION OR USE OF PRESCRIPTION DRUG MONITORING DATA.

(H) THE COUNCIL SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN INTERIM REPORT ON OR BEFORE DECEMBER 31, 2008, AND A FINAL REPORT ON OR BEFORE DECEMBER 31, 2009 ON THE COUNCIL'S STUDY AND RECOMMENDATIONS.".

AMENDMENT NO. 4

On pages 9 through 13, strike in their entirety the lines beginning with line 1 on page 9 through line 20 on page 13, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of 2 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 580 – Delegates Oaks, Costa, Davis, Elliott, Hammen, Hubbard, Kipke, and Rudolph

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics Committee

HB0580/946482/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 580
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rudolph" and substitute "Rudolph, Benson, Bromwell, Donoghue, Kach, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Riley, V. Turner, and Weldon"; in line 2, strike "Committee" and substitute "Committees"; in line 3, strike "members of"; in line 4, after "manager;" insert "requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has certain policies and procedures; requiring a pharmacy benefits manager to disclose information about the composition of its pharmacy and therapeutics committee to a certain person under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacist to participate on its pharmacy and therapeutics committee;"; and in line 10, after "15–1601" insert "and 15–1602".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 22 on page 3, inclusive, and substitute:

"**15–1601.**

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

(B) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.

(C) "ERISA" HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(D) "FORMULARY" MEANS A LIST OF PRESCRIPTION DRUGS USED BY A PURCHASER.

(E) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6–121(A) OF THIS ARTICLE.

(F) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

(G) "PHARMACY BENEFITS MANAGER" MEANS A PERSON THAT PERFORMS PHARMACY BENEFITS MANAGEMENT SERVICES.

(H) "PHARMACY AND THERAPEUTICS COMMITTEE" MEANS A COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER TO:

(1) OBJECTIVELY APPRAISE AND EVALUATE PRESCRIPTION DRUGS; AND

(2) MAKE RECOMMENDATIONS TO A PURCHASER REGARDING THE SELECTION OF DRUGS FOR THE PURCHASER'S FORMULARY.

(I) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ASSOCIATION AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.

15–1602.

(A) A PHARMACY AND THERAPEUTICS COMMITTEE ESTABLISHED BY A PHARMACY BENEFITS MANAGER SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) (1) A PHARMACY AND THERAPEUTICS COMMITTEE SHALL:

(I) INCLUDE CLINICAL SPECIALISTS THAT REPRESENT THE NEEDS OF A PURCHASER'S BENEFICIARIES; AND

(II) INCLUDE AT LEAST ONE PRACTICING PHARMACIST AND ONE PRACTICING PHYSICIAN WHO ARE INDEPENDENT OF ANY DEVELOPER OR MANUFACTURER OF PRESCRIPTION DRUGS.

(2) EACH MEMBER OF A PHARMACY AND THERAPEUTICS COMMITTEE SHALL SIGN A CONFLICT OF INTEREST STATEMENT UPDATED AT LEAST ANNUALLY DISCLOSING ANY ECONOMIC INTEREST OR RELATIONSHIP THAT COULD INFLUENCE THE PHARMACY AND THERAPEUTICS COMMITTEE'S DECISIONS.

(3) A MAJORITY OF THE MEMBERS OF A PHARMACY AND THERAPEUTICS COMMITTEE SHALL BE PRACTICING PHYSICIANS OR PRACTICING PHARMACISTS.

(C) A PHARMACY BENEFITS MANAGER SHALL ENSURE THAT ITS PHARMACY AND THERAPEUTICS COMMITTEE HAS:

(1) POLICIES AND PROCEDURES, INCLUDING DISCLOSURE REQUIREMENTS, TO ADDRESS POTENTIAL CONFLICTS OF INTEREST THAT MEMBERS OF THE PHARMACY AND THERAPEUTICS COMMITTEE MAY HAVE WITH DEVELOPERS OR MANUFACTURERS OF PRESCRIPTION DRUGS;

(2) A PROCESS TO EVALUATE MEDICAL AND SCIENTIFIC EVIDENCE CONCERNING THE SAFETY AND EFFECTIVENESS OF PRESCRIPTION DRUGS, INCLUDING AVAILABLE COMPARATIVE INFORMATION ON CLINICALLY SIMILAR PRESCRIPTION DRUGS, WHEN DECIDING WHAT PRESCRIPTION DRUGS TO RECOMMEND TO INCLUDE ON A FORMULARY;

(3) A PROCESS TO EVALUATE MEDICAL AND SCIENTIFIC EVIDENCE CONCERNING THE SAFETY AND EFFECTIVENESS OF PRESCRIPTION DRUGS WHEN RECOMMENDING UTILIZATION REVIEW REQUIREMENTS, DOSE RESTRICTIONS, AND STEP THERAPY REQUIREMENTS; AND

(4) A PROCESS TO ENABLE THE PHARMACY AND THERAPEUTICS COMMITTEE TO CONSIDER THE NEED TO RECOMMEND A FORMULARY CHANGE TO A PURCHASER IN A TIMELY MANNER BUT AT LEAST ANNUALLY.

(D) THE COMMISSIONER MAY CONSIDER A PHARMACY AND THERAPEUTICS COMMITTEE OF A PHARMACY BENEFITS MANAGER AS HAVING MET THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION IF THE PHARMACY BENEFITS MANAGER HAS OBTAINED ACCREDITATION FROM AN ACCREDITING ORGANIZATION APPROVED BY THE COMMISSIONER.

(E) ON REQUEST OF A PURCHASER FOR WHICH THE PHARMACY AND THERAPEUTICS COMMITTEE MAKES RECOMMENDATIONS, A PHARMACY BENEFITS MANAGER SHALL DISCLOSE INFORMATION ABOUT THE COMPOSITION OF ITS PHARMACY AND THERAPEUTICS COMMITTEE TO THE PURCHASER.

(F) A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE A PHARMACIST TO PARTICIPATE ON ITS PHARMACY AND THERAPEUTICS COMMITTEE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 594 – Delegate Donoghue

AN ACT concerning

Health Insurance – Carrier Credentialing – Reimbursement of Providers of Health Care Services

HB0594/636882/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 594
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Donoghue" and substitute "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"; 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; 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 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) A CARRIER MAY REQUIRE A GROUP PRACTICE TO DISCLOSE TO AN ENROLLEE AT THE TIME SERVICES ARE PROVIDED THAT:

(I) THE TREATING PROVIDER IS NOT A PARTICIPATING PROVIDER;

(II) THE TREATING PROVIDER HAS APPLIED TO BECOME A PARTICIPATING PROVIDER; AND

(III) ANY COVERED SERVICES RECEIVED MUST BE REIMBURSED BY THE CARRIER AT THE PARTICIPATING PROVIDER RATE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 767 – Delegates Heller, Kramer, and Manno

AN ACT concerning

Individuals With Disabilities – Service Animals

HB0767/616489/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 767
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Manno" and substitute "Manno, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon"; in line 2, after "Disabilities" insert "and Parents of Minors with Disabilities"; in lines 5 and 7, in each instance, after "disabilities" insert "and the parents of a minor child with a disability"; and in line 10, after "disabilities" insert ", the parents of a minor child with a disability,".

AMENDMENT NO. 2

On page 2, in line 23, strike "**OR**"; and in line 24, after "**ITEMS**" insert "**; OR**

(6) DETECTING THE ONSET OF A SEIZURE".

AMENDMENT NO. 3

On page 3, in lines 4 and 8, in each instance, after "**DISABILITIES**" insert "**AND THE PARENTS OF A MINOR CHILD WITH A DISABILITY**"; and in lines 15, 22, 27, and 30, in each instance, after "**DISABILITY**" insert "**OR THE PARENT OF A MINOR CHILD WITH A DISABILITY**".

AMENDMENT NO. 4

On page 4, in lines 4, 7, 21, and 28, in each instance, after "**DISABILITY**" insert "**OR THE PARENT OF A MINOR CHILD WITH A DISABILITY**"; and in line 17, after "**DISABILITY**" insert "**OR ANY OTHER INDIVIDUAL AUTHORIZED UNDER THIS SUBTITLE TO USE A SERVICE ANIMAL**".

AMENDMENT NO. 5

On page 5, in line 3, after "**DISABILITY**" insert "**OR THE PARENT OF A MINOR CHILD WITH A DISABILITY**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 770 – Washington County Delegation

AN ACT concerning

Washington County – Purchasing Goods and Services – Public Bidding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 818 – Delegates Tarrant and Hubbard

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Additional Duties

HB0818/226685/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 818
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Hubbard" and substitute ", Nathan–Pulliam, Hubbard, Donoghue, Mizeur, Montgomery, Riley, and V. Turner".

AMENDMENT NO. 2

On page 2, in line 16, strike "**AND**"; and in line 19, 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 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 941 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Minority Business Enterprise Utilization Program

PG/MC 110–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 945 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Oakmont Special Taxing Area – Competitive Bidding

MC 820–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1089 – Delegate Donoghue

AN ACT concerning

Direct Billing of Anatomic Pathology Services

HB1089/116080/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1089
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "and physicians" and substitute "<u>, physicians, or group practices</u>"; in line 6, after "entities" insert "<u>subject to certain limitations</u>"; in line 7, strike "certain"; in line 9, strike "provider" and substitute "<u>practitioner</u>"; and in line 13, after "services" insert "<u>or histologic processing</u>".

AMENDMENT NO. 2

On page 3, in line 17, after "**THE**" insert "**<u>MICROSCOPIC</u>**"; and in line 19, after "**INCLUDES**" insert "**<u>THE MICROSCOPIC EXAMINATION OF CELLS IN</u>**".

AMENDMENT NO. 3

On page 4, in line 2, strike "**AND HISTOLOGIC PROCESSING**"; in line 6, strike "**PARTICULAR**"; strike beginning with "**REQUIRING**" in line 6 down through "**LABORATORY**" in line 8 and substitute "**<u>TO ANOTHER CLINICAL LABORATORY FOR HISTOLOGIC PROCESSING OR ANATOMIC PATHOLOGY CONSULTATION</u>**"; in line 11, after "**ORDERS**" insert "**<u>, BUT DOES NOT PERFORM,</u>**"; in the same line, strike "**A PATIENT**" and substitute "**<u>PATIENTS</u>**"; in line 12, strike "**MANDATE**" and substitute "**<u>:</u>**

<u>(1)</u> **<u>MANDATE</u>**";

in line 13, after "**SERVICES**" insert "**<u>; OR</u>**

<u>(2)</u> **<u>PROHIBIT A HEALTH CARE PRACTITIONER WHO PERFORMS OR SUPERVISES ANATOMIC PATHOLOGY SERVICES AND IS A MEMBER OF A GROUP PRACTICE, AS DEFINED UNDER § 1–301 OF THIS SUBTITLE, FROM REASSIGNING THE RIGHT TO BILL FOR ANATOMIC PATHOLOGY SERVICES TO THE GROUP PRACTICE IF THE BILLING COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION</u>**";

in line 14, strike "**OR PHYSICIAN**" and substitute "**<u>, A PHYSICIAN, OR A GROUP PRACTICE</u>**"; and in line 18, strike "**THE**" and substitute "**<u>SUBJECT TO THE LIMITATIONS OF § 19–710(P) OF THE HEALTH – GENERAL ARTICLE, THE</u>**".

AMENDMENT NO. 4

On page 5, in line 3, strike "**SERVICES**" and substitute "**SERVICE**"; strike beginning with "**IF**" in line 5 down through "**SERVICES**" in line 6 and substitute "**OR HISTOLOGIC PROCESSING IF THE REFERRING LABORATORY MUST SEND A SPECIMEN TO ANOTHER CLINICAL LABORATORY FOR HISTOLOGIC PROCESSING OR ANATOMIC PATHOLOGY CONSULTATION**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1176 – Delegates Pena–Melnyk, Ali, Braveboy, Carr, Healey, Holmes, Ivey, Kaiser, Krysiak, Mizeur, O'Donnell, Oaks, Reznik, Ross, Shank, Tarrant, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Public Health – Task Force on Childhood Obesity

HB1176/506381/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1176
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Pena–Melnyk," insert "Nathan–Pulliam,"; in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, Montgomery, Morhaim, Riley, and Weldon"; in lines 2, 3, 6, and 8, in each instance, strike "Task Force" and substitute "Committee"; in line 4, strike "advice and"; in line 5, strike "terms,"; in line 11, strike "19–710.4" and substitute "13–2A–01 to be under the new subtitle "Subtitle 2A. Committee on Childhood Obesity"".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"**SUBTITLE 2A. COMMITTEE ON CHILDHOOD OBESITY.**";

in line 17, strike "**19–710.4**" and substitute "**13–2A–01**"; and after line 17, insert:

"**(A) THERE IS A COMMITTEE ON CHILDHOOD OBESITY IN THE DEPARTMENT.**

(B) THE COMMITTEE CONSISTS OF:

(1) THE MEMBERS OF THE STATE ADVISORY COUNCIL ON HEART DISEASE AND STROKE; AND

(2) THE FOLLOWING MEMBERS WITH EXPERTISE IN OBESITY PREVENTION AND TREATMENT, APPOINTED BY THE SECRETARY:

(I) A REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS;

(II) A REPRESENTATIVE OF THE CHILDREN'S NATIONAL MEDICAL CENTER;

(III) A REPRESENTATIVE OF THE JOHNS HOPKINS CHILDREN'S CENTER; AND

(IV) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION.

(C) (1) IN PERFORMING ITS DUTIES, THE COMMITTEE MAY CONSULT WITH INDIVIDUALS AND ENTITIES THAT THE SECRETARY DEEMS APPROPRIATE.

(2) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE COMMITTEE.

(3) THE MEMBERS OF THE COMMITTEE SHALL SELECT THE CHAIR OF THE COMMITTEE FROM AMONG THE MEMBERS.

(D) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

(E) THE COMMITTEE SHALL STUDY CHILDHOOD OBESITY AND, SUBJECT TO SUBSECTION (F) OF THIS SECTION, REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON THE FOLLOWING:

(1) INSURANCE REIMBURSEMENTS PAID TO HEALTH CARE PROVIDERS TO DIAGNOSE AND TREAT CHILDHOOD OBESITY;

(2) A SYSTEM FOR COLLECTING, ANALYZING, AND MAINTAINING STATEWIDE DATA RELATING TO CHILDHOOD OBESITY;

(3) BEST AND PROMISING PRACTICES TO ADDRESS CHILDHOOD OBESITY, INCLUDING COMMUNITY AND SCHOOL–BASED APPROACHES;

(4) METHODS TO ENHANCE PUBLIC AWARENESS OF THE CHRONIC DISEASES RELATED TO CHILDHOOD OBESITY, INCLUDING THE INCREASED NUMBER OF CHILDREN DEVELOPING DIABETES; AND

(5) METHODS TO INCREASE THE RATE OF BODY MASS INDEX SCREENINGS FOR CHILDREN.

(F) THE COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON OR BEFORE DECEMBER 1, 2009.".

On pages 1 through 4, strike in their entirety the lines beginning with line 18 on page 1 through line 29 on page 4, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1187 – Delegates McDonough, Beitzel, Benson, Boteler, Costa, Hubbard, Kach, Kipke, Montgomery, Oaks, Riley, V. Turner, and Weldon

AN ACT concerning

Persons Who Operate Nursing Homes – Licensure

HB1187/316588/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1187
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Hammen, Pendergrass, Bromwell, Donoghue, Elliott, Kullen, Morhaim, Pena–Melnyk, Reznik, and Tarrant"; strike beginning with "a" in line 3 down through "persons" in line 6 and substitute "an applicant for licensure or relicensure of a nursing home to include certain information in the application"; strike beginning with "requiring" in line 7 down through "circumstances" in line 9 and substitute "authorizing the Secretary of Health and Mental Hygiene to make certain approvals or denials of licensure applications after a certain review"; in line 11, strike beginning with "authorizing" through "conditions" and substitute "requiring the Secretary to convene a certain workgroup to make certain recommendations; requiring the Secretary to review certain recommendations and to publish certain regulations on or before a certain date"; strike beginning with "requiring" in line 12 down through "terms;" in line 13; strike in their entirety lines 15 through 19, inclusive; in line 22, after the second comma, insert "and 19–1401.3"; and strike beginning with "19–1401.3" in line 22 down through "19–1401.8" in line 23.

AMENDMENT NO. 2

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

AMENDMENT NO. 3

On page 4, strike in their entirety lines 8 and 9 and substitute:

"**(A) IN ADDITION TO THE REQUIREMENTS FOR LICENSURE OF A RELATED INSTITUTION AS PROVIDED IN THIS TITLE, AN APPLICANT FOR INITIAL LICENSURE OR RELICENSURE OF A NURSING HOME SHALL INCLUDE IN THE APPLICATION THE IDENTITY OF:**

(1) ANY PERSON WITH AN OWNERSHIP INTEREST IN THE NURSING HOME; AND

(2) ANY MANAGEMENT COMPANY, LANDLORD, OR OTHER BUSINESS ENTITY THAT WILL OPERATE OR CONTRACT WITH THE APPLICANT TO MANAGE THE NURSING HOME.

(B) AN APPLICANT FOR INITIAL LICENSURE SHALL SUBMIT TO THE SECRETARY OR THE SECRETARY'S DESIGNEE EVIDENCE:

(1) THAT AFFIRMATIVELY DEMONSTRATES THE ABILITY OF THE APPLICANT TO COMPLY WITH MINIMUM STANDARDS OF:

(I) MEDICAL CARE;

(II) NURSING CARE;

(III) FINANCIAL CONDITION; AND

(IV) OTHER APPLICABLE STATE OR FEDERAL LAWS AND REGULATIONS; AND

(2) REGARDING THE REGULATORY COMPLIANCE HISTORY AND FINANCIAL CONDITION OF ANY HEALTH CARE FACILITY OWNED OR OPERATED BY THE APPLICANT IN OTHER JURISDICTIONS.".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 11 through 17, inclusive, and substitute:

"**ON REVIEW OF THE INFORMATION REQUIRED UNDER § 19–1401.1 OF THIS SUBTITLE AND ANY OTHER INFORMATION THAT IS RELEVANT TO THE ABILITY OF THE APPLICANT TO OPERATE A NURSING HOME, THE SECRETARY MAY:**

(1) APPROVE AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL;

(2) DENY AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL; OR

(3) APPROVE AN APPLICATION FOR LICENSE OR LICENSE RENEWAL SUBJECT TO CONDITIONS.".

AMENDMENT NO. 5

On pages 4 through 8, strike in their entirety the lines beginning with line 19 on page 4 through line 32 on page 8, inclusive, and substitute:

"**(A) A LICENSEE SHALL REPORT TO THE SECRETARY OR THE SECRETARY'S DESIGNEE ANY SIGNIFICANT CHANGE IN THE FINANCIAL CONDITION OF THE NURSING HOME, INCLUDING CASH FLOW OR ANY OTHER CIRCUMSTANCES THAT COULD ADVERSELY AFFECT THE NURSING HOME'S DELIVERY OF ESSENTIAL SERVICES TO PATIENTS, INCLUDING NURSING SERVICES, DIETARY SERVICES, AND UTILITIES.**".

On page 9, in line 1, strike "**(D)**" and substitute "**(B)**"; and in line 4, strike "**(E)**" and substitute "**(C)**".

AMENDMENT NO. 6

On page 9, in line 1, strike "**ANY**" and substitute "**EXCEPT AS PROVIDED BY SUBSECTION (C) OF THIS SECTION, ANY**"; in line 4, after "**OF**" insert "**SUBSECTION (B)**"; and strike in their entirety lines 11 through 15, inclusive, and substitute:

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

(a) the Secretary of Health and Mental Hygiene shall convene a workgroup consisting of representatives of advocacy organizations, nursing homes, and government agencies;

(b) the workgroup shall make recommendations to the Secretary regarding regulations on:

(1) the specific information to be required during the licensure and relicensure process established under § 19–1401.1 of the Health – General Article, as enacted by Section 1 of this Act;

(2) the significant changes in financial condition to be reported to the Secretary under § 19–1401.3 of the Health – General Article, as enacted by Section 1 of this Act; and

(3) any other issues related to the licensure of nursing homes; and

(c) on or before December 1, 2008, the Secretary shall review the recommendations of the workgroup established under subsection (a) of this section and shall publish regulations to implement Section 1 of this Act.";

and in line 16, strike "2." and substitute "3.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #6

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

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

HB0721/265962/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 721
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal of"; in line 3, strike "repealing" and substitute "altering"; in line 4, after "program;" insert "providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; in line 6, after "repealing" insert "and reenacting, with amendments,"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 6–309
Annotated Code of Maryland
(As enacted by Chapter___(H.B. 1050) of the Acts of the General Assembly of 2008)".

AMENDMENT NO. 2

On page 1, in line 14, strike the bracket; in lines 16 and 22, in each instance, strike "2010" and substitute "**2014**"; and in line 19, strike "2009" and substitute "**2013**".

On page 2, in lines 2 and 3, in each instance, strike "2010" and substitute "**2014**"; and in line 4, strike the bracket.

AMENDMENT NO. 3

On page 2, after line 4, insert:

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

Article – Economic Development

6–309.

(a) (1) Subject to paragraph (2) of this subsection, this subtitle and the tax credit authorized under it shall terminate on January 1, **[**2010**] 2014**.

(2) As provided in this subtitle, for taxable years beginning on or after January 1, **[**2010**] 2014**, tax credits earned in credit years beginning before January 1, **[**2010**] 2014** may be allowed ratably over a 2–year period, may be carried forward, and are subject to recapture in accordance with § 6–305 of this subtitle.

(b) The tax credit authorized under this subtitle:

(1) may be claimed only for qualified positions at a newly established or expanded business facility that commences operations before January 1, **[**2009**] 2013**; and

(2) may not be earned for a credit year beginning on or after January 1, **[**2010**] 2014**.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.";

in line 5, strike "2." and substitute "4."; and in the same line, after "That" insert ", subject to the provisions of Section 3 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1238 – Delegates Hixson, Elmore, Gilchrist, Howard, Ivey, Kaiser, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Transportation – Public–Private Partnerships – Notice to the General Assembly

HB1238/775066/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1238
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "Maryland Transportation Authority or the"; in line 8, strike "Authority or the"; strike beginning with "repealing" in line 12 down through "Authority;" in line 13; in line 15, strike "Maryland Transportation Authority and the"; and strike in their entirety lines 23 through 28, inclusive.

AMENDMENT NO. 2

On page 2, strike lines 9 and 10 in their entirety; and in line 11, strike "**(C)**" and substitute "**(B)**".

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 11 on page 3, inclusive, and substitute:

"**(C) "PUBLIC NOTICE OF PROCUREMENT" MEANS A REQUEST FOR BIDS OR REQUEST FOR PROPOSALS ISSUED BY THE DEPARTMENT.**

(D) "PUBLIC–PRIVATE PARTNERSHIP" MEANS:

(1) A SALE OR LONG–TERM LEASE AGREEMENT BETWEEN THE DEPARTMENT AND A PRIVATE ENTITY UNDER WHICH THE PRIVATE ENTITY ASSUMES CONTROL OF THE OPERATION AND MAINTENANCE OF AN EXISTING TRANSPORTATION FACILITY; OR

(2) AN AGREEMENT BETWEEN THE DEPARTMENT AND A PRIVATE ENTITY UNDER WHICH THE PRIVATE ENTITY CONSTRUCTS OR RECONSTRUCTS, FINANCES, AND OPERATES A TRANSPORTATION FACILITY AND IS AUTHORIZED TO COLLECT TOLLS OR FEES FOR THE USE OF THE TRANSPORTATION FACILITY.".

On page 3, in line 12, strike "**(H)**" and substitute "**(E)**"; in lines 18 and 27, in each instance, strike "**AUTHORITY OR THE**".

On page 4, in line 5, strike "**AUTHORITY OR THE**"; strike in their entirety lines 7 through 10, inclusive, and substitute:

"**(I) THE TERMS OF THE PUBLIC–PRIVATE PARTNERSHIP AGREEMENT;**";

strike in their entirety lines 13 through 15, inclusive; in line 16, strike "**(IV)**" and substitute "**(III)**"; strike in their entirety lines 18 through 21, inclusive, and substitute:

"**(IV) THE ESTIMATED DOLLAR AMOUNT OF ANY BONDS, INCLUDING PRIVATE ACTIVITY BONDS, TO BE USED TO FINANCE THE PUBLIC–PRIVATE PARTNERSHIP AND THE ESTIMATED IMPACT OF THE ISSUANCE OF THE BONDS ON THE BONDING CAPACITY OF THE DEPARTMENT OR OTHER ISSUING ENTITY; AND**";

in line 22, strike "**(VI)**" and substitute "**(V)**"; and in line 23, after "**ARE**" insert "**TO BE**".

On pages 4 through 6, strike in their entirety the lines beginning with line 26 on page 4 through line 2 on page 6, inclusive.

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 90 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2009)

REPORT OF THE HOUSE COMMITTEE ON APPROPRIATIONS
TO THE MARYLAND HOUSE OF DELEGATES – 2008 SESSION –
RECOMMENDATIONS, REDUCTIONS AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 90 – THE BUDGET BILL

(See Exhibit G of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
SENATE BILL 90 – THE BUDGET BILL

(See Exhibit H of Appendix II)

HOUSE COMMITTEE ON APPROPRIATIONS REPORT ON
SENATE BILL 90 – THE BUDGET BILL

(See Exhibit I of Appendix II)

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

Committee amendments 1 through 15 were read and adopted.

Committee amendments 16 through 21 were read and adopted.

Committee amendments 22 through 24 were read and adopted.

Committee amendments 25 through 40 were read and adopted.

Committee amendments 41 through 50 were read and adopted.

Committee amendments 51 through 61 were read and adopted.

Committee amendments 62 through 66 were read and adopted.

Committee amendments 67 through 84 were read and adopted.

Committee amendments 85 through 95 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0090/683520/1

BY: Delegate Donoghue

AMENDMENT TO SENATE BILL 90, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 153, in Amendment No. 67, under:

Heading: UNIVERSITY SYSTEM OF MARYLAND OFFICE

Program: R30B36.00

Entitled: University System of Maryland Office

In line 37, after "centers" insert ". Further provided that $1,000,000 of this appropriation for the University System of Maryland Office, excluding the Shady Grove Regional Higher Education Center, may not be expended for any purpose or program except for the Hagerstown Regional Higher Education Center".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0090/783727/1

BY: Delegate Cardin

AMENDMENT TO SENATE BILL 90, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 22, in Committee Amendment No. 16, under:

Heading: MARYLAND ENERGY ADMINISTRATION

Program: D13A13.01

Entitled: General Administration

In the General Fund Appropriation, strike "1,170,932" and substitute "1,265,337".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0090/713925/1

BY: Delegate McConkey

AMENDMENT TO SENATE BILL 90
(Third Reading File Bill)

On page 175, in Committee Amendment No. 84, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Under: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 13, strike "15,000,000" and substitute "–0–".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 39 Negative – 96 (See Roll Call No. 409)

FLOOR AMENDMENT

SB0090/513928/3

BY: Delegate O'Donnell

AMENDMENT TO SENATE BILL 90, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 245, in Committee Amendment No. 94, in line 1, strike "$58,514,328" and substitute "$116,326,752"; in line 3, strike "17,094,948" and substitute "34,629,565"; in line 5, strike "11,527,730" and substitute "23,351,944"; in line 7, strike "9,516,283" and substitute "19,277,316"; in line 9, strike "2,863,427" and substitute "5,800,499"; and in line 11, strike "6,485,672" and substitute "12,893,545".

On page 245, after line 11, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of this Act:

(a) The following appropriations are reduced and positions abolished:

(1) $37,600,000 in general funds and the abolition of 752 full–time equivalent regular positions in Executive Branch agencies. The Governor shall submit to the Board of Public Works not later than June 15, 2008, a schedule for aligning the authorizations in Section 1 of this Act to implement this reduction;

(2) $7,400,000 in general funds and the abolition of 148 full–time equivalent regular positions in the Judicial Branch. The Chief Judge of the Court of Appeals shall submit to the Board of Public Works not later than June 15, 2008, a schedule for aligning the authorizations in Section 1 of this Act to implement this reduction;

(3) $15,000,000 in general funds for Stem Cell Research in the Maryland Technology Development Corporation program T50T01.03 Maryland Stem Cell Research Fund;

(4) $165,000,000 in special fund appropriations of the Maryland Department of Transportation, as determined by the Secretary;

(5) $75,756,999 in general funds for the Geographic Cost of Education Index in the Maryland State Department of Education Aid to Education program R00A02.01 State Share of Foundation Program;

(6) $25,000,000 in special funds for Chesapeake Bay cleanup in the Department of Budget and Management program F10A02.08 – Statewide Expenses;

(7) $47,275,000 in special funds in the Department of Health and Mental Hygiene in program M00Q01.10 the Medical Care Programs Administration's Health Care Coverage Fund;

(8) $10,000,000 in special funds in the Department of Health and Mental Hygiene in program M00R01.01 the Maryland Health Care Commission for the Small Employer Health Benefit Plan Premium Subsidy; and

(9) $14,945,000 in general funds for the following PAYGO capital appropriations with the intention that General Obligation bond funding be provided for these programs and purposes in Senate Bill 150:

(i) $6,500,000 in the Department of Housing and Community Development in program S00A24.02 Neighborhood Revitalization – Capital Appropriation;

(ii) $5,180,000 in the Maryland Department of the Environment in program U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund;

(iii) $1,000,000 in the Maryland Department of the Environment in program U00A01.04 Capital Appropriation – Hazardous Substance Clean–Up Program; and

(iv) $2,265,000 in the Maryland Department of the Environment in program U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund.

(b) For fiscal 2009, no funds may be transferred from the Revenue Stabilization Account of the State Reserve Fund to the general fund. It is the intent of the General Assembly to increase the fund balance in the Revenue Stabilization Account.";

and in lines 12 and 19, strike "42." and "43.", respectively, and substitute "43." and "44.", respectively.

The preceding amendment was read only.

Delegate Ross moved the previous question.

The motion was adopted.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 100 (See Roll Call No. 410)

FLOOR AMENDMENT

SB0090/263721/1

BY: Delegate Haddaway

AMENDMENT TO SENATE BILL 90
(Third Reading File Bill – Committee Reprint)

On page 245, after line 11, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That it is the policy of the General Assembly to reduce State expenditures by $215,701,999 to allow for the repeal of the expansion of the sales and use tax to computer services. Notwithstanding any other provision of this Act:

(a) The following appropriations are reduced and positions abolished, contingent upon the enactment of legislation to repeal the expansion of the sales and use tax to computer services:

(1) $37,600,000 in general funds and the abolition of 752 full–time equivalent regular positions in Executive Branch agencies. The Governor shall submit to the Board of Public Works not later than June 15, 2008, a schedule for aligning the authorizations in Section 1 of this Act to implement this reduction;

(2) $7,400,000 in general funds and the abolition of 148 full–time equivalent regular positions in the Judicial Branch. The Chief Judge of the Court of Appeals shall submit to the Board of Public Works not later than June 15, 2008, a schedule for aligning the authorizations in Section 1 of this Act to implement this reduction;

(3) $15,000,000 in general funds for Stem Cell Research in the Maryland Technology Development Corporation program T50T01.03 Maryland Stem Cell Research Fund;

(4) $65,000,000 in special fund appropriations of the Maryland Department of Transportation, as determined by the Secretary;

(5) $75,756,999 in general funds for the Geographic Cost of Education Index in the Maryland State Department of Education Aid to Education program R00A02.01 State Share of Foundation Program; and

(6) $14,945,000 in general funds for the following PAYGO capital appropriations with the intention that General Obligation bond funding be provided for these programs and purposes in Senate Bill 150:

(i) $6,500,000 in the Department of Housing and Community Development in program S00A24.02 Neighborhood Revitalization – Capital Appropriation;

(ii) $5,180,000 in the Maryland Department of the Environment in program U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund;

(iii) $1,000,000 in the Maryland Department of the Environment in program U00A01.04 Capital Appropriation – Hazardous Substance Clean–Up Program; and

(iv) $2,265,000 in the Maryland Department of the Environment in program U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund.

(b) For fiscal 2009, no funds may be transferred from the Revenue Stabilization Account of the State Reserve Fund to the general fund. It is the intent of the General Assembly to increase the fund balance in the Revenue Stabilization Account.";

and in lines 12 and 19, strike "42." and "43.", respectively, and substitute "43." and "44.", respectively.

The preceding amendment was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 42 Negative – 95 (See Roll Call No. 411)

FLOOR AMENDMENT

SB0090/393920/1

BY: Delegate McDonough

AMENDMENT TO SENATE BILL 90
(Third Reading File Bill – Committee Reprint)

On page 16, under:

Heading: PUBLIC SERVICE COMMISSION

Program: C90G00.01

Entitled: General Administration and Hearings

In line 14, strike "7,246,648" and substitute "7,023,779".

On page 215, in line 22, strike "127,500" and substitute "86,582"; and in the same line, strike "510,000" and substitute "346,328".

On page 221, in line 1, strike "188,700" and substitute "129,503".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 43 Negative – 91 (See Roll Call No. 412)

FLOOR AMENDMENT

SB0090/203122/1

BY: Delegate Bromwell

AMENDMENT TO SENATE BILL 90
(Third Reading File Bill – Committee Reprint)

On page 181, under:

Heading: RESIDENTIAL OPERATIONS

Program: V00E01.13

Entitled: Charles H. Hickey School

In line 30, after "Appropriation" insert "<u>, provided that no part of this appropriation for the operation of the Charles H. Hickey School may be expended for that purpose, but may be expended only to appropriately upgrade and operate the Bowling Brook Academy in Carroll County. It is the intent of the General Assembly that youth currently served by the Department of Juvenile Services at the Charles H. Hickey School shall be served at the Bowling Brook Academy. Further provided that funds not expended to appropriately upgrade and operate the Bowling Brook Academy may not be transferred to any other purpose and shall revert to the General Fund at the end of the fiscal year</u>".

<u>The preceding amendment was read and rejected by a roll call vote as follows:</u>

Affirmative – 45 Negative – 89 (See Roll Call No. 413)

FLOOR AMENDMENT

SB0090/143322/1

BY: Delegate Dwyer

<u>AMENDMENT TO SENATE BILL 90</u>
(Third Reading File Bill – Committee Reprint)

On page 102, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

Strike beginning with "; or" in line 6 down through "health" in line 29.

On page 105, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children's Health Program

Strike beginning with "; or" in line 6, down through "health" in line 29.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 45 Negative – 87 (See Roll Call No. 414)

FLOOR AMENDMENT

SB0090/213723/1

BY: Delegate McDonough

AMENDMENT TO SENATE BILL 90
(Third Reading File Bill – Committee Reprint)

On page 20, under:

Heading: BOARD OF PUBLIC WORKS – CAPITAL APPROPRIATION

Program: D06E02.01

Entitled: Public Works Capital Appropriation

In line 6, in the General Fund Appropriation, strike "1,000,000" and substitute "0".

The preceding amendment was read only.

Delegate Cane moved the previous question.

The motion was adopted.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 35 Negative – 93 (See Roll Call No. 415)

FLOOR AMENDMENT

SB0090/853420/1

BY: Delegate Shank

AMENDMENT TO SENATE BILL 90

(Third Reading File Bill – Committee Reprint)

On page 245, after line 11, insert:

"SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding Section 12 of this Act, certain salaries of positions in the Executive Pay Plan shall be limited to the amounts listed below. In implementing this Section, the Governor shall effect reductions of not less than the following amounts by fund type:

General Funds	$554,318
Special Funds	$ 95,800
Federal Funds	$ 31,223

It is the intent of the General Assembly to limit increases in each position in the Executive Pay Plan listed below, which equates to a 2% increase over the amounts shown in the fiscal year 2008 budget bill.

OFFICE OF THE PUBLIC DEFENDER		
Deputy Public Defender	9909	108,681
OFFICE OF THE ATTORNEY GENERAL		
Deputy Attorney General	9909	137,747
Deputy Attorney General	9909	131,384
Senior Executive Associate Attorney General	9908	114,594
EXECUTIVE DEPARTMENT – GOVERNOR		
Executive Aide XI	9911	140,889
Executive Aide X	9910	140,459
Executive Aide X	9910	140,459
Executive Aide X	9910	140,459
EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS, AND OFFICES		
Executive Aide VII	9907	112,104
GOVERNOR'S OFFICE FOR CHILDREN		
Executive Aide VIII	9908	108,528
DEPARTMENT OF PLANNING		

Deputy Director	9906	98,490
DEPARTMENT OF VETERANS AFFAIRS		
Secretary	9905	98,040
STATE ARCHIVES		
State Archivist	9906	112,745
MARYLAND INSURANCE ADMINISTRATION		
Executive Aide XI	9911	140,459
COMPTROLLER OF MARYLAND		
Office of the Comptroller		
Chief Deputy Comptroller	9910	131,175
STATE TREASURER'S OFFICE		
Executive VI	9906	84,470
Executive V	9905	102,333
STATE DEPARTMENT OF ASSESSMENTS AND TAXATION		
Deputy Director	9906	106,518
Executive V	9905	97,526
Executive IV	9904	85,092
DEPARTMENT OF BUDGET AND MANAGEMENT		
Office of the Secretary		
Secretary	9911	158,062
Office of Information Technology		
Executive Aide XI	9911	140,459
TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS		
Executive VII	9907	97,318
DEPARTMENT OF GENERAL SERVICES		
Office of the Secretary		
Secretary	9909	133,649
Office of Facilities Operation and Maintenance		
Executive V	9905	78,588

Office of Procurement and Logistics		
Executive V	9905	94,526
DEPARTMENT OF NATURAL RESOURCES		
Office of the Secretary		
Secretary	9910	133,459
Deputy Secretary	9908	121,281
DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
Community Health Administration		
Executive VI	9906	78,588
Medical Care Programs Administration		
Executive VI	9906	84,470
DEPARTMENT OF HUMAN RESOURCES		
Office of the Secretary		
Secretary	9910	132,151
Deputy Secretary	9908	121,068
Deputy Secretary	9908	90,823
Social Services Administration		
Executive VI	9906	84,470
Community Services Administration		
Executive VI	9906	99,696
Child Support Enforcement Administration		
Executive Director	9906	84,470
Family Investment Administration		
Executive VI	9906	108,887
DEPARTMENT OF LABOR, LICENSING, AND REGULATION		
Division of Labor and Industry		
Executive VI	9906	106,947
Division of Workforce Development		
Executive VI	9906	111,297
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES		
Office of the Secretary		
Secretary	9911	152,310
Division of Correction – Headquarters		
Commissioner	9907	109,754

Division of Pretrial and Detention Services		
Commissioner	9907	108,528
PUBLIC EDUCATION		
Maryland Higher Education Commission		
Secretary	9910	145,537
Assistant Secretary	9907	90,823
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT		
Office of the Secretary		
Secretary	9910	140,112
Division of Development Finance		
Executive VI	9906	84,470
DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT		
Office of the Secretary		
Secretary	9911	152,283
Division of Business Development		
Executive VII	9907	114,668
DEPARTMENT OF THE ENVIRONMENT		
Office of the Secretary		
Deputy Secretary	9907	90,823
Air and Radiation Management Administration		
Executive VI	9906	101,667
DEPARTMENT OF JUVENILE SERVICES		
Office of the Secretary		
Secretary	9911	145,099
Residential Operations		
Deputy Secretary	9908	107,721
DEPARTMENT OF STATE POLICE		
Maryland State Police		
Superintendent	9911	132,151”.

and in lines 12 and 19, strike “42.” and “43.”, respectively, and substitute “43.” and “44.”, respectively.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 42 Negative – 81 (See Roll Call No. 416)

Read the second time and ordered prepared for Third Reading.

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

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

SB0527/354769/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 527
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "courts;" insert "altering certain State grants to county boards of education for certain fiscal years;"; in line 9, after "for" insert "a"; in line 10, strike "years" and substitute "year"; and in line 20, after "Section" insert "5–206(f),".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"5–206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal [year 2007] **YEARS 2009 AND 2010**, the following amounts for the following counties:

1. Allegany County.....[$166,000] **$173,171**;

2. Anne Arundel County .....[$859,000] **$896,109**;

3. Baltimore City.....[$2,356,000] **$2,457,779**;

4. Baltimore County.....[$1,484,000] **$1,548,109**;

5. Calvert County .....[$65,000] **$67,808**;

6. Caroline County .....[$85,000] **$88,672**;

7. Carroll County.....[$233,000] **$243,066**;

8. Cecil County .....[$163,000] **$170,042**;

9. Charles County.....[$85,000] **$88,672**;

10. Dorchester County .....[$65,000] **$67,808**;

11. Frederick County .....[$310,000] **$323,392**;

12. Garrett County.....[$65,000] **$67,808**;

13. Harford County .....[$369,000] **$384,941**;

14. Howard County .....[$149,000] **$155,437**;

15. Kent County .....[$65,000] **$67,808**;

16. Montgomery County.....[$1,023,000] **$1,067,194**;

17. Prince George's County....[$2,053,000] **$2,141,690**;

18. Queen Anne's County.....[$85,000] **$88,672**;

19. St. Mary's County.....[$85,000] **$88,672**;

20. Somerset County.....[$65,000] **$67,808**;

21. Talbot County.....[$65,000] **$67,808**;

22. Washington County.....[$229,000] **$238,893**;

23. Wicomico County.....[$181,000] **$188,819**; and

24. Worcester County.....[$65,000] **$67,808**; and

(ii) Except as provided in paragraph (3) of this subsection, in fiscal year [2008] **2011** and in each fiscal year thereafter, the funding level for the county for the prior fiscal year increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year.

(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.".

AMENDMENT NO. 3

On page 6, in lines 1 and 15, in each instance, strike "**EACH OF THE FISCAL YEARS**" and substitute "**THE FISCAL YEAR**"; strike beginning with "**AND**" in line 1 down through "**2009,**" in line 2; and strike beginning with "**AND**" in line 15 down through "**2009,**" in line 16.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Central Collection Unit –~~ Transfer of Special Fund Balances

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 94 – Senators Miller, Currie, Britt, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs

FOR the purpose of ~~requiring~~ authorizing the governing body of Prince George's County to grant a property tax credit against the county property tax imposed on certain agricultural property; providing for the repayment of certain tax credits under certain circumstances; authorizing the governing body of Prince George's County to provide procedures and other provisions necessary to enforce the repayment of certain tax credits; providing for the application of this Act; and generally relating to property tax credits for certain agricultural land in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~9–318(a)~~ 9–318(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 9–318(e)
Annotated Code of Maryland
(2007 Replacement Volume)

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

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

FOR the purpose of ~~prohibiting~~ requiring a mortgage, deed of trust, or other instrument securing a mortgage loan ~~from being recorded unless it contains~~ on certain residential property to contain certain information relating to the mortgage loan originator and the mortgage lender when recorded in the land records; requiring the Commissioner of Financial Regulation to adopt certain regulations to enforce certain provisions of this Act; prohibiting an action to foreclose a mortgage or deed of trust on certain residential property from being filed until after certain periods of time; authorizing a secured party to petition a

circuit court for leave to immediately commence a foreclosure action under certain circumstances; requiring a certain notice of intent to foreclose to be sent to ~~a certain person~~ certain persons in a certain manner a certain period of time before the filing of an action to foreclose a mortgage or deed of trust on certain residential property; requiring the notice to be in a certain form and contain certain information; establishing certain requirements for an order to docket or a complaint to foreclose a mortgage or deed of trust on certain residential property; providing for service of an order to docket or a complaint to foreclose a mortgage or deed of trust on certain residential property; prohibiting a foreclosure sale of certain residential property from occurring until after a certain period of time; providing for publication of notice of a foreclosure sale; establishing that a mortgagor or grantor has the right to cure a default and reinstate the loan until a certain time; requiring the secured party or an authorized agent for the secured party to provide certain information to the mortgagor or grantor or the mortgagor's or grantor's attorney within a certain time; requiring that a certain action be brought within a certain period of time; making certain technical and stylistic changes; defining a certain term; providing for the application of certain provisions of this Act; making this Act an emergency measure; and generally relating to foreclosure actions and ~~prerequisites to~~ recording instruments in the land records.

BY adding to
Article – Real Property
Section ~~3–104(h)~~ 3–104.1 and 7–105.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

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

EMERGENCY BILL

AN ACT concerning

Real Property – Maryland Mortgage Fraud Protection Act

FOR the purpose of prohibiting a person from committing mortgage fraud; authorizing the Attorney General or the Commissioner of Financial Regulation to seek an

injunction to prohibit a violation of certain provisions of this Act; authorizing the Attorney General and the State's Attorney to conduct the criminal investigation and prosecution of mortgage fraud under certain provisions of this Act; authorizing a private right of action for a violation of certain provisions of this Act under certain circumstances; imposing certain penalties for a violation of certain provisions of this Act under certain circumstances; providing for the forfeiture of property used in a violation of certain provisions of this Act under certain circumstances; establishing procedures for the forfeiture of certain property; defining certain terms; making this Act an emergency measure; and generally relating to mortgage fraud.

BY adding to
Article – Criminal Procedure
Section 13–401 through 13–408 to be under the new subtitle "Subtitle 4. Violations of the Maryland Mortgage Fraud Protection Act"
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 11–501(k) ~~and (m)~~
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 7–401 through 7–409 to be under the new subtitle "Subtitle 4. Maryland Mortgage Fraud Protection Act"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

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

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of altering the applicability of certain provisions relating to the protection of homeowners in foreclosure; altering the contents of a certain foreclosure consulting contract; prohibiting a foreclosure consultant from engaging in or arranging a foreclosure rescue transaction or receiving a commission or money under certain circumstances; requiring a foreclosure consultant to be licensed as a real estate broker and to provide certain research to a homeowner under certain circumstances; repealing certain provisions concerning foreclosure reconveyances; authorizing a homeowner to ~~cancel~~ rescind a contract for the sale or transfer of a residence in default under certain circumstances; requiring a contract for the sale or transfer of a residence in default to contain certain notices and attachments under certain circumstances; imposing certain prohibitions on a purchaser of a residence in default; authorizing the Commissioner of Financial Regulation to enforce certain provisions concerning the protection of homeowners in foreclosure; making a violation of this Act an unfair or deceptive trade practice under the Maryland Consumer Protection Act; requiring the Attorney General or the State's Attorney to notify the Commissioner of certain convictions; altering and defining certain terms; making stylistic and conforming changes; making this Act an emergency measure; and generally relating to the protection of homeowners in foreclosure.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxiv)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–301 to be under the amended subtitle "Subtitle 3. Protection of Homeowners in Foreclosure Act", 7–302, 7–305, 7–306, and 7–307; and 7–310 to be under the amended part "Part III. Sales or Transfers of Residences in Default", 7–311, 7–314, 7–315, 7–319, and 7–320
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 7–308, 7–309, 7–310, 7–313, 7–318.1, and 7–322; and 7–325 to be under the new part "Part VI. Short Title"
Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–318 and 7–321
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

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

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

FOR the purpose of providing that certain retention proceeds may not exceed a certain percentage of certain contracts or certain payments under certain circumstances; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain owners reasonably determine that the performance of certain contractors provides reasonable grounds for withholding certain amounts; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain contractors reasonably determine that the performance of certain subcontractors provides reasonable grounds for withholding certain amounts; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain subcontractors reasonably determine that the performance of certain other subcontractors provides reasonable grounds for withholding certain amounts; defining a certain term; providing for the construction and application of this Act; and generally relating to construction contracts and retention proceeds.

BY renumbering
Article – Real Property
Section 9–304
to be Section 9–305
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 9–304
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 384 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

State Retirement and Pension Systems – Investments

FOR the purpose of repealing certain restrictions placed on the Board of Trustees for the State Retirement and Pension System with regard to investing the assets of the several systems of the State Retirement and Pension System; repealing the requirement that the Board of Public Works approve certain sales and purchases of real estate by the Board of Trustees; requiring the Comptroller, Treasurer, and Secretary of Budget and Management to approve certain sales and purchases of real estate by the Board of Trustees; requiring the Board of Trustees to submit certain reports by certain dates; clarifying that certain provisions of the State Finance and Procurement Article do not apply to certain transactions of the Board of Trustees; eliminating certain limitations on certain fees paid by the Board of Trustees to certain investment managers; clarifying that the Board of Trustees is not subject to any limitation on certain fees paid to certain investment managers; and generally relating to the investments of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–123(c) and (f) and 21–315(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–123(h)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 422 – Senator McFadden (Chair, Joint Committee on Pensions) and Senators Currie, Kasemeyer, Kramer, Munson, and Robey

AN ACT concerning

Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits

FOR the purpose of limiting the circumstances under which certain retirees of the State Police Retirement System or the Law Enforcement Officers' Pension System who are participating in the Deferred Retirement Option Program may

apply for certain disability retirements; providing for the application of this Act; and generally relating to retirees receiving a line of duty disability retirement benefit while participating in the Deferred Retirement Option Program.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–401.1(k), 26–401.1(k), and 29–111
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 481 – Senators DeGrange, Astle, Currie, Dyson, Jones, Klausmeier, Kramer, McFadden, Munson, Peters, Robey, and Zirkin

AN ACT concerning

Disabled Law Enforcement Officers and Rescue Workers – Property Tax Credit

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant a certain property tax credit for certain residential real property owned by certain disabled law enforcement officers and rescue workers; defining a certain term; altering ~~a certain definition~~ certain definitions; providing for the application of this Act; and generally relating to a property tax credit for certain residential real property owned by certain disabled law enforcement officers and rescue workers.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–210
Annotated Code of Maryland
(2007 Replacement Volume)

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

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

AN ACT concerning

Cecil County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Cecil County, from time to time, to borrow not more than $5,000,000 in order to finance the cost of the construction and improvement of certain public facilities in Cecil County and to effect that borrowing by the issuance and sale at public

or private sale of its general obligation bonds in like amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; and relating generally to the issuance and sale of the bonds by Cecil County.

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

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

AN ACT concerning

Income Tax Credit – Bio–Heating Oil

FOR the purpose of allowing an individual or corporation to claim a certain credit against the State income tax for each gallon of heating oil with a certain blend of biodiesel purchased for certain uses; limiting the amount of the credit for a certain tax year; requiring the Maryland Energy Administration to administer a certain initial credit certificate; requiring the Maryland Energy Administration to provide to the Comptroller certain information about taxpayers applying for certain credit certificates; requiring the Maryland Energy Administration to adopt certain regulations; requiring the Maryland Energy Administration to conduct a certain public relations campaign; providing for the application of this Act; providing for the termination of this Act; and generally relating to heating oil blended with biodiesel.

BY adding to
Article – Tax – General
Section 10–726
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 741 – Senators Miller and Dyson

AN ACT concerning

Calvert County – Public Facilities Bonds

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

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

Senate Bill 754 – Senator Edwards

AN ACT concerning

Garrett County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Garrett County, from time to time, to borrow not more than ~~$10,000,000~~ $21,000,000 in order to finance, with certain restrictions, certain projects in Garrett County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; authorizing the County to enter into certain agreements; providing a certain exemption from taxation for certain bonds; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds or refunding bonds, if the interest on or income derived from the bonds is not exempt from State, local, or other taxation in the State; providing that nothing in this Act shall prevent the County from

authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than $120,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency–related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; prohibiting the County from financing certain costs associated with a certain building, subject to a certain contingency; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

Senate Bill 793 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Special Taxing Districts – Creation

FOR the purpose of authorizing Harford County to exercise certain powers concerning the creation of special taxing districts, the levying of certain taxes, and the issuing of certain bonds for developing and financing certain infrastructure improvements under certain circumstances; authorizing Harford County to create a special taxing district only in certain areas; requiring that a local law creating a special taxing district be enacted in a certain manner; authorizing the governing body of Harford County to consider certain elements of a development that would receive the proceeds of a certain bond at a certain public hearing; ~~requiring certain disclosure to buyers of real property within a special taxing district of certain charges for which the buyer would be liable; providing that failure to provide certain disclosure makes a contract for the purchase of real property within a special taxing district voidable under certain circumstances;~~ requiring that adequate debt service reserve funds be maintained by Harford County; providing that Harford County may establish a special taxing district only if all the owners of real property within the proposed special taxing district petition the county for the creation of the special taxing district; prohibiting a vendor of certain property within a special taxing district from enforcing a contract for the sale of the property unless the purchaser of the property is provided with certain information relating to the special taxing district and the contract of sale contains a certain notice; providing that a vendor may provide a purchaser with certain information by providing the purchaser with a certain collection of documents; providing that a vendor may rely on certain documents filed in the land records when providing the purchaser with certain information; providing that a purchaser under a contract for the sale of certain property within a special taxing district may cancel the contract within a certain time after receiving certain information; providing that unless the purchaser consents, settlement of a contract for the sale of certain property within a special taxing district may not take place within a certain time after a purchaser receives certain information; requiring a vendor to refund certain deposits under certain circumstances; providing that a vendor is liable for certain damages caused by certain false statements or omissions; providing that an action against a vendor for certain false statements or omissions must be brought within a certain time; and generally relating to the authority of Harford County to create special taxing districts for developing and financing infrastructure improvements and to the sale of property located within certain special taxing districts.

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

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

(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 10–706
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 859 – Senator Kasemeyer

AN ACT concerning

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

FOR the purpose of altering the date by which the Blue Ribbon Commission to Study Retiree Health Care Funding Options is required to submit a certain report; extending the termination date of the Blue Ribbon Commission to Study Retiree Health Care Funding Options until a certain date; and generally relating to the reporting and termination dates of the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 34–201(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 433 of the Acts of the General Assembly of 2006
Section 3

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

INTRODUCTION OF BILLS

Delegate Conway moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 131 Negative – 0 (See Roll Call No. 417)

In compliance with the rules, the Bill was introduced.

House Bill 1622 – Chair, Appropriations Committee and Delegate Malone

AN ACT concerning

Maryland State Firemen's Association – Uses of Volunteer Company Assistance Fund and Maryland Emergency Medical System Operations Fund

FOR the purpose of providing that the money in the Maryland Emergency Medical System Operations Fund shall be used for certain expenses of the Maryland State Firemen's Association; and providing that for fiscal year 2009 the Volunteer Company Assistance Fund may be used to provide grants to the Maryland State Firemen's Association for certain purposes.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–955
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 179 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 180 of the Acts of the General Assembly of 2007
Section 2

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

Delegate Carr moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 132 Negative – 0 (See Roll Call No. 418)

In compliance with the rules, the Bill was introduced.

House Bill 1623 – Delegate Carr

AN ACT concerning

Local Government – Street Lighting Equipment

FOR the purpose of providing for the price that a local government shall pay to a certain electric company for certain overhead fed street lighting equipment that is at least a certain number of years old under certain circumstances; altering the calculation of a purchase price that a local government shall pay to a certain electric company for certain street lighting equipment under certain circumstances; and generally relating to the purchase of street lighting equipment by a local government from an electric company.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 5–101
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Delegate Cane moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 419)

In compliance with the rules, the Bill was introduced.

House Bill 1624 – Delegates Cane, Cardin, Eckardt, Haddaway, Kullen, and Stull

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 and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 420)

RECESS

At 2:06 P.M. on motion of Delegate Barve the House recessed until 6:00 P.M. on Legislative Day, March 16, 2008, Calendar Day, Wednesday, March 19, 2008.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 16, 2008
Calendar Day: Wednesday, March 19, 2008

At 6:22 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Eric M. Bromwell of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 423)

EXCUSES:
Del. Barve – mother's illness
Del. Braveboy – late – DNA Workgroup
Del. Davis – illness
Del. Dumais – late – DNA Workgroup
Del. Harrison – illness – flu
Del. Jameson – recovering from surgery
Del. Pena–Melnyk – late – DNA Workgroup
Del. Stull – wife's illness
Del. Taylor – late – DNA Workgroup
Del. V. Turner – late – DNA Workgroup

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 256	Cecil County Del.
HB 467	Calvert County Del.

Read and ordered journalized.

SPECIAL ORDERS

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

House Bill 102 – Delegates Rosenberg, Bronrott, Dumais, Haynes, Ivey, Rice, Ross, and F. Turner

AN ACT concerning

Voter's Rights Protection Act of 2008

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

FLOOR AMENDMENT

HB0102/683123/1

BY: Delegate Shank

AMENDMENT TO HOUSE BILL 102
(First Reading File Bill)

On page 9, in line 8, after "**CANDIDATE;**" insert "**OR**"; and strike beginning with "**THE**" in line 9 down through "**(5)**" in line 13.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0102/953826/1

BY: Delegate Shank

AMENDMENT TO HOUSE BILL 102
(First Reading File Bill)

On page 9, strike beginning with "**THE**" in line 7 down through "**(4)**" in line 9; and in line 13, strike "**(5)**" and substitute "**(4)**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0102/273523/1

BY: Delegate Sossi

AMENDMENT TO HOUSE BILL 102
(First Reading File Bill)

On page 9, in line 8, after "**CANDIDATE;**" insert "**OR**"; and strike beginning with the semicolon in line 11 down through "**CANDIDATE**" in line 13.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

AN ACT concerning

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

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

Read the second time and ordered prepared for Third Reading.

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

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED. FLOOR AMENDMENTS BY DEL. McCOMAS ADOPTED.

FLOOR AMENDMENT

HB0364/983027/1

BY: Delegate Kipke

AMENDMENTS TO HOUSE BILL 364, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, after "State" insert "**, with a certain exception,**".

AMENDMENT NO. 2

On page 6 of the bill, in line 22, after "**(I)**" insert "**THIS SECTION DOES NOT AUTHORIZE A SPEED MONITORING SYSTEM IN ANNE ARUNDEL COUNTY.**

(II)".

AMENDMENT NO. 3

On page 2 of the Environmental Matters Committee Amendments (HB0364/370715/1), in line 3 of Amendment No. 3, strike "**(II)**" and substitute "**(III)**"; in line 16, strike "**(III)**" and substitute "**(IV)**"; in line 19, strike "**(IV)**" and substitute "**(V)**"; and in the same line, strike "**(V)**" and substitute "**(VI)**".

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

Affirmative – 41 Negative – 83 (See Roll Call No. 424)

FLOOR AMENDMENT

HB0364/223425/1

BY: Delegate Krebs

AMENDMENT TO HOUSE BILL 364
(First Reading File Bill)

On page 7, in line 16, strike "**AND**"; and in line 19, after "**ZONES**" insert "**; AND**

3. ENSURE THAT, IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT A REASONABLE DISTANCE BEFORE ANY AREA ON A HIGHWAY IN A RESIDENTIAL DISTRICT MONITORED BY THE SPEED MONITORING SYSTEM ALERTING DRIVERS THAT A SPEED MONITORING SYSTEM MAY BE IN OPERATION IN THE RESIDENTIAL DISTRICT".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 92 (See Roll Call No. 425)

Read the second time and ordered prepared for Third Reading.

House Bill 1337 – Delegates Stein, Hecht, Cardin, Carr, and Morhaim

AN ACT concerning

Maryland Clean Energy Center

STATUS OF BILL: BILL ON 2ND READING. 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 134 Members present.

(See Roll Call No. 426)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 422 – Delegates Kirk, Conway, DeBoy, Haddaway, Harrison, Haynes, Impallaria, Jameson, King, Krysiak, Lafferty, Levy, Love, Malone, Manno, Mathias, Minnick, Niemann, Stifler, Taylor, and Wood

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

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

Affirmative – 133 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the Senate.

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 – 132 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the Senate.

House Bill 1356 – Delegates Branch and Conway

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

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

Affirmative – 132 Negative – 2 (See Roll Call No. 429)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #33

House Bill 296 – Delegates Stifler ~~and Norman~~, Norman, Cardin, Rice, Bartlett, Ivey, Ross, Frick, Stukes, and F. Turner

AN ACT concerning

Campaign Finance – Attribution, Receipt, and Deposit of Contributions

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

Affirmative – 134 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the Senate.

House Bill 566 – Delegates McConkey, Eckardt, Haddaway, Krysiak, and McHale

AN ACT concerning

Real Estate Salespersons – Qualifications for Licensure – Education Requirements

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

Affirmative – 133 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 435)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 436)

The Bill was then sent to the Senate.

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

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

Affirmative – 131 Negative – 3 (See Roll Call No. 437)

The Bill was then sent to the Senate.

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 – 126 Negative – 6 (See Roll Call No. 438)

The Bill was then sent to the Senate.

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 – 133 Negative – 0 (See Roll Call No. 439)

The Bill was then sent to the Senate.

House Bill 728 – Delegates Feldman ~~and Hammen~~, Hammen, Krysiak, and McHale

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

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

Affirmative – 127 Negative – 5 (See Roll Call No. 440)

The Bill was then sent to the Senate.

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 – 122 Negative – 12 (See Roll Call No. 441)

The Bill was then sent to the Senate.

House Bill 836 – Delegates Hucker, Feldman, and Gutierrez

AN ACT concerning

Environment – Task Force to Study the Regulation of Swimming Pools

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

Affirmative – 110 Negative – 22 (See Roll Call No. 442)

The Bill was then sent to the Senate.

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 – 126 Negative – 5 (See Roll Call No. 443)

The Bill was then sent to the Senate.

House Bill 907 – Delegates Hecht, Barkley, Beidle, Bobo, Cardin, V. Clagett, Frush, Howard, Kaiser, Lee, Manno, McComas, Mizeur, Morhaim, Niemann, Olszewski, Stein, F. Turner, Waldstreicher, and Weldon

AN ACT concerning

Sustainable Energy Task Force

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

Affirmative – 130 Negative – 5 (See Roll Call No. 444)

The Bill was then sent to the Senate.

House Bill 976 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Program – Lot Releases

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

Affirmative – 135 Negative – 0 (See Roll Call No. 445)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 446)

The Bill was then sent to the Senate.

House Bill 1057 – Delegate King

AN ACT concerning

Commercial Law – Automotive Repair Facilities – Invoices

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

Affirmative – 133 Negative – 1 (See Roll Call No. 447)

The Bill was then sent to the Senate.

House Bill 1350 – Delegates Stein and Kach

AN ACT concerning

Consumer Protection – Advertisement of Rebate for Consumer Goods

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

Affirmative – 134 Negative – 0 (See Roll Call No. 448)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #34

House Bill 41 – ~~Delegate Ramirez~~ Delegates Ramirez, Ali, Taylor, and Vaughn

AN ACT concerning

Crimes – Hate Crimes – ~~Hanging or Placing of a Noose~~ Use of a Noose or Swastika to Threaten or Intimidate

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

Affirmative – 113 Negative – 20 (See Roll Call No. 449)

The Bill was then sent to the Senate.

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

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

Affirmative – 128 Negative – 7 (See Roll Call No. 450)

The Bill was then sent to the Senate.

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

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

Affirmative – 131 Negative – 3 (See Roll Call No. 451)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 452)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 1 (See Roll Call No. 453)

The Bill was then sent to the Senate.

House Bill 847 – Delegate Schuler

AN ACT concerning

Vehicle Laws – Falsifying Documents and Registration Plates – Arrest ~~and Penalties~~

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

Affirmative – 134 Negative – 1 (See Roll Call No. 454)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 455)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 0 (See Roll Call No. 456)

The Bill was then sent to the Senate.

House Bill 1038 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Master for Juvenile Causes – Authority

PG 303–08

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

Affirmative – 133 Negative – 0 (See Roll Call No. 457)

The Bill was then sent to the Senate.

House Bill 1186 – Delegates Sophocleus, Beidle, V. Clagett, Love, and McConkey

AN ACT concerning

Office of the State's Attorney – Repeal of Obsolete Provisions

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

Affirmative – 132 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the Senate.

House Bill 1240 – Delegate Frush

AN ACT concerning

~~Juvenile Justice – Disposition on Petition~~ Education – Student Discipline – Alternative Education Program

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

Affirmative – 135 Negative – 0 (See Roll Call No. 459)

The Bill was then sent to the Senate.

House Bill 1265 – Delegates Frush and Vallario

AN ACT concerning

Criminal Law – Unauthorized Removal of Property – Elements of Crime

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

Affirmative – 135 Negative – 0 (See Roll Call No. 460)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #35

House Bill 1 – ~~Delegate Hubbard~~ Delegates Hubbard and Montgomery

AN ACT concerning

Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether – Prohibition

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

Affirmative – 122 Negative – 13 (See Roll Call No. 461)

The Bill was then sent to the Senate.

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 – 127 Negative – 7 (See Roll Call No. 462)

The Bill was then sent to the Senate.

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

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

Affirmative – 129 Negative – 5 (See Roll Call No. 463)

The Bill was then sent to the Senate.

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 – 102 Negative – 33 (See Roll Call No. 464)

The Bill was then sent to the Senate.

House Bill 743 – Delegate Feldman

AN ACT concerning

Maryland General Corporation Law – Altering and Updating Corporate Procedures and Miscellaneous Provisions

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

Affirmative – 135 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the Senate.

House Bill 786 – Delegate Dumais

AN ACT concerning

Maryland Uniform Interstate Family Support Act – Revision

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

Affirmative – 135 Negative – 0 (See Roll Call No. 466)

The Bill was then sent to the Senate.

House Bill 882 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Release of Confidential Information

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

Affirmative – 135 Negative – 0 (See Roll Call No. 467)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 468)

The Bill was then sent to the Senate.

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 – 130 Negative – 4 (See Roll Call No. 469)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the Senate.

House Bill 1386 – Delegate Rudolph

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

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

Affirmative – 132 Negative – 0 (See Roll Call No. 471)

The Bill was then sent to the Senate.

House Bill 1394 – Delegates Valderrama, V. Turner, and Walker

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

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

Affirmative – 133 Negative – 2 (See Roll Call No. 472)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 473)

ADJOURNMENT

At 7:09 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 17, 2008, Calendar Day Thursday, March 20, 2008.

Annapolis, Maryland
Legislative Day: March 17, 2008
Calendar Day: Thursday, March 20, 2008

The House met at 10:21 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Gail H. Bates of Howard County.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 474)

The Journal of March 16, 2008 was read and approved.

EXCUSES:
Del. Davis – illness
Del. Griffith – late – personal
Del. Jameson – recovering from surgery

THE COMMITTEE ON ECONOMIC MATTERS REPORT #14

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters 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

HB0808/913598/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 808
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "altering the scope of stationary engineer services that are subject to certain licensing requirements;"; in the same line, strike "may" and substitute "are authorized to"; in line 4, after "oversee;" insert "providing that the Maryland Stationary Engineers Act and certain regulations may not supersede certain authority of the Board of Boiler Rules;"; in the same line, after "terms;" insert "altering a certain definition;"; and after line 9, insert:

"BY adding to
Article – Business Occupations and Professions
Section 6.5–103
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 6.5–301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, in line 23, after "**(H)**" insert "**(1)**"; strike beginning with "or" in line 24 down through "horsepower" in line 25 and substitute "**POWER BOILER, OR HIGH–PRESSURE, HIGH TEMPERATURE WATER BOILER**"; after line 25, insert:

"**(2) "PROVIDE STATIONARY ENGINEER SERVICES" DOES NOT INCLUDE OVERSEEING THE OPERATION OF A HEATING BOILER.**";

and after line 28, insert:

"**6.5–103.**

THE PROVISIONS OF THIS TITLE AND ANY REGULATIONS ADOPTED UNDER THIS TITLE MAY NOT SUPERSEDE THE AUTHORITY OF THE BOARD OF BOILER RULES TO IMPLEMENT BOILER AND PRESSURE VESSEL SAFETY STANDARDS ESTABLISHED UNDER TITLE 12, SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE OR ANY REGULATIONS ADOPTED UNDER THAT SUBTITLE.

6.5–301.

Except as otherwise provided in this title, an individual shall be licensed by the Board to provide stationary engineer services before the individual may provide stationary engineer services in the State.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1274/953296/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1274
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 3, in line 1, after "**(I)**" insert "**IN THIS PARAGRAPH, "PRIVATE INSPECTOR" MEANS AN INDIVIDUAL WHO:**

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

2. IS COMMISSIONED AS A SPECIAL INSPECTOR BY THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS.

(II)";

strike beginning with "**WHO**" in line 6 down through "**(ASNT)**" in line 7; in lines 8 and 12, strike "**(II)**" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively; and in line 8, strike "**CERTIFIED**".

AMENDMENT NO. 3

On page 6, in line 19, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #8

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

House Bill 867 – Delegates Kramer, Barkley, Heller, Kaiser, Kelly, Krebs, Lee, Levi, Manno, Montgomery, Myers, Simmons, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

HB0867/682011/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 867
(First Reading File Bill)

On page 2, in line 16, strike "**65**" and substitute "**75**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 917 – Delegates Ramirez, Anderson, Barnes, Bobo, Carter, Heller, Levi, McComas, McConkey, Schuler, Vallario, and Waldstreicher

AN ACT concerning

Criminal Law – Simple Assault

HB0917/312513/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 917
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Simple Assault" and substitute "Offensive Physical Contact"; strike beginning with "expanding" in line 3 down through "assault." in line 14 and substitute "prohibiting a person from intentionally causing or attempting to

cause certain offensive physical contact to an adult or engaging in conduct intending to put an adult in fear of certain offensive physical contact; applying certain penalties; and generally relating to offensive physical contact.”; strike in their entirety lines 15 through 24, inclusive; and in line 27, strike “3–206(a), (b), and (c) and 3–209” and substitute “10–201(c)”.

On page 2, after line 2, insert:

“BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–201(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 5 on page 2 through line 11 on page 5, inclusive, and substitute:

“Article – Criminal Law

10–201.

(c) (1) A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

(2) A person may not willfully act in a disorderly manner that disturbs the public peace.

(3) A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

(4) A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

(i) disturb the peace of persons on the land, premises, or beach by making an unreasonably loud noise; or

(ii) act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another:

(i) on the other's land or premises;

(ii) in a public place; or

(iii) on a public conveyance.

(6) A PERSON MAY NOT:

(I) INTENTIONALLY CAUSE MINOR OFFENSIVE PHYSICAL CONTACT OF A NONSEXUAL NATURE TO AN ADULT;

(II) ENGAGE IN CONDUCT INTENDING TO PUT AN ADULT IN FEAR OF MINOR OFFENSIVE PHYSICAL CONTACT OF A NONSEXUAL NATURE; OR

(III) ATTEMPT TO CAUSE MINOR OFFENSIVE PHYSICAL CONTACT OF A NONSEXUAL NATURE TO AN ADULT.

[(6)**] (7)** In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1060 – Delegates Frank, Aumann, Bates, Beitzel, Boteler, Bromwell, Conaway, Costa, Dwyer, Eckardt, Elliott, Elmore, George, Haddaway, James, Jennings, Kach, Kelly, Kipke, Krebs, McComas,

McConkey, Myers, Norman, O'Donnell, Riley, Schuh, Schuler, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, and Walkup

AN ACT concerning

Victims of Crime – Burglary and Crimes of Violence – Civil Immunity

HB1060/662914/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1060
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Walkup" and substitute "Walkup, Impallaria, Kirk, and Robinson".

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 WAYS AND MEANS REPORT #7

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

House Bill 280 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

AN ACT concerning

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

HB0285/545169/2

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 285
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Walkup" and substitute "Walkup, and Cardin"; and in line 8, after "circumstances;" insert "clarifying language;".

On page 2, in line 17, strike "behavioral" and substitute "**BEHAVIOR**"; strike beginning with "**AN**" in line 29 down through "**EFFECTIVE**" in line 30 and substitute "**A**"; and in line 31, strike "**UNDER SUBSECTION (C) OF THIS SECTION**".

On page 3, in line 23, strike "**AN ALTERNATIVE**" and substitute "**A**"; in line 24, strike "**BEHAVIORAL**" and substitute "**BEHAVIOR**"; and strike beginning with "**UNDER**" in line 24 down through "**SECTION**" 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.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

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

House Bill 653 – Delegate Hixson

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

HB0653/875568/2

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 653
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hixson" and substitute "Delegates Hixson, Bartlett, Cardin, Doory, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, and Walker"; and in line 5, after "students;" insert "authorizing certain screenings in accordance with certain policies;".

AMENDMENT NO. 2

On page 2, in line 7, strike "the" and substitute "**:**

(I) THE";

in line 6, strike "**THIRD**" and substitute "**EIGHTH OR NINTH**";

in line 8, after "Board" insert "**; OR**

(II) POLICIES ADOPTED BY A COUNTY BOARD OR A COUNTY HEALTH DEPARTMENT";

in line 15, after "**THE**" insert "**COUNTY**"; and in line 16, after the first "**THE**" insert "**COUNTY HEALTH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 722 – Chair, Ways and Means Committee (By Request – Departmental – Aging)

AN ACT concerning

Property – Tax Sale – Notification

HB0722/955860/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 722
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "that" insert "certain".

AMENDMENT NO. 2

On page 2, in line 6, strike "**IF AN**" and substitute "**FOR ANY**"; in line 7, after "**ROLL**" insert "**WHO**"; in the same line, after "**BEEN**" insert "**LISTED AS**"; in the same line, after "**PROPERTY**" insert "**ON THE COLLECTOR'S TAX ROLL**"; in the same line, after "**FOR**" insert "**AT LEAST**"; in line 8, strike "**ACCORDING TO THE LAND RECORDS**"; in line 9, strike "**MAIL**" and substitute "**PROVIDE**"; in line 10, strike "**COPY OF THE ABOVE STATEMENT**" and substitute "**LIST THAT INCLUDES THE INDIVIDUAL'S NAME AND ADDRESS**"; and in line 17, strike "**COPY OF**" and substitute "**LIST INCLUDING THE NAME AND ADDRESS OF AN INDIVIDUAL RECEIVING**"; and in the same line, after "**STATEMENT**" insert "**WHO HAS BEEN**

LISTED AS AN OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL FOR AT LEAST THE LAST 25 YEARS".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0953/835864/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 953
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Elmore"; in line 4, after "requiring" insert ", to the extent possible,"; in line 6, after "individuals;" insert "providing for the application of this Act;"; and in line 18, strike "**THE**" and substitute "**TO THE EXTENT POSSIBLE, THE**".

AMENDMENT NO. 2

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1242 – Delegates Stein, Bronrott, Burns, Cardin, Healey, Lafferty, Morhaim, Olszewski, Schuler, and Weir

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

HB1242/765463/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1242
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weir" and substitute "Weir, Hixson, Bartlett, Doory, Elmore, Frick, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Rice, Ross, Serafini, Stukes, and Walker".

AMENDMENT NO. 2

On page 1, in lines 19 and 21, in each instance, strike "three" and substitute "two"; and after line 24, insert:

"(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Chief of the Consumer Protection Division of the Office of the Attorney General, or the Chief's designee;

(6) the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, or the Commissioner's designee;".

On page 2, in lines 1 and 9, strike "(4)" and "(5)", respectively, and substitute "(7)" and "(8)", respectively; in line 3, strike "one representative" and substitute "two representatives"; in line 4, after "Association" insert ", one of whom teaches a course involving principles of financial literacy"; after line 4, insert:

"(ii) one representative of the American Federation of Teachers;";

and in lines 5 and 7, strike "(ii)" and "(iii)", respectively, and substitute "(iii)" and "(iv)", respectively.

On page 3, after line 3, insert:

"(1) study the current ability of high school students to understand basic financial concepts;

(2) evaluate the current provision of financial literacy education in Maryland's public schools;

(3) assess the utility of financial literacy education as part of primary and secondary education;";

in lines 4, 6, and 15, strike "(1)", "(2)", and "(3)", respectively, and substitute "(4)", "(5)", and "(6)", respectively; and in line 18, strike "utility" and substitute "benefits and drawbacks".

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 40 – Delegate Doory

AN ACT concerning

Flexible Leave Act

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

Delegate Rudolph moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

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

Read the second time and ordered prepared for Third Reading.

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

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

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

Delegate Vallario moved to make the Bill a Special Order for today's p.m. session.

The motion was adopted.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The "Smart on Crime" Act

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

Delegate Anderson moved to make the Bill a Special Order for today's p.m. session.

The motion was adopted.

House Bill 964 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Carter, Doory, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, Lee, Levi, McHale, McIntosh, Murphy, Oaks, Robinson, Rosenberg, Smigiel, Stukes, Waldstreicher, and Wood

AN ACT concerning

Criminal Procedure – No Good Time for Gun Crime

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

Delegate Anderson moved the Bill be recommitted.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 475)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #36

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 476)

The Bill was then sent to the Senate.

House Bill 83 – Delegates Branch, Barve, and Proctor

AN ACT concerning

State Holiday – American Indian Heritage Day

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

Affirmative – 136 Negative – 2 (See Roll Call No. 477)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 478)

The Bill was then sent to the Senate.

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

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

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

Affirmative – 137 Negative – 0 (See Roll Call No. 479)

The Bill was then sent to the Senate.

House Bill 376 – The Speaker (By Request – Administration) and Delegates Morhaim, Bronrott, Barve, Conway, Hammen, Ali, Aumann, Barkley, Beitzel, Bobo, Bohanan, Branch, Bromwell, Cardin, Carr, G. Clagett, V. Clagett, Doory, Dumais, Eckardt, Elliott, Elmore, Feldman, Frank, Frick, Gaines, Gutierrez, Guzzone, Haddaway, Haynes, Healey, Hecht, Heller, Hixson, Howard, Hucker, Ivey, James, Jones, Kach, Kaiser, Krebs, Kullen, Lafferty, Lee, Levy, Love, Manno, Mathias, McHale, McIntosh, Miller, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Riley, Schuh, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Tarrant, Taylor, F. Turner, Vaughn, Waldstreicher, Walker, ~~and Weldon~~ Weldon, Pendergrass, Benson, Costa, Donoghue, Hubbard, Kipke, McDonough, and V. Turner

AN ACT concerning

High Performance Buildings Act

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

Affirmative – 135 Negative – 1 (See Roll Call No. 480)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the Senate.

House Bill 770 – Washington County Delegation

AN ACT concerning

Washington County – Purchasing Goods and Services – Public Bidding

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

Affirmative – 137 Negative – 0 (See Roll Call No. 484)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 485)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 486)

The Bill was then sent to the Senate.

House Bill 945 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Oakmont Special Taxing Area – Competitive Bidding

MC 820–08

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

Affirmative – 138 Negative – 0 (See Roll Call No. 487)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #37

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

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

Affirmative – 117 Negative – 19 (See Roll Call No. 488)

The Bill was then sent to the Senate.

House Bill 511 – Delegates Levy, Jameson, Murphy, Bohanan, and Wood

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

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

Affirmative – 137 Negative – 0 (See Roll Call No. 489)

The Bill was then sent to the Senate.

House Bill 645 – Delegates Beidle, Cane, and Niemann

AN ACT concerning

Maryland Contract Lien Act – Foreclosure of Liens – Time Period

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

Affirmative – 136 Negative – 0 (See Roll Call No. 490)

The Bill was then sent to the Senate.

House Bill 646 – Delegates Beidle, Dumais, Bobo, Healey, Lafferty, McComas, McConkey, Norman, and Sophocleus

AN ACT concerning

Condominiums – Property Insurance Deductible – Unit Owner Responsibility

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

Affirmative – 136 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the Senate.

House Bill 647 – Delegates Minnick, Boteler, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Rudolph, Stifler, Taylor, Vaughn, Walkup, and Weir

AN ACT concerning

Real Property – Construction ~~Contacts~~ Contracts – Retention Proceeds

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

Affirmative – 134 Negative – 4 (See Roll Call No. 492)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the Senate.

House Bill 857 – Delegates Carr, Ali, Healey, Montgomery, and Shewell

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

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

Affirmative – 133 Negative – 4 (See Roll Call No. 494)

The Bill was then sent to the Senate.

House Bill 915 – Delegate Love

AN ACT concerning

Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties

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

Affirmative – 136 Negative – 0 (See Roll Call No. 495)

The Bill was then sent to the Senate.

House Bill 941 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Minority Business Enterprise Utilization Program

PG/MC 110–08

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

Affirmative – 137 Negative – 0 (See Roll Call No. 496)

The Bill was then sent to the Senate.

House Bill 1089 – Delegate Donoghue

AN ACT concerning

Direct Billing of Anatomic Pathology Services

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

Affirmative – 138 Negative – 0 (See Roll Call No. 497)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 498)

The Bill was then sent to the Senate.

House Bill 1238 – Delegates Hixson, Elmore, Gilchrist, Howard, Ivey, Kaiser, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Transportation – Public–Private Partnerships – Notice to the General Assembly

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

Affirmative – 138 Negative – 0 (See Roll Call No. 499)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #38

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 500)

The Bill was then sent to the Senate.

House Bill 459 – Chair, Health and Government Operations Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

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

Affirmative – 138 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the Senate.

House Bill 525 – Delegates Kullen, Beitzel, Donoghue, Gilchrist, Kaiser, Mizeur, Pena–Melnyk, Pendergrass, Reznik, Stull, V. Turner, ~~and Weldon~~ Weldon, Benson, Elliott, Hammen, Kach, Kipke, McDonough, Montgomery, Oaks, and Riley

AN ACT concerning

~~Prescription Drug Monitoring Program~~
Advisory Council on Prescription Drug Monitoring – Study

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

Affirmative – 138 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the Senate.

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 – 134 Negative – 5 (See Roll Call No. 506)

The Bill was then sent to the Senate.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #14

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

House Bill 486 – Delegate Bobo

AN ACT concerning

Real Property – Homeowners Associations – Meetings

HB0486/360517/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 486
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "certain" and substitute "the"; in line 4, strike "members of" and substitute "lot owners in"; in line 5, strike "called by another person or entity" and substitute "at which a certain quorum is present and"; in line 6, after "called" insert "by another person or entity"; in the same line, strike "certain"; and in line 7, after "stylistic" insert "and conforming".

AMENDMENT NO. 2

On page 2, in line 11, strike "**MEMBERS OF**" and substitute "**LOT OWNERS IN**"; and in line 20, strike "members of" and substitute "**LOT OWNERS IN**".

AMENDMENT NO. 3

On page 2, in line 17, after "**(III)**" insert "**1. AT WHICH A QUORUM OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION, OR OF A COMMITTEE OF THE HOMEOWNERS ASSOCIATION, IS PRESENT; AND**

2.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 778 – Delegates Bobo, Barnes, Carr, Frush, Gaines, Gutierrez, Guzzone, Hecht, Holmes, Hubbard, Lafferty, Mizeur, Montgomery, Niemann, Pendergrass, Ramirez, Stein, and F. Turner

AN ACT concerning

Richard Atta Poku Right to Appeal Foreclosure Act

HB0778/300215/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 778
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Right to Appeal"; in the same line, after "Foreclosure" insert "Defense"; in line 3, after the first "of" insert "authorizing a court to order reasonable discovery in an action to stop or stay a foreclosure sale of residential property under certain circumstances;"; strike beginning with "prohibiting" in line 5 down through the semicolon in line 6; and in line 7, strike "appeals of certain".

AMENDMENT NO. 2

On page 2, after line 23, insert:

"**(B) IN AN ACTION TO STOP OR STAY A FORECLOSURE SALE ON RESIDENTIAL PROPERTY, A COURT MAY ORDER REASONABLE DISCOVERY WHETHER OR NOT A TEMPORARY STAY IS ISSUED.**";

in line 24, strike "**(B)**" and substitute "**(C)**"; in the same line, after "**OWNER**" insert "**OF RESIDENTIAL PROPERTY**"; in line 28, strike the second "**AND**"; strike beginning with "**THE**" in line 29 down through "**ACCRUES.**" in line 31 and substitute "**THE**

MINIMUM FUTURE MONTHLY PAYMENTS, AS THEY COME DUE, UNDER THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST DURING THE PENDENCY OF THE APPEAL; AND

(3) THE RESIDENTIAL PROPERTY TAXES, HOMEOWNERS INSURANCE PREMIUMS, AND HOMEOWNERS, CONDOMINIUM, OR COMMUNITY ASSOCIATION DUES, AS EACH COMES DUE.";

and strike in its entirety line 32.

On page 3, strike in their entirety lines 1 through 4, inclusive.

AMENDMENT NO. 3

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 7, after "terms;" insert "making this Act an emergency measure;".

On page 3, strike beginning with "shall" in line 5 down through "2008" in line 6 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 787 – Carroll County Delegation

AN ACT concerning

Noise Control – Carroll County Public Schools – Enforcement Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1010/170010/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1010
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Advertising or"; strike beginning with the second "or" in line 6 down through "message" in line 7; in lines 9 and 12, in each instance, strike "or to advertise any message"; in line 13, after "violation;" insert "providing for the issuance of a certain warning to a first–time offender; providing a certain penalty for subsequent offenses;"; and in line 15, strike "advertising or".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 14 down through "**SOLICIT**" in line 15 and substitute "**SOLICIT**"; and strike beginning with the semicolon in line 16 down through "**MESSAGE**" in line 17.

AMENDMENT NO. 3

On page 3, after line 4, insert:

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

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

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

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

House Bill 1193 – Delegates McIntosh and Hucker

AN ACT concerning

Environment – Statute of Limitations

HB1193/920515/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1193
(First 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 15, 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 16, strike "4." and substitute "5.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1481 – Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim

AN ACT concerning

State Board of Veterinary Medical Examiners – Animal Control Facilities – License to Administer Scheduled Drugs to Animals

HB1481/260810/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1481
(First Reading File Bill)

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 19, after "definition;" insert "making this Act an emergency measure;".

On page 4, in line 3, strike beginning with "shall" in line 3 down through "2008" in line 4 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 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 139 Members present.

(See Roll Call No. 507)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #2

Senate Bill 90 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2009)

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 105 Negative – 34 (See Roll Call No. 508)

The Bill was then returned to the Senate.

Senate Bill 527 – Chair, Budget and Taxation Committee

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

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

Affirmative – 135 Negative – 2 (See Roll Call No. 509)

The Bill was then returned to the Senate.

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Central Collection Unit –~~ Transfer of Special Fund Balances

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

Affirmative – 138 Negative – 0 (See Roll Call No. 510)

The Bill was then returned to the Senate.

RECONSIDERATION

Delegate Hammen moved to reconsider the vote by which **House Bill 358** passed Third Reading.

The motion was adopted.

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

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2008

Delegate Hammen moved to make the Bill a Special Order for today's p.m. session.

The motion was adopted.

INTRODUCTION OF BILLS

Delegate Bates moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 511)

In compliance with the rules, the Bill was introduced.

House Bill 1625 – Delegates Bates and Miller

AN ACT concerning

Recordation Tax – Fees for Collection

FOR the purpose of authorizing a county in which the clerk of a circuit court collects the recordation tax and the clerk to negotiate the amount that the clerk may receive for collecting the recordation tax subject to certain provisions; setting certain minimum and maximum limits on the amount received for collection; and generally relating to authorizing certain counties and clerks of the circuit courts to negotiate certain fees for collecting recordation tax.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–213
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 512)

RECESS

At 12:36 P.M. on motion of Delegate Barve the House recessed until 5:00 P.M. on Legislative Day March 17, 2008, Calendar Day Thursday, March 20, 2008.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 17, 2008
Calendar Day: Thursday, March 20, 2008

At 5:55 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Cheryl D. Glenn of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 513)

EXCUSES:
Del. Davis – illness
Del. Jameson – recovering from surgery
Del. Robinson – illness – in hospital
Del. Rudolph – left early – personal
Del. Stull – wife's illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 2 – Senator Lenett

AN ACT concerning

Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

FOR the purpose of prohibiting a driver of a certain school vehicle from using certain wireless communication devices; prohibiting a holder of a learner's instructional permit or provisional driver's license who is 18 years of age or older from driving a motor vehicle while using certain wireless communication devices; prohibiting a certain driver of a motor vehicle that is in motion from using the driver's hands to use certain wireless communication devices except under certain circumstances; providing that a violation of this Act may only be enforced as a secondary action; establishing penalties for a violation of this Act; authorizing

the court to waive a certain penalty under certain circumstances; providing for exceptions to certain provisions of this Act relating to prohibitions on using wireless communication devices while driving; defining certain terms; providing for the termination of this Act; and generally relating to prohibitions against the use of wireless communication devices while operating a motor vehicle.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–213.2(a)(7) and (8)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1124
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 21–1124.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 286 – Senator Gladden

AN ACT concerning

Public Health – Antibiotic–Resistant Infection Prevention Campaign

FOR the purpose of requiring the Secretary of Health and Mental Hygiene, in collaboration with other State agencies, subject to the availability and appropriation of certain funding, to establish and promote a certain public awareness campaign on antibiotic–resistant infections; providing for the components of the campaign; authorizing the Secretary to use certain resources to carry out the provisions of this Act; requiring certain agencies and subdivisions to provide certain aid and information to the Secretary under certain circumstances; providing for the termination of this Act; and generally relating to a public awareness campaign on antibiotic–resistant infections.

BY adding to
Article – Health – General
Section 18–110
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 368 – Senator Conway

AN ACT concerning

Procurement – Preferences – Employment Works Program

FOR the purpose of naming a certain preference procurement program within the Department of General Services as the Employment Works Program; clarifying the preference priority for certain providers with regard to purchases of certain supplies and services by the State or by certain other entities; altering the membership of the Pricing and Selection Committee for the Program; defining, altering, and clarifying certain terms; clarifying provisions relating to a certain entity as the coordinating entity for the distribution of certain procurement contracts among certain Program providers; specifying duties for a certain committee; and generally relating to the Employment Works Program and the procurement process relating to certain community service providers.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–101, 14–103, 14–106, and 14–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Finance and Procurement
Section 14–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 14–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 502 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Professional Counselors and Therapists in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; increasing the number of members on the State Board of Professional Counselors and Therapists; requiring a certain number of members to be professional counselors, marriage and family therapists, and alcohol and drug counselors; repealing a requirement that certain licensed professional counselor board members be employed in certain areas; repealing the position of drug and alcohol counselor advisor to the Board; requiring a marriage and family therapist or an alcohol and drug counselor board member to vote before certain action is taken against certain professional counselors; prohibiting certain individuals from practicing clinical alcohol and drug counseling, marriage and family therapy, or professional counseling unless they are licensed by the Board; providing for certain exemptions from licensing requirements; establishing certain qualifications for the licensure of clinical alcohol and drug counselors, clinical marriage and family therapists, and clinical professional counselors; establishing certain requirements for applications for licensure, certification, and examination of applicants; authorizing the Board to waive certain requirements for licensure or certification under certain circumstances; establishing procedures for the issuance of licenses and certificates; requiring licenses and certificates to include certain information; authorizing the Board to replace certain licenses or certificates under certain circumstances; providing for the scope of certain licenses and certificates; providing for the terms and renewal of certain licenses and certificates; requiring the Board to place certain licensees or certificate holders on inactive status under certain circumstances; prohibiting the Board from placing certain certificates on inactive status; authorizing the Board to reinstate certain licenses or certain certificates under certain circumstances; prohibiting the reinstatement of certain certificates; authorizing the Board to adopt certain regulations to allow certain individuals to practice under supervision as licensed graduate alcohol and drug counselors, marriage and family therapists, and professional counselors; establishing qualifications for licensed graduate alcohol and drug counselors, marriage and family therapists, and professional counselors; prohibiting the practice of licensed graduate professional counseling unless approved by the Board; requiring certain licensees and certificate holders to display a certain license or certificate in a certain manner; requiring certain licensees or certificate holders to furnish a certain professional disclosure statement that includes certain information; prohibiting the surrender of a certain license under certain circumstances and providing for a certain exception; authorizing the Board to deny, probate, reprimand, suspend, or revoke the license, certificate, or application of certain licensees, certificate holders, or applicants if an individual

violates certain disciplinary grounds; establishing certain civil penalties under certain circumstances; requiring the Board to adopt certain regulations concerning the imposition of certain penalties; requiring the Board to pay certain money collected into the General Fund of the State; establishing certain hearing and appeal procedures; authorizing the Board to enjoin certain actions; authorizing the Board to reinstate a certain license or certificate, reduce a certain suspension or probation, or withdraw a reprimand under certain circumstances; establishing a counselor and therapist rehabilitation committee; establishing the purpose, function, and duties of the counselor and therapist rehabilitation committee; providing that certain committee records are not discoverable in certain proceedings; establishing civil immunity for members of the committee for actions taken within the scope of the committee's jurisdiction; requiring certain individuals to be certified before practicing alcohol and drug counseling, marriage and family therapy, and professional counseling, using certain titles, or representing certain certification; establishing qualifications for certification as a certified professional counselor–alcohol and drug, certified associate counselor–alcohol and drug, and certified supervised counselor–alcohol and drug; authorizing certain individuals to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling without a license or to practice alcohol and drug counseling, marriage and family therapy, or professional counseling without a certificate for a certain amount of time under certain circumstances as a trainee; prohibiting certain unlicensed individuals from making certain representations to the public and using certain titles or words with the intent to represent that the individual practices clinical counseling or therapy or licensed graduate counseling or therapy; prohibiting certain uncertified individuals from making certain representations to the public and using certain titles or words with the intent to represent that the individual practices certain counseling or therapy; establishing certain penalties; establishing a certain short title; requiring the Board to waive certain requirements for certification as alcohol and drug counselors for certain individuals who have certain qualifications; requiring certain individuals applying for certification as alcohol and drug counselors under a certain waiver to apply for certification by a certain date; providing for the termination of the term of a member of the Board; providing for the appointment of certain members of the Board to serve certain terms until certain successors are appointed; providing that the term of a certain Board advisor terminate on a certain date; requiring the Board to submit a certain interim report including certain information to certain committees of the General Assembly on or before a certain date; defining certain terms; making certain technical changes; providing for the termination of certain provisions of this Act; and generally relating to the State Board of Professional Counselors and Therapists and the licensing and certification of counselors and therapists.

BY repealing

Article – Health Occupations

Section 17–301 through 17–317 and the subtitle "Subtitle 3. Certification"; 17–3A–01 through 17–3A–13 and the subtitle "Subtitle 3A. Licensing";

17–401 and 17–402 and the subtitle "Subtitle 4. Prohibited Acts; Penalties"; and 17–501 and 17–502 and the subtitle "Subtitle 5. Short Title; Termination of Title"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–101, 17–102, 17–202, and 17–205
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 17–103, 17–201, 17–203, 17–204, and 17–206
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health Occupations
Section 17–104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 17–301 through 17–309 to be under the new subtitle "Subtitle 3. Licensing"; 17–401 through 17–405.1 and 17–406 to be under the new subtitle "Subtitle 4. Certification"; 17–501 through 17–515 to be under the new subtitle "Subtitle 5. General Provisions; Disciplinary Actions"; 17–601 through 17–604 to be under the new subtitle "Subtitle 6. Prohibited Acts; Penalties"; and 17–701 and 17–702 to be under the new subtitle "Subtitle 7. Short Title; Termination of Title"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(16)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 511 – Senators Middleton and Conway

AN ACT concerning

Health Occupations – Dental Hygiene Students – Exception From Licensure Requirements While Participating in Approved Educational Program

FOR the purpose of providing that a certain licensure requirement does not apply to certain students of dental hygiene while engaged in certain approved educational programs in dental hygiene; and generally relating to an exception from licensure requirements for dental hygiene students.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–301
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 546 – Senators Forehand and Miller

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day and Annapolis Charter Day

FOR the purpose of requiring the Governor annually to proclaim a certain day as Maryland Charter Day; requiring the Governor annually to proclaim a certain day as Annapolis Charter Day; and generally relating to commemorative days.

BY adding to
Article – State Government
Section 13–406 and 13–407
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 612 – Senators Lenett, Dyson, and Middleton

AN ACT concerning

Procurement – Preference Procurement Program for Sheltered Workshops – Individual With Disability Owned Businesses

FOR the purpose of expanding eligibility in the preference procurement program for sheltered workshops within the Department of General Services to include a specified ~~entity~~ business; defining the ~~entity~~ business and specifying requirements for the ~~entity~~ business to qualify to participate in the program; requiring the State or certain State aided or controlled entities to buy certain supplies and services from certain businesses under certain circumstances; requiring a specified committee to establish and review specified eligibility guidelines for participation in the program; requiring the committee to maintain and periodically review and revise a specified list of ~~entities~~ certain sheltered workshops and businesses eligible for the program; and generally relating to the preference procurement program for sheltered workshops and individual with disability owned businesses.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–101, 14–103, 14–106, 14–107, and 14–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 745 – Senators Colburn, Dyson, Klausmeier, and McFadden

AN ACT concerning

Alcoholic Beverages – Definitions – Beer

FOR the purpose of altering the definition of beer as used in certain provisions of State law; making certain stylistic changes; and generally relating to alcoholic beverages.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(1) and (2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(3)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 5–101(a) and (b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–101(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 128 – Senators Exum, Currie, and Peters

AN ACT concerning

Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business

FOR the purpose of specifying that, in an appeal from a decision of the Board of License Commissioners of Prince George's County ~~does~~, the court may not stay an order of the Board to close a place of business that is licensed to sell alcoholic beverages; and generally relating to the Board of License Commissioners of Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 16–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–101(b)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

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

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~Eight Hundred Seventy Two Million, Ninety Nine Thousand Dollars ($872,099,000),~~ Eight Hundred Eighty Six Million, Seventy Thousand Dollars ($886,070,000), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of this State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain ~~development and improvement~~ purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of a State Debt to be issued in 2009, the proceeds to be used for certain purposes; stating the intent of the General Assembly that certain authorizations not constitute approval of any other project; stating that it is the intent of the General Assembly that a certain organization receive certain grants for a certain project in certain fiscal years; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; providing for certain additional information to be detailed about each project in the capital program; requiring that certain projects be constructed at certain locations; ~~repealing a requirement for a certain appropriation; authorizing premiums from the sale of State bonds in certain fiscal years to remain in or be transferred to a certain fund and to be used for certain capital projects under certain circumstances;~~ repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 212 of the Acts of the General Assembly of 1999, as amended by Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item RP00(A)

BY repealing and reenacting, with amendments,
Chapter 508 of the Acts of the General Assembly of 2000, as amended by Chapter 204 of the Acts of the General Assembly of 2003, Chapter 46 of the Acts of the General Assembly of 2006, and Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item RP00(A)

BY repealing and reenacting, with amendments,
Chapter 698 of the Acts of the General Assembly of 2001, as amended by Chapter 162 of the Acts of the General Assembly of 2003
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 728 of the Acts of the General Assembly of 2001
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2002, as amended by Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item RD00(A)

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2002, as amended by Chapter 432 of the Acts of the General Assembly of 2004, Chapter 445 of the Acts of the General Assembly of 2005, and Chapter 46 of the Acts of the General Assembly of 2006
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item RD00(C) and Item WA01(B)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 46 of the Acts of the General Assembly of 2006
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item DE02.01(J) and Item RB27(E)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004, as amended by Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, and Chapter 488 of the Acts of the General Assembly of 2007
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(AE)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item DE02.01(E), Item UB00(A)(4), and Item ZA00(N)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ~~WA01(A)~~ VD01(A), WA01(A), and ZA00(A), Section 12(1), and Section 12(3) ~~Item MJ02(A) and~~ Item ML10(A)

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

Senate Bill 208 – The President (By Request – Administration) and Senators Madaleno, King, Brochin, Forehand, Frosh, Garagiola, Lenett, Pinsky, ~~and Rosapepe~~ Rosapepe, Currie, DeGrange, Edwards, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Zirkin

AN ACT concerning

High Performance Buildings Act

FOR the purpose of requiring certain buildings to be high performance buildings; requiring certain buildings that are renovated to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; providing for a certain waiver process from certain high performance building requirements; repealing certain provisions of law relating to high performance buildings; expressing a certain intent of the General Assembly; requiring certain new schools receiving State public school construction funds to be high performance buildings; requiring the Board of Public Works to establish a certain waiver process from certain high performance building requirements; requiring that a certain waiver process include a certain review and approval by the Interagency Committee on School Construction; requiring the State to pay a certain amount of certain local costs related to the construction of schools that are high performance buildings for certain fiscal years; requiring the Board of Public Works to adopt certain regulations; providing for the applicability of certain provisions of this Act; defining certain terms; and generally relating to high performance buildings.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–602(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 3–602.1
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–301(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 5–312
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

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

FOR the purpose of requiring, to the extent possible, certain representatives of county boards of education to provide information concerning alternative education programs and GED program requirements and testing locations to certain individuals; and generally relating to the provision of educational information to individuals who no longer attend or intend to leave high school.

BY adding to
Article – Education
Section 7–302.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 419 – Senator Glassman

AN ACT concerning

Agriculture – ~~Seed and Nursery Stock for Native Plants – Funding~~ Wild Pollinators Program

FOR the purpose of establishing, subject to funding in the State budget, the Maryland ~~Native Plants~~ Wild Pollinators Program for certain purposes; requiring the Department of Agriculture to increase awareness and availability of ~~native plants~~ noninvasive plants that are pollinator friendly and provide certain grants under the Program; ~~requiring the Governor to include a certain appropriation for the Program in the State budget for certain fiscal years;~~ and generally relating to increasing ~~the availability of seed and nursery stock for certain native plants~~ awareness of wild pollinators and availability of noninvasive plants that are pollinator friendly.

BY adding to
Article – Agriculture
Section 2–1301 to be under the new subtitle "Subtitle 13. Maryland ~~Native Plants~~ Wild Pollinators Program"
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 496 – Senator Della

AN ACT concerning

Baltimore City – Alcoholic Beverages Licenses – Restaurants in Business Planned Unit Development

FOR the purpose of authorizing the Board of Liquor License Commissioners of Baltimore City to issue a certain number of Class B beer, wine and liquor restaurant licenses in a business planned unit development in a specified area in Baltimore City; requiring the restaurants to have a certain minimum capital investment, seating capacity range, and average daily receipts from the sale of food that are at least a certain percentage of the total daily receipts of the restaurant; prohibiting sales for off–premises consumption; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(c)(1)(iii) and (2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 584 – Senators Della, Gladden, and McFadden

AN ACT concerning

Baltimore City – Alcoholic Beverages Act of 2008

FOR the purpose of altering certain alcoholic beverages license fees and establishing new alcoholic beverages license fees in Baltimore City; revising and restating certain alcoholic beverages provisions concerning the issuance and transfer of certain licenses in certain areas of the City; clarifying certain exemptions from the prohibitions against the issuance of new licenses and the transfer of licenses in certain areas of the City; clarifying that certain alcoholic beverages districts be coterminous with ~~the current~~ a certain legislative districting plan; updating certain obsolete references to certain districts, wards, and precincts; requiring the Board of Liquor License Commissioners for Baltimore City to obtain criminal records of applicants for licenses from a certain agency and to forward certain fingerprints to a certain agency; altering the annual salary of the chairman and other members of the Board; specifying that the chairman and other members of the Board are eligible to receive certain health benefits; altering the number of permanent part–time inspectors that the Board is required to employ; changing the positions and altering the salary grade level for certain Board staff; creating new positions on the Board staff; authorizing each inspector of the Board to examine certain identification used as proof of age; altering certain provisions regarding the registration of bottle clubs by the Board; providing for a registration fee; prohibiting the Board from accepting a renewal of a registration without a hearing under certain circumstances; providing that this Act does not apply to the salary or compensation of the incumbent chairman of the Board of Liquor License Commissioners for Baltimore City or other members of the Board; defining a certain term; and generally relating to alcoholic beverages in Baltimore City.

BY repealing
Article 2B – Alcoholic Beverages
Section 9–204.1 ~~and 8–403.1(d)(1)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section ~~5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1),~~ 6–101(a)(1), 6–102(a) and (c), 6–201(a)(1) and (d)(1)(i)~~,~~ and (2)(i), ~~and (4)(i), 6–301(a)(1),~~ 6–401(a)(1), ~~8–203(d)(1), 8–403.1(a),~~ 8–508(a), 10–503(d)(1), ~~11–503(b)(2)(iii),~~ and 15–112(a)(3) and (d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section ~~5–101(d), 5–201(d), 5–301(d), 5–401(d),~~ 6–101(d), 6–102(d), 6–201(d)(1)(ii), (2)(iii), and (3)(viii), ~~and (4)(ii), 6–301(d),~~ 6–401(d)(1), ~~8–203(d)(7), 8–403.1(d)(1),~~ 8–508(c), 9–204.3, 10–301(j)(2),

10–503(d)(3)(i), 11–403(a)(3), ~~11–503(b)(2)(i) and (ii), 15–109(d)(1)~~ 15–109(d), 15–112(d)(9), (11)(vi), and (13), and 20–102
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(d)(5) and (6), ~~8–403.1(d)(1),~~ 9–204.1, 10–103(b)(13)(xiv), 10–502(c), and 15–112(d)(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 626 – ~~Senator Muse~~ Senators Muse and Peters

EMERGENCY BILL

AN ACT concerning

Prince George's County – Alcoholic Beverages – Convention Center License

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 Economic Matters.

Senate Bill 630 – Senator Jacobs

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

FOR the purpose of authorizing the State Prosecutor to issue ~~subpoenas for the attendance of witnesses and the production of evidence when the State Prosecutor investigates or prosecutes a case under certain circumstances~~ a subpoena for the production of certain records or documents for a certain purpose; specifying the manner of service of a subpoena, the rights of a person served with a certain subpoena, and the requirements the State Prosecutor must meet when a subpoena is served; authorizing the State Prosecutor to report the failure of a person to obey a subpoena to a certain circuit court; authorizing a court to grant certain relief under certain circumstances; and generally relating to the State Prosecutor.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 14–110
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)
(As enacted by Chapter ___ (S.B. 37) of the Acts of the General Assembly of 2008)

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

Senate Bill 757 – Senator Colburn

AN ACT concerning

Wetlands – Construction of Structure on Pier – ~~Dorchester County~~ Exception

FOR the purpose of ~~exempting Dorchester County from certain provisions limiting~~ authorizing the Board of Public Works to issue a license for the construction of a dwelling unit or other non–water dependent structure on a pier located on State ~~or private~~ wetlands ~~in Dorchester County~~ under certain circumstances; authorizing the Secretary of the Environment to issue a license for the

construction of a dwelling unit or other non–water dependent structure on a pier located on State wetlands under certain circumstances; and generally relating to construction of dwelling units or other non–water dependent structures on piers.

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–104
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

Senate Bill 860 – Senator Glassman

AN ACT concerning

Forest and Park Wardens – Responsibilities

FOR the purpose of repealing a certain requirement that a forest or park warden take certain actions on learning of a forest fire; requiring a forest or park warden to take certain actions under certain circumstances; making certain stylistic changes; and generally relating to the responsibilities of a forest or park warden.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–701
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

SPECIAL ORDERS

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

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

STATUS OF BILL: BILL ON 3RD READING. RECONSIDERED.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 514)

The Bill was then sent to the Senate.

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

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

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

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

The motion was adopted.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The "Smart on Crime" Act

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

FLOOR AMENDMENT

HB0845/342918/3

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 845, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (HB0845/752110/1) in their entirety. On page 1 of the bill, in line 3, strike "penalties" and substitute "the penalty"; in the same line, after "for" insert "a"; in the same line, strike "offenses" and substitute "offense"; and strike beginning with "altering" in line 9 down through "date;" in line 18 and substitute "prohibiting a person from distributing or dispensing a controlled dangerous substance or possessing a controlled dangerous substance under certain circumstances; establishing certain penalties;".

On page 2 of the bill, in line 2, strike "5–609.1" and substitute "5–601.1".

AMENDMENT NO. 2

On page 3 of the bill, after line 16, insert:

"**5–601.1.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE OR POSSESS A CONTROLLED DANGEROUS SUBSTANCE IN SUFFICIENT QUANTITY REASONABLY TO INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, IF:

(1) THE PERSON IS DRUG DEPENDANT, AS DETERMINED BY THE COURT; AND

(2) THE AMOUNT OF THE CONTROLLED DANGEROUS SUBSTANCE INVOLVED IS EQUAL TO OR LESS THAN:

(I) 28 GRAMS OF MARIJUANA;

(II) 2 GRAMS OF COCAINE;

(III) 2 GRAMS OF ANY MIXTURE CONTAINING A DETECTABLE AMOUNT OF COCAINE;

(IV) 2 GRAMS OF COCAINE BASE, COMMONLY KNOWN AS "CRACK";

(V) 2 GRAMS OF MORPHINE OR OPIUM OR ANY DERIVATIVE, SALT, ISOMER, OR SALT OF AN ISOMER OF MORPHINE OR OPIUM;

(VI) ANY MIXTURE CONTAINING 2 GRAMS OF MORPHINE OR OPIUM OR ANY DERIVATIVE, SALT, ISOMER, OR SALT OF AN ISOMER OF MORPHINE OR OPIUM;

(VII) 1 MILLIGRAM OF LYSERGIC ACID DIETHYLAMIDE;

(VIII) ANY MIXTURE CONTAINING THE EQUIVALENT OF 1 MILLIGRAM OF LYSERGIC ACID DIETHYLAMIDE;

(IX) 125 MILLIGRAMS OF ANY MIXTURE CONTAINING PHENCYCLIDINE;

(X) 7 GRAMS OF METHAMPHETAMINE; OR

(XI) ANY MIXTURE CONTAINING 7 GRAMS OF METHAMPHETAMINE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A

MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $25,000 OR BOTH.

(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO SENTENCING UNDER § 5–607 THROUGH § 5–609 OF THIS SUBTITLE IF THE PERSON:

(I) WAS CONVICTED PREVIOUSLY OF OR RECEIVED A PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 5–602 OF THIS SUBTITLE OR SUBSECTION (A) OF THIS SECTION;

(II) WAS CONVICTED WITHIN THE PRECEDING 3 YEARS OF A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THIS ARTICLE; OR

(III) WAS AN ADULT AT THE TIME OF THE VIOLATION AND THE VIOLATION INVOLVED THE DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE TO A MINOR.".

AMENDMENT NO. 3

On page 3 of the bill, in line 32, strike "§ 5–608 **[**and 5–609**], § 5–609, OR § 5–609.1**" and substitute "§§ **5–601.1(B)(1), 5–608, AND 5–609**"; and in line 33, strike "5–602" and substitute "**5–601.1**".

On page 4 of the bill, in line 12, strike "**5–609.1**" and substitute "**5–601.1(B)(1)**"; and in line 13, strike "5–602" and substitute "**5–601.1**".

On page 6 of the bill, in line 13, strike "**5–609.1**" and substitute "**5–601.1(B)(1)**"; and in line 14, strike "5–602" and substitute "**5–601.1**".

On pages 8 through 10 of the bill, strike in their entirety the lines beginning with line 27 on page 8 through line 8 on page 10, inclusive.

On page 10 of the bill, in line 9, strike "3." and substitute "2.".

The preceding 3 amendments were read only.

Delegate Elmore moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 515)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 102 – Delegates Rosenberg, Bronrott, Dumais, Haynes, Ivey, Rice, Ross, ~~and F. Turner~~ F. Turner, Frick, Gilchrist, Cardin, Doory, Olszewski, and Stukes

AN ACT concerning

Voter's Rights Protection Act of 2008

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

Affirmative – 97 Negative – 38 (See Roll Call No. 516)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 1 (See Roll Call No. 517)

The Bill was then sent to the Senate.

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

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 89 Negative – 46 (See Roll Call No. 518)

The Bill was then sent to the Senate.

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 – 127 Negative – 10 (See Roll Call No. 519)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

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

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

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

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

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 520)

ADJOURNMENT

At 6:49 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 18, 2008, Calendar Day Friday, March 21, 2008.

Annapolis, Maryland
Legislative Day: March 18, 2008
Calendar Day: Friday, March 21, 2008

The House met at 10:23 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate James E. Proctor of Prince George's and Calvert counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 521)

The Journal of March 17, 2008 was read and approved.

EXCUSES:
Del. Bromwell – grandmother hospitalized
Del. Davis – illness
Del. Jameson – recovering from surgery
Del. Riley – illness
Del. Robinson – illness – in hospital

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 252 – Senator Astle

AN ACT concerning

Anne Arundel County – Prospective or Current Employees or Volunteers – Criminal History Records Checks

FOR the purpose of altering the requirements for the ~~Director of Administration~~ Personnel Officer of Anne Arundel County to request State and national criminal records checks from the Criminal Justice Information System Central Repository for a prospective or current employee or volunteer; requiring the ~~Director of Administration~~ Personnel Officer of Anne Arundel County to submit certain items to the Central Repository; requiring the Central Repository to forward the prospective or current employee's or volunteer's criminal history

information to the prospective or current employee or volunteer and the ~~Director of Administration~~ Personnel Officer of Anne Arundel County; providing that certain information obtained from the Central Repository is confidential, may not be redisseminated, and may only be used for a certain ~~employment~~ personnel–related purpose; authorizing the subject of a certain criminal history records check to contest the contents of a certain printed statement; ~~authorizing~~ requiring the County Council to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks for prospective or current employees or volunteers in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–231
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Senate Bill 274 – Senators Stone and Della

AN ACT concerning

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

FOR the purpose of altering the procedures that an automotive dismantler and recycler or scrap processor must follow to give notice to the Motor Vehicle Administration that the automotive dismantler and recycler or scrap processor has acquired title to a vehicle; providing a certain exception; and generally relating to automotive dismantlers and recyclers and scrap processors.

BY repealing
Article – Transportation
Section 15–508
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–511
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

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

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

FOR the purpose of establishing a Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

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

Senate Bill 305 – Senator Middleton

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date Extension and Modifications

FOR the purpose of extending the termination date for the Community Services Reimbursement Rate Commission; authorizing the Governor, with the advice and consent of the Senate, to appoint a certain number of members to the Commission for an additional consecutive term beginning on a certain date; altering a requirement that the Commission assess changes in wages paid by certain providers to require the Commission to assess the level of and changes in wages paid by certain providers to direct support workers; repealing a requirement that the Commission assess certain measures of quality and certain other rate system issues; altering a requirement that the Commission assess the impact of consumer safety costs to require the Commission to assess the impact of changes in regulations that impact on the costs of certain providers; ~~requiring the Commission to assess trends in housing costs and how these trends affect costs of certain providers;~~ requiring the Commission to develop or refine certain methodologies; ~~requiring the Commission to continue to study the transportation costs incurred by certain providers; requiring the Commission to work with the Mental Hygiene Administration to expand the use of certain data~~ repealing a requirement that the Commission study the variation in transportation costs among providers of services to individuals with developmental disabilities and make a certain recommendation; repealing a requirement that the Commission work with the Mental Hygiene Administration to expand the use of certain billing data for a certain purpose; repealing a requirement that the Commission review certain changes in the payments for and utilization of psychiatric rehabilitation services; ~~requiring the Commission to review information on certain practices and make certain~~

~~recommendations;~~ requiring the Commission to include certain findings in a certain report; requiring the Board of Nursing to provide to the Commission at a certain time copies of any new or revised regulations that would be expected to impact on the costs incurred by certain providers; repealing a certain definition; and generally relating to the Community Services Reimbursement Rate Commission.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–801, 13–803, 13–806, 13–809, and 13–810
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–802, 13–804, 13–805, 13–807, and 13–808
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 593 of the Acts of the General Assembly of 1996, as amended by Chapter 566 of the Acts of the General Assembly of 1999, Chapter 370 of the Acts of the General Assembly of 2002, and Chapter 401 of the Acts of the General Assembly of 2005
Section 3

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

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

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

FOR the purpose of authorizing a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of a final protective order; and generally relating to domestic violence.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–506(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Family Law
Section 4–506(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(e), (f), and (g) and 4–507(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

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

AN ACT concerning

Pharmacy Permit Holders – Signs for Reporting Incorrectly Filled Prescriptions

FOR the purpose of requiring pharmacy permit holders to post certain signs that ~~inform consumers about how to report incorrectly filled prescriptions; requiring that certain signs be in a certain font~~ include certain information regarding the process for resolving incorrectly filled prescriptions in accordance with certain regulations; requiring that certain signs be positioned and readable at certain points where certain drugs are dispensed to consumers; and generally relating to pharmacy permit holders and signs.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–403(b)(18) and (19)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 12–403(b)(20)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 441 – Senators Frosh, Brochin, ~~and Garagiola~~ Garagiola, Forehand, Jacobs, Mooney, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

FOR the purpose of establishing that a certain part of a police or court record pertaining to a child may be accessed and used by the Department of Public Safety and Correctional Services and certain supervising authorities for certain purposes relating to a certain offender registry; altering the definitions of "child sexual offender" and "sexually violent offender" for purposes of a certain offender registry to include certain persons who have been adjudicated delinquent for acts that would constitute certain offenses if committed by an adult; altering the definition of "supervising authority" for purposes of a certain offender registry to include the court in which certain persons are adjudicated delinquent; requiring a certain person to register with a supervising authority for inclusion on a certain offender registry if the person was at least a certain age at the time a certain act was committed, is determined by the court at the time a certain court jurisdiction is terminated to be at risk of committing certain offenses, and is at least a certain age; requiring the State's Attorney to serve a certain written notice within a certain period; requiring the Department of Juvenile Services to provide the court with certain information and conduct certain follow–up; requiring that the form of certain petitions and pleadings and the procedures to be followed by a court under certain circumstances be specified in the Maryland Rules; requiring that certain allegations be proven by clear and convincing evidence before a certain determination is made; establishing that a certain person is required to register with a supervising authority within a certain time after a certain jurisdiction of the juvenile court terminates; altering the definition of "resident" for purposes of a certain offender registry; requiring that a certain person is required to register with a certain local law enforcement unit after a certain jurisdiction of the juvenile court is terminated; establishing that, for a certain person, a term of registration on a certain offender registry is computed from the time a certain jurisdiction of the juvenile court is terminated; defining a certain term; and generally relating to the inclusion of minors on the offender registry.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(a)(1) and (b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–27(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(b), (f), and (i), 11–704, 11–705, and 11–707
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–701(g)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

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

FOR the purpose of continuing the State Board of Morticians and Funeral Directors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring that pre–need contracts contain a certain disclosure statement; requiring the Board to submit certain reports on or before certain dates; and generally relating to the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–316(a)(29), 7–405(c) and (h), and 7–602
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–405(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(40)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 510 – Senator Middleton

AN ACT concerning

Mile Thoroughbred Racing – ~~Racing~~ Live Racing Days – Additional License

FOR the purpose of authorizing the Racing Commission to issue an additional mile thoroughbred racing license to a certain person and to award the person with a certain number of live racing days under certain conditions; providing a certain exception; and generally relating to mile thoroughbred racing.

BY renumbering
Article – Business Regulation
Section 11–511(c)
to be Section 11–511(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

BY adding to
Article – Business Regulation
Section 11–511(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 516 – Senators Raskin, Astle, Brochin, Colburn, Conway, Currie, Forehand, Garagiola, Jacobs, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Muse, Peters,

Pinsky, Pugh, Robey, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, and Greenip

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

FOR the purpose of excluding as a father of a child a man who has committed a certain sexual crime against the child's mother for purposes of certain provisions relating to the paternity of a child in a guardianship or adoption proceeding under certain circumstances; requiring a court to consider a certain statement when making a certain finding; prohibiting a court from requiring publication of certain information under certain circumstances; requiring that a certain hearing be held within a certain period of time; authorizing a court to order a man to provide financial support to a child under certain circumstances; prohibiting a court from awarding custody of or visitation with a child to a parent who has committed a certain sexual crime against the other parent under certain circumstances; requiring a court to consider the safety and well–being of the child's other parent or guardian in approving supervised visitation; and generally relating to adoption, guardianship, custody, and visitation.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–306, 5–3A–06, 5–3B–05, and 9–101.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 572 – Senators Klausmeier and Stone

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Baltimore County

FOR the purpose of adding Baltimore County to a certain Truancy Reduction Pilot Program; making certain provisions relating to Truancy Reduction Pilot Programs in certain counties applicable to Baltimore County; providing for the termination of this Act subject to a certain contingency; and generally relating to Truancy Reduction Pilot Programs.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–01 and 3–8C–02
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301(e–1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 551 of the Acts of the General Assembly of 2004, as amended by Chapter 648 of the Acts of the General Assembly of 2007
Section 3

BY repealing and reenacting, without amendments,
Chapter 551 of the Acts of the General Assembly of 2004, as amended by Chapter 648 of the Acts of the General Assembly of 2007
Section 4

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

Senate Bill 578 – Senator Forehand

AN ACT concerning

Vehicle Laws – Medical Advisory Board – ~~Confidentiality~~ Use of Confidential Records and Reports

FOR the purpose of authorizing the ~~Medical Advisory Board appointed by the Motor Vehicle Administrator to disclose certain information for certain purposes~~ Motor Vehicle Administration to 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 ~~disclosure of information by the Medical Advisory Board~~ use of certain confidential reports and records.

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

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

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

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

FOR the purpose of extending the termination date for certain provisions of law relating to certain records and reports concerning children and access by the Baltimore City Health Department; authorizing access to certain court records and police records by the Baltimore City Health Department under certain circumstances; ~~requiring the State Department of Education to disclose to the Baltimore City Health Department certain records concerning certain children under certain circumstances; requiring the Baltimore City Health Department to keep certain information confidential; providing that the Baltimore City Health Department shall be liable for the unauthorized release of certain information; requiring the Baltimore City Health Department to submit certain reports under certain circumstances;~~ requiring that certain records and reports concerning child abuse and neglect be disclosed to the Baltimore City Health Department under certain circumstances; requiring the Department of Juvenile Services to disclose to the Baltimore City Health Department certain records concerning certain children under certain circumstances; requiring the Department of State Police to provide to the Baltimore City Health Department certain information concerning certain children under certain circumstances; ~~defining a certain term;~~ providing for the termination of this Act; and generally relating to records concerning children and access by the Baltimore City Health Department.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–827(a) and 3–8A–27(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY adding to~~
~~Article – Education~~
~~Section 2–107~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(b) and 9–219(f)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–308(d)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 10 of the Acts of the General Assembly of 2006
Section 2

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

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

AN ACT concerning

Social Services Administration – Children Subject to ~~Threatened Injury~~ Substantial Risk of Abuse or Neglect – Identification and Notice

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to ~~allow the disclosure of certain birth records data~~ provide certain birth record information to the Executive Director of the Social Services Administration in the Department of Human Resources; requiring the Executive Director to ~~use certain birth records data and certain data from the child abuse or neglect central registry to identify certain children who may be subject to threatened injury by a certain individual; requiring the Executive Director to identify a certain child as subject to threatened injury if the individual responsible for the child's care meets certain criteria; requiring the Administration to send a certain notice to a certain local department in certain circumstances; defining a certain term~~ provide certain information regarding certain individuals to the Secretary; requiring the Executive Director to take certain action following the receipt of certain information from the Secretary; providing a certain exception to the confidentiality of certain vital records; and generally relating to the Social Services Administration and children subject to ~~threatened injury~~ substantial risk of abuse or neglect.

BY adding to
Article – Health – General
Section 4–222
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

BY adding to
Article – Family Law
Section 5–715
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 657 – Senators Conway, Pinsky, Rosapepe, Colburn, Dyson, Greenip, Klausmeier, Lenett, ~~and Raskin~~ Raskin, ~~and Harrington~~ Harrington, and Middleton

AN ACT concerning

College Textbook Competition and Affordability Act of 2008

FOR the purpose of ~~requiring certain institutions of postsecondary education to develop and implement certain processes to make certain faculty members aware of certain information; providing that certain prices must remain in effect for a certain term under certain circumstances; requiring certain faculty members to allow certain students to use certain editions of certain textbooks under certain circumstances; prohibiting certain faculty members from selecting certain textbooks unless a certain percentage of material will be used for certain courses; prohibiting certain access codes from exceeding a certain percentage of the price of certain textbooks except under certain circumstances; requiring certain faculty members to make certain affirmations under certain circumstances; prohibiting certain bookstores from bundling certain materials without prior approval from certain faculty members; requiring certain institutions of postsecondary education to adopt certain procedures; requiring certain institutions of postsecondary education to list certain information regarding certain textbooks on certain websites at certain times; prohibiting certain revenues from exceeding certain expenditures except under certain circumstances;~~ requiring certain public institutions of postsecondary education to develop and implement certain campaigns, certain textbook adoption processes, certain best practices processes, and certain procedures relating to certain disclosures and certain affirmations; requiring certain textbook publishers to disclose certain prices, variances in prices, content revisions, and textbook–related information; requiring certain publishers and certain bookstores to provide and sell certain textbooks and certain supplemental materials in a certain manner; requiring certain textbooks and certain supplemental materials to be available in certain packages; requiring certain institutions to provide certain information to certain bookstores under certain circumstances; requiring certain institutions to make certain information available by posting it on certain websites on or before a certain time; requiring certain institutions to allow certain bookstores to advertise and have certain access to certain students under certain circumstances; providing for a certain exception to the provisions of this Act; providing for the construction of this Act; requiring certain institutions of postsecondary education to make certain reports to the Maryland Higher Education Commission regarding certain analyses of certain textbook prices and certain other information on or before a certain date; requiring the Commission to compile certain reports and forward

the compilation to the Governor and the General Assembly on or before a certain date; ~~requiring certain institutions of postsecondary education to develop and implement certain policies for lowering the cost of textbooks on or before a certain date;~~ requiring certain institutions to report regarding certain policies developed in accordance with this Act; requiring the Commission, in consultation with certain stakeholders, to conduct certain feasibility studies on or before a certain date; requiring the University System of Maryland to conduct a certain study regarding certain business models and report the results of the study to the Board of Regents and the General Assembly; defining certain terms; and generally relating to the sale of college textbooks.

BY adding to
Article – Education
Section 15–111
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 659 – Carroll County Senators

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of requiring the County Commissioners of Carroll County to submit an ordinance to a certain referendum under certain circumstances; requiring the County Commissioners to take certain actions to provide for and hold a certain referendum under certain circumstances; making the provisions of a certain local law effective on a certain date under certain circumstances; prohibiting the implementation of a certain local law under certain circumstances; making this Act an emergency measure; and generally relating to a local referendum on the creation of a police department for Carroll County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 3(q)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 674 – Senator Brinkley

AN ACT concerning

Water Resources – Groundwater Appropriation or Use – Priority Funding Areas

FOR the purpose of authorizing the Maryland Department of the Environment to give priority to a public water system that supplies water to ~~a~~ certain priority funding ~~area~~ areas in certain counties when appropriating or using groundwater of the State under certain circumstances; authorizing the Department to adopt certain regulations; and generally relating to the appropriation or use of groundwater of the State.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–501
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

Senate Bill 682 – Senator Middleton

AN ACT concerning

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

FOR the purpose of requiring the Department of Health and Mental Hygiene and the Department of Human Resources, in consultation with certain groups, to develop a certain plan; requiring the Department of Health and Mental Hygiene and the Department of Human Resources to submit a certain report to the Governor and the General Assembly on or before a certain date; and generally relating to the Medical Assistance Program and eligibility for long–term care services.

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

Senate Bill 685 – Senators Rosapepe and Peters

AN ACT concerning

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

FOR the purpose of prohibiting a person from standing in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or~~

~~to advertise any message~~; prohibiting an adult from encouraging or allowing a child to stand in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~; providing that a child may not be found guilty or adjudicated delinquent for standing in a highway in Prince George's County to solicit money or donations from the occupant of a vehicle ~~or to advertise any message~~ if an adult encouraged or allowed the child to commit the violation; providing for the issuance of a certain warning to a first–time offender; providing a certain penalty for subsequent offenses; making the provisions of this Act severable; defining a certain term; and generally relating to restrictions on the use of highways in Prince George's County for ~~advertising or~~ solicitation.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

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

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 Environmental Matters.

Senate Bill 762 – Senator Conway

AN ACT concerning

Real Estate ~~Brokers~~ Licensees – Record Keeping

FOR the purpose of requiring a real estate ~~broker~~ licensee to ~~retain~~ keep certain records for a certain period of time; authorizing a ~~broker~~ licensee to keep and store certain records in a certain manner under certain circumstances; requiring a real estate ~~broker~~ licensee to make certain records available to the State Real Estate Commission in a certain manner under certain circumstances; and generally relating to record keeping requirements for real estate ~~brokers~~ licensees.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a), (d), (k), and (n) and 17–508
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–507
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 767 – Senator Conway

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

FOR the purpose of ~~authorizing~~ requiring the Board of Pharmacy to adopt regulations to authorize certain pharmacists to dispense certain medication from certain pharmacies or from certain remote locations; requiring certain pharmacists to be responsible for certain dispensing, repackaging, delivery, control of, bar coding, transaction records, dispensation records, labeling, and accountability of certain medications in certain remote automated medication systems; requiring certain pharmacists to have certain access to certain systems under certain circumstances; requiring certain pharmacists to review certain medication orders for accuracy, completeness, and appropriateness ~~before~~ after being ~~placed~~ entered in certain systems subject to certain exceptions; exempting certain health care facilities and certain systems from certain requirements under certain circumstances; requiring certain pharmacists, in consultation with certain health care facilities, to develop and implement certain quality

assurance programs; requiring certain pharmacists to limit certain access to certain systems by requiring individual security codes for certain functions; requiring certain records to be kept; requiring certain pharmacists to maintain certain logs and repair records; requiring certain pharmacists to ensure a certain back–up power source and that only certain individuals have access to certain systems under certain circumstances; defining certain terms; and generally relating to remote automated medication systems regulated by the Board of Pharmacy.

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

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

BY adding to
Article – Health Occupations
Section 12–605
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

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

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

FOR the purpose of altering certain allocations of the Purse Dedication Account under the authority of the State Racing Commission that is to be established with certain video lottery proceeds; requiring that funds in the Account be allocated in a certain way to thoroughbred purses at certain race tracks, the Maryland–bred Race Fund, standardbred purses at certain race tracks, and the Standardbred Race Fund; making this Act contingent on the taking effect of another Act; and generally relating to the Purse Dedication Account under the authority of the State Racing Commission.

BY repealing and reenacting, without amendments,

Article – State Government
Section 9–1A–27(a)(4) and 9–1A–28(a), (b)(1), and (c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–28(d) and (e)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

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

Senate Bill 798 – Senator Dyson

AN ACT concerning

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

FOR the purpose of providing that, in St. Mary's County, if a mobile home park owner does not submit a certain plan for alternative arrangements for park residents with an application for a change in the land use of a park or does not comply with an approved plan, the application for the land use change may not be approved until certain conditions are met; requiring a certain plan for alternative arrangements for park residents submitted in St. Mary's County to include certain information; requiring a copy of a certain notice of termination to be sent to the County Commissioners if the use of land of a park in St. Mary's County is changed; and generally relating to mobile home parks in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8A–202(c)(3) and 8A–1201
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Senate Bill 799 – Senators Exum, Garagiola, and Gladden

AN ACT concerning

Family Investment Program Recipients – Child–Specific Benefit – Repeal

FOR the purpose of repealing certain provisions prohibiting the payment of certain temporary cash assistance benefits as a result of the birth of certain children under certain circumstances; and generally relating to the receipt of temporary cash assistance benefits by Family Investment Program (FIP) recipients.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–313
Annotated Code of Maryland
(2007 Volume)

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

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

AN ACT concerning

Maryland Individual Tax Preparers Act

FOR the purpose of creating the State Board of Individual Tax Preparers in the Department of Labor, Licensing, and Regulation; providing for the composition of the Board and the appointment, terms, and expenses of the Board members; authorizing the Board to investigate certain complaints in a certain manner; authorizing the Board to seek a certain injunction under certain circumstances; authorizing the Board or its designee to administer oaths, hold hearings, take testimony, and issue subpoenas under certain circumstances; authorizing the Board to set certain fees for certain purposes; requiring certain individual tax preparers to pay certain fees; requiring the Board to pay certain fees to the State Comptroller; requiring the Comptroller to distribute certain fees to a certain fund; establishing a certain fund; providing for the purpose of the Fund; requiring the Board to administer the Fund; providing that the Fund is a special fund, requiring the State Treasurer to hold the Fund separately, and requiring the Comptroller to account for the Fund; providing for the contents of the Fund; providing for certain uses of the Fund; requiring the Treasurer to invest the money of the Fund in a certain manner and requiring certain investment earnings to be credited to the General Fund of the State; providing that certain expenditures must be made in accordance with the State budget; establishing certain powers and duties of the Board; requiring certain individuals to be registered by the Board as individual tax preparers before performing certain work; establishing certain education and experience requirements for individual tax preparers; establishing certain registration and registration renewal requirements for individual tax preparers; establishing certain examination requirements for individual tax preparers; authorizing the Board to deny a registration to an applicant, refuse to renew a registration, reprimand a registered individual, suspend or revoke a registration, or impose

certain penalties under certain circumstances; establishing certain prohibited acts; providing for certain criminal penalties; requiring certain fees and penalties collected by the Board to be used in a certain manner; requiring an individual tax preparer to make certain disclosures prior to rendering certain services; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; providing for the staggering of certain terms; requiring the Board, in conjunction with relevant trade associations, to develop and implement a certain public awareness campaign; requiring the Board to grant a waiver of certain requirements under this Act to certain individuals under certain circumstances; requiring the Governor to include a certain appropriation in the State budget under certain circumstances; defining certain terms; and generally relating to the State Board of Individual Tax Preparers.

BY renumbering
Article – Business Regulation
Section 2–108(a)(23) through (33), respectively
to be Section 2–108(a)(24) through (34), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY renumbering
Article – State Government
Section 8–403(b)(32) through (69), respectively
to be Section 8–403(b)(33) through (70), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 21–101 through 21–502 to be under the new title "Title 21. Individual Tax Preparers"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 2–108(a)(23)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 8–403(b)(32)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

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

FOR the purpose of altering the authorization of a general license to practice dental hygiene to include the application of certain sealants or fluoride agents under certain supervision in certain facilities; providing that a certain waiver is not required to practice dental hygiene under certain supervision in accordance with certain provisions of law; increasing the types of facilities a general license to practice dental hygiene authorizes a dental hygienist to practice in under certain supervision; altering the requirements for certain facilities in which certain dental hygienists are authorized to practice under certain supervision; defining ~~a~~ certain ~~term~~ terms; and generally relating to the practice of dental hygiene.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–101(k) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(e) and (h)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 828 – Senator Conway

AN ACT concerning

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

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to appoint epidemiologists and parents or guardians of children with birth defects to a

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

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

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

Senate Bill 840 – ~~Senator Colburn~~ Senators Colburn and Haines

AN ACT concerning

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

FOR the purpose of authorizing certain inspections of certain antique boilers or pressure vessels to be made by certain private inspectors under certain circumstances; requiring certain private inspectors who make certain inspections to file a certain report with the Chief Boiler Inspector; requiring the Chief Boiler Inspector to issue a certain certificate to the owner or user of certain antique boilers or pressure vessels under certain circumstances; defining a certain term; and generally relating to inspections of boilers and pressure vessels.

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

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

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–909
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 848 – Senator Conway

AN ACT concerning

State Board of Social Work Examiners – Membership – Qualifications

FOR the purpose of altering the number of members on the State Board of Social Work Examiners; requiring a certain member of the ~~State~~ Board ~~of Social Work Examiners~~ to be primarily engaged in social worker education at a certain program and be nominated from a certain list of names, subject to a certain exception; and generally relating to the State Board of Social Work Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–202(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 852 – Senators Kasemeyer, Kittleman, and Robey

AN ACT concerning

Health Insurance – Public–Private Health Care Programs

FOR the purpose of requiring a person to be certified by the Maryland Insurance Commissioner before operating a public–private health care program in the State; establishing certain requirements an applicant for certification must meet; requiring the Commissioner to certify an applicant to operate a public–private health care program under certain circumstances; providing for the expiration and renewal of a certification; requiring a certified nonprofit corporation to comply with and be subject to certain provisions of law; requiring a public–private health care program to disapprove an application under certain circumstances; authorizing the Commissioner to deny a certification to an applicant or refuse to renew, suspend, or revoke a certification under certain circumstances; requiring that all forms, agreements, advertising, or other documents provided to participants in a public–private health care program be truthful and not misleading and be made available to the Commissioner on request; authorizing the Commissioner to issue certain orders to enforce this Act and certain regulations; specifying the manner in which an order of the Commissioner may be served on certain persons; providing that a request for a hearing on an order of the Commissioner does not stay a certain portion of the order; authorizing the Commissioner to file a petition in a certain court to enforce certain orders; authorizing the Commissioner to recover for the use of the State certain attorney's fees and costs under certain circumstances; establishing certain civil penalties; authorizing the Commissioner to adopt certain regulations; specifying the purpose of certain provisions of this Act; defining certain terms; requiring the Maryland Insurance Administration to report to certain committees of the General Assembly on the Administration's recommendations for the continuation of public–private health care programs in the State on or before a certain date; providing for the termination of this Act; and generally relating to public–private health care programs.

BY adding to
Article – Insurance
Section 14–701 through ~~14–709~~ 14–710 to be under the new subtitle "Subtitle 7. Public–Private Health Care Programs"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 872 – ~~Senator Peters~~ Senators Peters, Astle, Della, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, ~~and Pugh~~ Pugh, and Colburn

AN ACT concerning

Veterans of Afghanistan and Iraq Mental Health Pilot Program

FOR the purpose of establishing the Veterans of Afghanistan and Iraq Mental Health Pilot Program at the Montgomery County General Hospital in Montgomery County; providing that the Pilot Program shall coordinate and provide certain mental health services to certain veterans and the spouses and dependents of certain veterans; providing that the Pilot Program may include certain services; ~~requiring~~ authorizing the Governor to include a certain appropriation of a certain amount in the State budget in a certain fiscal year under certain circumstances; prohibiting the Department of Health and Mental Hygiene from providing any funds to the Pilot Program unless the Department and Montgomery County General Hospital enter into a certain agreement; requiring the Mental Hygiene Administration to submit a certain report to the Governor and the General Assembly on or before a certain date; defining certain terms; providing for the termination of this Act; and generally relating to the Veterans of Afghanistan and Iraq Mental Health Pilot Program.

BY adding to
Article – Health – General
Section 10–1601 through ~~10–1604~~ 10–1605 to be under the new subtitle "Subtitle 16. Veterans of Afghanistan and Iraq Mental Health Pilot Program"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 900 – Senator Klausmeier

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

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

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

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

Section 17–1804(d)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 903 – Senator Kelley

AN ACT concerning

Traumatic Brain Injury Advisory Board – Sunset – Repeal

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

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

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

Senate Bill 946 – Senator Middleton

AN ACT concerning

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

FOR the purpose of specifying that certain hospital plans must be acceptable to the Secretary of Health and Mental Hygiene, in consultation with the Maryland Health Care Commission; providing that the Maryland Hospital Bond Program shall provide for the payment and refinancing of certain public obligations issued on behalf of a hospital on or after a certain date under certain circumstances; requiring a hospital with public obligations issued on or after a certain date to provide to the Secretary a certain closure plan under certain circumstances; requiring a certain closure plan to include a certain plan for provision of care to certain patients and populations; repealing a prohibition on certain user fees for the Health Services Cost Review Commission increasing from one fiscal year to the next by more than a certain percentage amount; clarifying the circumstances under which the Commission can assess a certain fee; and generally relating to hospital regulation and financing.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–340

Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–343 and 10–346
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–213(c) and 19–223
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON APPROPRIATIONS REPORT #7

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

House Bill 554 – Delegates Haynes, Barkley, G. Clagett, Glenn, Heller, Jones, and Robinson

AN ACT concerning

Correctional Officers' Retirement System – Membership

HB0554/314363/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "and Robinson" and substitute "Robinson, Anderson, Bronrott, DeBoy, Donoghue, Hubbard, Hucker, Nathan–Pulliam, Proctor, Ramirez, Riley, Ross, Schuler, Tarrant, V. Turner, Valderrama, and Wood".

AMENDMENT NO. 2

On page 1, strike in its entirety line 2 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. 3

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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

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

House Bill 1370 – Delegates King, Kipke, Schuh, and Walker

AN ACT concerning

State Government – Law Enforcement Officers – Application for Lost Pay and Attorneys' Fees

HB1370/144168/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1370
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "eliminating" in line 4 down through the second "of" in line 5 and substitute "of altering certain requirements to have certain determinations made concerning"; and in line 6, after "circumstances;" insert "prohibiting the Board of Public Works from approving payment under this Act until certain determinations are reported to the Board of Public Works;".

AMENDMENT NO. 2

On page 2, in line 31, after "(2)" insert "**EXCEPT AS PROVIDED IN § 12–315.1 OF THIS SUBTITLE,**".

On page 3, in line 24, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**".

On page 4, after line 8, insert:

"**(C) (1) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE PAYMENT UNDER THIS SECTION UNTIL THE DETERMINATIONS REQUIRED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION ARE REPORTED TO THE BOARD OF PUBLIC WORKS.**

(2) THE ATTORNEY GENERAL SHALL DETERMINE AND REPORT TO THE BOARD OF PUBLIC WORKS AS TO WHETHER THE APPLICANT:

(I) RETAINED COUNSEL; AND

(II) GAVE THE ATTORNEY GENERAL WRITTEN NOTICE PROMPTLY AFTER COUNSEL WAS RETAINED.

(3) AFTER REVIEW OF THE EVIDENCE AND OTHER INFORMATION, THE ATTORNEY GENERAL OR A DESIGNEE APPOINTED UNDER § 12–315 OF THIS SUBTITLE SHALL DETERMINE AND REPORT TO THE BOARD OF PUBLIC WORKS AS TO WHETHER THE APPLICANT:

(I) IN CONNECTION WITH THE MATTER UNDER CRIMINAL INVESTIGATION, DISCHARGED THE PUBLIC RESPONSIBILITIES IN GOOD FAITH, DID NOT ENGAGE IN UNLAWFUL CONDUCT, AND WAS REASONABLE IN RETAINING COUNSEL AND INCURRING THE COUNSEL FEES FOR WHICH REIMBURSEMENT WAS SOUGHT; OR

(II) IN CONNECTION WITH THE MATTER THAT WAS THE SUBJECT OF CRIMINAL CHARGES, DISCHARGED THE PUBLIC RESPONSIBILITIES IN GOOD FAITH AND INCURRED REASONABLE COUNSEL FEES.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

HB1433/994964/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1433
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "Center;" insert "providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 13–712(a)(1)(iii) and 13–712.1(5)(iii)2B

Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)";

and in line 15, strike "(H.B. ___) (8lr0698)" and substitute "(H.B. 1050)".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"Article – Financial Institutions

13–712.

(a) (1) (iii) Unless authorized by the General Assembly, the Board of Public Works may not give approval to an issuance by the Authority of bonds which constitute tax supported debt of the State for Baltimore Convention Center facilities if, after issuance, there would be outstanding and unpaid more than $55 million face amount of such bonds, whether taxable or tax exempt, for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies of Baltimore Convention Center facilities. **THE LIMITATION IN THIS SUBPARAGRAPH APPLIES TO THE AGGREGATE PRINCIPAL AMOUNT OF BONDS OUTSTANDING AS OF JUNE 30 OF ANY YEAR. REFUNDED BONDS MAY NOT BE INCLUDED IN THE DETERMINATION OF AN OUTSTANDING AGGREGATE AMOUNT UNDER THIS SUBPARAGRAPH.**

13–712.1.

The Authority may not close on the sale of bonds which constitute tax supported debt of the State, and may not otherwise borrow money in amounts exceeding $35,000 per year, to finance any segment of a facility unless the Authority:

(5) With respect to site acquisition and construction of a Baltimore Convention Center facility, has secured, as approved by the Board of Public Works:

(iii) A written agreement with Baltimore City:

2. That includes provisions that:

B. Require the Authority and Baltimore City to each contribute to operating deficits and a capital improvement reserve fund, for the period

beginning upon the completion of the expanded and renovated Baltimore Convention Center facility and ending on **[**June 30, 2008**] DECEMBER 31, 2014**, as follows:

I. The Authority shall contribute two–thirds and Baltimore City shall contribute one–third to annual operating deficits;

II. The Authority and Baltimore City shall each annually contribute $200,000 to the Capital Improvement Reserve Fund; and

III. Baltimore City shall be solely responsible for all operating deficits and capital improvements:

1. Prior to completion of the expanded and renovated Baltimore Convention Center facility; and

2. After **[**June 30, 2008**] DECEMBER 31, 2014**; and

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

On page 2, strike beginning with "**ADDITIONAL**" in line 9 down through "**AMOUNT**" in line 10 and substitute "**THE AGGREGATE PRINCIPAL AMOUNT OF BONDS OUTSTANDING**".

On page 2, after line 30, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.".

On page 3, in line 1, strike "2." and substitute "4."; in the same line, after "That" insert ", subject to the provisions of Section 3 of this Act,"; and in line 2, strike "July" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1596 – Delegate Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

HB1596/464161/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1596
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "determination" in line 4 down through "leases;" in line 7 and substitute "certification by the Capital Debt Affordability Committee or approval of the General Assembly in the budget;".

AMENDMENT NO. 2

On page 2, in line 28, strike "**(I)**".

On page 3, strike in their entirety lines 1 through 12, inclusive, and substitute:

"**(I) THE CAPITAL DEBT AFFORDABILITY COMMITTEE HAS CERTIFIED TO THE GOVERNOR AND THE GENERAL ASSEMBLY THAT THE TOTAL AMOUNT OF NEW STATE DEBT TO BE INCURRED BY THE LEASE MAY PRUDENTLY BE AUTHORIZED; OR**

(II) THE GENERAL ASSEMBLY HAS APPROVED THE LEASE IN THE BUDGET FOR THE REQUESTING UNIT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #15

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

House Bill 1021 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Theme Park License

PG 319–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1561 – Delegate Krysiak

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.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

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

Senate Bill 347 – Senators Middleton and Astle

EMERGENCY BILL

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Rudolph moved to put **Senate Bill 347** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 129 Negative – 0 (See Roll Call No. 522)

Two–thirds of the Delegates elected having voted in the affirmative, **Senate Bill 347** was placed on Third Reading.

Senate Bill 347 – Senators Middleton and Astle

EMERGENCY BILL

AN ACT concerning

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

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 132 Negative – 1 (See Roll Call No. 523)

The Bill was then returned to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #16

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

House Bill 377 – The Speaker (By Request – Administration) and Delegates Doory, Rudolph, Hixson, Barve, Hecht, Howard, Cardin, Ali, Aumann, Bartlett, Bobo, Bohanan, Bronrott, Carr, G. Clagett, Dumais, Eckardt, Elmore, Frick, George, Haddaway, Haynes, Hucker, Ivey, James, Jones, Krebs, Lee, Love, Manno, Mathias, McHale, McKee, Mizeur, Montgomery, Morhaim, Murphy, Pena–Melnyk, Ramirez, Rice, Rosenberg, Ross, Shewell, Sophocleus, Stein, Tarrant, and F. Turner

AN ACT concerning

Solar and Geothermal Tax Incentive and Grant Program

HB0377/803999/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 377
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "exempting" insert "from"; in line 9, strike "geothermal property and"; and in the same line, after "property;" insert "requiring that certain geothermal property be assessed at no more than a certain value;".

On page 2, after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 8–240
Annotated Code of Maryland
(2007 Replacement Volume)".

AMENDMENT NO. 2

On page 5, in line 12, strike "**(1)**"; in the same line, after "**SECTION**" insert "**,**"; strike beginning with the first "**THE**" in line 12 down through "**(3)**" in line 17; in line 17, strike "**SOLAR**" and substitute "**SOLAR**"; in line 18, strike "**HEAT OR COOL A STRUCTURE,**"; in lines 19 and 20, in each instance, strike "**THE**" and substitute "**A**"; in line 21, strike "**GEOTHERMAL PROPERTY OR**" and substitute "**EXCEPT AS PROVIDED IN § 8–240 OF THIS ARTICLE,**"; and after line 28, insert:

"8–240.

(a) If no conventional heating and cooling system exists in a building, a solar energy **OR GEOTHERMAL** heating and cooling system shall be assessed to the owner of the real property on which it is located at not more than the value of a conventional system.

(b) If a solar energy **OR GEOTHERMAL** heating and cooling system is installed in addition to a conventional system in a building, the combined system may be assessed to the owner of the real property on which it is located at not more than the value of the conventional system.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 752 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulation, Fees, and Assessments

HB0752/583192/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 752
(First Reading File Bill)

On page 6, in lines 10, 15, 17, and 19, strike "**3**", "**1**", "**2**", and "**1**", respectively, and substitute "**0.3**", "**0.1**", "**0.2**", and "**0.1**", respectively; in line 12, strike the second "**2**" and substitute "**0.2**"; and in line 16, after "**$20,000,000,000**" insert "**UP TO $27,500,000,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1353 – Delegates Rudolph, Impallaria, and Mathias

AN ACT concerning

Omnibus Coastal Property Insurance Reform Act

HB1353/863992/2

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1353
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through the semicolon in line 16; in line 23, after the second "a" insert "certain"; in line 24, strike

"under certain circumstances" and substitute "to certain policyholders who submit certain proof of certain improvements made to a certain insured premises; requiring certain improvements to be completed by certain licensed contractors; authorizing an insurer to inspect certain improvements; requiring certain premium discounts to be in compliance with certain provisions of law; requiring certain insurers to provide a certain annual statement"; in line 26, strike "explain certain information" and substitute "make certain arrangements"; in line 29, after the semicolon insert "requiring a certain insurer to file a certain plan at a certain time; providing for the contents of the plan; prohibiting the plan from taking effect until a certain time after a certain filing; authorizing the Commissioner to extend a certain waiting period for a certain time upon a certain notice; providing that a certain filing is deemed approved unless disapproved by a certain time; authorizing the Commissioner to allow a certain insurer to implement a certain plan within a certain time; requiring the Commissioner to approve the plan under certain circumstances; requiring the Commissioner to assess a certain impact; requiring the Commissioner to state certain points of objection and certain amendments under certain circumstances; requiring a certain insurer to file a certain amended plan within a certain time; prohibiting any intended withdrawal in accordance with a certain plan until a certain plan is approved; defining certain terms;"; and in line 29, strike "Planning" and substitute "Housing and Community Development".

On page 2, strike in their entirety lines 1 through 5, inclusive; and in line 8, strike "19–210" and substitute "19–211".

On page 7, in line 30, strike "Planning" and substitute "Housing and Community Development".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 14 on page 2 through line 7 on page 5, inclusive.

On page 5 in line 11, on page 6 in line 30, and on page 7 in line 5, in each instance, strike "**RELATED**".

On page 5 in lines 19 and 30, and on page 6 in line 1, in each instance, strike "**120**" and substitute "**60**".

On page 6 in line 33 and on page 7 in line 1, in each instance, strike "**STATE**" and substitute "**STATE**".

On page 7, strike beginning with "**AN**" in line 11 down through "**STORM**" in line 14 and substitute:

"**AN INSURER SHALL OFFER AT LEAST ONE ACTUARIALLY JUSTIFIED PREMIUM DISCOUNT ON A POLICY OF HOMEOWNER'S INSURANCE TO A POLICYHOLDER WHO SUBMITS PROOF OF IMPROVEMENTS MADE TO THE INSURED PREMISES AS A MEANS OF MITIGATING LOSS FROM A HURRICANE OR OTHER STORM.**

(B) MEANS OF MITIGATING LOSS INCLUDE:

(1) THE INSTALLATION OF ONE OR MORE OF THE FOLLOWING:

(I) HURRICANE SHUTTERS;

(II) SECONDARY WATER BARRIER;

(III) REINFORCED ROOF COVERINGS;

(IV) BRACED GABLE ENDS;

(V) REINFORCED ROOF TO WALL CONNECTIONS;

(VI) TIE DOWNS; AND

(VII) REINFORCED OPENING PROTECTIONS;

(2) REPAIR OR REPLACEMENT OF:

(I) EXTERIOR DOORS, INCLUDING GARAGE DOORS;

(II) HURRICANE RESISTANT TRUSSES, STUDS, AND OTHER STRUCTURAL COMPONENTS; AND

(III) REPAIR OR REPLACEMENT OF MANUFACTURED HOME PIERS, ANCHORS, AND TIE DOWN STRAPS; AND

(3) ANY MITIGATION EFFORT THAT MATERIALLY MITIGATES LOSS FROM A HURRICANE OR OTHER STORM OTHERWISE COVERED UNDER THE POLICY.

(C) IMPROVEMENTS MADE TO AN INSURED PREMISES UNDER THIS SECTION SHALL BE COMPLETED BY A CONTRACTOR LICENSED BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

(D) (1) AN INSURER SHALL BE ALLOWED TO INSPECT THE IMPROVEMENTS THAT ARE THE BASIS OF A PREMIUM DISCOUNT UNDER THIS SECTION.

(2) (I) VERIFICATION OF IMPROVEMENTS THAT ARE THE BASIS OF A PREMIUM DISCOUNT UNDER THIS SECTION RESTS WITH THE INSURER.

(II) AN INSURER MAY ACCEPT AN INSPECTION CERTIFICATE ISSUED BY A GOVERNMENTAL AGENCY AS VERIFICATION OF IMPROVEMENTS THAT ARE THE BASIS OF A PREMIUM DISCOUNT UNDER THIS SECTION.

(E) A PREMIUM DISCOUNT OFFERED UNDER THIS SECTION SHALL:

(1) COMPLY WITH THE PROVISIONS OF TITLE 11 OF THIS ARTICLE; AND

(2) ONLY BE OFFERED FOR IMPROVEMENTS IDENTIFIED BY THE COMMISSIONER AS QUALIFIED MITIGATION ACTIONS MADE TO AN INSURED PREMISES THAT MAY MATERIALLY MITIGATE LOSS FROM A HURRICANE OR OTHER STORM OTHERWISE COVERED UNDER A POLICY.

(F) (1) AN INSURER THAT OFFERS A PREMIUM DISCOUNT UNDER THIS SECTION SHALL PROVIDE A POLICYHOLDER WITH AN ANNUAL STATEMENT REGARDING THE AVAILABILITY OF THE DISCOUNT AND THE METHOD OF APPLYING FOR THE DISCOUNT.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE SENT WITH THE STATEMENT REQUIRED UNDER § 19–205 OF THIS SUBTITLE";

and in line 15, strike "**(B)**" and substitute "**(G)**".

AMENDMENT NO. 3

On page 7, in line 18, before "**IF**" insert "**(1)**"; in line 20, strike "**(1)**" and substitute "**(I)**"; in the same line, after "**COMMISSIONER**" insert "**A DESCRIPTION OF**"; and in lines 22 and 23, strike beginning with "**(2)**" in line 22 down through "**RATE**" in line 23 and substitute:

"**(II) MAKE ARRANGEMENTS FOR THE VENDOR OF THE MODEL TO EXPLAIN TO THE COMMISSIONER THE DATA USED IN THE MODEL AND THE MANNER IN WHICH THE OUTPUT IS OBTAINED.**

(2) IF AT ANY TIME AN INSURER CHANGES THE CATASTROPHIC RISK PLANNING MODEL OR OTHER MODEL UPON WHICH IT IS RELYING, THE INSURER SHALL NOTIFY THE COMMISSIONER OF THE CHANGE AND COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION".

AMENDMENT NO. 4

On page 7, after line 28, insert:

"**19–211.**

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

(2) (I) "MATERIAL REDUCTION" MEANS DURING A 1–YEAR PERIOD, THE GREATER OF:

1. A REDUCTION OF HOMEOWNER'S INSURANCE POLICIES IN FORCE, BY 5% OR MORE; AND

2. A REDUCTION IN THE NET NUMBER OF HOMEOWNER'S INSURANCE POLICIES BY 100.

(II) "MATERIAL REDUCTION" DOES NOT INCLUDE A HOMEOWNER'S INSURANCE POLICY:

1. CANCELLED, NONRENEWED, OR OTHERWISE TERMINATED BY AN INSURED; OR

2. CANCELLED OR NONRENEWED BY AN INSURER PURSUANT TO REASONS OTHER THAN A MATERIAL REDUCTION PLAN.

(3) (I) "MINIMIZES MARKET DISRUPTION" MEANS ACTIONS TO BE TAKEN BY AN INSURER THAT INTENDS TO ENGAGE IN A PLAN OF MATERIAL REDUCTION OF ITS VOLUME OF POLICIES TO PROVIDE FOR THE ORDERLY REDUCTION IN HOMEOWNER'S INSURANCE COVERAGE.

(II) "MINIMIZES MARKET DISRUPTION" INCLUDES:

1. EFFORTS BY THE INSURER TO MAINTAIN A SERVICE FORCE IN AFFECTED AREAS DURING THE PERIOD OF MATERIAL REDUCTION;

2. EFFORTS TO INFORM INSUREDS OF OPTIONS AVAILABLE FOR REPLACEMENT OF COVERAGE WITH AUTHORIZED INSURERS; AND

3. ANY ACTIONS SERVING TO MINIMIZE MARKET DISRUPTION.

(B) (1) AT LEAST 60 DAYS IN ADVANCE OF IMPLEMENTING A PLAN OF MATERIAL REDUCTION, AN INSURER SHALL FILE WITH THE COMMISSIONER A PLAN FOR ORDERLY REDUCTION.

(2) THE PLAN SHALL:

(I) DESCRIBE THE INSURER'S CONTEMPLATED ACTIONS;

(II) SET FORTH THE REASONS FOR THE ACTIONS;

(III) DESCRIBE THE MEASURES THE INSURER INTENDS TO TAKE IN ORDER TO MINIMIZE MARKET DISRUPTION; AND

(IV) PROVIDE ANY OTHER INFORMATION REQUIRED BY THE COMMISSIONER.

(C) (1) EXCEPT AS PROVIDED IN THIS SECTION, A FILING UNDER THIS SECTION MAY NOT TAKE EFFECT UNTIL 60 DAYS AFTER IT IS FILED WITH THE COMMISSIONER.

(2) DURING THE INITIAL 60–DAY WAITING PERIOD, THE COMMISSIONER MAY EXTEND THE WAITING PERIOD FOR AN ADDITIONAL PERIOD, NOT TO EXCEED 60 DAYS, BY WRITTEN NOTICE TO THE INSURER THAT THE COMMISSIONER NEEDS ADDITIONAL TIME FOR CONSIDERATION OF THE FILING.

(3) IF THE COMMISSIONER REQUIRES ADDITIONAL INFORMATION, THE WAITING PERIOD AND ANY ADDITIONAL PERIOD UNDER THIS SECTION SHALL BE TOLLED AND SHALL BEGIN AGAIN ON THE DATE THE NEEDED INFORMATION IS RECEIVED.

(4) A FILING IS DEEMED APPROVED UNLESS DISAPPROVED BY THE COMMISSIONER DURING THE WAITING PERIOD OR ANY EXTENSION OF THE WAITING PERIOD.

(D) IF THE COMMISSIONER FINDS THAT COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION WOULD RESULT IN IMPAIRMENT OF THE INSURER OR A SIGNIFICANT FINANCIAL LOSS TO THE INSURER, THE COMMISSIONER MAY ALLOW AN INSURER TO IMPLEMENT ITS PLAN OF MATERIAL REDUCTION WITHIN 60 DAYS AFTER THE FILING OF THE PLAN.

(E) THE COMMISSIONER SHALL APPROVE THE PLAN OF MATERIAL REDUCTION IF THE INSURER DEMONSTRATES THAT THE MATERIAL REDUCTION IS ACCOMPLISHED IN A MANNER THAT MINIMIZES MARKET DISRUPTION IN THE AREAS OF MATERIAL REDUCTION.

(F) IN REVIEWING A PLAN OF MATERIAL REDUCTION, THE COMMISSIONER SHALL ASSESS THE IMPACT OF THE PLAN OF MATERIAL REDUCTION IN:

(1) EACH COUNTY OF THE STATE; AND

(2) AREAS WITHIN 1 MILE OF ANY SALTWATER SHORELINE OR ANY SHORELINE DIRECTLY ADJACENT TO THE CHESAPEAKE BAY.

(G) (1) IF THE COMMISSIONER DISAPPROVES THE PLAN OF MATERIAL REDUCTION, THE COMMISSIONER SHALL STATE:

(I) THE POINTS OF OBJECTION WITH THE PLAN; AND

(II) ANY AMENDMENTS TO THE PLAN THAT THE COMMISSIONER MAY REQUIRE, CONSISTENT WITH THIS SECTION, INCLUDING AMENDMENTS DESIGNED TO ACCOMPLISH THE PLAN OF MATERIAL REDUCTION IN A MANNER THAT MINIMIZES MARKET DISRUPTION.

(2) THE INSURER SHALL FILE AN AMENDED PLAN WITHIN 15 DAYS AFTER THE DATE OF RETURN OF THE DISAPPROVED PLAN.

(3) ANY INTENDED WITHDRAWAL IN ACCORDANCE WITH A PLAN OF MATERIAL REDUCTION THAT IS DISAPPROVED IS PROHIBITED UNTIL THE ORIGINAL OR AN AMENDED PLAN OF MATERIAL REDUCTION IS APPROVED BY THE COMMISSIONER.

(H) THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1409/783696/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1409
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "expressing" in line 11 down through "Program;" in line 12; and in line 19, strike "(H.B.__)" and substitute "(H.B. 1050)".

AMENDMENT NO. 2

On page 4, in line 5, strike "**SUBJECT**" and substitute "**WITHIN THE CENTR MARYLAND PROGRAM, SUBJECT**"; and in line 18, after "**GRANTS**" insert "**FROM THE FUND**".

On page 5, in line 14, strike "**DISBURSING**" and substitute "**AWARDING**"; in line 15, strike "**PROGRAM**" and substitute "**FUND TO ELIGIBLE RECIPIENTS**"; in line 16, after "**(B)**" insert "**(1) IN ACCORDANCE WITH THIS PART, ALL PRIVATE SECTOR ENTITIES IN THE STATE AND ALL INSTITUTIONS OF HIGHER EDUCATION IN THE STATE MAY BE ELIGIBLE RECIPIENTS OF GRANTS.**

(2)";

and in lines 18, 19, and 21, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

On page 6, strike in their entirety lines 1 through 7, inclusive; and in line 8, strike "4." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #16

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

House Bill 864 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Loans – Purchase of New Emergency Equipment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 928 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – People's Zoning Counsel – Appeals

PG/MC 118–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 930 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–Washington Regional District – Boundaries – City of Laurel

PG/MC 124–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1011 – Prince George's County Delegation

AN ACT concerning

Prince George's County School Facilities Surcharge – Exemption

PG 414–08

HB1011/910517/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1011
(First Reading File Bill)

On page 3, in line 32, strike "**SIMILAR**" and substitute "**:**

(I) SIMILAR";

in line 33, after "**UNIT**" insert "**; AND**

(II) OWNED AND OCCUPIED BY THE SAME INDIVIDUAL WHO OWNED AND OCCUPIED THE PREVIOUSLY EXISTING SINGLE–FAMILY DWELLING UNIT".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1083 – Washington County Delegation

AN ACT concerning

Washington County – Maintenance of Sidewalks

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1085 – Washington County Delegation

AN ACT concerning

Washington County – Regulation of Special Events

HB1085/790217/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1085
(First Reading File Bill)

On page 2, in line 17, after "**(C)**" insert "**(1)**"; and in line 20, strike "**INCLUDING:**" and substitute "**IF THE EXPECTED ATTENDANCE, INCLUDING PARTICIPANTS AND SPECTATORS, IS GREATER THAN 250 PEOPLE.**

(2) "ENTERTAINMENT EVENT" INCLUDES:".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1139 – Delegate Kullen

AN ACT concerning

Calvert County – Regulation and Protection of Animals – Animal Control Officers

HB1139/820912/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1139
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3 strike "– Animal Control Officers"; in line 7, after "Commissioners" insert "of Calvert County"; in line 10, after "summons;" insert "authorizing the County Commissioners of Calvert County to create an Animal Matters Hearing Board to resolve certain disputes and controversies; providing that the County Commissioners may authorize an Animal Matters Hearing Board to issue certain subpoenas and assess and collect certain civil penalties;"; in line 15 strike "the enforcement of"; in the same line, after "laws" insert "regulating and protecting animals"; strike beginning with "by" in line 15 down through "officers" in line 16; and in line 19, strike "and" and substitute ", (p), and".

AMENDMENT NO. 2

On page 2, after line 18, insert:

"(p) **(1)** In addition to and not in substitution for any powers granted under this subtitle, the County Commissioners of Calvert County may by ordinance provide

for the regulation, humane treatment, and keeping of domestic animals within Calvert County, including the authority to assess a penalty for a violation of a provision of an ordinance of imprisonment in the county jail not exceeding 30 days or a fine not exceeding $1,000 or both.

(2) (I) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY CREATE AN ANIMAL MATTERS HEARING BOARD TO RESOLVE DISPUTES AND CONTROVERSIES ARISING UNDER THE ANIMAL CONTROL ORDINANCES ADOPTED UNDER THIS SUBSECTION.

(II) THE COUNTY COMMISSIONERS MAY AUTHORIZE AN ANIMAL MATTERS HEARING BOARD TO:

1. ISSUE A SUBPOENA TO COMPEL PARTIES IN A DISPUTE TO APPEAR BEFORE THE BOARD;

2. ASSESS A CIVIL PENALTY NOT EXCEEDING $1,000 FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SUBSECTION; AND

3. COLLECT A CIVIL PENALTY IMPOSED UNDER THIS PARAGRAPH.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1513 – Delegate Hucker

AN ACT concerning

Maryland Affordable Housing Trust – Board of Trustees – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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 HEALTH AND GOVERNMENT OPERATIONS REPORT #8

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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

AN ACT concerning

Pharmacy Benefits Managers – Transparency

HB0120/466186/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 120
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Beitzel, Donoghue, Hammen, Kach, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, and V. Turner"; 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; authorizing the Commissioner to assess a certain penalty or require certain restitution under certain circumstances; making certain provisions of law applicable to health maintenance organizations;"; and in line 16, strike "15–1609" and substitute "15–1606".

AMENDMENT NO. 2

On pages 2 through 9, strike in their entirety the lines beginning with line 3 on page 2 through line 3 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.

15–1606.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 257 – Delegates Kullen, Elliott, Kipke, and Rudolph

AN ACT concerning

Pharmacy Benefits Managers – Contracts with Pharmacies

HB0257/276182/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 257
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rudolph" and substitute "Rudolph, Beitzel, Benson, Bromwell, Costa, Donoghue, Hammen, Kach, McDonough, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, V. Turner, and Weldon"; 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; establishing a process for a pharmacy or pharmacist to file a certain complaint with the Maryland Insurance Commissioner; establishing a certain process for review of the underpayment of a claim; making certain provisions of law applicable to health maintenance organizations; providing for the application of this Act;"; in line 8, after "pharmacies"

insert "and pharmacists"; in line 11, after "15–1601" insert "through 15–1604"; 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 16 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.

THE PROVISIONS OF §§ 15–1008 AND 15–1009(B) OF THIS TITLE, SUBTITLE 10D OF THIS TITLE, AND § 27–303(2) OF THIS ARTICLE SHALL APPLY TO PHARMACY BENEFITS MANAGERS IN THE SAME MANNER THEY APPLY TO CARRIERS.

15–1603.

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.

15–1604.

(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) ALLOW A PHARMACY OR PHARMACIST AT LEAST 30 WORKING DAYS FOLLOWING RECEIPT OF THE PRELIMINARY AUDIT REPORT, WITH REASONABLE EXTENSIONS ALLOWED, IN WHICH TO PRODUCE DOCUMENTATION TO ADDRESS ANY DISCREPANCY FOUND DURING THE AUDIT; AND

(8) DELIVER THE FINAL AUDIT REPORT TO THE PHARMACY OR PHARMACIST WITHIN 6 MONTHS AFTER DELIVERY OF:

(I) THE PRELIMINARY AUDIT REPORT; OR

(II) THE DECISION ON ANY APPEAL MADE THROUGH THE PROCESS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.

(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 APPEALS PROCESS, IN ACCORDANCE WITH THE PROVISIONS OF SUBTITLE 10D OF THIS TITLE, UNDER WHICH A PHARMACY OR PHARMACIST MAY APPEAL A DISPUTED CLAIM IN A PRELIMINARY AUDIT REPORT.

(2) IF THE PHARMACY BENEFITS MANAGER REVERSES OR MODIFIES ITS PRELIMINARY AUDIT REPORT AS A RESULT OF AN APPEAL OF A DISPUTED CLAIM BY A PHARMACY OR PHARMACIST, THE PHARMACY BENEFITS MANAGER SHALL DISMISS THE PRELIMINARY AUDIT REPORT OR THE UNSUBSTANTIATED PORTION OF THE PRELIMINARY AUDIT REPORT WITH NO FURTHER PROCEEDINGS.

(3) 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.

(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 PROVIDED 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 AN INDIVIDUAL AUDIT EXCEEDS $25,000.

(I) (1) A PHARMACY BENEFITS MANAGER SHALL ESTABLISH A REASONABLE INTERNAL PROCESS FOR A PHARMACY OR PHARMACIST TO REQUEST THE REVIEW OF AN UNDERPAYMENT OF A CLAIM.

(2) (I) A PHARMACY OR PHARMACIST MAY REQUEST A PHARMACY BENEFITS MANAGER TO REVIEW AN UNDERPAYMENT OF A CLAIM WITHIN 1 YEAR AFTER THE DATE THE CLAIM WAS PAID BY THE PHARMACY BENEFITS MANAGER.

(II) THE PHARMACY BENEFITS MANAGER SHALL GIVE WRITTEN NOTICE OF ITS REVIEW DECISION WITHIN 90 CALENDAR DAYS AFTER RECEIPT OF THE REQUEST FOR REVIEW.

(3) IF THE PHARMACY BENEFITS MANAGER DETERMINES THROUGH THE INTERNAL PROCESS THAT THE PHARMACY BENEFITS MANAGER UNDERPAID A PHARMACY OR PHARMACIST, THE PHARMACY BENEFITS MANAGER SHALL PAY ANY MONEY DUE TO THE PHARMACY OR PHARMACIST WITHIN 30 WORKING DAYS AFTER COMPLETION OF THE INTERNAL PROCESS.

(4) (I) IF THE PHARMACY OR PHARMACIST DISAGREES WITH THE PHARMACY BENEFITS MANAGER'S REVIEW OF AN UNDERPAYMENT OF A CLAIM THROUGH ITS INTERNAL PROCESS, THE PHARMACY OR PHARMACIST MAY FILE A COMPLAINT WITH THE COMMISSIONER FOR REVIEW OF THE UNDERPAYMENT BY THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE TO DETERMINE IF THE PHARMACY BENEFITS MANAGER'S CALCULATION OF THE PAYMENT AMOUNT WAS ARBITRARY AND CAPRICIOUS.

(II) A COMPLAINT FILED UNDER THIS SUBSECTION SHALL BE FILED WITHIN 30 WORKING DAYS AFTER RECEIPT OF WRITTEN NOTICE OF THE PHARMACY BENEFITS MANAGER'S REVIEW DECISION.

(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.".

AMENDMENT NO. 3

On page 4, in line 17, strike "**(G)**" and substitute "**(K)**"; in lines 18 and 22, in each instance, strike "**SECTION**" and substitute "**SUBTITLE**"; after line 22, insert:

"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 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.";

and in line 23, strike "2." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 744 – Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Construction Services – Training

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 809 – Delegate James

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance

HB0809/576883/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 809
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate James" and substitute "Delegates James, McDonough, and Riley"; and in line 19, strike "2009" and substitute "**[**2008**]** **2009**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 906 – Delegates Morhaim, Hammen, Elliott, Kach, Kipke, Kullen, McHale, Montgomery, Nathan–Pulliam, Reznik, and Shewell

AN ACT concerning

Maryland Revised Anatomical Gift Act

HB0906/396784/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 906
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Shewell" and substitute "Shewell, Pendergrass, Benson, Bromwell, Costa, Donoghue, Hubbard, McDonough, Mizeur, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, and Weldon"; and in line 26, after "actions" insert "or subject to prosecution in certain criminal proceedings".

AMENDMENT NO. 2

On page 4, strike beginning with "**(I)**" in line 9 down through "**PARAGRAPH,**" in line 10; in line 10, strike "**DISINTERESTED**" and substitute "**DISINTERESTED**"; and strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 3

On page 6, in line 24, after "**ORGANIZATION**" insert "**EXEMPT FROM TAXATION**"; in the same line, strike "**THAT**" and substitute "**OR AN ENTITY EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE THAT ACTIVELY FUNCTIONS IN A SUPPORTING RELATIONSHIP TO ONE OR MORE PROCUREMENT ORGANIZATIONS IF THE PROCUREMENT ORGANIZATION OR OTHER ENTITY**"; and in line 25, strike "**BOARD**" and substitute "**A BOARD OF**".

AMENDMENT NO. 4

On page 7, in line 10, after "**(AA)**" insert "**(1)**"; and after line 12, insert:

"**(2) "REFUSAL" DOES NOT INCLUDE AN ACTION UNDER § 4–504 OF THIS SUBTITLE TO AMEND OR REVOKE AN ANATOMICAL GIFT.**

(BB) (1) "REVOCATION" MEANS THE CANCELLATION OF AN ANATOMICAL GIFT THAT WAS MADE PREVIOUSLY.

(2) "REVOCATION" DOES NOT INCLUDE AN ACTION UNDER § 4–505 OF THIS SUBTITLE TO REFUSE TO MAKE AN ANATOMICAL GIFT.";

and in lines 13, 19, 24, 28, and 30, strike "**(BB)**", "**(CC)**", "**(DD)**", "**(EE)**", and "**(FF)**", respectively, and substitute "**(CC)**", "**(DD)**", "**(EE)**", "**(FF)**", and "**(GG)**", respectively.

On page 8, in line 3, strike "**(GG)**" and substitute "**(HH)**".

AMENDMENT NO. 5

On page 9, in line 7, after "**ADULTS**" insert "**, AT LEAST ONE OF WHOM IS A DISINTERESTED WITNESS**"; and in line 20, after "**ADULTS**" insert "**, AT LEAST ONE OF WHOM IS A DISINTERESTED WITNESS,**".

AMENDMENT NO. 6

On page 18, in line 19, strike "**CRIMINAL OR**"; and strike beginning with "**BUT**" in line 20 down through "**SANCTIONS**" in line 21.

On page 19, strike beginning with the colon in line 5 down through "**ANY**" in line 8 and substitute "**ANY**".

On page 20, in line 12, strike "**SUBJECT**" and substitute "**AFTER THE DONOR IS DEAD AND SUBJECT**"; and in lines 26 and 27, strike "**AND A PHYSICIAN WHO**" and substitute "**OR**".

AMENDMENT NO. 7

On page 21, strike beginning with "**A**" in line 25 down through "**PROCEEDING**" in line 28 and substitute "**A PERSON WHO, IN GOOD FAITH AND ACTING IN RELIANCE ON AN AUTHORIZATION MADE UNDER THE PROVISIONS OF THIS SUBTITLE OR UNDER THE ANATOMICAL GIFT LAWS OF ANOTHER STATE OR FOREIGN COUNTRY AND WITHOUT NOTICE OF REVOCATION, TAKES POSSESSION OF, PERFORMS SURGICAL OPERATIONS ON, OR REMOVES TISSUE, SUBSTANCES, OR PARTS FROM THE HUMAN BODY OR REFUSES THE GIFT, OR A PERSON WHO UNKNOWINGLY FAILS TO CARRY OUT THE WISHES OF THE DONOR ACCORDING TO THE PROVISIONS OF THIS SUBTITLE OR UNDER THE ANATOMICAL GIFT LAWS OF ANOTHER STATE OR FOREIGN COUNTRY, IS NOT SUBJECT TO PROSECUTION IN ANY CRIMINAL PROCEEDINGS OR LIABLE FOR DAMAGES IN A CIVIL ACTION BROUGHT AGAINST THE PERSON FOR THE ACT OR FAILURE TO ACT**".

AMENDMENT NO. 8

On page 22, in line 2, after "**SUBTITLE**" insert "**RELATING TO THE RELATIONSHIP OF THE INDIVIDUAL TO THE DONOR OR PROSPECTIVE DONOR**".

AMENDMENT NO. 9

On page 24, in lines 18, 20, and 25, strike "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(2)**", "**(3)**", and "**(4)**", respectively; in line 27, strike "**NOT**"; and strike beginning with "**WITHHELD**" in line 27 down through "**NOT**" in line 28 and substitute "**INITIATED OR CONTINUED UNLESS INITIATION OR CONTINUATION OF THE MEASURE IS**".

AMENDMENT NO. 10

On page 35, in lines 16 and 17, strike "Senate Finance Committee" and substitute "Senate Judicial Proceedings Committee, Senate Education, Health, and Environmental Matters Committee,".

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 942 – Delegate Nathan–Pulliam

AN ACT concerning

Health Disparities – Institutions of Higher Education – Report

HB0942/306686/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 942
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "colleges and universities" and substitute "universities, colleges, and programs"; and in line 7, strike "universities and colleges" and substitute "universities, colleges, and programs".

AMENDMENT NO. 2

On page 2, in line 7, strike "universities and colleges" and substitute "universities, colleges, and higher education programs"; in line 11, after "developed" insert "independently"; and in the same line, strike "colleges and universities that comply with" and substitute "universities, colleges, and higher education programs or through a collaboration with the Office of Minority Health and Health Disparities under".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1219 – Delegates Kach, Elliott, Kipke, Kullen, Nathan–Pulliam, and Riley

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

HB1219/866088/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1219
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "circumstances;" insert "authorizing a provider contract, notwithstanding certain provisions of law, to include a provision that requires a provider, as a condition of participation, to accept a certain schedule of applicable fees; providing for a certain exception; requiring a provider that elects to terminate participation on a certain provider panel to provide certain notification and continue to furnish certain health care services for a certain period of time; providing for the application of this Act; providing for a delayed effective date;".

AMENDMENT NO. 2

On page 5, in line 19, strike "**ORGANIZATIONS**" and substitute "**ORGANIZATIONS, INSURERS,**".

AMENDMENT NO. 3

On page 6, in line 23, after "**(C)**" insert "**(1) THIS SUBSECTION DOES NOT APPLY TO A PROVIDER CONTRACT FOR A DENTAL PROVIDER PANEL.**

(2)";

strike beginning with the colon in line 23 down through "**(1)**" in line 24; strike beginning with the semicolon in line 24 down through "**PANEL**" in line 28; and in line 29, after "**(1)**" insert "**THIS SUBSECTION DOES NOT APPLY TO A PROVIDER CONTRACT FOR A DENTAL PROVIDER PANEL.**

(2)".

AMENDMENT NO. 4

On page 7, in line 1, strike "**(2)**" and substitute "**(3)**"; and after line 4, insert:

"**(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A PROVIDER CONTRACT MAY INCLUDE A PROVISION THAT REQUIRES A PROVIDER, AS A CONDITION OF PARTICIPATION, TO ACCEPT EACH SCHEDULE OF APPLICABLE FEES FOR A CARRIER THAT IS NOT AFFILIATED THROUGH COMMON OWNERSHIP WITH THE ENTITY ARRANGING THE PROVIDER PANEL.**

(E) IF A PROVIDER ELECTS TO TERMINATE PARTICIPATION ON A PROVIDER PANEL, THE PROVIDER SHALL:

(1) NOTIFY THE CARRIER AT LEAST 90 DAYS BEFORE THE DATE OF TERMINATION; AND

(2) FOR AT LEAST 90 DAYS AFTER THE DATE OF THE NOTICE OF TERMINATION, CONTINUE TO FURNISH HEALTH CARE SERVICES TO AN ENROLLEE OF THE CARRIER FOR WHOM THE PROVIDER WAS RESPONSIBLE FOR THE DELIVERY OF HEALTH CARE SERVICES BEFORE THE NOTICE OF TERMINATION.".

AMENDMENT NO. 5

On page 7, in line 5, after "2." insert "AND BE IT FURTHER ENACTED, That this Act shall apply to all provider contracts issued or delivered in the State on or after January 1, 2009, or, for provider contracts in effect in the State on January 1, 2009, but not subject to renewal in 2009, no later than December 31, 2009.

SECTION 3.";

and in line 6, strike "June 1, 2008" and substitute "January 1, 2009".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1219/423323/1

BY: Delegate Pendergrass

AMENDMENTS TO HOUSE BILL 1219
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, before "defining" insert "making certain provisions of law applicable to health maintenance organizations;".

On page 2, after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–706(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 7, before line 5, insert:

"Article – Health – General

19–706.

(i) The provisions of §§ 12–203(g), 15–105, 15–112, **15–112.2,** 15–113, 15–804, 15–812, 15–826, 15–828, and 15–836 of the Insurance Article shall apply to health maintenance organizations.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1277 – Delegates Walker, Taylor, Ali, Benson, Braveboy, Burns, Cane, Carter, Conaway, Doory, Frush, Gutierrez, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Rice, Robinson, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

State Government – Brokerage and Investment Banking Services – Use of Certified Minority Business Enterprises

HB1277/736380/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1277
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Banking" and substitute "Management"; in line 3, strike "Certified"; in lines 5, 7, 11, and 12, in each instance, strike "certified"; in lines 6, 8, 12, and 13, in each instance, strike "banking" and substitute "management services"; and in line 6, after "firms;" insert "specifying that brokerage and investment management services shall include services relating to certain asset classes under certain circumstances;".

AMENDMENT NO. 2

On page 4, in line 11, strike "**THE**" and substitute "**(I) CONSISTENT WITH MINORITY BUSINESS PURCHASING STANDARDS APPLICABLE TO UNITS OF STATE GOVERNMENT UNDER THE STATE FINANCE AND PROCUREMENT ARTICLE AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE FINANCIAL MANAGEMENT COMMITTEE, THE**"; strike beginning with "**, AS**" in line 13 down through "**ARTICLE,**" in line 14; after line 15, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES.**";

in lines 14, 20, 26, 32, and 36, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; in line 16, after "**(2)**" insert "**(I)**"; in line 20, strike "**SERVICE**" and substitute "**SERVICES**"; in lines 12, 19, 25, 31, and 35, in each instance, strike "**CERTIFIED**"; after line 21, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE FINANCIAL MANAGEMENT COMMITTEE SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE FUND'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE FUND.**";

in lines 23 and 29, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; in line 24, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE FUND ACHIEVE**"; in lines 32 and 36, in each instance, before "**FIRMS**" insert "**SERVICES**"; and in line 33, before "**COMMITTEE**" insert "**FINANCIAL MANAGEMENT**".

On page 5, strike beginning with "**ACTIONS**" in line 1 down through "**SUBCONTRACTORS**" in line 7, inclusive, and substitute:

"**THE MEASURES THE FINANCIAL MANAGEMENT COMMITTEE UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION**".

AMENDMENT NO. 3

On page 5, in line 14, strike "**THE**" and substitute "**(I) CONSISTENT WITH MINORITY BUSINESS PURCHASING STANDARDS APPLICABLE TO UNITS OF STATE GOVERNMENT UNDER THE STATE FINANCE AND PROCUREMENT ARTICLE AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD, THE**"; strike beginning with "**, AS**" in line 15 down through "**ARTICLE,**" in line 16; after line 17, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES.**";

in lines 17, 22, 26, and 33, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; in lines 15, 21, 25, and 32, in each instance, strike "**CERTIFIED**";

in line 18, after "**(2)**" insert "**(I)**"; in line 22, strike "**SERVICE**" and substitute "**SERVICES**"; after line 22, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE BOARD SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE BOARD'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE FUND.**";

in lines 24 and 29, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; in line 25, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE FUND ACHIEVE**"; and in line 33, before "**FIRMS**" insert "**SERVICES**".

On page 6, in line 2, strike "**CERTIFIED**"; in line 3, strike "**BANKING**" and substitute "**MANAGEMENT SERVICES**"; and strike beginning with "**ACTIONS**" in line 4 down through "**SUBCONTRACTORS**" in line 10, inclusive, and substitute:

"**THE MEASURES THE BOARD UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION**".

AMENDMENT NO. 4

On page 8, in line 14, after "**(1)**" insert "**(I)**"; in lines 14 and 15, strike "**NOTWITHSTANDING SUBSECTIONS (A) THROUGH (D) OF THIS SECTION,**" and substitute "**CONSISTENT WITH MINORITY BUSINESS PURCHASING STANDARDS APPLICABLE TO UNITS OF STATE GOVERNMENT UNDER THIS ARTICLE AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE TREASURER,**"; in lines 16, 22, and 27, in each instance, strike "**CERTIFIED**"; strike beginning with "**, AS**" in line 16 down through "**ARTICLE,**" in line 17; after line 18, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**";

in lines 18, 23, and 29, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; in line 19, after "**(2)**" insert "**(I)**"; in line 23, strike "**SERVICE**" and substitute "**SERVICES**"; after line 24, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE TREASURER SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE TREASURER'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE TREASURER.**";

in lines 26 and 31 and 32, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; and in line 27, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE TREASURER ACHIEVE**".

On page 9, in lines 1 and 6, in each instance, strike "**CERTIFIED**"; in lines 2 and 7, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**";

in lines 2 and 7, in each instance, before "**FIRMS**" insert "**SERVICES**"; strike beginning with "**ACTIONS**" in line 8 down through "**SUBCONTRACTORS**" in line 14, inclusive, and substitute:

"**THE MEASURES THE TREASURER UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION**".

AMENDMENT NO. 5

On page 10, in line 5, strike "**THE**" and substitute "**(I) CONSISTENT WITH MINORITY BUSINESS PURCHASING STANDARDS APPLICABLE TO UNITS OF STATE GOVERNMENT UNDER THE STATE FINANCE AND PROCUREMENT ARTICLE AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD OF TRUSTEES, THE**"; strike beginning with "**, AS**" in line 7 down through "**ARTICLE,**" in line 8; in lines 7, 13, 19, 26, and 31, in each instance, strike "**CERTIFIED**";

in lines 9, 14, 21, 27, and 32, in each instance, strike "**BANKING**" and substitute "**MANAGEMENT**"; after line 9, insert:

"**(II) FOR PURPOSES OF THIS SUBSECTION, BROKERAGE AND INVESTMENT MANAGEMENT SERVICES SHALL INCLUDE SERVICES RELATING TO ALL ALLOCATED ASSET CLASSES.**";

in line 10, after "**(2)**" insert "**(I)**"; in line 14, strike "**SERVICE**" and substitute "**SERVICES**"; after line 15, insert:

"**(II) THE MEASURES UNDERTAKEN BY THE INVESTMENT COMMITTEE SHALL INCLUDE THE USE OF A WIDE VARIETY OF MEDIA, INCLUDING THE STATE RETIREMENT AGENCY'S WEBSITE, TO PROVIDE NOTICE TO A BROAD AND VARIED RANGE OF POTENTIAL PROVIDERS ABOUT THE BROKERAGE AND INVESTMENT MANAGEMENT SERVICES OPPORTUNITIES AFFORDED BY THE STATE RETIREMENT AGENCY.**";

in lines 17 and 24, in each instance, strike "**BUSINESS DIVERSITY**" and substitute "**MINORITY AFFAIRS**"; in line 19, strike "**ACHIEVING**" and substitute "**IDENTIFYING AND EVALUATING QUALIFIED MINORITY BUSINESS ENTERPRISES IN ORDER TO HELP THE STATE RETIREMENT AGENCY ACHIEVE**"; and in lines 27 and 32, in each instance, before "**FIRMS**" insert "**SERVICES**".

On pages 10 and 11, strike beginning with "**ACTIONS**" in line 33 on page 10 down through "**SUBCONTRACTORS**" in line 4 on page 11 and substitute:

"**THE MEASURES THE INVESTMENT COMMITTEE UNDERTOOK IN THE IMMEDIATELY PRECEDING FISCAL YEAR IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1279 – Delegates V. Turner, Elliott, Hammen, Hubbard, Kullen, Morhaim, Nathan–Pulliam, and Tarrant

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

HB1279/306981/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "resource;" in line 4; in line 5, after "of" insert "Maryland Community Health Resources"; strike beginning with "authorizing" in line 10 down through "circumstances;" in line 12; and in line 22, strike "and (h)".

AMENDMENT NO. 2

On page 3, strike beginning with "**NOTWITHSTANDING**" in line 8 down through "**(D)**" in line 14.

On page 7, strike in their entirety lines 5 through 14, inclusive.

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 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

AN ACT concerning

Public Safety – Statewide DNA Data Base System – Crimes of Violence, Burglary, and Breaking and Entering a Motor Vehicle – Sample Collections on Arrest

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

FLOOR AMENDMENT

HB0370/303524/8

BY: Delegate Braveboy

AMENDMENTS TO HOUSE BILL 370, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (HB0370/532016/1), in line 16 of Amendment No. 1, after "circumstances;" insert "authorizing a certain person to file a petition for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of certain physical evidence; authorizing a certain petitioner to move for a new trial on a certain ground; requiring a court to order a DNA data base search under certain circumstances; requiring a court to order a new trial under certain circumstances; authorizing the court to order a

new trial under certain circumstances; authorizing the court to release a petitioner on bond or certain conditions in certain circumstances; requiring the court to hold a certain hearing to determine a certain issue in certain circumstances; requiring the court to enter a certain order under certain circumstances; authorizing a certain appeal;".

On page 2 of the House Judiciary Committee Amendments, in the third line from the bottom of Amendment No. 1, after "6–232" insert "and 8–201".

AMENDMENT NO. 2

On page 3 of the House Judiciary Committee Amendments, in the last line of Amendment No. 1, after "case." insert:

"8–201.

(a) (1) In this section the following words have the meanings indicated.

(2) "Biological evidence" includes, but is not limited to, any blood, hair, saliva, semen, epithelial cells, buccal cells, or other bodily substances from which genetic marker groupings may be obtained.

(3) "DNA" means deoxyribonucleic acid.

(4) "Law enforcement agency" means any of the following:

(i) a municipal or county police department;

(ii) sheriff's office;

(iii) the Maryland State Police;

(iv) any prosecuting authority;

(v) any state, university, county, or municipal police unit or police force; and

(vi) any hospital, medical facility, or private entity that is conducting forensic examinations and securing biological evidence related to criminal investigations.

(5) "Scientific identification evidence" means evidence that:

(i) is related to an investigation or prosecution that resulted in a judgment of conviction;

(ii) is in the actual or constructive possession of a law enforcement agency or agent of a law enforcement agency; and

(iii) contains biological evidence from which DNA may be recovered that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of § 2–201, § 2–204, § 2–207, or §§ 3–303 through 3–306 of the Criminal Law Article may file a petition**:**

(1) for DNA testing of scientific identification evidence that the State possesses as provided in **[**subsection (i)**] SUBSECTION (J)** of this section and that is related to the judgment of conviction**; OR**

(2) FOR A SEARCH BY A LAW ENFORCEMENT AGENCY OF A LAW ENFORCEMENT DATA BASE OR LOG FOR THE PURPOSE OF IDENTIFYING THE SOURCE OF PHYSICAL EVIDENCE USED FOR DNA TESTING.

(C) A PETITIONER MAY MOVE FOR A NEW TRIAL UNDER THIS SECTION ON THE GROUNDS THAT THE CONVICTION WAS BASED ON UNRELIABLE SCIENTIFIC IDENTIFICATION EVIDENCE AND A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED WITHOUT THE EVIDENCE.

[(c)**] (D) (1)** Subject to **[**subsection (d)**] SUBSECTION (E)** of this section, a court shall order DNA testing if the court finds that:

[(1)**] (I)** a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)] **(II)** the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DATA BASE SEARCH BY A LAW ENFORCEMENT AGENCY IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DATA BASE SEARCH WILL PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

[(d)] **(E)** (1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.

[(e)] **(F)** If the court orders DNA testing under [subsection (c)] **SUBSECTION (D)** of this section, the court in its order may issue orders the court considers appropriate, including designation of any of the following:

(1) the specific evidence to be tested;

(2) the method of testing to be used;

(3) the preservation of some of the sample for replicate testing and analysis;

(4) the laboratory where the testing is to be performed, provided that if the parties cannot agree on a laboratory, the court may approve testing at any laboratory accredited by the American Society of Crime Laboratory Directors (ASCLAD), the Laboratory Accreditation Board (LAB), or the National Forensic Science Technology Center; and

(5) release of biological evidence by a third party.

[(f)] **(G)** (1) Except as provided in paragraph (2) of this subsection, DNA testing ordered under [subsection (c)] **SUBSECTION (D)** of this section shall be conducted as soon as practicable.

(2) Based on a finding of necessity, the court may order the DNA testing to be completed by a date that the court provides.

[(g)**] (H)** (1) Except as provided in paragraph (2) of this subsection, the petitioner shall pay the cost of DNA testing ordered under **[**subsection (c)**] SUBSECTION (D)** of this section.

(2) If the results of the DNA testing that the court orders under this section are favorable to the petitioner, the court shall order the State to pay the costs of the testing.

[(h)**] (I)** (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article; **[**or**]**

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article**; OR**

(III) ON A FINDING THAT A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED IF THE DNA TESTING RESULTS HAD BEEN KNOWN OR INTRODUCED AT TRIAL, ORDER A NEW TRIAL.

(3) IF THE COURT FINDS THAT A SUBSTANTIAL POSSIBILITY DOES NOT EXIST UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION, THE COURT MAY ORDER A NEW TRIAL IF THE COURT DETERMINES THAT THE ACTION IS IN THE 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.

[(i)**] (J)** (1) The State shall preserve scientific identification evidence that:

(i) the State has reason to know contains DNA material; and

(ii) is secured in connection with an offense described in subsection (b) of this section.

(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.

(3) (I) IF THE STATE IS UNABLE TO PRODUCE SCIENTIFIC IDENTIFICATION EVIDENCE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION.

(II) IF THE FAILURE TO PRODUCE SCIENTIFIC IDENTIFICATION EVIDENCE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS DETERMINED TO BE THE RESULT OF WILLFUL AND INTENTIONAL DESTRUCTION AND THE COURT FINDS THAT THE PETITION SATISFIES THE REQUIREMENTS OF SUBSECTION (I)(2) OF THIS SECTION, THE COURT SHALL ENTER AN ORDER GRANTING A POSTCONVICTION HEARING IN ACCORDANCE WITH SUBSECTION (I)(2) OF THIS SECTION AND AN INFERENCE THAT THE RESULTS OF THE POSTCONVICTION DNA TESTING WOULD HAVE BEEN FAVORABLE TO THE PETITIONER.

[(3)**] (4)** The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.

[(4)**] (5)** If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.

[(j)**] (K)** (1) The State may dispose of scientific identification evidence before the expiration of the time period described in **[**subsection (i)**] SUBSECTION (J)** of this section if the State notifies the following persons:

(i) the person who is incarcerated in connection with the case;

(ii) any attorney of record for the person incarcerated; and

(iii) the Office of Public Defender for the judicial district in which the judgment of conviction was entered.

(2) The notification required in paragraph (1) of this subsection shall include:

(i) a description of the scientific identification evidence;

(ii) a statement that the State intends to dispose of the evidence;

(iii) a statement that the State will dispose of the evidence unless a party files an objection in writing within 120 days from the date of service in the circuit court that entered the judgment; and

(iv) the name and mailing address of the circuit court where an objection may be filed.

(3) Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required under this subsection, the State may dispose of the evidence.

(4) If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:

(i) the evidence has no significant value for forensic science analysis, the court may order the return of the evidence to its rightful owner, the destruction of the evidence, or other disposition as provided by law; or

(ii) the evidence is of such size, bulk, or physical character that it cannot practicably be retained by a law enforcement agency, on a showing of need, the court shall order that the evidence be made available to the party objecting to the disposition of the evidence for the purpose of obtaining representative samples from the evidence in the form of cuttings, swabs, or other means, prior to the release or destruction of the evidence.

(5) If the court orders that representative samples be made available under paragraph (4)(ii) of this subsection, the court shall further order that the samples be obtained by a qualified crime scene technician acting on behalf of the party seeking to obtain the samples or by the law enforcement agency in possession of the evidence, which also shall preserve and store the representative samples until the representative samples are released to the custody of a DNA testing facility.

(6) An appeal to the court of appeals may be taken from an order entered under [subsection (c), (h)(2), or (j)(4) of] this section.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB0370/133025/5

BY: Delegate Pena–Melnyk

AMENDMENTS TO HOUSE BILL 370, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the House Judiciary Committee Amendments (HB0370/532016/1) in line 5 of Amendment No. 1, before "providing" insert "requiring DNA records and samples generated as part of a criminal investigation or prosecution to be expunged automatically from every local, State, and federal data base within a certain time period under certain circumstances;"; strike beginning with "is" in line 6 down through "proceeding" in line 8 and substitute "qualifies for expungement and is matched at a

certain time may not be utilized for a determination of probable cause and is not admissible in any proceeding for any reason".

On page 3 of the House Judiciary Committee Amendments, in line 5 of Amendment No. 1, strike "2–511.1, 2–513, and" and substitute "2–513 and".

AMENDMENT NO. 2

On page 6 of the House Judiciary Committee Amendments, in line 4 of Amendment No. 2, strike "**CHARGE**"; and in lines 5 and 6, in each instance, strike "**TITLE 10, SUBTITLE 1**".

On pages 6 and 7 of the House Judiciary Committee Amendments, in Amendment No. 3, strike beginning with "**(C)**" in line 3 on page 6 down through "**PROCEEDING.**" in line 5 on page 7.

AMENDMENT NO. 3

On pages 4 and 5 of the bill, strike beginning with "An" in line 24 on page 4 down through "repository.**]**" in line 3 on page 5 and substitute:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY DNA RECORDS AND SAMPLES GENERATED AS PART OF A CRIMINAL INVESTIGATION OR PROSECUTION SHALL BE EXPUNGED AUTOMATICALLY FROM THE STATE DNA DATA BASE IF:**

(I) THE INDIVIDUAL IS RELEASED WITHOUT CHARGE;

(II) A CRIMINAL ACTION BEGUN AGAINST THE INDIVIDUAL RELATING TO THE CRIME DOES NOT RESULT IN A CONVICTION OF THE INDIVIDUAL;

(III) THE CONVICTION IS REVERSED OR VACATED; OR

(IV) THE INDIVIDUAL IS GRANTED AN UNCONDITIONAL PARDON.

(2) A DNA RECORD OR SAMPLE MAY NOT BE 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) ANY DNA RECORD OR SAMPLE 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.

(C) AN EXPUNGEMENT UNDER THIS SECTION SHALL OCCUR WITHIN 60 DAYS OF AN EVENT LISTED IN SUBSECTION (A) OF THIS SECTION.

(D) A LETTER DOCUMENTING EXPUNGEMENT OF THE DNA SAMPLE AND DESTRUCTION OF THE DNA SAMPLE SHALL BE SENT BY THE DIRECTOR TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY AT THE ADDRESS SPECIFIED BY THE COURT IN THE ORDER OF EXPUNGEMENT.

(E) A RECORD OR SAMPLE THAT QUALIFIES FOR EXPUNGEMENT 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 TIMELY; AND

(2) IS NOT ADMISSIBLE IN ANY PROCEEDING FOR ANY PURPOSE.

(F) THE DIRECTOR SHALL ADOPT PROCEDURES TO COMPLY WITH THIS SECTION.".

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

HB0370/972213/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 370, AS AMENDED

On page 2 of Delegate Pena–Melnyk's Amendment (HB0370/133025/5), after line 15 of Amendment No. 3, insert:

"**(B)** **EXPUNGEMENT OF A DNA SAMPLE AND DNA RECORD MAY BE EFFECTED ONLY IF THE DNA SAMPLE AND DNA RECORD WAS OBTAINED IN CONNECTION WITH A CASE IN WHICH ELIGIBILITY FOR EXPUNGEMENT HAS BEEN ESTABLISHED.**";

and in lines 16, 19, and 21, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively.

On page 3 of Delegate Pena–Melnyk's Amendment, in Amendment No. 3, in lines 3 and 9, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0370/203027/6

BY: Delegate Taylor

AMENDMENTS TO HOUSE BILL 370, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (HB0370/532016/1), in line 18 of Amendment No. 1, after "notice" insert "; providing that a DNA sample collected from a crime scene or collected as sexual assault evidence at a hospital that a law enforcement investigator deems relevant to the identification or exoneration of a suspect shall be tested as soon as reasonably possible following collection of the sample"; and in line 25, after "circumstances" insert "; authorizing an individual to request or consent to have a DNA sample processed prior to arraignment for a certain purpose".

AMENDMENT NO. 2

On page 4 of the House Judiciary Committee Amendments, in line 15 of Amendment No. 2, after "**ARTICLE.**" insert:

"**(III) A DNA SAMPLE COLLECTED FROM A CRIME SCENE OR COLLECTED AS SEXUAL ASSAULT EVIDENCE AT A HOSPITAL THAT A LAW ENFORCEMENT INVESTIGATOR DEEMS RELEVANT TO THE IDENTIFICATION OR EXONERATION OF A SUSPECT SHALL BE TESTED AS SOON AS REASONABLY POSSIBLE FOLLOWING COLLECTION OF THE SAMPLE.**".

AMENDMENT NO. 3

On page 5 of the House Judiciary Committee Amendments, in line 2 of Amendment No. 2, after "**DATE**" insert "**UNLESS REQUESTED OR CONSENTED TO BY THE INDIVIDUAL AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION**"; and in line 9, after "**RETURNED.**" insert:

"**(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 HAS BEEN PROCESSED FROM THE CRIME SCENE OR THE HOSPITAL.**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #15

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

House Bill 303 – Delegate Love

AN ACT concerning

Anne Arundel County – Well Drillers – Permit Fee

HB0303/510710/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 303
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation"; 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 SUBPARAGRAPH 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 SUBPARAGRAPH 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.

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

House Bill 501 – Delegate Love

AN ACT concerning

Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs

HB0501/410614/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 501

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation"; 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

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

House Bill 581 – Delegate Costa

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses of Fund

HB0581/870516/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 581
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Costa" and substitute "Delegates Costa, Beidle, Bobo, V. Clagett, Glenn, Holmes, Hucker, King, Lafferty, Shewell, Sossi, and Weir"; strike beginning with the third "to" in line 4 down through "to" in line 5 and substitute "or loans for certain costs related to certain community"; in the same line, after "circumstances;" insert "defining a certain term;"; after line 6, insert:

"BY renumbering
Article – Environment
Section 9–1601(i) through (ii), respectively
to be Section 9–1601(j) through (jj), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1601(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)";

in line 9, strike "(a), (f),"; and in the same line, strike ", and (i)".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–1601(i) through (ii), respectively, of Article – Environment of the Annotated Code of Maryland be renumbered to be Sections(s) 9–1601(j) through (jj), respectively.";

in line 17, strike "1. BE IT" and substitute "2. AND BE IT FURTHER"; after line 19, insert:

"9–1601.

(I) "COMMUNITY SEWERAGE SYSTEM" MEANS A PUBLICLY OR PRIVATELY OWNED SEWERAGE SYSTEM THAT SERVES AT LEAST TWO LOTS.";

and strike in their entirety lines 21 through 23, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 22 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, in line 10, strike "or"; strike beginning with "or" in line 13 down through "**AND**" in line 19 and substitute "**; OR**

D. THE COST, UP TO THE SUM OF THE COSTS AUTHORIZED UNDER ITEM 1B OF THIS ITEM FOR EACH INDIVIDUAL SYSTEM, OF REPLACING MULTIPLE ON–SITE SEWAGE DISPOSAL SYSTEMS LOCATED IN THE SAME COMMUNITY WITH A NEW COMMUNITY SEWERAGE SYSTEM THAT IS OWNED BY A LOCAL GOVERNMENT AND THAT MEETS ENHANCED NUTRIENT REMOVAL STANDARDS.";

in line 20, strike the brackets; and in the same line, strike "**3.**".

AMENDMENT NO. 4

On page 5, in line 1, after "(3)" insert "**(I)**"; in lines 3, 5, 7, and 9, respectively, strike "(i)", "(ii)", "1.", and "2.", respectively, and substitute "**1.**", "**2.**", "**A.**", and "**B.**", respectively; after line 9, insert:

"**(II) FUNDING FOR THE COSTS IDENTIFIED IN PARAGRAPH (2)(I)1D OF THIS SUBSECTION MAY BE PROVIDED IF:**

1. THE ENVIRONMENTAL IMPACT OF THE ON–SITE SEWAGE DISPOSAL SYSTEM IS DOCUMENTED BY THE LOCAL GOVERNMENT AND CONFIRMED BY THE DEPARTMENT;

2. IT CAN BE DEMONSTRATED THAT:

A. THE REPLACEMENT OF THE ON–SITE SEWAGE DISPOSAL SYSTEM WITH A NEW COMMUNITY SEWERAGE SYSTEM IS MORE COST EFFECTIVE FOR NITROGEN REMOVAL THAN UPGRADING EACH INDIVIDUAL ON–SITE SEWAGE DISPOSAL SYSTEM; OR

B. THE INDIVIDUAL REPLACEMENT OF THE ON–SITE SEWAGE DISPOSAL SYSTEM IS NOT FEASIBLE; AND

3. THE NEW COMMUNITY SEWERAGE SYSTEM WILL ONLY SERVE LOTS THAT HAVE RECEIVED A CERTIFICATE OF OCCUPANCY, OR EQUIVALENT CERTIFICATE, ON OR BEFORE OCTOBER 1, 2008.".

On pages 5 through 7, strike in their entirety the lines beginning with line 19 on page 5 through line 25 on page 7, inclusive.

AMENDMENT NO. 5

On page 7, in line 28, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 973 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Water Management Administration – Living Shoreline Protection Act of 2008

HB0973/860917/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 973
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "regulations;" insert "requiring certain regulations to include a certain waiver process;".

AMENDMENT NO. 2

On page 2, in line 33, after "**FEASIBLE**" insert "**, INCLUDING AREAS OF EXCESSIVE EROSION, AREAS SUBJECT TO HEAVY TIDES, AND AREAS TOO NARROW FOR EFFECTIVE USE OF NONSTRUCTURAL SHORELINE STABILIZATION MEASURES**"; in line 34, strike "**IN**" and substitute "**(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN**"; and after line 36, insert:

"**(II) REGULATIONS ADOPTED BY THE DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A WAIVER PROCESS THAT EXEMPTS A PERSON FROM THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ON A DEMONSTRATION TO THE DEPARTMENT'S SATISFACTION THAT NONSTRUCTURAL SHORELINE STABILIZATION MEASURES ARE NOT FEASIBLE FOR THE PERSON'S PROPERTY.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

AN ACT concerning

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

HB1253/790118/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1253
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosenberg" and substitute "Rosenberg, Stein, Hucker, and Glenn"; in line 7, after "Area;" insert "authorizing the Home Builder Registration Unit to deny, reprimand, suspend, or revoke a home builder's registration, or impose certain civil penalties on a registrant, for failure to comply with certain critical area legal terms and requirements; authorizing the Department of Natural Resources to revoke or suspend the license of a licensed tree expert for failure to comply with certain critical area legal terms and requirements;"; in line 9, strike "on a contractor's failure" and substitute ", the Home Builder Registration Unit, or the Department of Natural Resources on the failure of certain contractors"; in line 11, after "regulations" insert "regarding certain matters"; in line 13, after "elements;" insert "repealing a provision of law that allows for the omission of certain runoff prevention measures on certain sites"; in line 18, after "variance" insert "or issuing certain authorizations"; strike beginning with "requiring" in line 21 down through "decisions;" in line 23; and in line 28, after "exceptions" insert "and subject to a certain construction".

On page 2, strike beginning with "requiring" in line 4 down through "determination;" in line 6 and substitute "requiring the Department of the Environment to adopt certain regulations to include a certain waiver process;"; in line 16, strike "a certain map" and substitute "certain maps; requiring the Department of Natural Resources to notify the Department of Legislative Services regarding the date of completion of a certain mapping project"; in line 19, strike "a certain construction" and substitute "certain constructions"; in line 30, strike "8–101(g)" and substitute "4.5–308(a), 8–101(g),"; after line 37, insert:

"BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–421(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

in line 40, strike "8–1802(a)(15) through (18)" and substitute "8–1802(a)(13) through (23)"; and in lines 41 and 42, strike "8–1809(h) and (o)(1)" and substitute "8–1809(o)(1)".

AMENDMENT NO. 2

On page 4, after line 23, insert:

"4.5–308.

(a) **(1)** The Unit may deny registration to an applicant, reprimand a registrant, suspend or revoke a registration, or impose a civil penalty on a registrant if the Unit determines that the applicant or registrant:

[(1)**]** **(I)** fraudulently or deceptively obtained or attempted to obtain a registration;

[(2)**]** **(II)** fraudulently or deceptively used a registration;

[(3)**]** **(III)** presented or attempted to present the home builder registration number of another registrant as the applicant's or registrant's home builder registration number;

[(4)**]** **(IV)** used or attempted to use an expired, suspended, or revoked home builder registration number;

[(5)**]** **(V)** impersonated or falsely represented oneself as a registered home builder;

[(6)**]** **(VI)** repeatedly violated this title;

[(7)**]** **(VII)** engaged in a pattern of unfair or deceptive trade practices under the Consumer Protection Act, as determined by a final administrative order or judicial decision;

[(8)**]** **(VIII)** repeatedly violated a local building, development, or zoning permit law or regulations, or a State or federal law or regulation, including an environmental protection law or regulation, that relates to the fitness and qualification or ability of the applicant or registrant to build homes;

[(9)**]** **(IX)** engaged in a pattern of poor workmanship as evidenced by one or more of the following:

[(i)**]** **1.** repeated unresolved building code violations;

[(ii)**]** **2.** repeated unsatisfied arbitration awards in favor of consumers against the applicant or registered home builder based on incomplete or substandard work; or

[(iii)**]** **3.** an unsatisfied final judgment in favor of a consumer;

[(10)**]** **(X)** repeatedly engaged in fraud, deception, misrepresentation, or knowing omissions of material facts related to home building contracts;

[(11)**]** **(XI)** had a similar registration or license denied, suspended, or revoked in another state or jurisdiction; **[**or**]**

[(12)**]** **(XII)** had the renewal of a similar registration or license denied for any cause other than failure to pay a renewal fee**; OR**

(XIII) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8–1802 OF THE NATURAL RESOURCES ARTICLE, FAILED TO COMPLY WITH:

1. THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR

2. ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT.

(2) THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, AS ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE UNIT OF ANY APPLICANT OR REGISTRANT WHO FAILS TO COMPLY WITH ANY REQUIREMENT UNDER PARAGRAPH (1)(XIII) OF THIS SUBSECTION.";

and in line 34, after "landscaping," insert "**DECK, PIER,**".

On page 5, in line 8, strike the brackets; and strike beginning with "**; AND**" in line 9 down through "**ARTICLE**" in line 13.

On page 7, after line 14, insert:

"5–421.

(a) **(1)** The Department may permanently revoke or temporarily suspend the license of any licensed tree expert who **[**is**]:**

(I) **IS** found guilty of any fraud or deceit in obtaining the license, or guilty of negligence of wrongful conduct in the practice of tree culture or care**; OR**

(II) **IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8–1802 OF THIS ARTICLE, FAILS TO COMPLY WITH:**

1. **THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR**

2. **ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT.**

(2) **THE CRITICAL AREA COMMISSION SHALL NOTIFY THE DEPARTMENT OF ANY TREE EXPERT WHO FAILS TO COMPLY WITH ANY REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**".

On page 8, in line 21, strike "**BE SUFFICIENT TO**"; and in line 37, after "State" insert "**AND LOCAL**".

On page 9, after line 2, insert:

"(13) **(I) "INTENSELY DEVELOPED AREA" MEANS AN AREA OF AT LEAST 20 ACRES OR THE ENTIRE UPLAND PORTION OF THE CRITICAL AREA WITHIN A MUNICIPAL CORPORATION, WHICHEVER IS LESS, WHERE:**

1. RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL DEVELOPED LAND USES PREDOMINATE; AND

2. A RELATIVELY SMALL AMOUNT OF NATURAL HABITAT OCCURS.

(II) "INTENSELY DEVELOPED AREA" INCLUDES:

1. AN AREA WITH A HOUSING DENSITY OF AT LEAST FOUR DWELLING UNITS PER ACRE;

2. AN AREA WITH PUBLIC WATER AND SEWER SYSTEMS WITH A HOUSING DENSITY OF MORE THAN THREE DWELLING UNITS PER ACRE; OR

3. A COMMERCIAL MARINA REDESIGNATED BY A LOCAL JURISDICTION FROM A RESOURCE CONSERVATION AREA OR LIMITED DEVELOPMENT AREA TO AN INTENSELY DEVELOPED AREA THROUGH A MAPPING CORRECTION THAT OCCURRED BEFORE JANUARY 1, 2006.

(14) "Land classification" means the designation of land in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in accordance with the criteria adopted by the Commission as an intensely developed area or district, a limited development area or district, or a resource conservation area or district.

(15) (I) "LIMITED DEVELOPMENT AREA" MEANS AN AREA:

1. THAT IS DEVELOPED IN LOW OR MODERATE INTENSITY USES AND CONTAINS AREAS OF NATURAL PLANT AND ANIMAL HABITAT; AND

2. WHERE THE QUALITY OF RUNOFF HAS NOT BEEN SUBSTANTIALLY ALTERED OR IMPAIRED.

(II) "LIMITED DEVELOPMENT AREA" INCLUDES AN AREA:

1. WITH A HOUSING DENSITY RANGING FROM ONE DWELLING UNIT PER FIVE ACRES UP TO FOUR DWELLING UNITS PER ACRE;

2. WITH A PUBLIC WATER OR SEWER SYSTEM;

3. THAT IS NOT DOMINATED BY AGRICULTURAL LAND, WETLAND, FORESTS, BARREN LAND, SURFACE WATER, OR OPEN SPACE; OR

4. THAT IS LESS THAN 20 ACRES AND OTHERWISE QUALIFIES AS AN INTENSELY DEVELOPED AREA UNDER PARAGRAPH (13) OF THIS SUBSECTION.

[(14)**] (16)** "Local jurisdiction" means a county, or a municipal corporation with planning and zoning powers, in which any part of the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area, as defined in this subtitle, is located.";

in line 3, strike "**(15)**" and substitute "**(17)**"; in line 6, after "**DRIVEWAY,**" insert "**WALKWAY,**"; in line 7, strike "**A PAVER, WALKWAY**" and substitute "**GRAVEL, STONE, SHELL**"; in the same line, after "**DECKING,**" insert "**A PAVER, PERMEABLE PAVEMENT,**"; in line 8, strike "**OTHER**" and substitute "**ANY**"; in line 9, strike "**TOTAL**"; strike beginning with "**, INCLUDING**" in line 10 down through "**BALCONY**" in line 12 and substitute "**BY A STAIRWAY OR DECK**"; in line 13, strike "**INCLUDE A**" and substitute "**INCLUDE:**

1. A";

in line 15, strike "**FOOTER**" and substitute "**FOOTER;**

2. A WALKWAY IN THE BUFFER OR EXPANDED BUFFER, INCLUDING A STAIRWAY, THAT PROVIDES DIRECT ACCESS TO A COMMUNITY OR PRIVATE PIER; OR

3. A WOOD MULCH PATHWAY";

and in lines 16, 19, and 25, strike "**(16)**", "**(17)**", and "**(18)**", respectively, and substitute "**(18)**", "**(19)**", and "**(20)**", respectively.

On page 10, in line 8, strike "**(19)**" and substitute "**(21)**"; and after line 18, insert:

"**(22) (I) "RESOURCE CONSERVATION AREA" MEANS AN AREA THAT IS CHARACTERIZED BY:**

1. NATURE DOMINATED ENVIRONMENTS, SUCH AS WETLANDS, SURFACE WATER, FORESTS, AND OPEN SPACE; AND

2. RESOURCE–BASED ACTIVITIES, SUCH AS AGRICULTURE, FORESTRY, FISHERIES, OR AQUACULTURE.

(II) "RESOURCE CONSERVATION AREA" INCLUDES AN AREA WITH A HOUSING DENSITY OF LESS THAN ONE DWELLING PER FIVE ACRES.";

after line 18, insert:

"**(23) "TRIBUTARY STREAM" MEANS A PERENNIAL STREAM OR AN INTERMITTENT STREAM WITHIN THE CRITICAL AREA THAT HAS BEEN IDENTIFIED BY SITE INSPECTION OR IN ACCORDANCE WITH LOCAL PROGRAM PROCEDURES APPROVED BY THE COMMISSION.**";

and in line 25, strike "**NECESSARY AND APPROPRIATE TO**" and substitute "**AUTHORIZED UNDER THIS SUBTITLE FOR**".

AMENDMENT NO. 3

On page 11, in line 1, strike "**AT A MINIMUM, REGULATIONS**" and substitute "**REGULATIONS**"; in line 3, after "**STANDARDS**" insert "**AND PROCEDURES**"; strike beginning with "**BUFFER**" in line 3 down through the first "**THE**" in line 7 and substitute "**:**

(I) BUFFER ESTABLISHMENT, MAINTENANCE, MEASUREMENT, MITIGATION, AND ENFORCEMENT;

(II) BUFFER EXEMPTION AREAS;

(III) IMPACTS OF SHORE EROSION CONTROL ACTIVITIES ON THE BUFFER;

(IV) COMMUNITY PIERS;

(V) COMMERCIAL MARINAS;

(VI) WATER DEPENDENT FACILITIES;

(VII) PUBLIC WATER ACCESS;

(VIII) THE";

in line 9, strike the second "**AND**"; after line 9, insert:

"**(IX) MAPPING THE CRITICAL AREA, WITH RESPECT TO REVISION OF THE 1,000 FOOT BOUNDARY AND VOLUNTARY ADDITIONS OF PROPERTY TO THE CRITICAL AREA;**

(X) DEVELOPMENT IN THE CRITICAL AREA, WITH RESPECT TO:

1. CLEARING, GRADING, AND CONSTRUCTION ACTIVITY;

2. CLUSTERING TO PROMOTE CONSERVATION OF NATURAL SITE FEATURES;

3. FLEXIBILITY FOR REDEVELOPMENT;

4. STORMWATER MANAGEMENT;

5. APPLICATION OF THE 10% POLLUTANT REDUCTION RULE;

6. FOREST AND DEVELOPED WOODLANDS PROTECTIONS;

7. CLEARING OF NATURAL VEGETATION;

8. LOT COVERAGE STANDARDS;

9. COMMISSION REVIEW OF LOCAL PROVISIONS FOR LOT CONSOLIDATION; AND

10. THE EXCLUSION OF STATE TIDAL WETLANDS FROM CALCULATIONS OF DENSITY, FOREST AND DEVELOPED WOODLANDS PROTECTIONS, LIMITATIONS ON CLEARING NATURAL VEGETATION, AND LOT COVERAGE STANDARDS;

(XI) CONSISTENT ENFORCEMENT OF STATE AND LOCAL CRITICAL AREA LAW, WITH RESPECT TO THE ESTABLISHMENT OF MINIMUM PENALTIES AND MITIGATION REQUIREMENTS;

(XII) GROWTH ALLOCATION APPLICATIONS, WITH RESPECT TO:

1. THE DEDUCTION OF GROWTH ALLOCATION ACREAGE;

2. COMMISSION REVIEW AND DETERMINATIONS;

3. ACCOMMODATION OF VARIATIONS AMONG LOCAL JURISDICTIONS CONCERNING LAND USES IN THE RESOURCE CONSERVATION AREA THAT DO NOT REQUIRE GROWTH ALLOCATION;

4. THE LOCATION OF SEPTIC SYSTEMS;

5. GOLF COURSES; AND

6. THE COMMISSION'S EVALUATION OF A LOCAL JURISDICTION'S USE OF CLUSTER DEVELOPMENT UNDER § 8–1808.1 OF THIS SUBTITLE;

(XIII) IN CONSULTATION WITH APPROPRIATE STATE AND FEDERAL AGENCIES, THE CONSERVATION AND PROTECTION OF:

1. HABITAT PROTECTION AREAS;

2. THREATENED AND ENDANGERED SPECIES;

3. SPECIES IN NEED OF CONSERVATION;

4. FOREST INTERIOR DWELLING BIRDS;

5. ANADROMOUS FISH PROPAGATION WATERS; AND

6. PLANT AND WILDLIFE HABITAT;

(XIV) DIRECTIVES FOR LOCAL PROGRAM DEVELOPMENT AND IMPLEMENTATION, WITH RESPECT TO:

1. NOTIFICATION OF PROJECT APPLICATIONS;

2. THE 6–YEAR COMPREHENSIVE REVIEW OF A LOCAL CRITICAL AREA PROGRAM;

3. PUBLIC NOTICE AND COMMENT FOR A STATE OR LOCAL GOVERNMENT DEVELOPMENT ACTIVITY;

4. REPORTING REQUIREMENTS;

5. THE SUBMISSION AND PROCESSING OF A PROPOSED PROGRAM AMENDMENT OR REFINEMENT; AND

6. PROVISIONS APPLICABLE TO AREAS REQUESTED FOR EXCLUSION FROM THE CRITICAL AREA;

(XV) IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SURFACE MINING IN THE CRITICAL AREA; AND

(XVI) THE APPLICATION FOR AND PROCESSING OF A VARIANCE, WITH RESPECT TO:

1. AMENDING A VARIANCE APPLICATION;

2. ADVANCE NOTICE TO THE COMMISSION;

3. THE CONTENTS OF A COMPLETE VARIANCE APPLICATION;

4. ENSURING THAT COMMISSION RECOMMENDATIONS ARE MADE PART OF THE VARIANCE RECORD;

5. THE USE OF VARIANCE STANDARDS; AND

6. NOTICE OF A VARIANCE DECISION; AND";

and in line 22, after "**(II)**" insert "**WITH THE APPROVAL OF THE COMMISSION, A LOCAL JURISDICTION MAY ESTABLISH PROCEDURES FOR THE GRANTING OF AN ADMINISTRATIVE VARIANCE.**

(III)".

On page 12, in line 5, strike "**13**" and substitute "**12**"; in line 7, strike "project" and substitute "**:**

A. PROJECT"; in line 9, after "section" insert a semi–colon; in the same line, strike "**THAT THE**" and substitute "**B. THE**"; in line 10, strike "**ON**" and substitute "**REGARDING**"; strike beginning with "**WITHIN**" in line 10 down through "**ISSUANCE**" in line 11 and substitute "**OR DENIALS IN ACCORDANCE WITH LOCAL PROCEDURES APPROVED BY THE COMMISSION**"; and strike beginning with "Provisions" in line 32 down through "**12.**" in line 35.

On page 13, in line 9, strike "**ANY**" and substitute "**IN THE CHESAPEAKE BAY CRITICAL AREA, ANY**"; in line 11, strike "**AND**"; in line 12, strike "**LAND**" and substitute "**IN THE CHESAPEAKE BAY CRITICAL AREA, LAND**"; after line 14, insert:

"**C. IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, ANY LEGAL PARCEL OF LAND, NOT BEING PART OF A RECORDED OR APPROVED SUBDIVISION, THAT WAS RECORDED AS OF JUNE 1, 2002; AND**

D. IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, LAND THAT WAS SUBDIVIDED INTO RECORDED LEGALLY BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE LOCAL JURISDICTION'S FINAL APPROVAL BEFORE JUNE 1, 2002;";

in line 20, strike the first "a" and substitute "**EACH**"; in line 23, strike "**A**" and substitute "**THE**"; strike beginning with the colon in line 23 down through "**IS**" in line 24 and substitute "**IS**"; strike lines 25 and 26 in their entirety; in line 22, after "**ASSISTED,**" insert "**AUTHORIZED,**"; and strike beginning with "**IN**" in line 27 down through "**ADMINISTRATIVE**" in line 28 and substitute "**ADMINISTRATIVE**".

On page 13, in lines 5, 15, 19, and 27, strike "**13.**", "**14.**", "**15.**", "**16.**", respectively, and substitute "**12.**", "**13.**", "**14.**", "**15.**", respectively.

On page 14, strike beginning with the second "**JURISDICTION'S**" in line 10 down through "**PERSONNEL**" in line 11 and substitute "**JURISDICTION**"; in line 11, strike "**AND**"; strike beginning with "**PAYMENT**" in line 12 down through "**VIOLATION**" in line 13 and substitute "**SATISFACTION OF ALL CONDITIONS**

SPECIFIED UNDER PARAGRAPH (4) OF THIS SUBSECTION"; in line 15, after "PROPERTY" insert "; AND

H. UNLESS AN EXTENSION OF TIME IS APPROPRIATE BECAUSE OF ADVERSE PLANTING CONDITIONS, WITHIN 60 DAYS OF THE ISSUANCE OF A PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION FOR THE AFFECTED PROPERTY, ANY ADDITIONAL MITIGATION REQUIRED AS A CONDITION OF APPROVAL FOR THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION SHALL BE COMPLETED";

On page 14, in line 16, after "(2)" insert "(I)"; in line 17, strike "(1)(II)15" and substitute "(1)(II)14"; and in line 27, strike "(1)(II)16" and substitute "(1)(II)15"; in lines 19, 20, 21, and 22, strike "(i)", "(ii)", "(iii)", and "(IV)", respectively, and substitute "1.", "2.", "3.", and "4.", respectively; after line 26, insert:

"(II) IN PARAGRAPH (1)(II)15 OF THIS SUBSECTION, "PROPERTY OWNER" INCLUDES TWO OR MORE PERSONS HOLDING TITLE TO THE PROPERTY UNDER ANY FORM OF JOINT OWNERSHIP.";

and after line 32, insert:

"(4) A LOCAL JURISDICTION MAY NOT ISSUE A PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION UNLESS THE PERSON SEEKING THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION HAS:

(I) FULLY PAID ALL ADMINISTRATIVE, CIVIL, AND CRIMINAL PENALTIES IMPOSED UNDER PARAGRAPH (1)(III)16 OF THIS SUBSECTION;

(II) PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE LOCAL JURISDICTION, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE VIOLATION; AND

(III) PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THE LOCAL CRITICAL AREA PROGRAM.".

On page 15, in line 4, after "(i)" insert "**A LOCAL JURISDICTION SHALL PROCESS AN APPLICATION FOR A VARIANCE REGARDING A PARCEL OR LOT THAT IS SUBJECT TO A CURRENT VIOLATION OF THIS SUBTITLE, A REGULATION ADOPTED UNDER THE AUTHORITY OF THIS SUBTITLE, OR ANY PROVISION OF AN ORDER, PERMIT, PLAN, OR LOCAL PROGRAM IN ACCORDANCE WITH SUBSECTION (C)(1)(III)15 OF THIS SECTION.**

(II)";

in line 9, strike "(ii)" and substitute "**(III)**"; in line 12, strike "may" and substitute "**SHALL**"; and in line 14, strike "(2)(i)" and substitute "**(2)(II)**".

On page 16, in line 4, after "**(5)**" insert "**(I)**"; in the same line, strike "**ISSUANCE**" and substitute "**A WRITTEN DECISION REGARDING A VARIANCE APPLICATION IS ISSUED**"; in line 5, strike "**WRITTEN NOTICE**" and substitute "**A COPY OF THE DECISION**"; in line 6, strike "**REGARDING ITS DECISION ON EACH VARIANCE APPLICATION**"; after line 6, insert:

"**(II) A LOCAL JURISDICTION MAY NOT ISSUE A PERMIT FOR THE ACTIVITY THAT WAS THE SUBJECT OF THE VARIANCE APPLICATION UNTIL THE APPLICABLE 30–DAY APPEAL PERIOD HAS ELAPSED.**";

strike beginning with "**FIRST**" in line 13 down through "**ISSUES**" in line 14 and substitute "**FIRST ISSUES**"; in line 15, after "**ADMINISTRATIVE**" insert "**OR CIVIL**"; strike beginning with "**; AND**" in line 15 down through "**ASSESSED**" in line 26; and in line 27, strike "**THE**" and substitute "**A**".

On page 17, in line 9, strike "**PROPOSED**"; and strike in their entirety lines 11 through 18, inclusive.

On page 18, in line 26, after "**AREAS**" insert "**AND LIMITED DEVELOPMENT AREAS**".

On page 19, in line 14, after "**(2)**" insert "**A LOCAL JURISDICTION MAY USE A STANDARD THAT VARIES FROM THE STANDARDS REQUIRED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION IF:**

(I) THE ALTERNATIVE STANDARD IS CONSISTENT WITH THE JURISDICTION'S ADOPTED COMPREHENSIVE PLAN; AND

(II) THE COMMISSION HAS APPROVED THE ALTERNATIVE STANDARD AS PART OF THE LOCAL PROGRAM.

(3)";

in line 16, after "**CONSIDER**" insert "**THE FOLLOWING FACTORS**"; strike beginning with "**CONSISTENCY**" in line 20 down through "**INFRASTRUCTURE**" in line 26 and substitute:

"**1. FOR A MAP AMENDMENT OR REFINEMENT INVOLVING A NEW INTENSELY DEVELOPED AREA, WHETHER THE DEVELOPMENT IS:**

A. TO BE SERVED BY A PUBLIC WASTEWATER SYSTEM;

B. TO HAVE AN ALLOWED AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE, AS CALCULATED UNDER § 5–7B–03(H) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

C. FOR A NEW INTENSELY DEVELOPED AREA THAT IS GREATER THAN 20 ACRES, TO BE LOCATED IN A PRIORITY FUNDING AREA, AS DESCRIBED UNDER §§ 5–7B–02(1) AND 5–7B–03 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

2. FOR A MAP AMENDMENT OR REFINEMENT INVOLVING A NEW LIMITED DEVELOPMENT AREA, WHETHER THE DEVELOPMENT IS:

A. TO BE SERVED BY A PUBLIC WASTEWATER SYSTEM OR SEPTIC SYSTEM THAT USES THE BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGY;

B. A COMPLETION OF AN EXISTING SUBDIVISION;

C. AN EXPANSION OF AN EXISTING BUSINESS; OR

D. TO BE CLUSTERED";

in line 27, after "**(III)**" insert "**THE USE OF EXISTING PUBLIC INFRASTRUCTURE, WHERE PRACTICAL;**

(IV)";

strike beginning with "**AND**" in line 28 down through "**PROTECT**" in line 29 and substitute "**CONCERNING THE PROTECTION OF**"; in line 31, strike "**(IV) LOCATION IN OR NEAR**" and substitute "**(V) IMPACTS ON**"; and strike in their entirety lines 33 and 34.

AMENDMENT NO. 4

On page 20, in line 2, in each instance, before "**STORMWATER**" insert "**WASTEWATER AND**"; in line 3, after "**STREAMS;**" insert "**AND**"; strike beginning with "**DEVELOPMENT;**" in line 6 down through "**CONTEXT**" in line 8 and substitute "**DEVELOPMENT**"; in line 9, strike "**(3)**" and substitute "**(4)**"; in line 10, strike "**AND (2)**" and substitute "**, (2), AND (3)**"; in line 30, after "(a)" insert "**(1)**"; in lines 31 and 32, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 33, insert:

"**(2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT A CREDIT APPLICABLE TO A STORMWATER MANAGEMENT PRACTICE THAT IS APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT.**".

On page 21, in line 1, strike "**(1)**" and substitute "**LOT COVERAGE IN THE BUFFER MAY NOT EXCEED THE MINIMUM AMOUNT NECESSARY FOR WATER–DEPENDENT FACILITIES, REGARDLESS OF THE CRITICAL AREA CLASSIFICATION OR THE SIZE OF THE PARCEL OR LOT, EXCEPT:**

(1) FOR A BUFFER EXEMPTION AREA, AS MAPPED OR ESTABLISHED UNDER AN APPROVED LOCAL PROGRAM;

(2) FOR A VARIANCE GRANTED IN ACCORDANCE WITH THIS SUBTITLE; OR

(3) AS PROVIDED IN A WATERFRONT REVITALIZATION AREA OR A WATERFRONT INDUSTRIAL AREA UNDER A LOCAL PROGRAM.

(C)";

strike in their entirety lines 4 through 14, inclusive; and strike beginning with "If" in line 26 down through "15%" in line 30 and substitute "**UNLESS OTHERWISE RESTRICTED BY A LOCAL JURISDICTION, LOT COVERAGE IN A SUBDIVISION APPROVED AFTER DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA OR AFTER JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA MAY NOT EXCEED 15%. HOWEVER, THE TOTAL LOT COVERAGE ON AN INDIVIDUAL LOT ONE ACRE OR LESS IN SIZE MAY EXCEED 15%.**".

On page 22, in lines 15 and 16, strike "**, INCLUDING CLEARING AND GRADING ACTIVITIES,**"; and in line 32, after "**AND**" insert "**IMPERVIOUS SURFACE**".

On pages 22 and 23, strike beginning with "**IN**" in line 34 on page 22 down through "**LIMITATIONS**" in line 1 on page 23.

On page 23, in lines 1 and 8, in each instance, strike "**JUNE 30**" and substitute "**JULY 1**"; in line 7, strike "**PROJECT APPROVAL OR A**" and substitute "**A**"; and in line 10, strike "**BY JUNE 30**" and substitute "**BEFORE JULY 1**".

On pages 23 and 24, strike in their entirety the lines beginning with line 17 on page 23 through line 8 on page 24, inclusive, and substitute:

"**(A) THIS SECTION APPLIES TO AN APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL WITHIN THE RESOURCE CONSERVATION AREA THAT:**

(1) RECEIVES FINAL LOCAL APPROVAL ON OR AFTER JULY 1, 2008, UNLESS AN APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL IS SUBMITTED BEFORE JULY 1, 2008 AND LEGALLY RECORDED BY DECEMBER 31, 2009; AND

(2) DOES NOT INVOLVE THE USE OF GROWTH ALLOCATION.

(B) (1) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, THE MINIMUM BUFFER SHALL BE:

(I) 300 FEET FROM TIDAL WATERS OR A TIDAL WETLAND; AND

(II) 100 FEET FROM A TRIBUTARY STREAM.

(2) ALL PROVISIONS UNDER COMAR 27.01.09.01 THAT ARE APPLICABLE TO DEVELOPMENT ACTIVITIES WITHIN THE 100–FOOT BUFFER, INCLUDING THE ESTABLISHMENT OF VEGETATION AND EXPANSION REQUIREMENTS, SHALL APPLY TO THE 300–FOOT BUFFER.

(C) THE 300–FOOT BUFFER MAY BE REDUCED IF:

(1) THE STRICT APPLICATION OF THE MINIMUM 300–FOOT BUFFER WOULD PRECLUDE:

(I) SUBDIVISION OF THE PROPERTY AT A DENSITY OF ONE DWELLING UNIT PER 20 ACRES, AND ALL OTHER STATE AND LOCAL REQUIREMENTS WILL BE SATISFIED; OR

(II) AN INTRA–FAMILY TRANSFER AUTHORIZED UNDER § 8–1808.2 OF THIS SUBTITLE; AND

(2) THE REDUCTION WILL OCCUR IN ACCORDANCE WITH LOCAL PROGRAM PROCEDURES APPROVED BY THE COMMISSION.";

in line 10, before "**IMPROVEMENTS**" insert "**(A)**"; in line 15, after "**FEASIBLE**" insert "**, INCLUDING AREAS OF EXCESSIVE EROSION, AREAS SUBJECT TO HEAVY TIDES, AND AREAS TOO NARROW FOR EFFECTIVE USE OF NONSTRUCTURAL SHORELINE STABILIZATION MEASURES**"; and after line 15, insert:

"**(B) (1) IN CONSULTATION WITH THE DEPARTMENT, THE DEPARTMENT OF THE ENVIRONMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

(2) THE REGULATIONS SHALL INCLUDE A WAIVER PROCESS THAT EXEMPTS A PERSON FROM THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION ON A DEMONSTRATION TO THE SATISFACTION OF THE DEPARTMENT OF THE ENVIRONMENT THAT NONSTRUCTURAL SHORELINE STABILIZATION MEASURES ARE NOT FEASIBLE FOR THE PERSON'S PROPERTY.".

On pages 24 and 25, strike in their entirety the lines beginning with line 17 on page 24 through line 6 on page 25, inclusive.

On page 25, in line 24, strike "**A**" and substitute "**EXCEPT AS OTHERWISE AUTHORIZED IN A LOCAL JURISDICTION, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**"; in line 30, after "**(II)**" insert "**1.**"; strike beginning with "**, BUT**" in line 32 down through "**ACTION**" in line 34; and after line 34, insert:

"**2. IF ENTRY IS DENIED, THE LOCAL AUTHORITY MAY SEEK AN INJUNCTION TO ENTER THE PROPERTY TO PURSUE AN ENFORCEMENT ACTION.**".

On page 26, in line 19, strike "subject" and substitute "**:**

1. SUBJECT";

in the same line, after "suit" insert "**IN CIRCUIT COURT OR DISTRICT COURT**"; in line 20, after "law" insert "**;**

2. GUILTY OF A MISDEMEANOR; AND

3. ON CONVICTION IN A COURT OF COMPETENT JURISDICTION, SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT".

AMENDMENT NO. 5

On page 27, in lines 19 and 28, in each instance, after "of" insert "**THE FOLLOWING AREAS, AS INDICATED ON THE STATEWIDE BASE MAP**"; in lines 21 and 22, strike beginning with "as" in line 21 down through "all" in line 22 and substitute "**;**

(2) ALL";

in line 24, strike "(2)" and substitute "**(3)**"; in lines 25 and 26, strike beginning with "State" in line 25 down through "Article" in line 26 and substitute "**THE RESOURCES IDENTIFIED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION**"; and in lines 30 and 31, strike beginning with "as" in line 30 down through "all" in line 31 and substitute "**;**

(2) ALL".

On page 28, in line 1, strike "(2)" and substitute "**(3)**"; in lines 2 and 3, strike beginning with "State" in line 2 down through "Article" in line 3 and substitute "**THE RESOURCES IDENTIFIED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION**"; and in line 4, after "That" insert "the process of transition from reliance on the State wetlands maps to the Statewide Base Map for determination of the Chesapeake and Atlantic Coastal Bays Critical Area, as enacted under Section 2 of this Act, shall proceed as follows".

On pages 28 and 29, strike beginning with "shall" in line 5 on page 28 down through "time" in line 11 on page 29 and substitute ", the Department of the Environment, and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays shall:

(i) By October 1, 2008, complete a pilot project to develop and implement an appropriate mapping methodology for at least two counties with approved local Critical Area programs; and

(ii) Based on this pilot project, develop procedures, source documents, and joint regulations as necessary and appropriate to most accurately and effectively create new maps of the Critical Area, based on the Statewide Base Map, for the State and each affected local jurisdiction;

(2) In accordance with the following requirements and conditions, the Department of Natural Resources shall prepare a Statewide Base Map that includes a State–determined shoreline and landward boundary of tidal wetlands and a digitally generated, georeferenced 1,000–foot Critical Area boundary, as appropriate for integration into a Geographic Information System:

(i) Aerial imagery obtained in 2007 and 2008 or the best available imagery of comparable scale shall be used to identify the shoreline and landward boundary of tidal wetlands as part of the Statewide Base Map project;

(ii) The boundary shall be accurate to a scale of 1:1200; and

(iii) The mapped shoreline and landward boundary of tidal wetlands may not be construed to represent an official wetland delineation or to change in any way any statutory provision under Title 16 of the Environment Article, any regulatory provision under Title 26, Subtitle 24 of the Code of Maryland Regulations, or any other provision related to a project–specific wetland delineation that may be necessary and appropriate;

(3) Within 4 months of the date of official completion of the Statewide Base Map project, the Department of Natural Resources shall:

(i) Distribute the appropriate portion of the Statewide Base Map to each local jurisdiction with an approved Critical Area Program; and

(ii) Notify the Critical Area Commission in writing regarding the distribution date applicable to each local jurisdiction;

(4) Following receipt of notice from the Department of Natural Resources and in accordance with the following conditions, the Commission shall notify each local jurisdiction in writing regarding the effective date of project completion applicable to that jurisdiction:

(i) A local jurisdiction shall formally adopt its amended Critical Area map based on the Statewide Base Map within 24 months of its receipt from the Department of Natural Resources; and

(ii) However, where practicable, and after submission by the local jurisdiction of evidence satisfactory to the Commission that reasonable progress

has been made toward formal adoption of its amended map, the Commission may authorize the local jurisdiction to proceed toward formal adoption of its amended map in coordination with its required 6–year comprehensive review process;

(5) In accordance with notification from the Commission, each local jurisdiction, with assistance from the Department of Natural Resources, the Department of the Environment, and the Critical Area Commission, as appropriate, shall review and refine its portion of the Statewide Base Map prepared by the Department of Natural Resources and proceed to:

(i) Verify the boundaries of the existing Critical Area designations;

(ii) Appropriately designate unclassified areas that were not within the original Critical Area boundary in accordance with the mapping standards set forth under COMAR 27.01.02.03 through 27.01.02.05 and as further determined through regulations adopted by the Commission; and

(iii) Identify areas where there appear to be inconsistencies between the Statewide Base Map and the local jurisdiction's Critical Area map;

(6) In accordance with regulations adopted by the Critical Area Commission, each local jurisdiction shall provide public notice of changes anticipated in that jurisdiction as a result of the transition from the State wetlands maps to the Statewide Base Map and provide for a public hearing and public comment regarding those changes;

(7) Following resolution of any inconsistencies and as appropriate to its form of local government and in conformance with all applicable requirements, each jurisdiction with an approved Critical Area Program shall:

(i) Formally amend its program by adopting the Statewide Base Map for that jurisdiction, including the shoreline and landward boundary of tidal wetlands, the digitally generated and georeferenced 1,000–foot Critical Area boundary, and all applicable Critical Area designations as its official Critical Area Map; and

(ii) Within 90 days of formally amending its program under item (i) of this paragraph, provide the Critical Area Commission with a list of the

development projects or activities within that jurisdiction that were newly mapped under this Act as within the critical area and that received growth allocation, final subdivision approval, final site plan approval, any other final approval, or were vested by December 31, 2008;

(8) Upon official adoption of its new Critical Area Map, each local jurisdiction shall ensure that, where applicable, each project submittal utilizes the digitally generated, georeferenced Critical Area boundary; and

(9) (i) The Department of Natural Resources shall adopt regulations providing for the periodic review and updating, at least once every 12 years, of the Statewide Base Map, including the State–determined shoreline and landward boundary of tidal wetlands and a digitally generated, georeferenced 1,000–foot Critical Area boundary, beginning with the date of initial preparation and official completion under paragraph (2) of this section; and

(ii) In coordination with the regulations adopted under subparagraph (i) of this paragraph, the Critical Area Commission shall adopt regulations providing for the periodic review and formal update of a local jurisdiction's Critical Area Map, in accordance with each jurisdiction's required 6–year comprehensive review, in order to reflect the State–determined shoreline and landward boundary of tidal wetlands and the digitally generated, georeferenced 1,000–foot Critical Area boundary shown on the Statewide Base Map in effect at the time of the comprehensive review".

On page 29, in line 12, strike "the" and substitute ":

(1) The Department of Natural Resources shall notify the Department of Legislative Services in writing on the date of official completion of the Statewide Base Map project, as specified under Section 3(2) of this Act;

(2) The";

in line 13, strike "24" and substitute "28"; strike beginning with "completion" in line 13 down through "Act" in line 14 and substitute "completion of the Statewide Base Map project; and

(3) The Critical Area Commission shall adopt regulations regarding the administration of local critical area programs related to mapping issues during the

process of transition from reliance on the State wetlands maps to the Statewide Base Map for determination of the Chesapeake and Atlantic Coastal Bays Critical Area";

strike beginning with "new" in line 15 down through "2008" in line 19 and substitute "criminal prosecution under § 8–1815(a)(2)(ii) of the Natural Resources Article, as enacted under Section 1 of this Act, this Act shall be construed prospectively to apply only to a Critical Area violation alleged to have arisen out of an act or omission that originated on or after July 1, 2008, and this Act may not be applied or interpreted to have any effect on or application to an alleged critical area violation that originated before the effective date of this Act"; in line 23, after "approval" insert "or denial and for bringing lots into Program conformance"; in the same line, after "8–1808(c)(1)(ii)4" insert "and 12"; and in line 25, after "7." insert "AND BE IT FURTHER ENACTED, That the considerations required under § 8–1808.1(c)(3) of the Natural Resources Article, as enacted under Section 1 of this Act:

(1) Shall be a part of each growth allocation determination made by the Critical Area Commission at a formal meeting of the Commission occurring on July 1, 2008 or thereafter; and

(2) May not be applied to:

(i) Property in the town of St. Michael's designated as an intensely developed area by an award of growth allocation approved by the Critical Area Commission before July 1, 2006; or

(ii) Any other award of growth allocation approved by the Critical Area Commission before July 1, 2008.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(1) The provisions of this Act regarding lot coverage under § 8–1808.3 of the Natural Resources Article, as enacted under Section 1 of this Act, may not be construed to affect a development project, including the plans for the development project and any subsequent permits related to those plans, if the development project meets the following requirements:

(i) 1. An application for a building permit or a grading permit is filed by October 1, 2008, and the permit is issued by January 1, 2010; or

2. An initial application for development that satisfies all local requirements for submittal is filed by October 1, 2008, and the development plan is approved by July 1, 2010;

(ii) The approved permit or approved development plan remains valid in accordance with local procedures and requirements;

(iii) By July 1, 2010:

1. In accordance with the requirements of the local jurisdiction regarding impervious surface limitations applicable before the effective date of this Act, the applicant prepares a detailed lot coverage plan that is drawn to scale and shows the amounts of impervious surface area, partially pervious surface area, and developed pervious surface area in the development project; and

2. The lot coverage plan is approved by the local jurisdiction and maintained in the local jurisdiction's files; and

(iv) The development project is implemented in compliance with the approved lot coverage plan, except as authorized under paragraph (3)(ii) of this section;

(2) By October 1, 2010, a local jurisdiction shall provide the Critical Area Commission with a list of the projects for which lot coverage plans have been approved under paragraph (1)(iii)2 of this section.

(3) If a change or revision to a lot coverage plan approved under paragraph (1)(iii)2 of this section operates so as to:

(i) Increase the amount of impervious surface area, partially pervious surface area, or developed pervious surface area in the development project, the provisions of paragraph (1) of this section may not apply and the project shall be completed in accordance with the lot coverage requirements under § 8–1808.3 of the Natural Resources Article, as enacted under Section 1 of this Act; or

(ii) Equal or decrease the amount of impervious surface area, partially pervious surface area, or developed pervious surface area in the development project, the provisions of paragraph (1) of this section shall continue to apply;

(4) If a development plan does not receive final approval by July 1, 2010, as required under paragraph (1)(i)2 of this section, this Act may not be construed to terminate the operation of paragraph (1) of this section as to that development project if the failure to meet that date is due solely to the application of a building moratorium or an adequate public facilities ordinance in the local jurisdiction in which the development project is located; and

(5) A property owner, through subsequent development or redevelopment, may not exceed the amounts of impervious surface, partially pervious, or developed pervious surface area shown and specified on the lot coverage plan approved under paragraph (1)(iii)2 of this section.

SECTION 9. AND BE IT FURTHER ENACTED, That, as a result of remapping under this Act, the designation of an unclassified area that was not previously within the Chesapeake and Atlantic Coastal Bays Critical Area may not affect the initial construction of a development project or activity if by December 31, 2008, the development project or activity receives either growth allocation, final subdivision approval, final site plan approval, or any other final approval, or is vested.

SECTION 10.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1423/110913/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1423
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the second "a"; in line 6, strike "area" and substitute "areas in certain counties"; in the same line, after "State" insert "under certain circumstances"; in the same line, after the semicolon insert "authorizing the Department to adopt certain regulations;".

AMENDMENT NO. 2

On page 2, in line 1, after "**(B)**" insert "**(1)**"; in the same line, strike "**WHEN**" and substitute "**IN ACCORDANCE WITH THE POLICY DECLARED IN THIS SECTION, AND PROVIDED THAT IT WILL NOT JEOPARDIZE THE STATE'S NATURAL RESOURCES, WHEN**"; in the same line, strike "**OR USING**"; in the same line, after "**STATE**" insert "**IN CARROLL, FREDERICK, OR WASHINGTON COUNTIES**"; and in line 3, strike "**A**" and substitute "**:**

(I) A MUNICIPAL CORPORATION, NOT INCLUDING THOSE AREAS ANNEXED AFTER JANUARY 1, 2000; OR

(II) A".

On page 2, in line 4, strike "**1997**" and substitute "**2000**"; in the same line, strike "**§ 5–7B–03**" and substitute "**§ 5–7B–02(7)**"; and after line 5, insert:

"**(2) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 524)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 280 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset Extension

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

Affirmative – 134 Negative – 0 (See Roll Call No. 525)

The Bill was then sent to the Senate.

House Bill 486 – Delegate Bobo

AN ACT concerning

Real Property – Homeowners Associations – Meetings

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

Affirmative – 133 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 528)

The Bill was then sent to the Senate.

House Bill 653 – ~~Delegate Hixson~~ Delegates Hixson, Bartlett, Cardin, Doory, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, and Walker

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

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

Affirmative – 136 Negative – 0 (See Roll Call No. 529)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the Senate.

House Bill 787 – Carroll County Delegation

AN ACT concerning

Noise Control – Carroll County Public Schools – Enforcement Prohibition

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

Affirmative – 134 Negative – 0 (See Roll Call No. 531)

The Bill was then sent to the Senate.

House Bill 917 – Delegates Ramirez, Anderson, Barnes, Bobo, Carter, Heller, Levi, McComas, McConkey, Schuler, Vallario, and Waldstreicher

AN ACT concerning

Criminal Law – ~~Simple Assault~~ Offensive Physical Contact

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

Affirmative – 129 Negative – 5 (See Roll Call No. 532)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 534)

The Bill was then sent to the Senate.

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 passed by yeas and nays as follows:

Affirmative – 109 Negative – 25 (See Roll Call No. 535)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #41

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the Senate.

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

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

Affirmative – 118 Negative – 17 (See Roll Call No. 537)

The Bill was then sent to the Senate.

House Bill 778 – Delegates Bobo, Barnes, Carr, Frush, Gaines, Gutierrez, Guzzone, Hecht, Holmes, Hubbard, Lafferty, Mizeur, Montgomery, Niemann, Pendergrass, Ramirez, Stein, and F. Turner

EMERGENCY BILL

AN ACT concerning

Richard Atta Poku ~~Right to Appeal~~ Foreclosure Defense Act

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

Affirmative – 131 Negative – 3 (See Roll Call No. 538)

The Bill was then sent to the Senate.

House Bill 808 – Delegates Weldon, Bartlett, G. Clagett, Hecht, Krebs, O'Donnell, Shank, and Stull

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

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

Affirmative – 136 Negative – 0 (See Roll Call No. 539)

The Bill was then sent to the Senate.

House Bill 867 – Delegates Kramer, Barkley, Heller, Kaiser, Kelly, Krebs, Lee, Levi, Manno, Montgomery, Myers, Simmons, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

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

Affirmative – 136 Negative – 0 (See Roll Call No. 540)

The Bill was then sent to the Senate.

House Bill 1060 – Delegates Frank, Aumann, Bates, Beitzel, Boteler, Bromwell, Conaway, Costa, Dwyer, Eckardt, Elliott, Elmore, George, Haddaway, James, Jennings, Kach, Kelly, Kipke, Krebs, McComas, McConkey, Myers, Norman, O'Donnell, Riley, Schuh, Schuler, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, ~~and Walkup~~ Walkup, Impallaria, Kirk, and Robinson

AN ACT concerning

Victims of Crime – Burglary and Crimes of Violence – Civil Immunity

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

Affirmative – 136 Negative – 0 (See Roll Call No. 541)

The Bill was then sent to the Senate.

House Bill 1193 – Delegates McIntosh and Hucker

AN ACT concerning

Environment – Statute of Limitations

Delegate Hubbard moved the previous question.

The motion was adopted.

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

Affirmative – 105 Negative – 31 (See Roll Call No. 542)

The Bill was then sent to the Senate.

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

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

Affirmative – 133 Negative – 2 (See Roll Call No. 543)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 544)

The Bill was then sent to the Senate.

House Bill 1481 – Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim

EMERGENCY BILL

AN ACT concerning

State Board of Veterinary Medical Examiners – Animal Control Facilities – License to Administer Scheduled Drugs to Animals

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

Affirmative – 136 Negative – 0 (See Roll Call No. 545)

The Bill was then sent to the Senate.

THE COMMITTEE ON JUDICIARY REPORT #9

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

House Bill 672 – Delegates Simmons, Waldstreicher, Dumais, Heller, Kramer, Lee, McComas, Ramirez, Rosenberg, and Shank

AN ACT concerning

Crimes – Committing Crime of Violence in Presence of Minor – Penalties

HB0672/932110/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 672
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 9 down through "circumstances;" in line 10.

AMENDMENT NO. 2

On page 2, in line 26, strike "**(1)**"; and strike in their entirety lines 29 and 30.

On page 3, strike in their entirety lines 1 and 2.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 900 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Gutierrez, Lee, Robinson, and Valderrama

AN ACT concerning

Criminal Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms – Repeat Offenders

HB0900/162018/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 900
(First Reading File Bill)

On page 5, strike beginning with "**FIREARM**" in line 3 down through "**(VIII)**" in line 5; strike beginning with "**(IX)**" in line 7 down through "**(X)**" in line 9 and substitute "**(VIII)**"; in line 11, after "**ARTICLE;**" insert "**OR**"; strike lines 12 through 16 in their entirety; in line 17, strike "**(XIII)**" and substitute "**(IX)**"; strike beginning with the semicolon in line 18 down through "**OR**" in line 19 and substitute a period; and strike lines 20 and 21 in their entirety.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1222 – Delegates Proctor and Vallario

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1450 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Homeless Registrants, Supervision, and Penalties

HB1450/292417/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1450
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike the first comma and substitute "and"; strike beginning with the second comma in line 2 down through "Penalties" in line 3; and strike beginning with "providing" in line 18 down through "unit;" in line 20.

On page 2, strike beginning with "establishing" in line 18 down through "penalty;" in line 19; and in line 21, after "supervision" insert "and make a certain recommendation to a certain court".

AMENDMENT NO. 2

On page 9, in line 1, after "**(VII)**" insert "**PLACEMENT ON**"; in the same line, strike "**AND**" and substitute "**OR**"; and in line 2, after "**(VIII)**" insert "**GRANTING OF**".

On page 11, strike beginning with "is" in line 6 down through "(3)" in line 7; in line 8, strike "(4)" and substitute "**(3)**"; strike beginning with "is" in line 13 down through "(iv)" in line 15; and in line 16, strike "(v)" and substitute "**(III)**".

AMENDMENT NO. 3

On page 12, in line 24, strike "**WEEK**" and substitute "**MONTH**".

On page 13, strike beginning with "**A**" in line 13 down through "**(5)**" in line 16; and in line 21, strike "**(6)**" and substitute "**(5)**".

On page 16, in line 7, after "release;" insert "**OR**"; and strike beginning with "the" in line 8 down through "(3)" in line 9.

AMENDMENT NO. 4

On page 22, in line 23, strike "**THAT**" and substitute "**THAN**"; and in line 29, after "life" insert "**, UNLESS A PETITION FOR DISCHARGE UNDER § 11–724(B) OF THIS SUBTITLE IS GRANTED**".

AMENDMENT NO. 5

On pages 24 and 25, strike in their entirety the lines beginning with line 26 on page 24 down through line 8 on page 25, inclusive.

On page 25, in lines 9 and 30, strike "**(D)**" and "**(E)**", respectively, and substitute "**(A)**" and "**(B)**", respectively; in line 31, after "from" insert "**A REGISTRANT ON**"; and in line 32, strike "from a registrant" and substitute "**AND MAKE A RECOMMENDATION TO THE COURT REGARDING THE PETITION**".

On page 26, in line 11, strike "discharge" and substitute "**RECOMMEND TO THE COURT THE DISCHARGE OF**".

On page 28, strike lines 8 and 9 in their entirety; and in lines 10, 12, 14, 16, 19, and 21, strike "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

SB0536/642718/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 536
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 4 down through "fee;" in line 5; and in line 9 strike ", (c), and (d)" and substitute "and (c)".

AMENDMENT NO. 2

On page 2, in lines 1, 4, and 5, in each instance, strike the bracket; and strike in their entirety lines 8 through 22, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

AN ACT concerning

The Flexible Leave Act

FOR the purpose of authorizing employees of certain employers to use leave with pay for the illness of ~~the employee's immediate family~~ certain children of the employee; providing that an employee may only use leave with pay that has been earned; providing that an employee who earns more than one type of leave with pay may elect the type and amount of leave with pay to be used; requiring an employee who uses leave with pay under this Act to comply with the terms of a collective bargaining agreement or employment policy with a certain exception; providing that the terms of a collective bargaining agreement or employment policy shall prevail under certain circumstances; prohibiting an employer from taking certain actions against an employee who exercises certain rights, files a complaint, testifies against, or assists in a certain action; providing that this Act does not affect leave granted under the federal Family and Medical Leave Act; defining certain terms; and generally relating to leave with pay and illness of an employee's ~~immediate family~~ children.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–801 and 3–802
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 3–802
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Senate Bill 615 – Senators Raskin, Forehand, and Stone

AN ACT concerning

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

FOR the purpose of ~~altering a certain definition of "stalking" to include a malicious course of conduct that puts another person in reasonable fear that a certain pet or service animal likely will suffer cruelty or aggravated cruelty;~~ authorizing a District Court Commissioner, in a certain interim protective order, and a judge in a temporary protective order or final protective order, to order a respondent to remain away from a certain pet or service animal, to refrain from cruelty or aggravated cruelty toward the pet or service animal, or in certain circumstances, to give the pet or service animal to a certain person; providing certain penalties for failure to comply with certain relief ordered in a certain interim protective order, temporary protective order, or final protective order; ~~amending a certain definition;~~ defining certain terms; and generally relating to ~~stalking and~~ domestic violence and cruelty toward a pet or service animal.

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Law~~
~~Section 3–802~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2007 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a) and (l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vi) and (vii), 4–506(d)(12) and (13), and 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Family Law
Section 4–501(m) and (q), 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 649 – Senator Conway

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; 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 licensing ~~of mixed martial artists and the~~ 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 Economic Matters.

Senate Bill 795 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior Acts of the General Assembly that authorized the creation of State Debt through the issuance, sale, and delivery of general obligation bonds, the proceeds of which were designated for funding certain capital projects; requiring certain loan proceeds to be encumbered by the Board of Public Works or expended for certain purposes by a certain date; altering the ~~names of certain grantees~~ grantees under certain projects; altering and expanding the authorized uses of certain grants; removing ~~a requirement~~ certain requirements that ~~a certain grantee~~ certain grantees provide and expend a certain matching fund; requiring that ~~a certain grantee~~ certain grantees provide and expend a certain type of matching fund; altering the location of certain capital projects; extending the deadline by which ~~a certain grantee~~ certain grantees must present evidence to the Board of Public Works that certain matching funds will be provided; making other technical changes; and generally relating to prior authorizations of State Debt by the General Assembly to fund certain capital projects.

BY repealing and reenacting, with amendments,

Chapter 555 of the Acts of the General Assembly of 1999, as amended by Chapter 30 of the Acts of the General Assembly of 2001, Chapter 188 of the Acts of the General Assembly of 2002, and Chapter 550 of the Acts of the General Assembly of 2006
Section 1

BY repealing and reenacting, without amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007
Section 1(1)

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

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

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

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

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

BY repealing and reenacting, with amendments,
Chapter 466 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 680 of the Acts of the General Assembly of 2001, as amended by Chapter 32 of the Acts of the General Assembly of 2003, and Chapter 30 of the Acts of the General Assembly of 2004
Section 1

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

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 555 of the Acts of the General Assembly of 2006
Section 13(3)(i) Item (BI)

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

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 176 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(B)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01(U) and ZA02(Y) and (BK)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA00(C), ZA01(K), (R), (V), (AC), (AD), (AZ), (BB), (BW), ~~and (CK)~~ (CA), (CK), and (CP), and ZA02(W) ~~and (AC)~~, (AC), (AD), (AZ), and (BU)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item KA05(A)(4), ZA00(B) and (S), ~~ZA01(AV) and (Z),~~ ZA01(Z), (AV), (BD), and (BV), and ZA02(BI), (BL), (BO), ~~and (CC)~~ (BT), (CC), and (CE)

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

Senate Bill 914 – Senator Muse

AN ACT concerning

Handgun Roster Board – Membership

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

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

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

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 546)

RECESS

At 12:20 P.M. on motion of Delegate Barve the House recessed until 4:00 P.M. on Legislative Day March 18, 2008, Calendar Day Friday, March 21, 2008.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 18, 2008
Calendar Day: Friday, March 21, 2008

At 4:43 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Norman H. Conway of the Eastern Shore.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 548)

EXCUSES:
Del. Jameson – recovering from surgery
Del. Mathias – illness
Del. Robinson – illness – in hospital

THE COMMITTEE ON WAYS AND MEANS REPORT #8

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

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

AN ACT concerning

Motor Vehicle Excise Tax – Exemption for Returning Military Members

HB0669/875569/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 669
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Wood" and substitute "Wood, Hixson, Doory, Barve, Frick, Kaiser, and Serafini"; and in line 4, after "from" insert ", or on,".

AMENDMENT NO. 2

On page 2, in line 17, after "**FROM**" insert "**, OR ON,**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 740 – Harford County Delegation

AN ACT concerning

Harford County – Gaming

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 763 – Howard County Delegation

AN ACT concerning

Howard County Public Schools – Testing and Inspection of Well Water for Bacteria

Ho. Co. 10–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 826 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Regulation of Local Campaign Finance Activity

MC 803–08

HB0826/835762/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 826
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5, 7, and 8, in each instance, before "campaign" insert "public"; in line 5, after "for" insert "certain"; and in line 6, after "and" insert "certain".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 11 on page 2, inclusive, and substitute:

"**(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE GOVERNING BODY OF MONTGOMERY COUNTY MAY ENACT LAWS TO REGULATE PUBLIC CAMPAIGN FINANCE ACTIVITY FOR MONTGOMERY COUNTY ELECTIVE OFFICERS AND CANDIDATES FOR ELECTION TO THOSE OFFICES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN FINANCING.**

(B) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT REGULATE MONTGOMERY COUNTY ELECTIVE OFFICERS OR CANDIDATES FOR ELECTION TO THOSE OFFICES WHO DO NOT RECEIVE ANY PUBLIC CAMPAIGN FINANCING.

(C) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING FOR ANY ELECTION OTHER THAN THAT OF A MONTGOMERY COUNTY ELECTIVE OFFICE;

(2) REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING TO:

(I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR THE CAMPAIGN FOR THAT MONTGOMERY COUNTY ELECTIVE OFFICE; AND

(II) ONLY USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY FOR THAT CAMPAIGN FOR MONTGOMERY COUNTY ELECTIVE OFFICE; AND

(3) PROHIBIT THE TRANSFER OF FUNDS INTO THE CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE MONTGOMERY COUNTY ELECTIVE OFFICE BY A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING FROM ANY OTHER CAMPAIGN FINANCE ENTITY PREVIOUSLY ESTABLISHED FOR THE CANDIDATE.

(D) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE ADMINISTERED BY THE LOCAL BOARD OF ELECTIONS FOR MONTGOMERY COUNTY.

(E) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY:

(1) ESTABLISH A SYSTEM OF PUBLIC CAMPAIGN FINANCING; AND

(2) INCLUDE PROVISIONS RELATING TO CONTRIBUTIONS, EXPENDITURES, REPORTING, CAMPAIGN MATERIAL, AND, AS PROVIDED UNDER ARTICLE 25A, § 5 OF THE CODE, ADMINISTRATIVE PENALTIES.

(F) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) MAY BE MORE STRINGENT THAN ANY APPLICABLE LAW OF THE STATE AND MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO MONTGOMERY COUNTY; BUT

(2) MAY NOT CONFLICT WITH ANY APPLICABLE LAW OF THE STATE OR THE UNITED STATES.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 832 – Montgomery County Delegation

AN ACT concerning

Montgomery County Democratic Party Central Committee – Membership

MC 802–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

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

House Bill 963 – Carroll County Delegation

AN ACT concerning

Carroll County – Board of Education – Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 985 – Delegates V. Clagett, Barve, Beidle, Cardin, Love, McConkey, and Morhaim

AN ACT concerning

Sales and Use Tax – Energy Star Product Exemptions – Boilers

HB0985/745768/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 985
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Morhaim" and substitute "Morhaim, Hixson, Doory, Bartlett, Elmore, Frick, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Serafini, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1002 – Delegates Conway and Mathias

AN ACT concerning

Election Law – Worcester County Democratic Party Central Committee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1018 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs

PG 421–08

HB1018/265367/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1018
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "requiring" and substitute "authorizing"; and in line 15, strike "9–318(a)" and substitute "9–318(b)(1)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 16, inclusive, and substitute:

"(b) (1) The governing body of Prince George's County may grant, by law, a property tax credit under this section against county property tax imposed on:

(i) real property that is:

1. owned by a nonprofit community civic association or corporation;

2. dedicated by plat or deed restriction to the use of the lot owners in the community, if the use is not contingent on the payment of:

A. dues to the association or corporation, unless dues are used only to improve or maintain the real property of the community; or

B. compensation for admission to or use of the real property, unless the compensation is used only to improve or maintain the real property of the community;

(ii) real property that is owned by the Piscataway Hills Citizens Association;

(iii) real property that is improved to promote housing, community redevelopment, and business revitalization;

(iv) real property used by the property owner to provide child care for the children of at least 25 employees;

(v) real property that is:

1. owned by the American Center for Physics, Inc.;

2. leased by the American Center for Physics, Inc. to affiliated societies; and

3. used only for nonprofit activities relating to the advancement and diffusion of the knowledge of physics and its application to human welfare;

(vi) subject to the condition established under paragraph (6) of this subsection, residential real property that is located within an area that the governing body determines is adversely impacted by its proximity to a refuse disposal system for which a permit has been issued under § 9–204 of the Environment Article; **[**and**]**

(vii) real property that is owned by the Kettering–Largo–Mitchellville Boys and Girls Club**; AND**

(VIII) AGRICULTURAL LAND, INCLUDING ANY FARM IMPROVEMENT USED IN CONNECTION WITH AN ACTIVITY THAT IS RECOGNIZED

BY THE DEPARTMENT AS AN APPROVED AGRICULTURAL ACTIVITY, THAT IS SUBJECT TO STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS.";

and in lines 18 and 24, in each instance, strike "**(A)(3)**" and substitute "**(B)(1)(VIII)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1149 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Bingo

HB1149/875063/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1149
(First Reading File Bill)

On page 3, in line 15, strike "paragraph (2)" and substitute "**PARAGRAPHS (2) AND (3)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1211 – Delegates Oaks and McIntosh

EMERGENCY BILL

AN ACT concerning

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

HB1211/315865/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and McIntosh" and substitute ", McIntosh, and Carr"; in line 6, after "amount;" insert "requiring a collector to send a certain notice to a certain person within a certain time after a property is sold at a tax sale;"; in line 8, after "circumstances;" insert "providing that certain sums expended to conserve or stabilize a property become part of the redemption amount; altering how certain tax sale laws should be construed; prohibiting a holder of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; requiring the holder of a certificate of sale to send a second notice within a certain time after sending the first notice; prohibiting certain assignees of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; providing that certain notice provisions shall be deemed satisfied if the holder of a certificate of sale, or the attorney of the holder of a certificate of sale, files a certain affidavit; making stylistic changes; providing that the holder of a certificate of sale may be reimbursed for certain expenses under certain circumstances;"; in line 9, strike "is entitled to" and substitute "may"; in line 10, after "circumstances;" insert "providing for the application of this Act;"; in line 14, after "14–828(a)," insert "14–830, 14–832, 14–833(a),"; and after line 16, insert:

"BY adding to
Article – Tax – Property
Section 14–817.1 and 14–833(a–1)
Annotated Code of Maryland
(2007 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 23, insert:

"**14–817.1.**

(A) WITHIN 60 DAYS AFTER A PROPERTY IS SOLD AT A TAX SALE, THE COLLECTOR SHALL SEND TO THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL, AT THE LAST ADDRESS SHOWN ON THE TAX ROLL, A NOTICE THAT INCLUDES:

(1) A STATEMENT THAT THE PROPERTY HAS BEEN SOLD TO SATISFY UNPAID TAXES;

(2) THE DATE OF THE TAX SALE;

(3) THE AMOUNT OF THE HIGHEST BID;

(4) THE LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE;

(5) A STATEMENT THAT THE OWNER HAS THE RIGHT TO REDEEM THE PROPERTY UNTIL A COURT FORECLOSES THAT RIGHT;

(6) A STATEMENT THAT THE PURCHASER OF THE PROPERTY MAY INSTITUTE AN ACTION TO FORECLOSE THE PROPERTY:

(I) AS EARLY AS 6 MONTHS FROM THE DATE OF THE SALE; OR

(II) IF A GOVERNMENT AGENCY CERTIFIES THAT THE PROPERTY REQUIRES, OR SHALL REQUIRE, SUBSTANTIAL REPAIR TO COMPLY WITH APPLICABLE BUILDING CODES, AS EARLY AS 60 DAYS FROM THE DATE OF THE SALE;

(7) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

(I) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(II) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE; AND

(III) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE;

(8) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE HOLDER OF THE CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED $250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500;

(9) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

(I) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(II) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

(III) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

(IV) ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14–843(A)(4) AND (5) OF THIS SUBTITLE; AND

(10) THE PROVISIONS OF § 14–843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE.

(B) THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE SENT BY FIRST–CLASS MAIL.".

AMENDMENT NO. 3

On page 2, in line 2, strike "price" and substitute "**LIEN AMOUNT**"; after line 16, insert:

"14–830.

(A) The owner of any property sold under the provisions of this subtitle shall have the right, during the period of redemption, to continue in possession of, and to exercise all rights of ownership over the property until the right of redemption has been finally foreclosed under the provisions of this subtitle**[**, provided that any**].**

(B) THE holder of any certificate of sale may apply to the circuit court for the county in which the property is located for the appointment of a receiver of the property covered by the certificate, in accordance with the usual provisions of the laws and of rules and practice of the circuit courts that relate to receivers.

(C) If any certificate of sale is held by the governing body of the county or any other taxing agency, the governing body or taxing agency may make application by complaint, to the circuit court for the county for the appointment of a receiver of the property covered by the certificate of sale.

(D) The defendant, in the action brought by the governing body of the county or any other taxing agency **UNDER SUBSECTION (C) OF THIS SECTION** for the appointment of a receiver shall be the owner of the property whose name last appears as the owner on the collector's tax roll.

(E) **[**However**]HOWEVER,** except as to property actually occupied by the owner if a certificate of sale is held by the Mayor and City Council of Baltimore City or

the governing body of a county, then the Mayor and City Council of Baltimore City or the governing body of the county has the right of immediate possession of the property represented by the certificate of sale**[**,**]** and to the rents accruing from the property from the date of sale, without the necessity of receivership proceedings**[**, provided that the**]**.

(F) THE Mayor and City Council of Baltimore City or the governing body of the county shall make a strict accounting of any and all rents collected to the owner on redemption of the property, and on the redemption, shall remit the rents, less all expenses required for the property maintenance and upkeep of the property.

(G) ANY REASONABLE SUMS CAUSED TO BE EXPENDED TO CONSERVE OR STABILIZE THE PROPERTY SHALL BECOME PART OF THE REDEMPTION AMOUNT, PROVIDED THE SUMS EXPENDED AND THE NECESSITY FOR MAKING THE REPAIRS ARE APPROVED BY THE COURT.

14–832.

The provisions of §§ 14–832.1 through 14–854 of this subtitle shall be **[**liberally**]** construed **[**as remedial legislation to encourage the foreclosure of rights of redemption by suits in the circuit courts and for the decreeing of marketable titles to property sold by the collector**] TO ENSURE A BALANCE BETWEEN:**

(1) THE DUE PROCESS AND REDEMPTION RIGHTS OF PERSONS THAT OWN OR HAVE AN INTEREST IN PROPERTY SOLD AT A TAX SALE; AND

(2) THE PUBLIC POLICY OF PROVIDING MARKETABLE TITLE TO PROPERTY THAT IS SOLD AT A TAX SALE THROUGH THE FORECLOSURE OF THE RIGHT OF REDEMPTION.

14–833.

(a) Except as provided in subsections **[**(e)**](A–1), (E),** and (f) of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(A–1) (1) THE HOLDER OF A CERTIFICATE OF SALE MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER SENDING THE FIRST OF TWO NOTICES REQUIRED UNDER THIS SUBSECTION TO:

(I) THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL; AND

(II) 1. THE CURRENT MORTGAGEE OF THE PROPERTY, ASSIGNEE OF A MORTGAGEE OF RECORD, OR SERVICER OF THE CURRENT MORTGAGE; OR

2. THE CURRENT HOLDER OF A BENEFICIAL INTEREST IN A DEED OF TRUST RECORDED AGAINST THE PROPERTY.

(2) THE HOLDER OF A CERTIFICATE OF SALE IS NOT REQUIRED TO PROVIDE THE NOTICES UNDER THIS SUBSECTION IF SUBSECTION (E) OR (F) OF THIS SECTION APPLIES TO THE PROPERTY.

(3) THE NOTICES REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST THE FOLLOWING:

(I) A STATEMENT OF THE FACT OF THE ISSUANCE OF A CERTIFICATE OF SALE;

(II) A COPY OF THE CERTIFICATE OF SALE, IF THE HOLDER OF THE CERTIFICATE OF SALE RECEIVED THE CERTIFICATE OF SALE BEFORE THE NOTICE WAS SENT UNDER THIS PARAGRAPH;

(III) A STATEMENT THAT THE OWNER, A MORTGAGE HOLDER, OR ANY OTHER PERSON THAT HAS AN ESTATE OR INTEREST IN THE PROPERTY MAY REDEEM THE PROPERTY AT ANY TIME UNTIL THE RIGHT OF REDEMPTION HAS BEEN FINALLY FORECLOSED UNDER THE PROVISIONS OF THIS SUBTITLE;

(IV) A STATEMENT THAT THE HOLDER OF THE CERTIFICATE OF SALE MAY FILE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION AT ANY TIME AFTER 2 MONTHS FROM THE DATE OF THE FIRST NOTICE;

(V) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. THE FOLLOWING EXPENSES INCURRED BY THE HOLDER OF THE CERTIFICATE OF SALE:

A. ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

B. A TITLE SEARCH FEE, NOT TO EXCEED $250; AND

C. REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500;

(VI) A STATEMENT THAT IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14–843(A)(4) AND (5) OF THIS SUBTITLE;

(VII) THE PROVISIONS OF § 14–843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE;

(VIII) A STATEMENT THAT, IN BALTIMORE CITY ONLY, THE HOLDER OF THE CERTIFICATE OF SALE IS ENTITLED TO TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH § 14–843(C) OF THIS SUBTITLE AND INTEREST AT THE RATE OF REDEMPTION UNDER § 14–820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION; AND

(IX) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:

1. THE HOLDER OF THE CERTIFICATE OF SALE, OR THE HOLDER'S AGENT OR ATTORNEY; AND

2. THE COLLECTOR WHO MADE THE SALE.

(4) (I) THE FIRST OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION MAY NOT BE SENT UNTIL 4 MONTHS AFTER THE DATE OF SALE.

(II) THE SECOND OF THE TWO NOTICES REQUIRED UNDER THIS SECTION SHALL BE SENT:

1. TO THE PERSONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

2. NO EARLIER THAN 1 WEEK AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT.

(5) IF A CERTIFICATE OF SALE IS ASSIGNED AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE ASSIGNEE:

(I) AT ANY TIME AFTER THE ASSIGNMENT, SHALL SEND ONE ADDITIONAL NOTICE UNDER THIS SUBSECTION REFLECTING THE NEW HOLDER OF THE CERTIFICATE; AND

(II) MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER THE ADDITIONAL NOTICE HAS BEEN SENT.

(6) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT:

(I) BY FIRST–CLASS MAIL; AND

(II) IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF DELINQUENT PROPERTY TAX".

(7) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT TO EACH PERSON AT THE PERSON'S LAST ADDRESS KNOWN TO THE HOLDER OF THE CERTIFICATE OF SALE, AS OBTAINED FROM:

(I) THE LAST DEED OR MORTGAGE RELATING TO THE PROPERTY RECORDED AMONG THE LAND RECORDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

(II) THE TAX ROLLS OF THE COLLECTOR WHO MADE THE SALE, AS TO THE PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE; AND

(III) WITH RESPECT TO THE ADDRESS OF THE RESIDENT AGENT AND THE PRINCIPAL OFFICE OF THE CURRENT MORTGAGEE OF RECORD, THE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(8) IN A PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION, IF THE HOLDER OF A CERTIFICATE OF SALE, THE HOLDER'S AGENT, OR THE ATTORNEY OF THE HOLDER OF A CERTIFICATE OF SALE, FILES AN AFFIDAVIT, BEFORE THE COURT ENTERS A FINAL JUDGMENT FORECLOSING THE RIGHT OF REDEMPTION, ATTESTING TO THE FACT THAT THE AFFIANT HAS COMPLIED WITH THE NOTICE PROVISIONS OF THIS SUBSECTION, THEN:

(I) THE NOTICE PROVISIONS OF THIS SUBSECTION SHALL BE DEEMED SATISFIED; AND

(II) THE FAILURE OF THE OWNER, MORTGAGEE, OR BENEFICIARY OF A DEED OF TRUST TO RECEIVE THE REQUIRED NOTICE DOES NOT INVALIDATE THE PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION OR THE FINAL JUDGMENT OF THE COURT.".

AMENDMENT NO. 4

On page 2, in line 19, strike "is entitled to" and substitute "**MAY**";

in line 32, in each instance, strike the bracket; in the same line, strike "**EXCEPT AS PROVIDED IN THIS SECTION, THE**"; and in line 33, after "expenses" insert "**OR ATTORNEY'S FEES**".

On pages 2 through 4, strike in their entirety the lines beginning with line 35 on page 2 through line 8 on page 4, inclusive, and substitute:

"**(3) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS NOT BEEN FILED, AND THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, THE HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED:**

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED $250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500.

(4) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) ATTORNEY'S FEES IN THE AMOUNT OF:

1. $1,300 IF AN AFFIDAVIT OF COMPLIANCE HAS NOT BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION; OR

2. $1,500 IF AN AFFIDAVIT OF COMPLIANCE HAS BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION;

(II) IN EXCEPTIONAL CIRCUMSTANCES, OTHER REASONABLE ATTORNEY'S FEES INCURRED AND SPECIFICALLY REQUESTED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE AND APPROVED BY THE COURT, ON A CASE BY CASE BASIS; AND

(III) IF THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE PROVIDES A SIGNED AFFIDAVIT ATTESTING TO THE FACT THAT THE EXPENSES WERE ACTUALLY INCURRED, THE FOLLOWING EXPENSES ACTUALLY INCURRED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE:

1. FILING FEE CHARGED BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

2. SERVICE OF PROCESS FEE, INCLUDING FEES INCURRED ATTEMPTING TO SERVE PROCESS;

3. A TITLE SEARCH FEE, NOT TO EXCEED $250;

4. IF A SECOND TITLE SEARCH IS CONDUCTED MORE THAN 6 MONTHS AFTER THE INITIAL TITLE SEARCH, A TITLE SEARCH UPDATE FEE, NOT TO EXCEED $75;

5. PUBLICATION FEE CHARGED BY A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

6. POSTING FEE;

7. POSTAGE AND CERTIFIED MAIL;

8. SUBSTANTIAL REPAIR ORDER FEE, NOT TO EXCEED THE FEE CHARGED BY THE GOVERNMENT AGENCY ISSUING THE CERTIFICATE OF SUBSTANTIAL REPAIR; AND

9. ANY COURT APPROVED EXPENSE FOR STABILIZATION OR CONVERSION OF THE PROPERTY UNDER § 14–830 OF THIS SUBTITLE OR IN ACCORDANCE WITH AN ACTION TAKEN AGAINST THE PROPERTY BY THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN ACCORDANCE WITH THE APPLICABLE BUILDING, FIRE, HEALTH, OR SAFETY CODES.

(5) IN ADDITION TO THE EXPENSES AND ATTORNEY'S FEES UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) TAXES PAID AT THE TAX SALE, TOGETHER WITH REDEMPTION INTEREST, ARISING AFTER THE DATE OF SALE TO THE DATE OF REDEMPTION;

(II) THE HIGH BID PREMIUM PAID AT THE TAX SALE, IF APPLICABLE; AND

(III) IN BALTIMORE CITY ONLY, TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND

INTEREST AT THE RATE OF REDEMPTION PROVIDED IN § 14–820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION.".

On page 4, in line 12, after "Kent County," insert "**MONTGOMERY COUNTY,**"; in line 15, strike "is" and substitute "**MAY**"; and in the same line, strike "entitled to".

AMENDMENT NO. 5

On page 4, after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale held before the effective date of this Act or any proceeding that relates to a tax sale held before the effective date of this Act.";

and in line 26, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

SPECIAL ORDERS

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

House Bill 581 – Delegate Costa

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses of Fund

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

FLOOR AMENDMENT

HB0581/223629/1

BY: Delegate McIntosh

AMENDMENT TO HOUSE BILL 581, AS AMENDED

On page 1 of the Environmental Matters Committee Amendments (HB0581/870516/1), in line 3 of Amendment No. 1, strike "and Weir" and substitute "Weir, Barnes, Busch, Dwyer, Frush, George, Love, McConkey, Pena–Melnyk, Schuh, and Sophocleus".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The "Smart on Crime" Act

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

FLOOR AMENDMENT

HB0845/342918/3

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 845, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (HB0845/752110/1) in their entirety. On page 1 of the bill, in line 3, strike "penalties" and substitute "the penalty"; in the same line, after "for" insert "a"; in the same line, strike "offenses" and substitute "offense"; and strike beginning with "altering" in line 9 down through "date;" in line 18 and substitute "prohibiting a person from distributing or dispensing a controlled dangerous substance or possessing a controlled dangerous substance under certain circumstances; establishing certain penalties;".

On page 2 of the bill, in line 2, strike "5–609.1" and substitute "5–601.1".

AMENDMENT NO. 2

On page 3 of the bill, after line 16, insert:

"**5–601.1.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE OR POSSESS A CONTROLLED DANGEROUS SUBSTANCE IN SUFFICIENT QUANTITY REASONABLY TO INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE, IF:

(1) THE PERSON IS DRUG DEPENDANT, AS DETERMINED BY THE COURT; AND

(2) THE AMOUNT OF THE CONTROLLED DANGEROUS SUBSTANCE INVOLVED IS EQUAL TO OR LESS THAN:

(I) 28 GRAMS OF MARIJUANA;

(II) 2 GRAMS OF COCAINE;

(III) 2 GRAMS OF ANY MIXTURE CONTAINING A DETECTABLE AMOUNT OF COCAINE;

(IV) 2 GRAMS OF COCAINE BASE, COMMONLY KNOWN AS "CRACK";

(V) 2 GRAMS OF MORPHINE OR OPIUM OR ANY DERIVATIVE, SALT, ISOMER, OR SALT OF AN ISOMER OF MORPHINE OR OPIUM;

(VI) ANY MIXTURE CONTAINING 2 GRAMS OF MORPHINE OR OPIUM OR ANY DERIVATIVE, SALT, ISOMER, OR SALT OF AN ISOMER OF MORPHINE OR OPIUM;

(VII) 1 MILLIGRAM OF LYSERGIC ACID DIETHYLAMIDE;

(VIII) ANY MIXTURE CONTAINING THE EQUIVALENT OF 1 MILLIGRAM OF LYSERGIC ACID DIETHYLAMIDE;

(IX) 125 MILLIGRAMS OF ANY MIXTURE CONTAINING PHENCYCLIDINE;

(X) 7 GRAMS OF METHAMPHETAMINE; OR

(XI) ANY MIXTURE CONTAINING 7 GRAMS OF METHAMPHETAMINE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $25,000 OR BOTH.

(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO SENTENCING UNDER § 5–607 THROUGH § 5–609 OF THIS SUBTITLE IF THE PERSON:

(I) WAS CONVICTED PREVIOUSLY OF OR RECEIVED A PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 5–602 OF THIS SUBTITLE OR SUBSECTION (A) OF THIS SECTION;

(II) WAS CONVICTED WITHIN THE PRECEDING 3 YEARS OF A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THIS ARTICLE; OR

(III) WAS AN ADULT AT THE TIME OF THE VIOLATION AND THE VIOLATION INVOLVED THE DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE TO A MINOR.".

AMENDMENT NO. 3

On page 3 of the bill, in line 32, strike "§ 5–608 **[**and 5–609**], § 5–609, OR § 5–609.1**" and substitute "§§ **5–601.1(B)(1), 5–608, AND 5–609**"; and in line 33, strike "5–602" and substitute "**5–601.1**".

On page 4 of the bill, in line 12, strike "**5–609.1**" and substitute "**5–601.1(B)(1)**"; and in line 13, strike "5–602" and substitute "**5–601.1**".

On page 6 of the bill, in line 13, strike "**5–609.1**" and substitute "**5–601.1(B)(1)**"; and in line 14, strike "5–602" and substitute "**5–601.1**".

On pages 8 through 10 of the bill, strike in their entirety the lines beginning with line 27 on page 8 through line 8 on page 10, inclusive.

On page 10 of the bill, in line 9, strike "3." and substitute "2.".

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

Affirmative – 62 Negative – 68 (See Roll Call No. 549)

Read the second time and ordered prepared for Third Reading.

House Bill 906 – Delegates Morhaim, Hammen, Elliott, Kach, Kipke, Kullen, McHale, Montgomery, Nathan–Pulliam, Reznik, and Shewell

AN ACT concerning

Maryland Revised Anatomical Gift Act

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

Delegate Morhaim moved to make the Bill a Special Order for Saturday.

The motion was adopted.

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

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

FLOOR AMENDMENT

HB1433/633328/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 1433, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Appropriations Committee Amendments (HB1433/994964/1), in line 3 of Amendment No. 1, after "Act" insert "on the occurrence of a certain contingency; providing for the termination of this Act".

AMENDMENT NO. 2

On page 3 of the bill, in line 2, after "2008." insert "It shall remain effective for a period of 2 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

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

Affirmative – 37 Negative – 94 (See Roll Call No. 550)

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0090**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2009)

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

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

Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators Jones, Munson and Robey.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0090**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2009)

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators V. Jones, Munson and Robey.

The House appoints:
Delegate Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate James
Delegate Aumann

In addition, the House has appointed in advisory capacity: Delegates Proctor and Barkley.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0527**
SPONSOR: Chr B&T
SUBJECT: Spending Mandate and Revenue Dedication Relief Act

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

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

Senator Currie, Chairman
Senator Kasemeyer
Senator DeGrange.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0527**
SPONSOR: Chr B&T
SUBJECT: Spending Mandate and Revenue Dedication Relief Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

The House appoints:
Delegate Proctor, Chairman
Delegate Bohanan, and
Delegate Gaines.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0540**

SPONSOR: Chr B&T
SUBJECT: Transfer of Special Fund Balances

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

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

Senator Currie, Chairman
Senator Kasemeyer
Senator DeGrange.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0540**
SPONSOR: Chr B&T
SUBJECT: Transfer of Special Fund Balances

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

The House appoints:
Delegate Conway, Chairman
Delegate Griffith, and
Delegate G. Clagett.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 551)

ADJOURNMENT

At 5:22 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 19, 2008, Calendar Day Saturday, March 22, 2008.

Annapolis, Maryland
Legislative Day: March 19, 2008
Calendar Day: Saturday, March 22, 2008

The House met at 11:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate William A. Bronrott of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 552)

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

EXCUSES:
Del. Bobo – left early – personal
Del. Jameson – recovering from surgery
Del. Robinson – illness
Del. Tarrant – left briefly – personal
Del. F. Turner – left early – personal

THE COMMITTEE ON APPROPRIATIONS REPORT #8

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

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Baltimore City Community College – Personnel

HB0649/874669/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 649

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Baltimore City"; in the same line, strike "College – Personnel" and substitute "Colleges – Funding Requirements"; strike beginning with "authorizing" in line 3 down through "College." in line 6 and substitute "altering the maintenance of effort calculation for county support for community colleges from an aggregate amount to a per student basis; increasing a certain required appropriation from the City of Baltimore for certain education expenses and tuition reimbursement or scholarships at Baltimore City Community College; and generally relating to certain funding requirements for community colleges."; in line 9, strike "16–505(h)(4)(i)" and substitute "16–305(d) and 16–512(d)(3)"; and strike in their entirety lines 12 through 21, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 14, inclusive, and substitute:

"16–305.

(d) In each fiscal year, in order for a board to receive an increase in the State share of support, the county share, in the aggregate, that supports the community college or colleges shall equal or exceed the **[**aggregate amount of**]** **PRODUCT OF FULL–TIME EQUIVALENT STUDENTS FOR THE CURRENT FISCAL YEAR AND** operating fund appropriations made to the board **ON A PER FULL–TIME EQUIVALENT STUDENT BASIS** by the county or all of the counties supporting the college in the previous fiscal year.".

AMENDMENT NO. 3

On page 2, after line 14, insert:

"16–512.

(d) (3) (i) Beginning on July 1, 2006, the City of Baltimore shall be responsible for providing at least **[**$1,000,000**]** **$1,500,000** in each fiscal year to support education at the College.

(ii) Of this amount, in each fiscal year, at least **[**$400,000**]** **$900,000** shall be expended and administered by the College for tuition reimbursement or scholarships to attend classes at the College, and the remaining

balance shall be expended in a manner consistent with the educational mission of the College.

(iii) The source of the **[**$1,000,000**]** **$1,500,000** is not limited to tax or fee revenues generated by the City of Baltimore.

(iv) The Board of Trustees shall submit an annual report on or before December 31 to the Director of Finance for the City of Baltimore regarding the expenditures made under this paragraph.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1181 – Delegates Rudolph and James

AN ACT concerning

Teachers' Retirement System and Teachers' Pension System – Reemployment of Retirees – BRAC

HB1181/704164/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "– BRAC"; in line 6, after the semicolon insert "limiting the period of time that certain retirees who are exempt from a certain offset of a retirement allowance may be reemployed at certain schools;"; in the same line, strike the second "a"; in line 7, strike "requirement" and substitute "requirements"; in line 11, strike "22–406(c)(5) and (n) and 23–407(c)(5) and (n)" and substitute "22–406(c)(8), (9), and (10) and (n) and 23–407(c)(8), (9), and (10) and (n)"; and after line 13, insert:

BY adding to
Article – State Personnel and Pensions
Section 22–406(c)(9) and 23–407(c)(9)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 16 on page 2, inclusive, and substitute:

"(c) (8) (i) Notwithstanding paragraph (5) **OR (9)** of this subsection, each superintendent of a local school system may rehire an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:

1. five; or

2. 0.2% of the total full–time equivalent instructional teachers employed by that local school system, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.

(iii) An individual rehired under this paragraph:

1. A. shall be reemployed at a school specified in paragraph (5)(i) of this subsection; and

B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or

2. A. may be reemployed at any school assigned by the individual's superintendent; and

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (I) THIS PARAGRAPH APPLIES ONLY TO THE FOLLOWING LOCAL SCHOOL SYSTEMS:

1. ANNE ARUNDEL COUNTY;

2. BALTIMORE CITY;

3. BALTIMORE COUNTY;

4. CECIL COUNTY;

5. FREDERICK COUNTY;

6. HARFORD COUNTY;

7. HOWARD COUNTY;

8. MONTGOMERY COUNTY; AND

9. PRINCE GEORGE'S COUNTY.

(II) NOTWITHSTANDING PARAGRAPH (5) OR (8) OF THIS SUBSECTION, EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REHIRE AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION AS A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, OR TEACHER MENTOR IN A PUBLIC SCHOOL THAT, ON OR AFTER JULY 1 BEFORE THE SCHOOL YEAR FOR WHICH THE INDIVIDUAL IS TO BE REHIRED, IS SUBJECT TO AT LEAST A 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED BY THE SUPERINTENDENT ON OR BEFORE THE PRECEDING JUNE 1.

(III) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY TEACH ANY SUBJECT OR CLASS OR PROVIDE EDUCATIONAL SERVICES ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT.

(IV) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY NOT BE REEMPLOYED FOR MORE THAN 4 YEARS.

[(9)**] (10)** (i) The superintendent of the local school system rehiring an individual under paragraph (4)(v) or (vi) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system under paragraph (4)(v) or (vi) of this subsection:

1. satisfied the criteria provided in paragraph (4)(v) or (vi) of this subsection;

2. was reemployed at a school described under paragraph **[**(5)(i) or (6)**] (5)(I), (6), OR (9)** of this subsection; and

3. if rehired under paragraph (4)(v) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) **OR (9)** of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system has rehired an

individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5), (6), **[**or (8)**] (8), OR (9)** of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system of this individual; and

B. the local school system shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) The local school system shall make the reimbursement on or before December 31 of the year the local school system receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

[(10)**] (11)** On or before August 1 of each year, the local superintendent shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(v) or **[**(vi) or (8)**] (VI), (8), OR (9)** of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced–price meals established by the United States Department of Agriculture; **[**or**]**

D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; **OR**

E. ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED;

(iii) the original date of rehire for each individual;

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population comprised of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.".

AMENDMENT NO. 3

On page 2, strike beginning with "(vi)" in line 20 down through "(8)" in line 21 and substitute "**(VI), (8), AND (9)**".

On page 3, strike beginning with "**WAS**" in line 4 down through "**(BRAC)**" in line 5 and substitute "**ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED**".

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 18 on page 3 through line 5 on page 4, inclusive, and substitute:

"(c) (8) (i) Notwithstanding paragraph (5) **OR (9)** of this subsection, each superintendent of a local school system may rehire an additional number of

individuals described under paragraph [(4)(v)] **(4)(IV)** of this subsection equal to the greater of:

1. five; or

2. 0.2% of the total full–time equivalent instructional teachers employed by that local school system, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.

(iii) An individual rehired under this paragraph:

1. A. shall be reemployed at a school specified in paragraph (5)(i) of this subsection; and

B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or

2. A. may be reemployed at any school assigned by the individual's superintendent; and

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (I) THIS PARAGRAPH APPLIES ONLY TO THE FOLLOWING LOCAL SCHOOL SYSTEMS:

1. ANNE ARUNDEL COUNTY;

2. BALTIMORE CITY;

3. BALTIMORE COUNTY;

4. CECIL COUNTY;

5. FREDERICK COUNTY;

6. HARFORD COUNTY;

7. HOWARD COUNTY;

8. MONTGOMERY COUNTY; AND

9. PRINCE GEORGE'S COUNTY.

(II) NOTWITHSTANDING PARAGRAPH (5) OR (8) OF THIS SUBSECTION, EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REHIRE AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (4)(IV) OF THIS SUBSECTION AS A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, OR TEACHER MENTOR IN A PUBLIC SCHOOL THAT, ON OR AFTER JULY 1 BEFORE THE SCHOOL YEAR FOR WHICH THE INDIVIDUAL IS TO BE REHIRED, IS SUBJECT TO AT LEAST A 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED BY THE SUPERINTENDENT ON OR BEFORE THE PRECEDING JUNE 1.

(III) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY TEACH ANY SUBJECT OR CLASS OR PROVIDE EDUCATIONAL SERVICES ASSIGNED BY THE INDIVIDUAL'S SUPERINTENDENT.

(IV) AN INDIVIDUAL REHIRED UNDER THIS PARAGRAPH MAY NOT BE REEMPLOYED FOR MORE THAN 4 YEARS.

[(9)**] (10)** (i) The superintendent of the local school system rehiring an individual under paragraph (4)(iv) or (v) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system under paragraph **[**(4)(v) or (vi)**](4)(IV) OR (V)** of this subsection:

1. satisfied the criteria provided in paragraph (4)(iv) or (v) of this subsection;

2. was reemployed at a school described under paragraph **[**(5)(i) or (6)**] (5)(I), (6), OR (9)** of this subsection; and

3. if rehired under paragraph (4)(iv) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) **OR (9)** of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system under subparagraph (ii) of this paragraph **DURING THE PREVIOUS CALENDAR YEAR**.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system has rehired an individual that does not satisfy the criteria provided in paragraph (4)(iv) or (v) and (5), (6), **[**or (8)**] (8), OR (9)** of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system of this individual; and

B. the local school system shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) The local school system shall make the reimbursement on or before December 31 of the year the local school system receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

[(10)**] (11)** On or before August 1 of each year, the local superintendent shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(iv) or **[**(v) or (8)**] (V), (8), OR (9)** of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced–price meals established by the United States Department of Agriculture; **[**or**]**

D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; **OR**

E. ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED;

(iii) the original date of rehire for each individual;

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population comprised of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.".

AMENDMENT NO. 5

On page 4, strike beginning with "(v)" in line 10 down through "(8)" in line 11 and substitute "**(V), (8), AND (9)**"; strike beginning with "**WAS**" in line 26 down through "**(BRAC)**" in line 27 and substitute "**ON OR AFTER JULY 1 OF THE PREVIOUS YEAR HAD A GREATER THAN 5% INCREASE IN STUDENT ENROLLMENT ABOVE THE PROJECTED STUDENT ENROLLMENT AS DETERMINED ON OR BEFORE JUNE 1 OF THE PREVIOUS YEAR BY THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM WHERE THE SCHOOL WAS LOCATED**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1585/174167/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1585

(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 25, 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 27, 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.

Delegate Conway, Chair, for the Committee on Appropriations and Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1587 – Delegate Hammen

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

HB1587/104161/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1587
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hammen" and substitute "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".

AMENDMENT NO. 2

On page 1, in line 4, strike "authorizing" and substitute "requiring"; in line 7, after "Plan;" insert "requiring,"; in lines 8 and 13, in each instance, strike "requiring"; in line 11, after "purchasers;" insert "requiring,"; strike beginning with "revenue" in line 13 down through "and" in line 14 and substitute "included in the reasonable costs of each hospital when establishing the hospital's rates, is"; in line 14, after "determinations" insert ", and is not less than a certain percentage of net patient revenue"; in line 17, after "revenue;" insert "providing that funds generated from the assessment may be used only for certain purposes; requiring the Commission to report certain information to the Governor and General Assembly on or before a certain date each year;"; in line 21, after "Plan;" insert "requiring the Maryland Health Care

Commission to report certain information to the Governor and General Assembly on or before a certain date each year;"; in line 22, strike "requiring that" and substitute "authorizing"; in line 23, strike "the" and substitute "a certain"; and in the same line, strike "be used only for certain purposes" and substitute "to be used for a certain purpose notwithstanding certain provisions of law; requiring the Health Services Cost Review Commission to ensure that a certain assessment does not exceed certain savings".

On page 2, in line 6, after "(d)" insert "and (e)"; and after line 25, insert:

"BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–12A–01(a) and (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–12A–05
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)".

AMENDMENT NO. 3

On page 3, in line 7, strike "**THE**" and substitute "**EACH YEAR, THE**"; and in the same line, strike "**MAY**" and substitute "**SHALL**".

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

"**1. SHALL BE INCLUDED IN THE REASONABLE COSTS OF EACH HOSPITAL WHEN ESTABLISHING THE HOSPITAL'S RATES;**";

after line 7, insert:

"3. MAY NOT BE LESS AS A PERCENTAGE OF NET PATIENT REVENUE THAN THE ASSESSMENT OF .8128% THAT WAS IN EXISTENCE ON JULY 1, 2007; AND";

and after line 16, insert:

"(5) FUNDS GENERATED FROM THE ASSESSMENT UNDER THIS SUBSECTION MAY BE USED ONLY TO:

(I) SUPPLEMENT COVERAGE UNDER THE MEDICAL ASSISTANCE PROGRAM BEYOND THE ELIGIBILITY REQUIREMENTS IN EXISTENCE ON JANUARY 1, 2008; AND

(II) PROVIDE FUNDING FOR THE OPERATION AND ADMINISTRATION OF THE MARYLAND HEALTH INSURANCE PLAN.

(E) ON OR BEFORE JANUARY 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE FOLLOWING INFORMATION:

(1) THE AGGREGATE REDUCTION IN HOSPITAL UNCOMPENSATED CARE REALIZED FROM THE EXPANSION OF HEALTH CARE COVERAGE UNDER CHAPTER 7 OF THE ACTS OF THE GENERAL ASSEMBLY OF THE 2007 SPECIAL SESSION; AND

(2) THE NUMBER OF INDIVIDUALS WHO ENROLLED IN MEDICAID AS A RESULT OF THE CHANGE IN ELIGIBILITY STANDARDS UNDER § 15–103(IX) OF THE HEALTH – GENERAL ARTICLE AND THE EXPENSES ASSOCIATED WITH THE UTILIZATION OF HOSPITAL INPATIENT CARE BY THESE INDIVIDUALS.".

AMENDMENT NO. 4

On page 6, after line 4, insert:

"15–12A–01.

(a) In this subtitle the following words have the meanings indicated.

(f) "Program" means the Small Employer Health Benefit Plan Premium Subsidy Program.

15–12A–05.

On or before January 1, 2009, and annually thereafter, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on**:**

(1) the implementation of the Program**; AND**

(2) THE UNCOMPENSATED CARE SAVINGS DERIVED FROM THE PROGRAM AND THE METHODOLOGY USED BY THE COMMISSION TO TRACK THE UNCOMPENSATED CARE SAVINGS.".

AMENDMENT NO. 5

On page 6, strike beginning with "funds" in line 8 down through "2008" in line 14 and substitute "notwithstanding § 19–214(d)(1), (2), and (5) of the Health – General Article, as enacted by Section 1 of this Act, § 15–701 of the Health – General Article, or a delay in the expansion of health care coverage beyond July 1, 2008, under Chapter 7 of the Acts of the General Assembly of the 2007 Special Session:

(1) funds generated from the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, may be used to pay for the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008; and

(2) the Health Services Cost Review Commission shall ensure that the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, does not exceed the savings realized in averted hospital uncompensated care from:

(i) the health care coverage expansion; and

(ii) the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1602 – Delegate Malone

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

HB1602/304562/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1602
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "Delegate Malone" and substitute "Delegates Hammen, Aumann, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Griffith, Guzzone, Gutierrez, Haynes, Heller, James, Jones, Levy, Myers, Sophocleus, Stocksdale, Wood, and O'Donnell".

On page 2, in line 5, strike "and" and substitute:

"(7) the Secretary of the Maryland Department of Planning;

(8) a representative of the Maryland State Bar Association Immigration Section; and".

On page 2, in line 6, strike "(7)" and substitute "(9)"; and in the same line, strike "seven" and substitute "five".

AMENDMENT NO. 2

On page 3, after line 31, insert:

"(i) To the extent possible, for each of the items of study included in this Act, the report of the Commission shall make the distinction between persons who are in lawful immigration status and those who are not in lawful immigration status.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority ~~– Bonding Authority~~

SB0182/274660/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 182
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "certain" insert "loan or"; and strike beginning with "develop" in line 17 down through "components" in line 19 and substitute "include certain information in a certain required report to certain committees of the General Assembly".

AMENDMENT NO. 2

On page 2, in line 16, strike "**10–YEAR**" and substitute "**6–YEAR**"; and in line 32, strike "**BY TOLL FACILITY AND**".

On page 3, in line 5, strike "**OR PLANNED TO BE ISSUED**"; in line 6, strike "**REVENUE BONDS AND CONDUIT FINANCING**" and substitute "**DEBT SERVICE**

ESTIMATES OF PLANNED BOND ISSUANCES"; in line 16, strike "**FROM**" and substitute "**TO**"; and in the same line, strike "**TO**" and substitute "**FROM**".

On page 4, in line 5, strike "**10**" and substitute "**6**"; and in line 7, strike "**8**" and substitute "**4**".

AMENDMENT NO. 3

On page 4, in line 16, after "(1)" insert "**(I)**"; in the same line, strike "Revenue" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, REVENUE**"; and after line 19, insert:

"**(II) THE MAXIMUM AGGREGATE AMOUNT OF REVENUE BONDS THAT MAY BE OUTSTANDING AND UNPAID UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT OF:**

1. ANY LOAN EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT; AND

2. ANY LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT, TO THE EXTENT THE STATE DRAWS ON THE LINE OF CREDIT.".

On page 6, in line 4, after "**A**" insert "**LOAN OR**".

On page 8, in line 33, after "a" insert "loan or".

AMENDMENT NO. 4

On page 6, in line 18, after "year", insert "**UNTIL COMPLETION OF CONSTRUCTION OF THE INTERCOUNTY CONNECTOR**"; in line 28, strike "and"; and in line 33, strike the period and substitute a semicolon.

On pages 6 and 7, strike in their entirety the lines beginning with line 34 on page 6 through line 11 on page 7, inclusive.

On page 7, in line 12, strike "**(I)**" and substitute "**(IV)**"; in line 15, strike "**(II)**" and substitute "**(V)**"; and in line 24, after "**A**" insert "**LOAN OR**".

On page 8, strike in their entirety lines 1 through 5, inclusive; in line 6, strike "**(IV)**" and substitute "**(VI)**"; and in line 9, strike "**(V)**" and substitute "**(VII)**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations and Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Maryland~~ Health Care ~~Provider Rate Stabilization Account~~ Funds – ~~Transfer of Funds~~ Transfers and Disbursements

SB0545/494469/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 545
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 10 down through "circumstances;" in line 12.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 19 through 26, inclusive; in line 27, strike "3." and substitute "2."; and in line 36, strike "4." and substitute "3.".

AMENDMENT NO. 3

On page 3, in lines 30 and 33, in each instance, strike "$13,000,000" and substitute "$12,330,000"; and in line 35, after "Administration" insert ", $8,000,000 of which may be transferred to T50T01.03 Stem Cell Research Fund".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #17

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

House Bill 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 – Credit Cards – Student Applicants

HB1210/993990/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1210
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Consumer Protection" and substitute "Higher Education"; strike beginning with "prohibiting" in line 3 down through "education;" in line 8 and substitute "requiring institutions of higher education to develop certain policies regarding credit card marketing activities and merchandising conducted on the campus of an institution of higher education by credit card issuers; providing for certain exemptions from certain requirements; requiring certain policies to include certain requirements and consideration of certain issues;"; in line 9, after "applicants" insert "at institutions of higher education"; in line 11, strike "Commercial Law" and

substitute "Education"; in line 12, strike "13–319" and substitute "15–111"; and in line 14, strike "2005" and substitute "2006".

AMENDMENT NO. 2

On page 1, in line 17, strike "Commercial Law" and substitute "Education"; and in line 18, strike "**13–319.**" and substitute "**15–111.**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 19 and 20; after line 20, insert:

"**(5) "MERCHANDISING" MEANS THE OFFERING OF FREE MERCHANDISE OR INCENTIVES TO STUDENTS AS A PART OF CREDIT CARD MARKETING ACTIVITIES.**

(6) "STUDENT" MEANS AN INDIVIDUAL ENROLLED FOR AT LEAST ONE CREDIT HOUR AT AN INSTITUTION OF HIGHER EDUCATION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP POLICIES REGARDING CREDIT CARD MARKETING ACTIVITIES AND MERCHANDISING CONDUCTED ON A CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION BY A CREDIT CARD ISSUER.

(2) THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO CREDIT CARD MARKETING ACTIVITIES OR MERCHANDISING CONDUCTED BY CREDIT CARD ISSUERS:

(I) IN NEWSPAPERS, MAGAZINES, OR OTHER SIMILAR PUBLICATIONS; OR

(II) WITHIN THE PHYSICAL LOCATION OF A FINANCIAL SERVICES BUSINESS LOCATED ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION IF CONDUCTED AS A PART OF THE REGULAR COURSE OF BUSINESS.

(C) THE POLICIES DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) A REQUIREMENT THAT CREDIT CARD ISSUERS CONDUCTING CREDIT CARD MARKETING ACTIVITIES INFORM STUDENTS ABOUT GOOD CREDIT MANAGEMENT PRACTICES THROUGH A PROGRAM DEVELOPED IN CONJUNCTION WITH THE INSTITUTION OF HIGHER EDUCATION;

(2) A REQUIREMENT THAT THE INSTITUTION OF HIGHER EDUCATION'S CREDIT CARD MARKETING AND MERCHANDISING POLICY BE AVAILABLE TO ALL STUDENTS ON REQUEST; AND

(3) CONSIDERATION OF THE FOLLOWING ISSUES:

(I) REGISTRATION OF CREDIT CARD ISSUERS CONDUCTING CREDIT CARD MARKETING ACTIVITIES;

(II) LIMITS ON THE TIMES AND LOCATIONS OF CREDIT CARD MARKETING ACTIVITIES; AND

(III) A PROHIBITION ON MERCHANDISING UNLESS THE STUDENT IS PROVIDED CREDIT CARD DEBT EDUCATION LITERATURE, INCLUDING BROCHURES OF WRITTEN INFORMATION OR LINKS TO ELECTRONIC INFORMATION.";

and strike in their entirety lines 21 through 28, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1296 – Delegate Feldman

AN ACT concerning

Certified Public Accountants – Licensed Out–of–State Certified Public Accountants – Practice Privilege

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1309 – Delegate McHale

AN ACT concerning

Business Regulation – Mold Remediation – Licensing

HB1309/613995/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Remediation" insert "Services"; in line 5, strike "Secretary" and substitute "Commission"; in line 7, after "in" insert "certain"; in line 10, after "Commission" insert "under this Act"; in the same line, strike "certain"; in line 11, strike "general liability"; in the same line, after "insurance;" insert "providing that licensees are not required to pay certain assessments;"; strike beginning with "providing" in line 11 down through "technicians;" in line 12 and substitute "establishing certain application procedures;"; in line 13, strike "and renewal"; in line 14, strike "Secretary" and substitute "Commission"; in line 15, strike "refuse to renew a license,"; strike beginning with "for" in line 17 down through "supervisors" in line 18; strike beginning with "employing" in line 18 down through "from" in line 19; strike beginning with "criminal" in line 19 down through "and" in line 20; and in line 20, strike "persons performing" and substitute "companies or firms providing".

On page 2, after line 5, insert:

"BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–701 and 8–702 to be under the amended subtitle "Subtitle 8. Short Title; Termination of Title"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 3, in line 2, strike "**PERFORM OR ASSIST IN PERFORMING**" and substitute "**A COMPANY OR FIRM TO PROVIDE**"; strike beginning with "**AND**" in line 2 down through "**LICENSE**" in line 5; after line 20, insert:

"**(1) THE PERFORMANCE OF MOLD REMEDIATION ON NONRESIDENTIAL PROPERTY;**";

and in lines 21, 23, and 24, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(2)**", "**(3)**", and "**(4)**", respectively.

On page 4, in line 16, strike "**INDIVIDUALS WHO PERFORM OR ASSIST IN PERFORMING**" and substitute "**COMPANIES AND FIRMS THAT PROVIDE**"; and in line 22, after "**POWERS**" insert "**AND DUTIES**".

On page 5, in line 1, strike "**SUBSECTIONS (B) AND (C)**" and substitute "**SUBSECTION (B)**"; strike beginning with "**EXCEPT**" in line 3 down through "**REVENUES**" in line 4 and substitute "**REVENUES**"; in line 9, strike "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**" and substitute "**A**"; in line 11, strike "**ENGAGE IN THE BUSINESS OF**" and substitute "**PROVIDE**"; in line 12, strike "**GENERAL LIABILITY**"; strike beginning with "**A**" in line 17 down through "**FIRM**" in line 20 and substitute "**A PERSON LICENSED TO PROVIDE MOLD REMEDIATION SERVICES UNDER THIS SUBTITLE IS NOT REQUIRED TO PAY ASSESSMENTS TO THE FUND UNDER SUBTITLE 4 OF THIS TITLE**"; strike beginning with "**AN**" in line 22 down through "**INDIVIDUAL**" in line 23 and substitute "**A COMPANY OR FIRM**"; in line 24, strike "**INDIVIDUAL PERFORMS OR ASSISTS IN PERFORMING**" and substitute "**COMPANY OR FIRM PROVIDES**"; and in lines 28, 29, and 30, in each instance, before "**FIRM**" insert "**COMPANY OR**".

On pages 5 and 6, strike in their entirety the lines beginning with line 31 on page 5 through line 15 on page 6, inclusive.

On page 6, in line 17, strike "**(A)**"; strike beginning with "**OF**" in line 22 down through "**REMEDIATOR**" in line 23 and substitute "**THAT EACH OF ITS EMPLOYEES WHO PROVIDES MOLD REMEDIATION SERVICES IS CERTIFIED BY AN ACCREDITATION BODY AS A MICROBIAL REMEDIATION SUPERVISOR OR**

MICROBIAL REMEDIATION TECHNICIAN"; in line 25, strike "**IF APPLYING FOR A FIRM LICENSE,**"; and in line 26, strike "**GENERAL LIABILITY**".

On page 7, strike in their entirety lines 3 through 10, inclusive; and in line 21, strike "**WILL**" and substitute "**SHALL**".

On page 8, in line 5, strike "**, IF APPLICABLE**"; strike beginning with "**OF**" in line 8 down through "**REMEDIATOR**" in line 10 and substitute "**THAT EACH OF THE LICENSEE'S CURRENT EMPLOYEES WHO PROVIDES MOLD REMEDIATION SERVICES HOLDS AN ACTIVE CERTIFICATION FROM AN ACCREDITATION BODY AS A MICROBIAL REMEDIATION SUPERVISOR OR MICROBIAL REMEDIATION TECHNICIAN**"; in line 21, strike "**THE**" and substitute "**SUBJECT TO THE HEARING PROVISIONS OF § 8–712 OF THIS SUBTITLE, THE**"; strike beginning with "**AFTER**" in line 22 down through "**TITLE,**" in line 24; and in line 24, strike "**INDIVIDUAL**" and substitute "**APPLICANT OR LICENSEE**".

On page 9, in line 17, strike "**VIOLATES**" and substitute "**VIOLATED**"; and in line 18, strike "**TITLE**" and substitute "**SUBTITLE**".

On page 10, in line 6, strike "**PERFORM**" and substitute "**PROVIDE**"; in line 11, strike "**SUBSECTION**" and substitute "**SECTION**"; and in lines 15 and 23, in each instance, strike "**INDIVIDUAL**" and substitute "**PERSON**".

On page 11, in line 1, strike "**LICENSED MOLD REMEDIATION SUPERVISOR OR TECHNICIAN**" and substitute "**LICENSEE**"; in line 6, strike "**PERFORMING**" and substitute "**PROVIDING**"; strike beginning with "**HOLDER**" in line 12 down through "**PERFORMING**" in line 14 and substitute "**PERSON MAY NOT PROVIDE**"; in line 15, strike "**INDIVIDUAL**" and substitute "**PERSON**"; strike beginning with the first "**LICENSED**" in line 16 down through "**SUPERVISOR**" in line 17 and substitute "**LICENSEE**"; in line 18, in each instance, strike "**PERFORM**" and substitute "**PROVIDE**"; strike beginning with "**THAT**" in line 19 down through "**SUPERVISOR**" in line 20 and substitute "**OR COMPANY OR ITS EMPLOYEES**"; strike beginning with the first "**LICENSED**" in line 24 down through "**SUPERVISOR**" in line 26 and substitute "**LICENSEE'S FIRM OR COMPANY OR ITS EMPLOYEES**"; and in line 33, strike "**PERFORM OR TO ASSIST IN PERFORMING**" and substitute "**PROVIDE**".

AMENDMENT NO. 3

On page 12, after line 8, insert:

"Subtitle **[**7.**] 8.** Short Title; Termination of Title.

[8–701.**] 8–801.**

This title is the Maryland Home Improvement Law.

[8–702.**] 8–802.**

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate on October 1, 2012.".

AMENDMENT NO. 4

On page 12, in line 8, strike "**2013**" and substitute "**2015**"; in line 20, strike "**2012**" and substitute "**2015**"; in line 21, strike "January" and substitute "June"; and in line 22, strike "person performing" and substitute "company or firm providing".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1392 – Delegates Ramirez, Barkley, Barnes, Davis, Feldman, Frush, Griffith, Haynes, Healey, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lee, Manno, Mizeur, Montgomery, Murphy, Niemann, Taylor, Valderrama, and Vaughn

AN ACT concerning

Labor and Employment – Maryland Wage and Hour Law – Civil Penalties

HB1392/193796/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1392

(First Reading File Bill)

AMENDMENT NO. 1

On page 6, strike beginning with "**REASONABLE**" in line 16 down through "**SUBTITLE**" in line 17 and substitute "**THE COUNSEL FEES, COSTS, AND INTEREST SPECIFIED IN SUBSECTION (D) OF THIS SECTION**"; in line 29, after "fees" insert a comma; in the same line, strike "and"; and in the same line, strike "**INCLUDING:**" and substitute "**AND INTEREST ON THE AMOUNT RECOVERED BY THE EMPLOYEE, ACCRUING FROM THE DATE OF THE FIRST WAGE VIOLATION AND CALCULATED AT THE LEGAL RATE IN EFFECT ON THAT DATE.**".

AMENDMENT NO. 2

On page 7, strike in their entirety lines 1 through 8, inclusive, and substitute:

"**(E) IF A COURT DETERMINES THAT A PERSON HAS VIOLATED THE PROVISIONS OF THIS SUBTITLE, THE PERSON SHALL BE SUBJECT TO THE FOLLOWING CIVIL PENALTIES:**";

in line 9, after "**VIOLATION,**" insert "**AN AMOUNT**"; in the same line, strike "**$2,500**" and substitute "**$500**"; strike beginning with "**NOT**" in line 10 down through "**$5,000**" in line 11 and substitute "**AN AMOUNT NOT EXCEEDING $1,000**"; and strike beginning with "**NOT**" in line 12 down through "**$5,000**" in line 13 and substitute "**AN AMOUNT NOT EXCEEDING $1,500**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1509 – Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environmental Service, Maryland)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 31 – Senator Rosapepe

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 39 – ~~Senator Dyson~~ Senators Dyson, Conway, Rosapepe, Colburn, Greenip, Lenett, and Peters

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.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #17

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

House Bill 254 – Frederick County Delegation

AN ACT concerning

Frederick County – Annual Financial Report – Filing Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 804 – Frederick County Delegation

AN ACT concerning

Frederick County – Solid Waste Collection – Franchises and Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 816 – St. Mary's County Delegation

AN ACT concerning

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

HB0816/670712/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 816
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 1, after line 18, insert:

"8A–202.

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

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 931 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Planning Board – Enforcement Powers

PG/MC 112–08

HB0931/200112/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 931
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 8, in each instance, strike "examiner" and substitute "officer".

AMENDMENT NO. 2

On page 2, in line 2, strike "**EXAMINER**" and substitute "**OFFICER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 936 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Term Limits

PG/MC 109–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0939/180115/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 939
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "Planning Board" and substitute "Soil Conservation District"; strike beginning with "in" in line 7 down through "District" in line 8 and substitute "subject to certain regulations"; strike beginning with "and" in line 10 down through "District" in line 12; in line 12, after "Board" insert "and the Soil Conservation District"; in line 15, strike "funds" and substitute "revenues"; and in line 16, strike "solicit" and substitute "exercise prudence and due diligence".

AMENDMENT NO. 2

On page 4, in line 9, 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 10 down through "**DISTRICT**" in line 11; strike in their entirety lines 19 through 23, inclusive; in line 24, strike "**(3)**" and substitute "**(2)**"; strike beginning with "**SUBJECT**" in line 28 down through "**BOARD**" in line 30 and substitute "**(A) THE BOARD AND THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT**"; and after line 31, 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.

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

House Bill 1129 – Delegates Rosenberg, Carter, and Oaks

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

HB1129/500115/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1129
(First Reading File Bill)

On page 2, in line 9, 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 10 through 14, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1247 – Delegates Hucker and Weir

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

HB1247/120418/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1247
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "certified" and substitute "certain"; and in the same line, after "services" insert "provided by a certified interior designer".

AMENDMENT NO. 2

On page 1, in line 24, strike "**CERTIFIED**"; and in the same line, after "**SERVICES**" insert "**THAT PERTAIN TO INTERIOR ARCHITECTURAL CONSTRUCTION AND ARE PROVIDED BY A CERTIFIED INTERIOR DESIGNER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #18

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

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

HB0844/940214/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 844
(First Reading File Bill)

In line 15, strike "**4.5**" 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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

HB1056/640415/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1056
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "dates;" insert "altering certain definitions;"; and in line 15, after "1–607" insert ", 16–101(i),".

AMENDMENT NO. 2

On page 7, in line 22, after "**(5)**" insert "**(I)**"; strike beginning with the comma in line 24 down through "**PROGRAM)**" in line 25 and substitute "**FOR ALL "URBAN CONSUMERS" FOR THE EXPENDITURE CATEGORY "ALL ITEMS NOT SEASONALLY ADJUSTED", AND FOR ALL REGIONS.**

(II) THE ANNUAL CONSUMER PRICE INDEX FOR THE PERIOD ENDING EACH DECEMBER, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR, SHALL BE USED TO ADJUST THE FEES ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION".

AMENDMENT NO. 3

On page 8, in line 24, strike "**BY**" and substitute "**ON OR BEFORE**"; in the same line, strike "**AND**" and substitute a comma; in line 26, after "**PREPARE**" insert "**AND SUBMIT**"; in the same line, after "**REPORT**" insert "**TO THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE SENATE BUDGET AND TAXATION COMMITTEE**".

AMENDMENT NO. 4

On page 9, after line 8, insert:

"16–101.

(i) "Person" means any natural person, partnership, joint–stock company, unincorporated association or society, **THE FEDERAL GOVERNMENT,** the State, any unit of the State, a political subdivision, or other corporation of any type.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB1160/840110/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1160
(First Reading File Bill)

On page 3, in line 14, after "study" insert ":

(i)";

in the same line, after the semicolon insert "and

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

in line 28, after "concerning" insert ":

(i)";

and in line 30, before the period insert "; and

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1266 – Delegates Cane, Eckardt, and Haddaway

AN ACT concerning

Wetlands – Construction of Structure on Pier – Dorchester County

HB1266/940316/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Dorchester County" and substitute "Exception"; in line 3, strike beginning with "exempting" through "limiting" and substitute "authorizing the Board of Public Works to issue a license for"; in line 5, strike "or private"; in the same line, strike "in Dorchester County" and substitute "under certain circumstances; authorizing the Secretary of the Environment to issue a license for the construction of a dwelling unit or other non–water dependent structure on a pier located on State wetlands under certain circumstances"; in line 19, strike "**DORCHESTER AND**"; in the same line, strike the brackets; in the same line, strike "**COUNTIES**"; in line 20, strike "and" and substitute a comma; and in the same line, after "(3)" insert ", and (4)".

AMENDMENT NO. 2

On page 2, after line 4, insert:

"**(3) THE BOARD OF PUBLIC WORKS MAY ISSUE A LICENSE FOR A PROJECT INVOLVING THE CONSTRUCTION OF A NON–WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON STATE WETLANDS IF:**

(I) THE PROJECT IS LOCATED IN A MARINA OWNED BY THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION;

(II) THE PROJECT WILL ENHANCE MARITIME TRANSPORTATION, THE PRESERVATION OF HISTORIC LIGHTHOUSES, OR THE CONSTRUCTION OF HISTORICALLY ACCURATE REPLICAS;

(III) THE PROJECT IS APPROVED BY LOCAL PLANNING AND ZONING AUTHORITIES;

(IV) THE PROJECT IS LOCATED IN A PRIORITY FUNDING AREA AS DESIGNATED UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(V) THE PROJECT IS LOCATED IN AN AREA THAT HAS BEEN EXCLUDED FROM A LOCAL CRITICAL AREA PROGRAM ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS UNDER § 8–1807(C)(1)(I)1 OF THE NATURAL RESOURCES ARTICLE.";

in lines 5 and 29, strike "(3)" and "(4)", respectively, and substitute "**(4)**" and "**(5)**", respectively.

On page 3, in line 8, strike "paragraph" and substitute "**PARAGRAPHS**"; in the same line, after "(2)" insert "**AND (3)**"; after line 11, insert:

"**(2) THE SECRETARY MAY ISSUE A LICENSE FOR A PROJECT INVOLVING THE CONSTRUCTION OF A NON–WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON PRIVATE WETLANDS IF:**

(I) THE PROJECT IS LOCATED IN A MARINA OWNED BY THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION;

(II) THE PROJECT WILL ENHANCE MARITIME TRANSPORTATION, THE PRESERVATION OF HISTORIC LIGHTHOUSES, OR THE CONSTRUCTION OF HISTORICALLY ACCURATE REPLICAS;

(III) THE PROJECT IS APPROVED BY LOCAL PLANNING AND ZONING AUTHORITIES;

(IV) THE PROJECT IS LOCATED IN A PRIORITY FUNDING AREA AS DESIGNATED UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(V) THE PROJECT IS LOCATED IN AN AREA THAT HAS BEEN EXCLUDED FROM A LOCAL CRITICAL AREA PROGRAM ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS UNDER § 8–1807(C)(1)(I)1 OF THE NATURAL RESOURCES ARTICLE.";

in line 12, strike "(2)" and substitute "**(3)**"; and in line 37, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Vehicle Laws – Gold Star Registration Plates

HB1425/160611/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1425
(First Reading File Bill)

On page 1, in the sponsor line, after "Affairs)" insert "and Delegate Costa".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1426 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Young Drivers – Driving Privileges

HB1426/400115/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1426
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Young Drivers – Driving Privileges" and substitute "Learner's Instructional Permits"; strike beginning with "altering" in line 3 down through "circumstances;" in line 5; strike beginning with "altering" in line 8 down through "circumstances;" in line 14; in line 15, strike "driving privileges for young drivers" and substitute "learner's instructional permits"; in line 18, strike ", 16–113(d), 16–213, and 21–1123"; and strike in their entirety lines 26 and 27, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 3, inclusive; and in lines 19 and 20, strike "**OR GRANTED PROBATION BEFORE JUDGMENT**".

AMENDMENT NO. 3

On pages 3 through 7, strike in their entirety the lines beginning with line 27 on page 3 through line 15 on page 7, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1463 – Delegates Conway, Elmore, and Mathias

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

HB1463/700014/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1463
(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"; 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 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.

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

House Bill 1473 – Delegate Malone

AN ACT concerning

Forest and Park Wardens – Responsibilities

HB1473/230911/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1473
(First Reading File Bill)

On page 1, in line 4, after "fire;" insert "requiring a forest or park warden to take certain actions under certain circumstances;"; and in line 22, before "**THE**" insert "**OR IS REQUESTED BY A FIRE COMPANY TO ASSIST WITH A FIRE PLOW OR PROVIDE INCIDENT COMMAND EXPERTISE AT THE SCENE,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

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

House Bill 1498 – Delegate Kullen

AN ACT concerning

Calvert County – Soft–Shell Clam Harvesting

HB1498/690415/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1498
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "distances" and substitute "distance"; and in lines 3 and 4, strike ", a natural oyster bar, or a leased oyster bottom".

AMENDMENT NO. 2

On page 1, in line 21, strike "**(I)**"; in the same line, strike the brackets; and strike beginning with "**EXCEPT**" in line 21 down through "**WITHIN**" in line 22.

On pages 1 and 2, strike beginning with the semicolon in line 24 on page 1 down through "**COUNTY**" in line 1 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.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #9

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 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

AN ACT concerning

Maryland Veterans Behavioral Health

HB0372/966489/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 372
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vaughn" and substitute "Vaughn, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, Mizeur, Oaks, Pena–Melnyk, Reznik, V. Turner, and Weldon"; in line 9, after "conflicts;" insert "requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to separately account for certain funds;"; and in line 15, after "dates;" insert "requiring the Department of Health and Mental Hygiene, in consultation with the Board, to submit a certain application for certain funds on or before a certain date; requiring the Department to submit a copy of the application to the Maryland Congressional Delegation and certain committees of the General Assembly;".

On page 3, in line 22, strike "**ARMED FORCES**" and substitute "**UNIFORMED SERVICES**"; after line 20, insert:

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

and in line 21, strike "**(I)**" and substitute "**(J)**".

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

AMENDMENT NO. 2

On page 5, after line 28, insert:

"**(3) THE DEPARTMENT SHALL SEEK REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR OTHER RESPONSIBLE PUBLIC OR PRIVATE PAYER FOR ANY BEHAVIORAL HEALTH SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.**

(D) THE DEPARTMENT SHALL ACCOUNT SEPARATELY FOR FUNDS USED TO PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS UNDER SUBSECTION (B) OF THIS SECTION.".

AMENDMENT NO. 3

On page 6, after line 13, insert:

"**(7) A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; AND**";

and in line 14, strike "**(7)**" and substitute "**(8)**".

On page 7, in line 16, after "**ENTITIES**" insert "**, INCLUDING HOSPITALS**"; in line 26, strike the second "**AND**"; and in line 29, 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".

AMENDMENT NO. 4

On page 8, after line 2, insert:

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

(a) On or before September 1, 2008, the Department of Health and Mental Hygiene, in conjunction with the Veterans Behavioral Health Advisory Board established under Section 1 of this Act, shall submit a grant application to the United States Department of Veterans Affairs or other appropriate federal agency for a minimum of $3,500,000 in federal funds in fiscal year 2010 and a minimum of $3,500,000 in federal funds in fiscal year 2011 to support the provision of behavioral health services to veterans under this Act.

(b) The Department shall send a copy of the application required under this section to the members of the Maryland Congressional Delegation and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation

Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee.";

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

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 514 – Delegates Donoghue and Nathan–Pulliam

AN ACT concerning

Maryland Medbank Program – Funding

HB0514/556187/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 514
(First Reading File Bill)

In the sponsor line, strike "and Nathan–Pulliam" and substitute ", 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".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 551 – Delegate Donoghue

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

HB0551/126182/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 551
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "administer" insert "certain"; and strike beginning with "granting" in line 5 down through "regulations;" in line 6.

AMENDMENT NO. 2

On page 1, in line 17, after "(a)" insert "**(1)**"; in the same line, strike the brackets; in the same line, strike "**VACCINATIONS**"; and after line 19, insert:

"**(2) A PHARMACIST MAY ADMINISTER A VACCINATION FOR PNEUMOCOCCAL PNEUMONIA OR HERPES ZOSTER TO AN INDIVIDUAL IF:**

(I) THE INDIVIDUAL IS AN ADULT;

(II) THE INDIVIDUAL HAS A PRESCRIPTION FROM A PHYSICIAN;

(III) THE PHARMACIST INFORMS THE PRESCRIBING PHYSICIAN THAT THE VACCINATION HAS BEEN ADMINISTERED; AND

(IV) THE VACCINATION IS ADMINISTERED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.".

AMENDMENT NO. 3

On page 2, in lines 1 and 2, in each instance, strike the brackets.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 807 – Delegates James, Haynes, and Hubbard

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities

HB0807/186586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 807
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Hubbard" and substitute "Hubbard, Donoghue, Kach, McDonough, Montgomery, and Riley"; in line 9, after the second "the" insert "Governor and"; and in line 10, strike "a certain date" and substitute "certain dates".

AMENDMENT NO. 2

On page 2, in line 4, strike "and"; after line 4, insert:

"(7) The Executive Director of the Maryland Health Care Commission, or the Executive Director's designee; and";

in line 5, strike "(7)" and substitute "(8)"; strike beginning with "One" in line 6 down through "community" in line 10 and substitute "A practicing Maryland attorney who has expertise in health care and has represented nursing homes in Maryland;

(ii) One representative of each of the following providers:

1. Continuing care retirement community;

2. Independently owned nursing facility;

3. Nonprofit nursing facility;

4. Direct care nursing home workers; and

5. Entity that owns three or more nursing facilities; and

(iii) One representative of each of the following organizations:

1. Health Facilities Association of Maryland;

2. Mid–Atlantic Lifespan;

3. AARP;

4. Alzheimer's Association;

5. United Seniors of Maryland;

6. A financial institution that specializes in health care financing; and

7. Voices for Quality Care";

strike beginning with "Disclosure" in line 20 down through "(4)" in line 25 and substitute "Whether there are trends in ownership of long–term care facilities in Maryland in comparison to any national trends regarding long–term care facility ownership;

(2) Whether any trends in long–term care facility ownership impact the quality of care offered to residents of long–term care facilities;

(3) Whether the Department of Health and Mental Hygiene should assert limitations or restrictions on certain types of ownership of long–term care facilities;

(4) Whether current laws governing ownership of long–term care facilities should be amended;

(5)";

in line 26, after "insurance" insert "; and

(6) Funding mechanisms for implementing recommendations of the Task Force that would require a State agency or division to acquire specific resources or expertise to address issues raised by the Task Force";

in line 27, before "On" insert "(1)"; in the same line, strike "December 1" and substitute "July 1"; in the same line, strike "a final" and substitute "an interim"; and after line 29, insert:

"(2) On or before June 1, 2010, the Task Force shall submit 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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 811 – Delegates Nathan–Pulliam, Benson, Donoghue, Harrison, Jones, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

State Board of Dental Examiners – Nomination of Members – Investigation and Disciplinary Procedures – Data Collection

HB0811/376084/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 811
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, and Stein"; strike in their entirety, lines 2 and 3 and substitute "State Board of Dental Examiners Nomination and Disciplinary Processes – Task Force on the Discipline of Health Care Professionals and Improved Patient Care"; strike beginning with "certain" in line 4 down through the second "to" in line 5 and substitute "the State Board of Dental Examiners to conduct a certain solicitation and balloting process and"; in line 7, strike "State Board of Dental Examiners" and substitute "Board"; in lines 7 and 8, strike "that individuals on certain lists reflect" and substitute "the Board to develop guidelines for certain solicitations and ballots that to the extent possible will result in a certain Board composition reflecting"; strike beginning with "requiring" in line 9 down through "delays;" in line 23; and in line 24, after "regulations" insert "in consultation with the Office of the Attorney General".

On pages 1 and 2, strike beginning with "requiring" in line 29 on page 1 down through "general;" in line 2 on page 2.

On page 2, in line 3, after "date;" insert "establishing a Task Force on the Discipline of Health Care Professionals and Improved Patient Care; providing for the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to study certain issues, issue certain recommendations, and report to the Governor and certain committees of the General Assembly on or before a certain date;"; in the same line, after "Examiners" insert "and the Task Force on the Discipline of Health Care Professionals and Improved Patient Care"; and in line 6, strike ", 4–203, 4–204(c), and 4–316" and substitute "and (b)".

AMENDMENT NO. 2

On page 2, in line 18, strike "The" and substitute "**SUBJECT TO SUBSECTION (B)(1) OF THIS SECTION, THE**"; strike beginning with "**ESTABLISHED**" in line 21 down through "**DENTISTRY**" in line 22 and substitute "**BOARD**"; strike in their entirety lines 26 through 28, inclusive; in line 29, strike "The" and substitute "**SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, THE**"; and strike beginning with "**ESTABLISHED**" in line 31 down through "**HYGIENE**" in line 33 and substitute "**BOARD**".

On page 3, strike in their entirety lines 3 through 5, inclusive; and after line 10, insert:

"(b) [(1) At a joint meeting held by the Maryland State Dental Association and the Maryland Dental Society called to choose nominees for a dentist vacancy on the Board, a majority of the dentists present at the meeting shall choose the list of names of dentist nominees to the Board for submission to the Governor.

(2) At a meeting held by the Maryland Dental Hygienists' Association called to choose nominees for a dental hygienist vacancy on the Board, a majority of the dental hygienists present at the meeting shall choose the list of names of dental hygienist nominees to the Board for submission to the Governor.

(3) At least 2 weeks before a meeting is held under paragraph (1) of this subsection, the secretaries of the appropriate organizations shall mail to each licensed practitioner actively practicing in Maryland, at the address appearing in their records or the records of the Board, a notice that states the time, place, and purpose of the meeting.

(4) At least 2 weeks before a meeting is held under paragraph (2) of this subsection, the Secretary of the Maryland Dental Hygienists' Association shall mail to each licensed dental hygienist, at the address appearing in their records or the records of the Board, a notice that states the time, place, and purpose of the meeting.]

(1) FOR EACH LICENSED DENTIST VACANCY, THE BOARD SHALL:

(I) SEND BY MAIL A WRITTEN SOLICITATION FOR NOMINATIONS TO FILL THE VACANCY TO:

1. EACH DENTIST LICENSED BY THE BOARD; AND

2. EACH STATE DENTAL ORGANIZATION AFFILIATED WITH A NATIONAL ORGANIZATION; AND

(II) CONDUCT A BALLOTING PROCESS BY WHICH EACH DENTIST LICENSED BY THE STATE IS ELIGIBLE TO VOTE TO SELECT THE NAMES OF THE LICENSED DENTISTS TO BE SUBMITTED TO THE GOVERNOR.

(2) FOR EACH LICENSED DENTAL HYGIENIST VACANCY, THE BOARD SHALL:

(I) SEND BY MAIL A WRITTEN SOLICITATION FOR NOMINATIONS TO FILL THE VACANCY TO:

1. EACH DENTAL HYGIENIST LICENSED BY THE BOARD; AND

2. EACH STATE DENTAL HYGIENIST ORGANIZATION AFFILIATED WITH A NATIONAL ORGANIZATION; AND

(II) CONDUCT A BALLOTING PROCESS BY WHICH EACH DENTAL HYGIENIST LICENSED BY THE STATE IS ELIGIBLE TO VOTE TO SELECT THE NAMES OF THE LICENSED DENTAL HYGIENISTS TO BE SUBMITTED TO THE GOVERNOR.

(3) THE BOARD SHALL DEVELOP GUIDELINES FOR THE SOLICITATION OF NOMINATIONS AND BALLOTING PROCESS THAT TO THE EXTENT POSSIBLE WILL RESULT IN THE OVERALL COMPOSITION OF THE BOARD REASONABLY REFLECTING THE GEOGRAPHIC, RACIAL, ETHNIC, AND GENDER DIVERSITY OF THE STATE.".

On pages 3 through 5, strike in their entirety the lines beginning with line 11 on page 3 through line 12 on page 5, inclusive.

AMENDMENT NO. 3

On page 5, strike beginning with "each" in line 16 down through "dentistry" in line 18 and substitute "the Office of the Attorney General"; in line 24, before "a" insert "to assure that similar acts of misconduct receive similar penalties,"; in line 28, after "length" insert "and conditions for completion of probationary periods"; in line 29, after "process;" insert "and"; and strike beginning with "; and" in line 32 down through "if:" in line 33 and substitute a period.

AMENDMENT NO. 4

On page 6, strike in their entirety lines 1 through 4, inclusive; in lines 7 and 9, in each instance, after "race" insert ", gender,"; in line 10, strike the first "of" and substitute "including standard definitions and written guidelines for"; strike beginning with "that" in line 20 down through "State" in line 24 and substitute "in accordance with § 4–202(a) and (b) of the Health Occupations Article, as enacted by Section 1 of

this Act"; strike in their entirety lines 25 through 27, inclusive; in line 28, strike "5." and substitute "4."; and in line 31, after "of" insert "Section 1 through Section 3 of".

AMENDMENT NO. 5

On page 6, after line 31, insert:

"SECTION 5 . AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Discipline of Health Care Professionals and Improved Patient Care.

(b) The Task Force consists of the following members:

(1) one member of the House of Delegates, appointed by the Speaker of the House;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(4) the Attorney General, or the Attorney General's designee;

(5) the Chief Administrative Law Judge, or the Chief Judge's designee;

(6) two current health occupation board members, appointed by the Secretary of Health and Mental Hygiene;

(7) two current executive directors or administrators for health occupation boards that may not be from the same boards as the representatives in item (5) of this subsection, appointed by the Secretary of Health and Mental Hygiene; and

(8) nine individuals appointed by the Governor having expertise in professional disciplinary matters including at least:

(i) two representatives of a patient advocacy organization;

(ii) two attorneys from the Maryland State Bar Association's Health Law Section with experience in representing health professionals;

(iii) two representatives of professional health care associations; and

(iv) two consumers of health care services.

(c) (1) The Secretary of Health and Mental Hygiene shall:

(i) appoint the chair of the Task Force;

(ii) establish subcommittees and appoint subcommittee chairs as necessary to facilitate the work of the Task Force; and

(iii) in conjunction with the Attorney General, provide staff support for the Task Force from the Department and the health occupation boards.

(2) To the extent practicable, the members appointed to the Task Force shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of this State.

(3) A member of the Task Force may not receive compensation as a member of the Task Force but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) In performing its duties, the Task Force shall:

(1) consult with individuals and entities that the chair of the Task Force deems appropriate; and

(2) consider a broad range of viewpoints including those presented by organizations representing the interests of patients, licensees, payors, law enforcement, and other groups involved in the disciplinary system.

(e) The Task Force shall issue recommendations regarding:

(1) practices and procedures supporting the fundamental goals and objectives of the disciplinary programs of the health occupation boards;

(2) potential changes to the organizational structure of the health occupation boards and the relationship of all boards to the Department; and

(3) measures that will otherwise enhance the fair, consistent, and speedy resolution of reports concerning substandard, illegal, or unethical practices by health care professionals.

(f) The issues to be studied by the Task Force include:

(1) the extent to which the current disciplinary system:

(i) adequately protects patients from serious risks due to incompetent or unethical practices by licensees;

(ii) creates a burden to licensees that may be lessened, while ensuring continued protective and regulatory oversight;

(iii) uses mentors and the cost to licensees associated with using them;

(iv) adequately provides due process to licensees; and

(v) could be modified to more effectively protect patients, minimize incompetent or unethical behavior by licensees, provide more effective due process for licensees, and support the professional growth and development of all Maryland licensees;

(2) potential changes in the disciplinary program of the health occupation boards that will:

(i) increase the transparency of disciplinary procedures for members of the public and the regulated community;

(ii) improve the complaint process by addressing the roles of the boards, investigators, and assistant attorneys general including who may initiate complaints;

(iii) increase the consistency and fairness of disciplinary outcomes;

(iv) a statute of limitations for complaints to be brought against licensees;

(v) speed the resolution of meritorious complaints and the disposition of proceedings that do not require a public disciplinary order;

(vi) from the time a complaint is filed, specify a reasonable period of time in which a board will conclude its action unless the board can demonstrate delays outside of its control;

(vii) utilize the Office of Administrative Hearings more effectively;

(viii) under certain circumstances, expunge disciplinary proceedings from a licensee's file after a specified period time; and

(ix) increase the wider adoption of consistent procedures and best practices by all boards including tracking of disciplinary data;

(3) an assessment of whether the current relationship between individual boards, the Department, and the Office of the Attorney General should be modified in connection with the disciplinary process of the board including:

(i) oversight of the board by the Department;

(ii) the role of an assistant attorney general in the investigation process; and

(iii) the length of time an assistant attorney general works for an individual board and the potential of having the assistant attorneys general rotate among the boards; and

(4) the extent to which the current disciplinary system has a differential impact on various groups of licensees and potential strategies for minimizing differences while improving the overall quality of health care services.

(g) On or before December 1, 2008, the Task Force shall report its final recommendations to the Governor and, subject to § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take effect July 1, 2008. It shall remain effective for a period of 1 year and, at the end of June 30, 2009, with no further action required by the General Assembly, Section 5 of this Act shall be abrogated and of no further force and effect.";

in line 32, strike "6." and substitute "7."; and in the same line, after "That" insert ", subject to the provisions of Section 6 of this Act,".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 957 – Delegate V. Clagett

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day

HB0957/426985/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 957
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Day" insert "and Annapolis Charter Day"; and in line 4, after "Day;" insert "requiring the Governor annually to proclaim a certain day as Annapolis Charter Day;".

On page 1, in line 7, after "13–406" insert "and 13–407".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"WHEREAS, The first settlement in the area of what is now Annapolis was established in 1649; and

WHEREAS, On December 17, 1708, the General Assembly adopted the Annapolis Charter; and";

in line 3, after "Maryland" insert "and the Annapolis Charter"; after line 10, insert:

"**13–407.**

THE GOVERNOR ANNUALLY SHALL PROCLAIM DECEMBER 17 AS ANNAPOLIS CHARTER DAY.";

and in line 12, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1090 – Delegates Morhaim and Harrison

AN ACT concerning

State Board of Morticians – Family Security Trust Fund

HB1090/176089/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1090

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Fund" insert "and Pre–Need Contracts".

On page 2, in line 11, strike the first "the" and substitute "certain"; in line 12, after "circumstances;" insert "prohibiting certain banking institutions and savings and loan associations from releasing any money from a certain pre–need account unless certain proof is provided; prohibiting a certain seller from withdrawing money from a certain pre–need account unless certain proof is provided; providing that it is an unfair or deceptive trade practice under the Maryland Consumer Protection Act to violate certain provisions of this Act; requiring the Board to provide certain notice to each banking institution and savings and loan association in the State on or before a certain date;"; in line 13, after "date" insert "for certain provisions of this Act"; in line 14, strike "and" and substitute a comma; in line 15, after "Committee" insert ", and pre–need contracts"; in line 18, strike "and 7–314(c)" and substitute ", 7–314(c), and 7–405(e)(1) and (2)"; after line 20 insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–405(a), 7–405(e)(3), and 7–508
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)";

and after line 31, insert:

"BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxiii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law

Section 13–301(14)(xxiv)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 13, after line 32, insert:

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

Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxii) Section 14–1319 or § 14–1320 of this article; [or]

(xxiii) Section 7–304 of the Criminal Law Article; or

(XXIV) SECTION 7–405(E)(2)(II) OF THE HEALTH OCCUPATIONS ARTICLE; OR

Article – Health Occupations

7–405.

(a) (1) In this section the following words have the meanings indicated.

(2) "Beneficiary" means a person for whose benefit a pre–need contract is purchased and who will receive the merchandise or services offered under the contract.

(3) "Buyer" means a person that purchases a pre–need contract.

(4) "Seller" means a person who agrees to provide services or merchandise, directly or indirectly, under a pre–need contract.

(5) "Trustee" means a person that has responsibility for making pre–need arrangements in a manner that entitles the beneficiary to be eligible for benefits that restrict assets.

(e) (1) **(I)** Except as may be provided in an irrevocable trust established under paragraph (4) of this subsection **AND IN SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the banking institution or savings and loan association with which funds are deposited under this section is not responsible for the application of pre–need contract escrow or trust funds.

(II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE BANKING INSTITUTION OR SAVINGS AND LOAN ASSOCIATION WITH WHICH FUNDS ARE DEPOSITED UNDER THIS SECTION MAY NOT RELEASE THE FUNDS TO THE SELLER UNLESS THE SELLER PROVIDES TO THE BANKING INSTITUTION OR SAVINGS AND LOAN ASSOCIATION:

1. A COPY OF THE DEATH CERTIFICATE OF THE BENEFICIARY; OR

2. A NOTARIZED STATEMENT AND WITHDRAWAL REQUEST FROM THE BUYER OR THE BUYER'S LEGAL REPRESENTATIVE.

(2) **(I)** Except as otherwise provided in this subsection, a seller may not withdraw from the account any money received from a buyer unless the services and merchandise have been provided as agreed in the contract.

(II) 1. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A SELLER MAY NOT WITHDRAW FROM THE ACCOUNT ANY MONEY RECEIVED FROM A BUYER UNLESS THE SELLER PROVIDES TO THE BANKING INSTITUTION OR SAVINGS AND LOAN ASSOCIATION WITH WHICH FUNDS ARE DEPOSITED A COPY OF THE BENEFICIARY'S DEATH CERTIFICATE.

2. A VIOLATION OF SUBSUBPARAGRAPH 1. OF THIS SUBPARAGRAPH IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

(3) A pre–need contract is ended and a seller shall refund to a buyer all payments and interest held for the buyer if:

(i) The buyer or the legal representative of the buyer demands in writing a refund of all payments made;

(ii) The business of the seller is discontinued or sold;

(iii) The seller is unable to perform under the terms and conditions of the pre–need contract; or

(iv) The buyer fails to pay the entire contract price before the death of the beneficiary, and the seller considers the pre–need contract void.

7–508.

A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 1 year or both.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2008, the State Board of Morticians shall provide notice of the provisions of § 7–405(e)(1) and (2) of the Health Occupations Article, as enacted by Section 2 of this Act, to each banking institution and savings and loan association in the State.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any pre–need contract entered into before January 1, 2009.”.

On page 14, in line 1, strike “2.” and substitute “5.”; in the same line, after “That” insert “Sections 1, 2, and 4 of”; and after line 2, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect July 1, 2008.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 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

AN ACT concerning

Public Health Dental Hygiene Act

HB1280/116582/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Valderrama" and substitute "Valderrama, Beitzel, Donoghue, Mizeur, Reznik, and Weldon"; in line 11, strike "a"; and in the same line, strike "term" and substitute "terms".

AMENDMENT NO. 2

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

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

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

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

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

AMENDMENT NO. 3

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

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

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

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 1431 – Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Procurement – Small Business Preference Program – Veteran–Owned and Disabled Veteran–Owned Small Businesses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1452 – Delegate Weldon

AN ACT concerning

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

HB1452/776485/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1452
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Weldon" and substitute "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"; and in line 25, strike "and".

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

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

AMENDMENT NO. 2

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1517 – Delegate Donoghue

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, and Nuclear Medicine Technologists – Various Changes

HB1517/206083/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1517
(First Reading File Bill)

AMENDMENT NO. 1

On page 11, in line 2, after "expires;" insert a closing bracket; in line 3, strike "(2)" and substitute "**(1)**"; in line 3, before "and" insert an opening bracket; and in lines 5 and 10, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 2

On page 17, strike beginning with "**THAT**" in line 26 down through "**BOARD**" in line 29 and substitute "**APPROVED BY THE BOARD**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #10

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 393 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Communicable Diseases or Conditions – Reporting

HB0393/976085/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 393
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "discoverable" in line 7 and substitute "requiring certain individuals to submit a certain report to a certain health officer under certain circumstances; requiring certain reports to contain certain information, be in a certain format, and be transmitted in a certain manner; providing that certain provisions of this Act do not apply to or restrict the use of certain statistics, information, or other material"; and strike beginning with "providing" in line 17 down through "discoverable" in line 20 and substitute "requiring the Secretary to adopt certain regulations".

AMENDMENT NO. 2

On page 2, in line 6, after "has" insert "**A CONDITION OR**"; in the same line, after "disease" insert a comma; in line 7, after "syndrome" insert a comma; in the same line, after "health" insert "**AND THAT HAS BEEN DESIGNATED BY THE SECRETARY AS REPORTABLE**"; in line 10, strike the opening bracket; after line 10, insert:

"**(1) CONTAIN THE INFORMATION AND BE IN A FORMAT SPECIFIED OR APPROVED BY THE SECRETARY; AND**

(2) BE TRANSMITTED AS DIRECTED BY THE SECRETARY.";

strike in their entirety lines 11 through 15; and strike beginning with the closing bracket in line 20 down through "**MATTER.**" in line 30, inclusive.

AMENDMENT NO. 3

On page 3, in line 1, strike "**(3)**" and substitute "**(2)**"; in line 2, strike "**GENERALLY**" and substitute "**NONINDIVIDUALLY**"; in the same line, after "**CASES**" insert "**OF A CONDITION OR DISEASE**"; after line 5, insert:

"**(3) THIS SUBSECTION DOES NOT APPLY TO OR RESTRICT THE USE OR PUBLICATION OF ANY STATISTICS, INFORMATION, OR OTHER MATERIAL THAT SUMMARIZES OR REFERS TO CONFIDENTIAL RECORDS IN THE**

AGGREGATE, WITHOUT DISCLOSING THE IDENTITY OF ANY INDIVIDUAL WHO IS THE SUBJECT OF THE CONFIDENTIAL RECORD.";

strike in their entirety lines 14 through 22, inclusive; in line 28, after "has" insert "**A CONDITION OR**"; in the same line, after "disease" insert a comma; in line 29, after "syndrome" insert "**, THAT HAS BEEN DESIGNATED BY THE SECRETARY AS REPORTABLE**"; in line 32, strike the opening bracket; and after line 32, insert:

"**(1) CONTAIN THE INFORMATION AND BE IN A FORMAT SPECIFIED OR APPROVED BY THE SECRETARY; AND**

(2) BE TRANSMITTED AS DIRECTED BY THE SECRETARY.".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 1 through 5, inclusive; strike beginning with the closing bracket in line 10 down through "**MATTER.**" in line 20; after line 20 insert:

"**(2) THIS SUBSECTION DOES NOT APPLY TO OR RESTRICT THE USE OR PUBLICATION OF ANY STATISTICS, INFORMATION, OR OTHER MATERIAL THAT SUMMARIZES OR REFERS TO CONFIDENTIAL RECORDS IN THE AGGREGATE, WITHOUT DISCLOSING THE IDENTITY OF ANY INDIVIDUAL WHO IS THE SUBJECT OF THE CONFIDENTIAL RECORD.**";

in line 22, strike "**GENERALLY**" and substitute "**NONINDIVIDUALLY**"; and in the same line, after "**CASES**" insert "**OF A CONDITION OR A DISEASE**".

AMENDMENT NO. 5

On page 5, strike in their entirety lines 3 through 11, inclusive; in line 25, strike "**NUCLEIC ACID**" and substitute "**MICROBIAL GENETIC MATERIAL**"; in line 13, strike the opening bracket; strike beginning with the closing bracket in line 13 down through "**(1)**" in line 15; in lines 16, 17, and 20, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; in lines 24, 25, and 26, strike "**1.**", "**2.**", and "**3.**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and strike in their entirety lines 27 and 28.

AMENDMENT NO. 6

On page 9, after line 18, insert:

"**(1) CONTAIN THE INFORMATION AND BE IN A FORMAT SPECIFIED OR APPROVED BY THE SECRETARY; AND**

(2) BE TRANSMITTED AS DIRECTED BY THE SECRETARY.";

and strike in their entirety lines 19 through 28, inclusive.

AMENDMENT NO. 7

On page 10, in line 16, strike the opening bracket; in line 28, strike the closing bracket; and strike in their entirety lines 29 through 32, inclusive.

AMENDMENT NO. 8

On page 11, strike in their entirety lines 1 through 5, inclusive; in line 6, strike "**(3)**" and substitute "**(4)**"; in line 7, strike "**GENERALLY**" and substitute "**NONINDIVIDUALLY**"; in the same line, after "**CASES**" insert "**OF A CONDITION OR A DISEASE**"; in line 11, strike "(4)" and substitute "**(5)**"; and strike in their entirety lines 19 through 27, inclusive, and substitute:

"**(6) THIS SUBSECTION DOES NOT APPLY TO OR RESTRICT THE USE OR PUBLICATION OF ANY STATISTICS, INFORMATION, OR OTHER MATERIAL THAT SUMMARIZES OR REFERS TO CONFIDENTIAL RECORDS IN THE AGGREGATE, WITHOUT DISCLOSING THE IDENTITY OF ANY INDIVIDUAL WHO IS THE SUBJECT OF THE CONFIDENTIAL RECORD.**".

AMENDMENT NO. 9

On page 11, after line 30, insert:

"**(J) THE SECRETARY SHALL ADOPT REGULATIONS THAT DESIGNATE THE DISEASES OR CONDITIONS THAT ARE REPORTABLE BY A DIRECTOR OF A MEDICAL LABORATORY UNDER THIS SECTION.**".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 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

HB0923/756788/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 923
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Renewal" and substitute "Extensions"; in line 5, strike "renewed" and substitute "extended"; in the same line, strike "a certain period" and substitute "certain periods"; in line 7, strike "renewal" and substitute "extension"; and in line 11, after "8–315" insert "(d)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 18 on page 1 through line 8 on page 3, inclusive.

On page 3, in lines 9 and 11, in each instance, strike the bracket; in line 9, strike "A" and substitute "**EXCEPT AS PROVIDED IN THIS SUBTITLE, A**"; strike beginning with "**EXCEPT**" in line 11 down through "**UNLESS**" in line 12; strike in their entirety lines 15 through 18, inclusive, and substitute:

"**(3) A TEMPORARY LICENSE MAY BE EXTENDED UP TO AN ADDITIONAL 90 DAYS IF THE APPLICANT IS AWAITING THE COMPLETION OF CRIMINAL HISTORY RECORD INFORMATION.**

(4) A TEMPORARY LICENSE OR TEMPORARY PRACTICE LETTER MAY BE EXTENDED EVERY 90 DAYS, PROVIDED THAT THE TOTAL LENGTH OF RENEWAL DOES NOT EXCEED 12 MONTHS FROM THE DATE THE ORIGINAL TEMPORARY LICENSE OR TEMPORARY PRACTICE LETTER WAS ISSUED, IF THE APPLICANT DOES NOT MEET THE PRACTICE REQUIREMENT AS PROVIDED FOR IN REGULATION.";

and strike in their entirety lines 19 through 24, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 991 – Delegates Pena–Melnyk, Kullen, Montgomery, Nathan–Pulliam, Oaks, and V. Turner

AN ACT concerning

HIV Testing – Informed Consent and Treatment – Pregnant Women

HB0991/506187/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 991
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Pregnant Women"; in line 15, strike "of pregnant women"; and in line 8, after "tests;" insert "requiring certain health care providers to advise pregnant women that they have the right to make a certain refusal; requiring certain health care providers to obtain certain consent from pregnant women;".

AMENDMENT NO. 2

On page 2, in line 14, after the first closing bracket, insert "**AFTER:**

(I) INFORMING THE INDIVIDUAL THAT AN HIV TEST WILL BE ADMINISTERED; AND

(II) ADVISING THE INDIVIDUAL OF THE RIGHT TO REFUSE THE HIV TEST WITHOUT PENALTY".

AMENDMENT NO. 3

On page 4, in line 28, after "**(2)**" insert "**ADVISE THE PREGNANT PATIENT THAT SHE HAS THE RIGHT TO REFUSE THE TEST FOR HIV INFECTION WITHOUT PENALTY;**

(3) OBTAIN INFORMED CONSENT FROM THE PREGNANT PATIENT TO TEST HER FOR HIV INFECTION;

(4)".

On page 5, in lines 1, 3, 5, and 10, strike "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively.

AMENDMENT NO. 4

On page 5, in line 11, after "**SERVICES**" insert "**, INCLUDING CASE MANAGEMENT SERVICES**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1100 – Delegates Tarrant, Barkley, Barnes, Branch, Donoghue, Hubbard, McHale, Nathan–Pulliam, Ramirez, Ross, Stukes, Taylor, V. Turner, and Vaughn

AN ACT concerning

Insurance Producers – Life and Health Insurance Examinations – Annual Reports

HB1100/966485/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vaughn" and substitute "Vaughn, Benson, Montgomery, Morhaim, Oaks, and Pena–Melnyk"; 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 3, strike "**AND**"; in line 5, 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 6 down through "**CORRELATIONS**" in line 15 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**".

AMENDMENT NO. 3

On page 3, in line 17, after "2008." insert "It shall remain effective for a period of 3 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1140 – Delegate Kullen

AN ACT concerning

Nurse Practitioners – Authority to Certify

HB1140/526786/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1140
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Kullen" and substitute "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"; strike beginning with "authorizing" in line 3 down through "guardian;" in line 6; strike beginning with "authorizing" in line 17 down through "admission;" in line 19; and strike in their entirety lines 28 through 30, inclusive.

On page 2, strike in their entirety, lines 1 and 2; in line 10, strike "through (e)" and substitute "and (d)"; in line 11, strike "10–616(a),"; and in line 16, after "5–602(a)" insert "and (e)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 17 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, in lines 21 and 22, in each instance, after "**OR**" insert "**PHYSICIAN'S COLLABORATING**".

On page 5, in lines 7, 10, and 11, in each instance, after "**OR**" insert "**PHYSICIAN'S COLLABORATING**"; and in line 13, strike "**OR NURSE PRACTITIONER'S**".

On page 6, in line 12, strike "**A**" and substitute "**PHYSICIAN'S COLLABORATING**".

On page 7, in lines 1 and 3, in each instance, after "**THE**" insert "**PHYSICIAN'S COLLABORATING**".

AMENDMENT NO. 4

On page 8, in lines 25 and 26, strike "**OR NURSE PRACTITIONER**"; and in lines 26 and 29, in each instance, strike "**OR NURSE PRACTITIONER**".

AMENDMENT NO. 5

On page 9, strike in their entirety lines 11 through 23, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1387 – Delegates Mizeur, Costa, Davis, Donoghue, Elliott, Hubbard, Pena–Melnyk, and Riley

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

HB1387/936986/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1387
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Riley" and substitute "Riley, Benson, Hammen, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Tarrant, V. Turner, and Weldon"; in line 4, strike "authorizing" and substitute "requiring the Board of Pharmacy to adopt regulations to authorize"; in line 7, after "of," insert "bar coding, transaction records, dispensation records, labeling,"; in line 8, after "systems;" insert "requiring certain pharmacists to have certain access to certain systems under certain circumstances;"; in line 9, strike "before" and substitute "after"; in line 10, strike "placed" and substitute "entered"; in line 14, after "programs;" insert "requiring certain pharmacists to limit certain access to certain systems by requiring individual security codes for certain functions; requiring certain records to be kept; requiring certain pharmacists to maintain certain logs and repair records; requiring certain pharmacists to ensure a certain back–up power source and that only certain individuals have access to certain systems under certain circumstances;"; in the same line, 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;"; and after line 15, insert:

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

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

AMENDMENT NO. 2

On page 2, after line 12, insert:

"12–307.

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

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

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

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

On page 3, after line 2, insert:

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

AMENDMENT NO. 3

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

UNDER THIS ARTICLE"; strike beginning with "**A**" in line 27 down through "**2.**" in line 29; and in line 29, after "**MEDICATION**" insert "**IF AVAILABLE; OR**

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

AMENDMENT NO. 4

On page 4, in line 6, strike "**(F)**" and substitute "**(E)**"; in line 7, strike "**A COMPANY**" and substitute "**THE PHARMACY PERMIT HOLDER**"; in line 10, strike "**(F)**" and substitute "**(E)**"; in line 13, strike "**THIS SUBSECTION**" and substitute "**REGULATIONS ADOPTED BY THE BOARD**"; in line 25, strike the second "**AND**"; in line 27, after "**MEDICATIONS**" insert "**; AND**

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

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

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

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

(2) IN A POWER OUTAGE OR OTHERWISE UNFORESEEN SITUATION, A PHARMACIST SHALL ENSURE THAT:

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

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

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

AMENDMENT NO. 5

On page 4, after line 27, 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 28, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1395 – Delegates Tarrant, Pena–Melnyk, and Riley

AN ACT concerning

Chronic Care and Prevention Partnership Act

HB1395/766883/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1395
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Riley" and substitute "Riley, and Nathan–Pulliam"; strike line 2 in its entirety and substitute "Department of Health and Mental Hygiene and Maryland Health Quality and Cost Council – Chronic Care Management Plan"; in line 3, after "of" insert "requiring the Department of Health and Mental Hygiene and the Maryland Health Quality and Cost Council to study chronic care management and develop a certain chronic care management plan; requiring the chronic care management plan to include certain plans; requiring the Department and the Council to consult with certain persons in developing the chronic care management plan; authorizing the Council to accept certain funds; requiring the Department and the Council to submit the chronic care management plan to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a chronic care management plan."; strike beginning with "establishing" in line 3 down through "State." in line 14; and strike in their entirety lines 15 through 20, inclusive.

AMENDMENT NO. 2

On page 1, in line 22, strike "the Laws of Maryland read as follows"; and after line 22, insert:

"(a) The Department of Health and Mental Hygiene and the Maryland Health Quality and Cost Council shall study chronic care management and develop a chronic care management plan to improve the quality and cost–effectiveness of care for individuals who have or are at risk for a chronic disease.

(b) The chronic care management plan shall include plans for:

(1) patient self–management, in collaboration with a health care team;

(2) incentives for provision of care consistent with evidence–based standards;

(3) ways to engage communities to fight physical inactivity and obesity;

(4) identification of information technology that supports care management;

(5) linkages between financing mechanisms and performance measures;

(6) disseminating scientifically sound, evidence–based information to health care providers regarding prevention and treatment of targeted chronic conditions;

(7) coordinating with appropriate chronic care resources to collect data and evaluate the clinical, social, and economic impact of chronic care and prevention activities in different regions of the State; and

(8) considering best practices across the public and private sectors, including existing initiatives in Maryland, such as the P3 Program, and the experiences of other states.

(c) In developing the chronic care management plan, the Department of Health and Mental Hygiene and the Maryland Health Quality and Cost Council shall consult with:

(1) physicians;

(2) pharmacists;

(3) hospitals;

(4) health insurance carriers, including managed care organizations;

(5) patient advocates;

(6) community mental health providers; and

(7) registered nurses.

(d) The Maryland Health Quality and Cost Council may accept funds from any source, including grants and donations, to cover costs associated with the study of chronic care management and development of the chronic care management plan.

(e) On or before December 1, 2009, the Department of Health and Mental Hygiene and the Maryland Health Quality and Cost Council shall submit the chronic care management plan to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.”.

On pages 1 through 11, strike in their entirety the lines beginning with line 23 on page 1 through line 31 on page 11, inclusive.

AMENDMENT NO. 3

On page 11, in line 33, after "2008." insert "It shall remain effective for a period of 2 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1549 – Chair, Health and Government Operations Committee (By Request – Departmental – General Services)

AN ACT concerning

General Services – Procurement – Exemptions

HB1549/726884/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1549
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Department of General Services – Renovation of Historic Structures – Procurement Exemptions"; in line 3, after the second "of" insert "certain"; and in the same line, strike "properties" and substitute "structures".

AMENDMENT NO. 2

On page 2, strike beginning with "**REHABILITATION**" in line 10 down through "**TRUST**" in line 11 and substitute "**RENOVATION OF A STRUCTURE THAT:**

1. WAS BUILT DURING THE 18TH OR 19TH CENTURY; AND

2. IS LISTED IN OR ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #10

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

House Bill 16 – Delegate Smigiel

AN ACT concerning

Local Government Tort Claims Act – Notice

HB0016/232615/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 16
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "employees" insert "under the Local Government Tort Claims Act"; in the same line, after the first semicolon, insert "repealing a certain exception to the requirement of certain notice under the Local Government Tort Claims Act;"; and after line 11, insert:

"BY repealing
Article – Courts and Judicial Proceedings
Section 5–304(d)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"[(d) Notwithstanding the other provisions of this section, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon motion and for good cause shown the court may entertain the suit even though the required notice was not given.]".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Levy moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 134 – Delegates Kelly, Dumais, McComas, Shank, and Smigiel

AN ACT concerning

Vehicle Laws – Transporting Pets in Trucks or Trailers

HB0134/512818/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 134
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "manner;" insert "providing that a violation of this Act is not considered a moving violation for certain purposes;"; in line 6, strike "establishing certain penalties for violations" and substitute "establishing that certain penalties apply to a violation"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, strike beginning with "**FOR**" in line 7 down through "**OFFENSE**" in line 11 and substitute "**A VIOLATION OF THIS SECTION IS NOT CONSIDERED A MOVING VIOLATION FOR PURPOSES OF § 16–402 OF THIS ARTICLE**

27–101.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than $500.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1111 – Delegate Dumais

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

HB1111/502018/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1111
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, after "**SENATE**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**"; in line 5, after "**HOUSE**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**"; strike beginning with "**ONE**" in line 8 down through "**(5)**" in line 10; in line 12, strike "**(6)**" and substitute "**(5)**"; in line 14, strike "**(7)**" and substitute "**(6)**"; in the same line, after "**ATTORNEY**" insert "**OR ASSISTANT STATE'S ATTORNEY**"; in line 16, strike "**(8)**" and substitute "**(7)**"; and in the same line, after "**GOVERNOR**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**".

AMENDMENT NO. 2

On page 2, in line 14, strike "**RECOMMENDED**" and substitute "**DESIGNATED**"; in line 15, after "**ASSOCIATION**" insert "**AND WHO HAS PROSECUTED A DEATH PENALTY CASE**"; after line 18, insert:

"**(II) A REPRESENTATIVE OF THE MARYLAND STATE LODGE FRATERNAL ORDER OF POLICE;**";

in lines 19, 22, 24, and 26, strike "**(II)**", "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; strike beginning with "**A**" in line 19 down through "**AS**" in line 20; in line 22, after "**WHO**" insert "**WAS ON DEATH ROW AND**"; in line 23, strike "**OF THE CRIME FOR WHICH THE INDIVIDUAL WAS INCARCERATED**"; in line 26, strike "**THREE**" and substitute "**SIX**"; in line 27, strike "**ONE**" and substitute "**THREE**"; in the same line, strike "**MEMBER**" and substitute "**MEMBERS**"; and in the same line, after "**VICTIM**" insert "**AND REFLECTING THE BROAD DIVERSITY OF VIEWS ON CAPITAL PUNISHMENT**".

AMENDMENT NO. 3

On page 3, strike beginning with "**OF**" in line 2 down through "**MARYLAND**" in line 3 and substitute "**IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**"; in line 16, strike the colon; in line 17, strike "**(I)**"; in the same line, after "**CURRENTLY**" insert "**AND HISTORICALLY**"; and in line 18, strike the semicolon and substitute a period.

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 10 on page 4, inclusive.

AMENDMENT NO. 4

On page 4, in lines 11 and 12, strike "**TO GUARANTEE THAT**" and substitute "**CONCERNING**"; strike beginning with "**AND**" in line 13 down through "**PUNISHMENT**" in line 14 and substitute "**SO THAT THEY**"; in line 15, strike "**DESIGNED TO GUARANTEE**" and substitute "**ACHIEVE**"; strike beginning with "**EVOLVING**" in line 22 down through "**AND**" in line 23 and substitute "**A COMPARISON OF THE EFFECTS OF PROLONGED COURT CASES INVOLVING CAPITAL PUNISHMENT AND THOSE INVOLVING LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE;**"; in line 26, after "**PAROLE**" insert "**; AND**

7. THE IMPACT OF DNA EVIDENCE IN ASSURING FAIRNESS AND ACCURACY IN CAPITAL CASES";

and in line 27, after "**REPORT**" insert "**, AND IF APPLICABLE, A MINORITY REPORT,**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

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

HB1134/242811/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1134

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Medical Emergency –"; strike beginning with "providing" in line 4 down through "Systems," in line 11 and substitute "altering"; in line 14, strike "persons" and substitute "individuals"; and strike in their entirety lines 18 through 27, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 down through line 25 on page 3, inclusive.

On page 4, in line 15, strike "**AND**"; in lines 16 and 18, in each instance, strike the bracket; and in line 17, after the semicolon insert "**AND**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1550 – Delegates Busch, V. Clagett, and George

AN ACT concerning

Department of General Services Police – Jurisdiction, Authority, and Responsibility

HB1550/562412/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1550

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; strike beginning with "Annapolis" in line 7 down through "Annapolis" in line 10 and substitute

"Annapolis and Baltimore City; authorizing the Secretary of General Services to establish a certain police force to protect people and property in certain areas; making certain provisions relating to the Department of General Services security force applicable to the police force authorized under this Act; establishing that the Secretary of General Services has concurrent authority with certain chiefs of police to enforce the criminal laws in certain areas, including in the surrounding areas of certain properties in Annapolis and Baltimore City, and the parking and motor vehicle laws in the surrounding areas of certain properties in Annapolis and Baltimore City"; in line 10, strike "a provision" and substitute "certain limitations"; and in line 12, after "police;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in line 10, after "Grounds" insert "**, AND EXTENDING TO THE SURROUNDING AREA THAT ENCOMPASSES 1,000 FEET IN ANY DIRECTION FROM THE BOUNDARY OF THOSE BUILDINGS AND GROUNDS**".

On page 3, in line 18, after "**ANNAPOLIS**" insert "**AND BALTIMORE CITY**"; and in line 18, after "**4–601(1)**" insert "**AND (2)**".

On page 4, in line 12, after "**ANNAPOLIS**" insert "**AND BALTIMORE CITY**"; and in line 13, after "**4–601(1)**" insert "**AND (2)**".

AMENDMENT NO. 3

On page 4, strike beginning with "shall" in line 17 down through "2008" in line 18 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #9

Delegate Hixson, Chair, for the Committee on Ways and Means 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

HB0139/785664/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 139
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 and substitute "Task Force to Study Issues Related to Students Subject to Multiple Suspensions"; and strike beginning with "requiring" in line 3 down through "suspensions" in line 15 and substitute "establishing a Task Force to Study Issues Related to Students Subject to Multiple Suspensions; establishing the membership of the Task Force; providing for the designation of the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a certain report to the Governor and the General Assembly by a certain date; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force to Study Issues Related to Students Subject to Multiple Suspensions".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 16 through 20, inclusive.

On page 1, in line 22, strike "the Laws of Maryland read as follows".

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 down through line 6 on page 3, inclusive, and substitute:

"(a) There is a Task Force to Study Issues Related to Students Subject to Multiple Suspensions.

(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 State Superintendent of Schools, or the State Superintendent's designee;

(4) The Secretary of Health and Mental Hygiene, or the Secretary's designee;

(5) The following members appointed by the Governor:

(i) One local school superintendent, as a representative of the Public Schools Superintendents Association of Maryland;

(ii) One member of a local board of education, as a representative of the Maryland Association of Boards of Education;

(iii) Four directors of student services from local school systems, selected to reflect the geographic diversity of the State;

(iv) Three school principals, one each from an elementary school, a middle school, and a high school;

(v) A supervisor of school counseling from a local school system;

(vi) A supervisor of psychological services from a local school system;

(vii) A supervisor of health services from a local school system;

(viii) A supervisor of pupil personnel from a local school system;

(ix) Two teachers from local school systems, selected to reflect the geographic diversity of the State;

(x) Two parent representatives of students enrolled in local school systems, selected to reflect the geographic diversity of the State; and

(xi) Two students who represent statewide organizations of students enrolled in local school systems.

(c) The Governor shall designate the chair of the Task Force.

(d) The State Department of Education shall provide staff support for the Task Force.

(e) A member of the Task Force:

(1) May not receive compensation for serving 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) Study the feasibility of mandating that local school systems throughout the State establish student services teams to provide case management to students who incur one or more suspensions in a school year that result in the student's absence for 10 or more school days;

(2) Examine the fiscal impact of mandating that local school systems throughout the State establish student services teams to provide case management to students who incur one or more suspensions in a school year that result in the student's absence for 10 or more school days;

(3) Examine and make findings regarding parent/guardian involvement in matters related to student suspensions from school and recommend ways to enhance parent/guardian roles and responsibilities to curb student suspensions; and

(4) Make recommendations regarding the practices and processes encompassed in a mandate to establish student services teams to provide case

management to students who incur one or more suspensions in a school year that result in the student's absence for 10 or more school days, including:

(i) Timelines for providing case management;

(ii) Engagement of parents/guardians; and

(iii) Case management follow–up and related services.

(g) On or before January 15, 2009, 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.".

AMENDMENT NO. 3

On page 3, in line 8, strike "October" and substitute "June"; and in the same line, after "2008." insert "It shall remain effective for a period of 1 year and, at the end of May 31, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 199 – Delegates Rice, Cardin, Elmore, Gilchrist, Ivey, Stukes, Tarrant, Vaughn, and Walker

AN ACT concerning

Public Schools – Bullying and Cyber–Bullying – Policy and Disciplinary Standards

HB0199/805964/3

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 199

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Rice," insert "Stein, Kaiser, Riley,"; in the same line, strike "and Walker" and substitute "Walker, Hixson, Doory, Bartlett, Barve, Frick, George, Howard, Jennings, Krebs, Murphy, Olszewski, Ross, Serafini, and F. Turner"; in line 2, strike "and Cyber–Bullying" and substitute ", Harassment, and Intimidation"; in line 4, strike "establish" and substitute "develop"; in the same line, after "certain" insert "model"; in line 5, strike "bullying and cyber–bullying" and substitute "bullying, harassment, and intimidation"; in line 5, after "schools;" insert "requiring that the model policy include certain information; requiring the State Board to develop a certain student awareness campaign;"; strike beginning with "requiring" in line 5 down through "requirements;" in line 8; strike beginning with "local" in line 9 down through "standards" in line 10 and substitute "policies prohibiting bullying, harassment, and intimidation in schools based on the model policy; requiring certain county boards to publicize certain policies in certain publications and certain locations; requiring certain county boards to develop certain educational programs; providing that a school employee that reports a certain act is not civilly liable under certain circumstances"; in line 10, strike "a"; in the same line, strike "term" and substitute "terms"; in line 11, strike "policies and standards related to"; and in the same line, after "bullying" insert ", harassment, and intimidation".

On page 1, after line 11, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 7–424
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

and in line 14, strike "7–429" and substitute "7–424.1".

AMENDMENT NO. 2

On page 1, before line 17, insert:

"Preamble

WHEREAS, The National Institutes of Health reports that bullying affects more than 5 million students in grades 6 through 11; and

WHEREAS, According to the United States Department of Health and Human Services, bullies identified by age 8 are six times more likely to have a criminal conviction by age 24; and

WHEREAS, The increased use of the Internet by students is presenting new challenges regarding bullying in schools; and

WHEREAS, Bullying may lead to an increase in absenteeism or the dropout rate; and

WHEREAS, Maintaining a safe environment in schools is integral to promoting learning and success in students; now, therefore,".

AMENDMENT NO. 3

On page 1, after line 19, insert:

"7–424.

(a) **(1)** In this section**[**,**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "**BULLYING,** harassment**,** or intimidation" means **INTENTIONAL** conduct, including verbal**, PHYSICAL, OR WRITTEN** conduct, **OR AN INTENTIONAL ELECTRONIC COMMUNICATION,** that:

[(1)**]** **(I)** Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well–being and is:

[(i)**]** **1.** Motivated by an actual or a perceived personal characteristic **[**such as**]** **INCLUDING** race, national origin, marital status, sex, sexual orientation, gender identity, religion, **ANCESTRY, PHYSICAL ATTRIBUTES, SOCIOECONOMIC STATUS, FAMILIAL STATUS, OR PHYSICAL OR MENTAL ABILITY** or disability; or

[(ii)**]** **2.** Threatening or seriously intimidating; and

[(2)**] (II) 1.** Occurs on school property, at a school activity or event, or on a school bus**[**.**]; OR**

2. SUBSTANTIALLY DISRUPTS THE ORDERLY OPERATION OF A SCHOOL.

(3) "ELECTRONIC COMMUNICATION" MEANS A COMMUNICATION TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

(b) (1) The Department shall require a county board to report incidents of **BULLYING,** harassment**,** or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of **BULLYING,** harassment**,** or intimidation may be reported by a student or the parent, guardian, or close adult relative of a student.

(c) (1) The Department shall create a standard victim of **BULLYING,** harassment**,** or intimidation report form.

(2) Each victim of **BULLYING,** harassment**,** or intimidation report form shall:

(i) Identify the victim and the alleged perpetrator, if known;

(ii) Indicate the age of the victim and alleged perpetrator;

(iii) Describe the incident, including alleged statements made by the alleged perpetrator;

(iv) Indicate the location of the incident;

(v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;

(vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;

(vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of **BULLYING,** harassment**,** or intimidation report form to each public school under the county board's jurisdiction.

(d) (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(e) The information contained in a victim of **BULLYING,** harassment**,** or intimidation report form in accordance with subsection (c) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Education Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(f) (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2–1246 of the State Government Article, consisting of a summary of the information included in the victim of **BULLYING,** harassment**,** or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the **BULLYING,** harassment**,** or intimidation;

(ii) The age of the victim and alleged perpetrator;

(iii) The allegation of the alleged perpetrator's motive;

(iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;

(v) The number of days a student is absent from school, if any, as a result of the incident; and

(vi) The number of false allegations reported.".

AMENDMENT NO. 4

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 down through line 29 on page 2, inclusive, and substitute:

"**7–424.1.**

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

(2) "BULLYING, HARASSMENT, OR INTIMIDATION" MEANS INTENTIONAL CONDUCT, INCLUDING VERBAL, PHYSICAL, OR WRITTEN CONDUCT, OR AN INTENTIONAL ELECTRONIC COMMUNICATION, THAT:

(I) CREATES A HOSTILE EDUCATIONAL ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR PSYCHOLOGICAL WELL–BEING AND IS:

1. MOTIVATED BY AN ACTUAL OR A PERCEIVED PERSONAL CHARACTERISTIC INCLUDING RACE, NATIONAL ORIGIN, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, RELIGION, ANCESTRY, PHYSICAL ATTRIBUTE, SOCIOECONOMIC STATUS, FAMILIAL STATUS, OR PHYSICAL OR MENTAL ABILITY OR DISABILITY; OR

2. THREATENING OR SERIOUSLY INTIMIDATING; AND

(II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR

2. SUBSTANTIALLY DISRUPTS THE ORDERLY OPERATION OF A SCHOOL.

(3) "ELECTRONIC COMMUNICATION" MEANS A COMMUNICATION TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

(B) (1) BY DECEMBER 1, 2008, THE STATE BOARD, AFTER CONSULTATION WITH AND INPUT FROM LOCAL SCHOOL SYSTEMS, SHALL DEVELOP A MODEL POLICY PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION IN SCHOOLS.

(2) THE MODEL POLICY DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION IN SCHOOLS;

(II) A STATEMENT PROHIBITING REPRISAL OR RETALIATION AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;

(III) A DEFINITION OF BULLYING, HARASSMENT, OR INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A)(2) OF THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT DEFINITION;

(IV) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION;

(V) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;

(VI) MODEL PROCEDURES FOR REPORTING ACTS OF BULLYING, HARASSMENT, AND INTIMIDATION;

(VII) MODEL PROCEDURES FOR THE PROMPT INVESTIGATION OF ACTS OF BULLYING, HARASSMENT, AND INTIMIDATION;

(VIII) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES AVAILABLE TO THE STUDENT BULLY, VICTIM, AND ANY BYSTANDERS; AND

(IX) INFORMATION REGARDING THE AVAILABILITY AND USE OF THE BULLYING, HARASSMENT, OR INTIMIDATION FORM UNDER § 7–424 OF THIS SUBTITLE.

(C) THE STATE BOARD SHALL DEVELOP A STUDENT AWARENESS CAMPAIGN TO PUBLICIZE THE POLICY.

(D) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION AT SCHOOL BASED ON THE MODEL POLICY.

(2) THE POLICY SHALL ADDRESS THE COMPONENTS OF THE MODEL POLICY SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

(3) A COUNTY BOARD SHALL DEVELOP THE POLICY IN CONSULTATION WITH REPRESENTATIVES OF THE FOLLOWING GROUPS:

(I) PARENTS OR GUARDIANS OF STUDENTS;

(II) SCHOOL EMPLOYEES AND ADMINISTRATORS;

(III) SCHOOL VOLUNTEERS;

(IV) STUDENTS; AND

(V) MEMBERS OF THE COMMUNITY.

(E) EACH COUNTY BOARD SHALL PUBLICIZE ITS POLICY IN STUDENT HANDBOOKS, SCHOOL SYSTEM WEBSITES, AND ANY OTHER LOCATION OR VENUE THE COUNTY BOARD DETERMINES IS NECESSARY OR APPROPRIATE.

(F) EACH COUNTY BOARD POLICY SHALL INCLUDE INFORMATION ON THE PROCEDURE FOR REPORTING INCIDENTS OF BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING:

(1) A CHAIN OF COMMAND IN THE REPORTING PROCESS; AND

(2) THE NAME AND CONTACT INFORMATION FOR AN EMPLOYEE OF THE DEPARTMENT, DESIGNATED BY THE DEPARTMENT, WHO IS FAMILIAR WITH THE REPORTING AND INVESTIGATION PROCEDURES IN THE APPLICABLE SCHOOL SYSTEM.

(G) EACH COUNTY BOARD SHALL SUBMIT ITS POLICY TO THE STATE SUPERINTENDENT BY JULY 1, 2009.

(H) EACH COUNTY BOARD SHALL DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING, HARASSMENT, AND INTIMIDATION IN SCHOOLS:

(1) AN EDUCATIONAL BULLYING, HARASSMENT, AND INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS, AND PARENTS; AND

(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY.

(I) (1) A SCHOOL EMPLOYEE WHO REPORTS AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION UNDER THIS SECTION IN ACCORDANCE WITH

THE COUNTY BOARD'S POLICY ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION UNDER THIS SECTION.

(2) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR INTIMIDATION.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0610/935960/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 610
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the second "of" insert "Heritage"; and in line 5, strike "requiring the election" and substitute "providing for the selection".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"(7) the Executive Director of the Governor's Office of Community Initiatives, or the Executive Director's designee;";

in lines 9 and 16, strike "(7)" and "(8)", respectively, and substitute "(8)" and "(9)", respectively; in line 15, strike the second "and"; in line 21, after "Maryland" insert "; and

(10) one member who is a representative of Maryland community colleges, appointed by the Maryland Association of Community Colleges";

and strike in its entirety line 22 and substitute:

"(c) The President of the Senate and the Speaker of the House shall jointly select the chair of the Task Force from among its members.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 616 – Delegates Kullen, Branch, Hecht, Love, Murphy, Pena–Melnyk, Proctor, Ramirez, F. Turner, Vallario, and Weldon

AN ACT concerning

Public Schools – Children With Anaphylactic Allergies – Reduction of Risk

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 639 – Washington County Delegation

AN ACT concerning

Washington County – Board of Education – Vacancies

HB0639/305169/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 639
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "appoint" in line 4 and substitute "altering the method of appointing"; in line 5, after the semicolon, insert "establishing a Washington County School Board Nominating Commission; specifying the membership of the Commission; specifying the duties of the Commission; providing for the staffing of the Commission; requiring the Commission to submit certain nominees within a certain period of time to the Board of County Commissioners of Washington County; requiring the Board of County Commissioners of Washington County to select certain individuals within a certain period of time to fill certain vacancies on the Board of Education of Washington County;";

and after line 16, insert:

"BY adding to
Article – Education
Section 3–1301(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, in line 8, strike "The **[**Governor**]**" and substitute "**IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE**"; and after line 10, insert:

"**(E) (1) IN THIS SECTION, "WASHINGTON COUNTY DELEGATION" MEANS THE SENATORS AND DELEGATES IN THE GENERAL ASSEMBLY OF MARYLAND WHO ARE ELECTED TO REPRESENT WASHINGTON COUNTY OR ANY PORTION OF WASHINGTON COUNTY.**

(2) THERE IS A WASHINGTON COUNTY SCHOOL BOARD NOMINATING COMMISSION.

(3) THE COMMISSION SHALL CONSIST OF THE FOLLOWING SIX VOTING MEMBERS:

(I) ONE MEMBER APPOINTED BY THE SENATOR MEMBERS OF THE WASHINGTON COUNTY DELEGATION;

(II) ONE MEMBER APPOINTED BY THE DELEGATE MEMBERS OF THE WASHINGTON COUNTY DELEGATION;

(III) ONE MEMBER APPOINTED BY THE COUNTY BOARD; AND

(IV) THE FOLLOWING THREE MEMBERS APPOINTED BY THE COUNTY COMMISSIONERS:

1. ONE MEMBER REPRESENTING THE WASHINGTON COUNTY BUSINESS COMMUNITY;

2. ONE MEMBER REPRESENTING THE WASHINGTON COUNTY CITIZENS ADVISORY COUNCIL; AND

3. ONE MEMBER REPRESENTING THE WASHINGTON COUNTY EDUCATIONAL COMMUNITY.

(4) (I) THE CHAIRMAN OF THE COMMISSION SHALL BE A MEMBER OF THE PUBLIC APPOINTED BY THE COUNTY COMMISSIONERS.

(II) THE CHAIRMAN MAY NOT BE A MEMBER OF EITHER THE COUNTY BOARD OR THE WASHINGTON COUNTY DELEGATION.

(III) THE CHAIRMAN IS A NONVOTING MEMBER OF THE COMMISSION WHO SHALL VOTE ONLY WHEN THERE IS A TIE VOTE AMONG THE VOTING MEMBERS OF THE COMMISSION.

(5) THE COUNTY COMMISSIONERS SHALL PROVIDE THE STAFF FOR THE COMMISSION.

(6) THE COMMISSION SHALL:

(I) ADVERTISE THE VACANCY AND PROVIDE THE PROCEDURES FOR FILLING THE VACANCY IN AT LEAST ONE MEDIUM ACCESSIBLE TO THE GENERAL PUBLIC, WHICH INCLUDES:

1. A NEWSPAPER OF GENERAL CIRCULATION IN THE REGION; OR

2. AN ELECTRONIC POSTING ON THE LOCAL SCHOOL SYSTEM WEBSITE; AND

(II) BEFORE SELECTING ANY NOMINEES, HOLD AT LEAST ONE PUBLIC HEARING.

(7) WITHIN 30 DAYS OF THE VACANCY OCCURRING, THE COMMISSION SHALL SUBMIT THE NAMES OF NO MORE THAN THREE NOMINEES TO THE COUNTY COMMISSIONERS FOR THEIR CONSIDERATION.

(8) WITHIN 15 DAYS AFTER RECEIVING THE NAMES OF THE NOMINEES PROVIDED BY THE COMMISSION UNDER PARAGRAPH (7) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY ON THE COUNTY BOARD.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 664 – Delegates Barve, Branch, and Donoghue

AN ACT concerning

Corporate Income Tax – Reporting

HB0664/415966/2

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 664
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Donoghue" and substitute "Donoghue, and Cardin"; in line 2, after "Reporting" insert "and Study"; in line 3, after the first "of" insert "altering the membership of a certain business tax study commission; limiting to certain taxable years a requirement for certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; altering the circumstances under which an individual is required to attach to an income tax return or otherwise file with the Comptroller a copy of the individual's federal income tax return;"; in the same line, strike "certain definitions" and substitute "a certain definition and repealing certain definitions"; strike beginning with "prohibiting" in line 6 down through "officials;" in line 7; in line 9, strike "a"; in line 10, strike "report" and substitute "reports"; in line 14, strike "corporations" and substitute "persons"; and in line 17, after "Section" insert "10–110(c), 10–402(c)(2)(vi) and (vii), 10–804(e)(3)(ii), and".

AMENDMENT NO. 2

On page 1, after line 27, insert:

"10–110.

(c) The Commission shall be composed of **[**17**]** **19** members, as follows:

(1) a chair, appointed by the Governor;

(2) three members of the Senate Budget and Taxation Committee, appointed by the President of the Senate;

(3) three members of the House Committee on Ways and Means, appointed by the Speaker of the House;

(4) the Comptroller of the Treasury, or the Comptroller's designee;

(5) the Secretary of Business and Economic Development, or the Secretary's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee;

(7) the Director of the State Department of Assessments and Taxation, or the Director's designee;

(8) a representative of the Maryland Association of Counties;

(9) a representative of the Maryland Municipal League;

(10) a representative of the Maryland Chamber of Commerce; [and]

(11) A REPRESENTATIVE OF THE GREATER BALTIMORE COMMITTEE;

(12) A REPRESENTATIVE OF AN ORGANIZATION THAT REPRESENTS MARYLAND MANUFACTURERS, APPOINTED BY THE GOVERNOR; AND

[(11)**] (13)** three members of the public, each of whom shall be an attorney at law or an accountant knowledgeable about the State's business tax structure, appointed by the Governor.".

AMENDMENT NO. 3

On page 2, before line 1, insert:

"10–402.

(c) (2) (vi) As part of its tax return for a taxable year beginning after December 31, 2005, **BUT BEFORE JANUARY 1, 2011,** each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax

owed using the 3–factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;

2. volume of sales in the State and worldwide;

3. taxable income in the State and worldwide; and

4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before **[**December 1, 2008**]** **MARCH 1, 2009**, and **[**December**]** **MARCH** 1 of each year thereafter, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the **SECOND** preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.".

On page 8, in lines 25 and 26, strike "**DECEMBER OF** 2008 **AND**".

AMENDMENT NO. 4

On page 2, in line 1, strike "10–804.1." and substitute:

"10–804.

(e) Each person required under this subtitle to file an income tax return or estimated income tax declaration or return shall:

(3) attach to an income tax return or otherwise file with the Comptroller any records or statements that the Comptroller requires, including:

(ii) a copy of the federal income tax return:

1. for a corporation; **AND**

2. **[**for an individual who reports income or loss from a sole proprietorship (Schedule C of Form 1040) or income or loss from rental real estate and royalties, partnerships and S corporations, estates and trusts, or real estate mortgage investment conduits (Schedule E of Form 1040); and

3.**]** if the Comptroller requests, for an individual **[**other than one described in item 2 of this item**]**;

10–804.1."

AMENDMENT NO. 5

On page 2, in line 2, strike "(1)"; strike beginning with the first "the" in line 2 down through "Corporate" in line 3 and substitute "**:**

(1) **"CORPORATE**";

in lines 4, 6, 7, and 8, in each instance, strike the brackets; in lines 4, 6, 7, and 8, strike "**1.**", "**2.**", "**A.**", and "**B.**", respectively; strike beginning with the second period in line 12 down through "**(II)**" in line 13, and substitute "**; AND**

(2)";

and in the same line, strike "**CORPORATE**" and substitute "**CORPORATE**".

On pages 2 and 3, strike in their entirety the lines beginning with line 16 on page 2 through line 17 on page 3, inclusive.

On page 3, in line 19, strike the bracket.

On pages 3 through 6, strike in their entirety the lines beginning with line 20 on page 3 through line 10 on page 6, inclusive.

On page 6, in line 11, strike "**(I)**" and substitute "**(1)**"; in the same line, strike "**PROVIDE A COPY OF A**" and substitute "**A PRO FORMA**"; in line 12, strike "**REPORT CALCULATION**" and substitute "**CORPORATE INCOME TAX RETURN**"; strike beginning with "**ANOTHER**" in line 12 down through "**TAX**" in line 18 and substitute "**REGULATIONS ADOPTED BY THE COMPTROLLER; AND**

(2) IN A FORMAT SPECIFIED BY THE COMPTROLLER:

(I) THE SALES FACTOR THAT WOULD BE CALCULATED FOR THIS STATE AND THE DIFFERENCE IN MARYLAND INCOME TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO INCLUDE IN THE NUMERATOR OF THE SALES FACTOR FOR PURPOSES OF APPORTIONING INCOME TO THE STATE ALL SALES OF PROPERTY SHIPPED FROM AN OFFICE, STORE, WAREHOUSE, FACTORY, OR OTHER PLACE OF STORAGE IN THIS STATE WHERE:

1. THE PURCHASER IS THE FEDERAL GOVERNMENT; OR

2. THE PROPERTY IS SHIPPED OR DELIVERED TO A CUSTOMER IN A STATE IN WHICH THE SELLING CORPORATION IS NOT SUBJECT TO A STATE CORPORATE INCOME TAX OR STATE FRANCHISE TAX MEASURED BY NET INCOME AND COULD NOT BE SUBJECTED TO SUCH A TAX IF THE STATE WERE TO IMPOSE IT; AND

(II) FOR ANY INCOME THAT THE TAXPAYER HAS IDENTIFIED, ON THE INCOME TAX RETURN FILED UNDER THIS TITLE OR ON AN INCOME TAX RETURN FILED IN ANY STATE, AS INCOME THAT IS NONOPERATIONAL AND THEREFORE NOT APPORTIONABLE:

1. THE AMOUNT AND SOURCE OF THAT NONOPERATIONAL INCOME; AND

2. IF THE COMMERCIAL DOMICILE OF THE CORPORATION IS IN THIS STATE, THE DIFFERENCE IN TAX THAT WOULD BE OWED IF THE CORPORATION WERE REQUIRED TO ALLOCATE 100% OF THE NONOPERATIONAL INCOME TO MARYLAND TO THE FULLEST EXTENT ALLOWED UNDER THE UNITED STATES CONSTITUTION".

On page 6, in line 19, strike "(d)" and substitute "**(C)**"; in the same line, strike "subsections (b) and (c)" and substitute "**SUBSECTION (B)**"; and strike in their entirety lines 32 through 34, inclusive.

On page 7, strike in their entirety lines 1 through 4, inclusive; in line 5, strike "**(4)**" and substitute "**(2)**"; strike beginning with "doing" in line 6 down through "title," in line 7; in line 13, strike "(5)" and substitute "**(3)**"; in lines 16 and 26, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively.

On page 8, in line 16, strike "(g)" and substitute "**(F)**".

AMENDMENT NO. 6

On page 2, in line 13, after "**INCLUDE**" insert "**:**

(I)";

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

(II) AN INSURER AS DEFINED IN § 1–101 OF THE INSURANCE ARTICLE; OR

(III) A REGULATED INVESTMENT COMPANY, AS DEFINED IN § 851(A) OF THE INTERNAL REVENUE CODE".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 680 – Delegates Ross, Barnes, Healey, Kaiser, and Walker

AN ACT concerning

Arts and Entertainment Districts – Tax Benefits – Jewelry and Clothing Designers

HB0680/295668/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 680
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "districts;" insert "providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–701(b) and 4–702
Annotated Code of Maryland
(As enacted by Chapter___(H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–207(v)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 2

On page 2, in line 22, strike "**OR**" and substitute a comma; and in the same line, after "**ALTERATION**" insert "**, OR JEWELRY REPAIR**".

AMENDMENT NO. 3

On page 3, after line 33, insert:

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

On page 4, after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

4–701.

(b) "Artistic work" means an original and creative work that:

(1) is **CREATED,** written, composed, or executed; and

(2) falls into one of the following categories:

(i) a book or other writing;

(ii) a play or performance of a play;

(iii) a musical composition or the performance of a musical composition;

(iv) a painting or other picture;

(v) a sculpture;

(vi) traditional or fine crafts;

(vii) the creation of a film or the acting within a film;

(viii) the creation of a dance or the performance of a dance; **[**or**]**

(ix) **THE CREATION OF ORIGINAL JEWELRY, CLOTHING, OR CLOTHING DESIGN; OR**

(X) any other product generated as a result of a work listed in items (i) through **[**(viii)**] (IX)** of this paragraph.

4–702.

This subtitle does not apply to**:**

(1) the creation or execution of artistic work for industry–oriented or industry–related production**; OR**

(2) TAILORING SERVICES, CLOTHING ALTERATION, OR JEWELRY REPAIR.

Article – Tax – General

10–207.

(v) (1) In this subsection, "artistic work", "arts and entertainment district", and "qualifying residing artist" have the meanings stated in **[**Article 83A,**]** § 4–701 of the **[**Code**] ECONOMIC DEVELOPMENT ARTICLE**.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of Chapter ___ (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 3 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.";

in line 15, strike "2." and substitute "5."; and in the same line, after "That" insert ", subject to the provisions of Section 4 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 854 – Delegates Frick, Hixson, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs,

Manno, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Credit for Providing Adult Literacy Programs

HB0854/495668/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 854
(First Reading File Bill)

On page 3, in lines 20 and 27, in each instance, strike "**$1,000,000**" and substitute "**$250,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1115 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

HB1115/295968/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1115
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 5 down through "County;" in line 7; in line 7, strike "repealing" and substitute "altering"; and in line 11, after

"County;" insert "altering certain reporting requirements for the County Commissioners;".

AMENDMENT NO. 2

On page 2, in line 5, strike the brackets; in the same line, after "nonresidential" insert "**RETAIL**"; in the same line, strike "**THE**"; in line 6, strike "$5" and substitute "**$4**"; after line 6, insert:

"**(II) FOR NONRESIDENTIAL NONRETAIL BUILDING TYPES, THE COUNTY COMMISSIONERS MAY IMPOSE A BUILDING EXCISE TAX NOT TO EXCEED $1.50 PER SQUARE FOOT.**";

in line 7, strike "(ii)" and substitute "**(3)**"; in line 9, strike "(3)" and substitute "**(4)**"; in the same line, strike the bracket; in line 10, strike "single–family"; in line 11, strike "$13,000 per unit" and substitute "**$4.50 PER SQUARE FOOT**"; and strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 3

On page 2, in line 15, strike the bracket; in the same line, strike "This" and substitute "**FOR ANY FISCAL YEAR, THIS**"; in line 16, strike "that has more than 25 residential units" and substitute "**WHERE THE WASHINGTON COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS HAS ISSUED MORE THAN 25 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS IN THAT FISCAL YEAR**"; in line 18, strike "single–family residential units and multifamily"; and in line 20, strike "**(2)**" and substitute "**(4)**".

AMENDMENT NO. 4

On page 4, strike beginning with the comma in line 24 down through "multifamily" in line 25 and substitute "**AND**"; in line 26, after "revenues;" insert "**AND**"; and strike in their entirety lines 30 through 34, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1158 – Delegates Stein, Bronrott, George, Kach, Lafferty, and Olszewski

AN ACT concerning

Safe Schools Reporting Act

HB1158/405266/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1158
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Olszewski" and substitute "Olszewski, Hixson, Bartlett, Barve, Cardin, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Murphy, Rice, Ross, Serafini, Stukes, F. Turner, and Walker"; strike beginning with "repealing" in line 4 down through "Act;" in line 5; and strike in their entirety lines 12 through 14, inclusive.

On pages 3 through 4, strike in their entirety the lines beginning with line 30 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 4, strike "October" and substitute "July".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1159 – Delegates Manno, Barve, Cardin, Eckardt, Elmore, Gilchrist, Haddaway, Hecht, Hucker, Impallaria, Ivey, Kaiser, King, Miller, Montgomery, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Homeowners' Tax Fairness in Eminent Domain Proceedings Act

HB1159/425268/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1159
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "exempting" and substitute "authorizing the Mayor and City Council of Baltimore City or the governing body of a county to exempt"; in line 3, strike "and State transfer tax"; in line 6, after "use;" insert "providing that a certain recordation tax exemption may apply to the county or Baltimore City transfer tax;"; in line 7, strike "State"; in line 8, strike "State" and substitute "county"; in line 11, strike "12–108(dd) and 13–207(a)(22)" and substitute "12–118 and 13–411"; strike in their entirety lines 14 through 18, inclusive; and in line 22, strike "12–108" and substitute "**12–118**".

On page 2, in line 1, strike "**(DD)**" and substitute "**(A)**"; in the same line, strike "**(I)**"; in lines 3, 4, 6, 11, 14, 19, 23, 25, and 28, strike "**(II)**", "**1.**", "**2.**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**1.**", and "**2.**", respectively, and substitute "**(2)**", "**(I)**", "**(II)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(I)**", and "**(II)**", respectively.

AMENDMENT NO. 2

On pages 2 and 3, strike the lines beginning with line 30 on page 2 through line 6 on page 3, inclusive, and substitute:

"**(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY MAY EXEMPT, BY LAW, FROM THE RECORDATION TAX AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO IMPROVED RESIDENTIAL REAL PROPERTY TO A DISPLACED HOMEOWNER IF THE IMPROVED RESIDENTIAL REAL PROPERTY CONVEYED TO THE DISPLACED HOMEOWNER QUALIFIES AS A REPLACEMENT DWELLING.**".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 7 through 14, inclusive, and substitute:

"**13–411.**

AN INSTRUMENT OF WRITING THAT A COUNTY OR BALTIMORE CITY EXEMPTS FROM RECORDATION TAX UNDER § 12–118 OF THIS ARTICLE MAY BE EXEMPTED FROM THE COUNTY OR BALTIMORE CITY TRANSFER TAX.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

Delegate Hixson, Chair, for the Committee on Ways and Means 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

HB1287/375963/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1287
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 10, and 15, in each instance, strike "Summer Internship"; strike beginning with "Summer" in line 3 down through "policies" in line 8 and substitute "Scholarship Program; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to administer the Program; requiring the Office to award certain scholarships of a certain amount; limiting the number of scholarships that may be awarded each academic year; requiring the Commission to adopt certain policies"; in line 9, after "reports;" insert "defining certain terms;"; after line 11, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 18–101(b) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

and in line 14, strike "18–17A–05" and substitute "18–17A–04".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"18–101.

(b) "Commission" means the Maryland Higher Education Commission.

(c) "Office" means the Office of Student Financial Assistance.";

in lines 4 and 27, in each instance, strike "**SUMMER INTERNSHIP**"; strike in their entirety lines 9 through 23, inclusive, and substitute:

"**(B) "ELIGIBLE STUDENT" MEANS A STUDENT WHO IS ACCEPTED TO ATTEND OR WHO IS ENROLLED AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.**

(C) "PROGRAM" MEANS THE PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP PROGRAM.

(D) (1) "PUBLIC SERVICE" MEANS EMPLOYMENT BY:

(I) AN ENTITY THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE; OR";

in line 24, strike "**(2)**" and substitute "**(II)**"; and after line 24, insert:

"**(2) "PUBLIC SERVICE" INCLUDES EMPLOYMENT THAT PROVIDES:**

(I) LEGAL SERVICES TO LOW–INCOME RESIDENTS IN THE STATE WHO CANNOT AFFORD LEGAL SERVICES;

(II) SOCIAL WORK SERVICES TO LOW–INCOME RESIDENTS IN THE STATE;

(III) NURSING SERVICES TO LOW–INCOME RESIDENTS IN THE STATE; AND

(IV) OTHER SERVICES IN THE PUBLIC OR NONPROFIT SECTOR IN WHICH THERE IS A SHORTAGE OF QUALIFIED PRACTITIONERS FOR LOW–INCOME OR UNDERSERVED RESIDENTS OR AREAS OF THE STATE.".

AMENDMENT NO. 3

On page 3, in line 2, strike "**EXPLORE**" and substitute "**STUDY AND PREPARE FOR**"; in line 3, strike "**THROUGH SUMMER INTERNSHIPS**"; in line 4, strike "**MORGAN STATE UNIVERSITY**" and substitute "**THE OFFICE**"; strike beginning with "**ON**" in line 5 down through "**(E)**" in line 8; in line 10, after "**STATE;**" insert "**AND**"; strike beginning with "**; AND**" in line 12 down through "**STATE**" in line 22; in line 23, strike "**(F)**" and substitute "**(E)**"; strike beginning with "**ON**" in line 23 down through "**UNIVERSITY**" in line 24, and substitute "**THE OFFICE**"; in line 25, strike "**HAVE AGREED TO SERVE IN A**" and substitute "**AGREE TO WORK IN**"; in line 26, strike "**SUMMER INTERNSHIP**"; in line 27, strike "**MORGAN STATE UNIVERSITY**" and substitute "**THE OFFICE**"; in lines 27 and 28, strike "**: (I) 75**" and substitute

"**10**"; in lines 28 and 29, strike "**SUMMER INTERNSHIP**"; and in line 29, strike "**FOR THE SUMMER OF 2009; AND**" and substitute "**EACH ACADEMIC YEAR.**".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 1 and 2; in line 5, strike "**(G)**" and substitute "**(F)**"; in the same line, after the second "**THE**" insert "**ANNUAL**"; in line 6, strike "**SHALL BE $3,000**" and substitute "**MAY NOT EXCEED THE EQUIVALENT ANNUAL TUITION, MANDATORY FEES, AND ROOM AND BOARD 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 THE UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL–TIME RESIDENT UNDERGRADUATE**";

strike in their entirety lines 7 through 9, inclusive; in lines 11 and 19, in each instance, strike "**MORGAN STATE UNIVERSITY**" and substitute "**THE COMMISSION**"; in line 15, strike "**AND**"; strike beginning with "**FULFILL**" in line 17 down through "**PROGRAM**" in line 18 and substitute "**COMMENCE PUBLIC SERVICE EMPLOYMENT WITHIN 3 YEARS AFTER GRADUATION FROM, OR OF COMPLETION OF STUDIES OR CESSATION OF ATTENDANCE AT, THE INSTITUTION OF HIGHER EDUCATION WHERE THE STUDENT USED THE SCHOLARSHIP AWARD; AND**

(4) STANDARDS TO ALLOW A RECIPIENT OF A SCHOLARSHIP AWARD TO DELAY OR BE GRANTED A WAIVER FROM THE REQUIREMENT FOR PUBLIC SERVICE EMPLOYMENT"; strike in their entirety lines 22 through 27, inclusive; and in lines 28 and 29, strike "**MORGAN STATE UNIVERSITY**" and substitute "**THE OFFICE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1432 – Delegates Ivey and Vallario

AN ACT concerning

Election Law – Campaign Finance – Affidavit and Signature

HB1432/305361/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1432
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Vallario" and substitute ", Vallario, Howard, F. Turner, and Walker".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1432/305361/2

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1432
(First Reading File Bill)

On page 10, in line 9, strike "**$500**" and substitute "**$1,000**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 1455 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – School Buses – Length of Operation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1460 – Delegate Simmons

AN ACT concerning

Election Law – Loans to Candidates

Favorable report adopted.

Delegate Griffith moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 1521 – Delegates Murphy, Bohanan, Boteler, Cardin, Frick, Gilchrist, Kullen, Levy, O'Donnell, and Wood

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

HB1521/715366/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1521
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Wood" and substitute "Wood, Hixson, Doory, Bartlett, Barve, Elmore, George, Howard, Ivey, Jennings, Kaiser, Krebs, Olszewski, Rice, Ross, Serafini, Stukes, F. Turner, and Walker".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

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

House Bill 1567 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1571 – Delegate Olszewski

AN ACT concerning

Public Schools – Graduation Rate Formula

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1607 – Delegate Love

AN ACT concerning

Anne Arundel County – Board of Education and School Board Nominating Commission

HB1607/335569/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1607
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation".

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 JUDICIARY REPORT #11

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

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

HB1171/702717/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1171
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "altering the definition of "bodily fluid adulterant" for purposes of the prohibition against altering the results of a drug or alcohol screening test to include a certain substance or chemical that is intended to be substituted for a sample of bodily fluid;"; and strike beginning with "for" in line 4 down through "test" in line 6.

AMENDMENT NO. 2

On page 2, in line 3, after "to" insert "**OR SUBSTITUTED FOR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1490 – Delegates Dumais, Anderson, Barnes, Conaway, Dwyer, Lee, McComas, McConkey, Ramirez, Rosenberg, Shank, and Smigiel

AN ACT concerning

State Government – Maryland Tort Claims Act – Broadcasting of AMBER Alert

HB1490/232218/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1490
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "circumstances;" insert "providing that certain requirements for filing an action under the Maryland Tort Claims Act do not apply to an action under this Act; requiring a certain notice to the Treasurer under certain circumstances;"; and in line 11, after "12–101(a)" insert "and 12–106".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 29 through 34, inclusive, and substitute:

"**(15) A PERSON, OR AN OFFICER, DIRECTOR, EMPLOYEE, OR AGENT OF THE PERSON, WHO VOLUNTARILY BROADCASTS AN AMBER ALERT THAT A MINOR HAS BEEN ABDUCTED AND IS IN DANGER IF THE PERSON:**

(I) IS A PARTY TO A MEMORANDUM OF UNDERSTANDING REGARDING THE AMBER ALERT PLAN ENTERED INTO BETWEEN THE MARYLAND STATE POLICE AND THE MARYLAND–DISTRICT OF COLUMBIA–DELAWARE BROADCASTERS' ASSOCIATION, INC.;

(II) HAS ESTABLISHED STANDARD OPERATING PROCEDURES APPROVED BY THE MARYLAND STATE POLICE THAT INCLUDE PROCEDURES GOVERNING:

1. THE MANAGEMENT, RECEIPT, DISSEMINATION, AND BROADCAST OF THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM BY THE MARYLAND STATE POLICE;

2. WHICH DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS OF THE PERSON ARE AUTHORIZED BY THE PERSON TO RECEIVE THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM; AND

3. WHICH DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS OF THE PERSON ARE AUTHORIZED BY THE PERSON TO DISSEMINATE

THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM; AND

(III) REQUIRES EACH OFFICER, DIRECTOR, EMPLOYEE, AND AGENT WHO IS AUTHORIZED BY THE PERSON TO RECEIVE OR DISSEMINATE THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM TO CONSENT TO, IN WRITING, OR EXECUTE THE MEMORANDUM OF UNDERSTANDING DESCRIBED IN THIS ITEM.".

AMENDMENT NO. 3

On page 3, before line 35, insert:

"12–106.

(a) **(1)** This section does not apply to a claim that is asserted by cross–claim, counterclaim, or third–party claim.

(2) SUBSECTION (B)(1) AND (2) OF THIS SECTION DO NOT APPLY TO AN ACTION AGAINST A PERSON OR AN OFFICER, DIRECTOR, EMPLOYEE, OR AGENT OF THE PERSON UNDER § 12–101(A)(15) OF THIS SUBTITLE.

(b) A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(C) IF AN ACTION UNDER THIS TITLE IS FILED AGAINST A PERSON, OR A DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE PERSON DESCRIBED UNDER § 12–101(A)(15) OF THIS SUBTITLE, THE PERSON SHALL SUBMIT WRITTEN NOTICE OF THE ACTION TO THE TREASURER WITHIN 30 DAYS OF THE DATE THAT THE ACTION IS FILED.".

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 RULES AND EXECUTIVE NOMINATIONS REPORT #9

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

House Bill 1622 – Chair, Appropriations Committee and Delegate Malone

AN ACT concerning

Maryland State Firemen's Association – Uses of Volunteer Company Assistance Fund and Maryland Emergency Medical System Operations Fund

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

House Bill 1623 – Delegate Carr

AN ACT concerning

Local Government – Street Lighting Equipment

The Bill was re–referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

House Bill 1624 – Delegates Cane, Cardin, Eckardt, Haddaway, Kullen, and Stull

AN ACT concerning

Milk Products – Farmstead Cheese Production

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

House Bill 1625 – Delegates Bates and Miller

AN ACT concerning

Recordation Tax – Fees for Collection

The Bill was re–referred to the Committee on Ways and Means.

SPECIAL ORDERS

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

House Bill 40 – Delegate Doory

AN ACT concerning

Flexible Leave Act

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

FLOOR AMENDMENT

HB0040/163324/1

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 40
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

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

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 45 Negative – 83 (See Roll Call No. 553)

FLOOR AMENDMENT

HB0040/473824/1

BY: Delegate Wood

AMENDMENTS TO HOUSE BILL 40
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "the employee's immediate family" and substitute "certain children of the employee"; and in line 15, strike "the Flexible Leave Act" and substitute "leave with pay and illness of an employee's children".

AMENDMENT NO. 2

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

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

(1) UNDER THE AGE OF 18 YEARS; OR

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

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

Affirmative – 47 Negative – 80 (See Roll Call No. 554)

Read the second time and ordered prepared for Third Reading.

House Bill 906 – Delegates Morhaim, Hammen, Elliott, Kach, Kipke, Kullen, McHale, Montgomery, Nathan–Pulliam, Reznik, and Shewell

AN ACT concerning

Maryland Revised Anatomical Gift Act

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

FLOOR AMENDMENT

HB0906/246989/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 906, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Health and Government Operations Committee Amendments (HB0906/396784/1).

AMENDMENT NO. 2

On page 1 of the bill, in the sponsor line, strike "and Shewell" and substitute "Shewell, Pendergrass, Benson, Bromwell, Costa, Donoghue, Hubbard, McDonough, Mizeur, Oaks, Pena–Melnyk, Riley, Tarrant, V. Turner, and Weldon"; in line 2, strike "Revised"; in the same line, strike "Act" and substitute "Donor Registry"; and strike beginning with "repealing" in line 3 down through "actions;" in line 26 and substitute "establishing that certain donors may make certain gifts by authorizing that certain statements or symbols be included on a certain registry;".

On page 2 of the bill, strike beginning with "providing" in line 3 down through "necessary;" in line 14; in lines 14 and 15, strike "motor vehicle"; strike beginning with "repealing" in line 17 down through "date;" in line 20; in line 23, after "repealing" insert "and reenacting, with amendments,"; strike beginning with "4–501" in line 25 down through "Act"" in line 26 and substitute "4–505(c) and 4–512"; strike beginning with "4–501" in line 31 down through "Act"" in line 32 and substitute "4–512"; in line 37, strike "5–408, 5–604.1,"; and in the same line, strike ", and 19–310(a)".

On pages 3 through 29 of the bill, strike in their entirety the lines beginning with line 6 on page 3 through line 7 on page 29, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

4–505.

(c) **(1)** A gift of all or part of the body for purposes of this subtitle also may be made by a designation on the donor's driver's license or identification card under § 12–303 of the Transportation Article.

(2) A DONOR MAY MAKE A GIFT BY AUTHORIZING THAT A STATEMENT OR SYMBOL INDICATING THAT THE DONOR HAS MADE A GIFT BE INCLUDED ON A DONOR REGISTRY.

4–512.

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

(2) "DONOR" MEANS AN INDIVIDUAL WHOSE BODY OR PART IS THE SUBJECT OF AN ANATOMICAL GIFT.

(3) "DONOR REGISTRY" MEANS A DATABASE THAT CONTAINS RECORDS OF ANATOMICAL GIFTS AND AMENDMENTS TO ANATOMICAL GIFTS.

(4) "EYE BANK" MEANS A PERSON THAT:

(I) IS LICENSED, ACCREDITED, OR REGULATED UNDER FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING, STORAGE, OR DISTRIBUTION OF HUMAN EYES OR PORTIONS OF HUMAN EYES;

(II) IS ACCREDITED BY THE EYE BANK ASSOCIATION OF AMERICA OR THE AMERICAN ASSOCIATION OF TISSUE BANKS; AND

(III) HAS A PERMIT ISSUED IN ACCORDANCE WITH TITLE 17, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.

(5) "ORGAN PROCUREMENT ORGANIZATION" MEANS A PERSON DESIGNATED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS AN ORGAN PROCUREMENT ORGANIZATION.

(6) "PROCUREMENT ORGANIZATION" MEANS AN EYE BANK, ORGAN PROCUREMENT ORGANIZATION, OR TISSUE BANK.

(7) (I) "PROSPECTIVE DONOR" MEANS AN INDIVIDUAL WHO IS DEAD OR WHOSE DEATH IS IMMINENT AND HAS BEEN DETERMINED BY A PROCUREMENT ORGANIZATION TO HAVE A PART THAT COULD BE MEDICALLY SUITABLE FOR TRANSPLANTATION, THERAPY, RESEARCH, OR EDUCATION.

(II) "PROSPECTIVE DONOR" DOES NOT INCLUDE AN INDIVIDUAL WHO HAS MADE A REFUSAL.

(8) "QUALIFIED NONPROFIT ENTITY" MEANS A PROCUREMENT ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE OR AN ENTITY EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE THAT ACTIVELY FUNCTIONS IN A SUPPORTING RELATIONSHIP TO ONE OR MORE PROCUREMENT ORGANIZATIONS IF THE PROCUREMENT ORGANIZATION OR OTHER ENTITY HAS A BOARD OF DIRECTORS WHOSE MEMBERS ARE EXPERIENCED IN:

(I) ORGAN, TISSUE, AND EYE DONATION;

(II) WORKING WITH DONORS AND DONOR FAMILIES; AND

(III) EDUCATING THE PUBLIC ABOUT THE IMPORTANCE OF THE PROCESS OF ORGAN, TISSUE, AND EYE DONATION.

(9) "TISSUE BANK" MEANS A PERSON THAT:

(I) IS LICENSED, ACCREDITED, OR REGULATED UNDER

FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING, STORAGE, OR DISTRIBUTION OF TISSUE;

(II) IS ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS; AND

(III) HAS A PERMIT ISSUED IN ACCORDANCE WITH TITLE 17, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.

(B) (1) ON OR BEFORE APRIL 1, 2009, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL CONTRACT WITH A QUALIFIED NONPROFIT ENTITY FOR THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A DONOR REGISTRY.

(2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL USE FUNDS FROM THE ORGAN AND TISSUE DONOR AWARENESS FUND ESTABLISHED UNDER TITLE 13, SUBTITLE 9 OF THE HEALTH – GENERAL ARTICLE OR ANY OTHER FUNDS AS MAY BE APPROPRIATE TO COMPENSATE THE NONPROFIT ENTITY CONTRACTED WITH UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE REASONABLE COST OF ESTABLISHING, MAINTAINING, AND OPERATING THE DONOR REGISTRY, INCLUDING THE REASONABLE COST OF PUBLIC EDUCATION PROGRAMS TO INCREASE PUBLIC AWARENESS ABOUT THE EXISTENCE AND PURPOSE OF THE REGISTRY AND ORGAN, TISSUE, AND EYE DONATION.

(C) THE MOTOR VEHICLE ADMINISTRATION SHALL COOPERATE WITH THE QUALIFIED NONPROFIT ENTITY CONTRACTED WITH UNDER SUBSECTION (B)(1) OF THIS SECTION FOR THE PURPOSE OF TRANSFERRING TO THE DONOR REGISTRY ALL RELEVANT INFORMATION REGARDING A DONOR'S MAKING, AMENDMENT TO, OR REVOCATION OF AN ANATOMICAL GIFT.

(D) A DONOR REGISTRY SHALL BE ACCESSIBLE 24 HOURS A DAY AND 7 DAYS A WEEK TO ALLOW:

(1) A DONOR TO INCLUDE ON THE DONOR REGISTRY A STATEMENT OR SYMBOL THAT THE DONOR HAS MADE OR AMENDED AN

ANATOMICAL GIFT;

(2) A DONOR TO REVOKE AN ANATOMICAL GIFT; OR

(3) A PROCUREMENT ORGANIZATION TO OBTAIN RELEVANT INFORMATION ON THE DONOR REGISTRY TO DETERMINE, AT THE DEATH OR IMMINENT DEATH OF A DONOR OR A PROSPECTIVE DONOR, WHETHER THE DONOR OR PROSPECTIVE DONOR HAS MADE, AMENDED, OR REVOKED AN ANATOMICAL GIFT.

(E) PERSONALLY IDENTIFIABLE INFORMATION ON A DONOR REGISTRY ABOUT A DONOR OR PROSPECTIVE DONOR MAY NOT BE USED OR DISCLOSED WITHOUT THE EXPRESS CONSENT OF THE DONOR, PROSPECTIVE DONOR, OR PERSON THAT MADE THE ANATOMICAL GIFT FOR ANY PURPOSE OTHER THAN TO DETERMINE, AT THE DEATH OR IMMINENT DEATH OF THE DONOR OR PROSPECTIVE DONOR, WHETHER THE DONOR OR PROSPECTIVE DONOR HAS MADE OR AMENDED AN ANATOMICAL GIFT.

(F) (1) THIS SECTION DOES NOT PROHIBIT A PERSON FROM CREATING OR MAINTAINING A DONOR REGISTRY THAT IS NOT ESTABLISHED BY OR UNDER CONTRACT WITH THE STATE.

(2) A REGISTRY THAT IS NOT ESTABLISHED BY OR UNDER CONTRACT WITH THE STATE SHALL COMPLY WITH SUBSECTIONS (D) AND (E) OF THIS SECTION.

[4–512.**] 4–513.**

This subtitle may be cited as the Maryland Anatomical Gift Act.

Article – Health – General".

On page 29 of the bill, in line 25, strike "**4–516**" and substitute "**4–512**".

On pages 29 through 33 of the bill, strike in their entirety the lines beginning with line 31 on page 29 through line 27 on page 33, inclusive.

On pages 34 and 35 of the bill, strike in their entirety the lines beginning with line 7 on page 34 through line 18 on page 35, inclusive.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

RECONSIDERATION

Delegate Bohanan moved to reconsider the vote by which **House Bill 649** was ordered printed for Third Reading.

The motion was adopted.

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Baltimore City Community College – Personnel

Delegate Bohanan moved to reconsider the vote by which the favorable report as amended was adopted.

The motion was adopted.

HB0649/874669/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 649
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Baltimore City"; in the same line, strike "College – Personnel" and substitute "Colleges – Funding Requirements"; strike beginning with "authorizing" in line 3 down through "College." in line 6 and substitute "altering the maintenance of effort calculation for county support for community colleges from an aggregate amount to a per student basis; increasing a certain required appropriation from the City of Baltimore for certain education expenses and tuition reimbursement or scholarships at Baltimore City Community College; and generally relating to certain funding requirements for community colleges."; in line 9, strike

"16–505(h)(4)(i)" and substitute "16–305(d) and 16–512(d)(3)"; and strike in their entirety lines 12 through 21, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 14, inclusive, and substitute:

"16–305.

(d) In each fiscal year, in order for a board to receive an increase in the State share of support, the county share, in the aggregate, that supports the community college or colleges shall equal or exceed the **[**aggregate amount of**]** **PRODUCT OF FULL–TIME EQUIVALENT STUDENTS FOR THE CURRENT FISCAL YEAR AND** operating fund appropriations made to the board **ON A PER FULL–TIME EQUIVALENT STUDENT BASIS** by the county or all of the counties supporting the college in the previous fiscal year.".

AMENDMENT NO. 3

On page 2, after line 14, insert:

"16–512.

(d) (3) (i) Beginning on July 1, 2006, the City of Baltimore shall be responsible for providing at least **[**$1,000,000**]** **$1,500,000** in each fiscal year to support education at the College.

(ii) Of this amount, in each fiscal year, at least **[**$400,000**]** **$900,000** shall be expended and administered by the College for tuition reimbursement or scholarships to attend classes at the College, and the remaining balance shall be expended in a manner consistent with the educational mission of the College.

(iii) The source of the **[**$1,000,000**]** **$1,500,000** is not limited to tax or fee revenues generated by the City of Baltimore.

(iv) The Board of Trustees shall submit an annual report on or before December 31 to the Director of Finance for the City of Baltimore regarding the expenditures made under this paragraph.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 555)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #42

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

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

Affirmative – 131 Negative – 1 (See Roll Call No. 556)

The Bill was then sent to the Senate.

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 – 132 Negative – 0 (See Roll Call No. 557)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 558)

The Bill was then sent to the Senate.

House Bill 744 – Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Construction Services – Training

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

Affirmative – 136 Negative – 0 (See Roll Call No. 559)

The Bill was then sent to the Senate.

House Bill 928 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – People's Zoning Counsel – Appeals

PG/MC 118–08

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

Affirmative – 136 Negative – 0 (See Roll Call No. 560)

The Bill was then sent to the Senate.

House Bill 1011 – Prince George's County Delegation

AN ACT concerning

Prince George's County School Facilities Surcharge – Exemption

PG 414–08

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

Affirmative – 136 Negative – 0 (See Roll Call No. 561)

The Bill was then sent to the Senate.

House Bill 1021 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Theme Park License

PG 319–08

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

Affirmative – 135 Negative – 0 (See Roll Call No. 562)

The Bill was then sent to the Senate.

House Bill 1083 – Washington County Delegation

AN ACT concerning

Washington County – Maintenance of Sidewalks

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

Affirmative – 134 Negative – 0 (See Roll Call No. 563)

The Bill was then sent to the Senate.

House Bill 1513 – Delegate Hucker

AN ACT concerning

Maryland Affordable Housing Trust – Board of Trustees – Membership

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

Affirmative – 136 Negative – 0 (See Roll Call No. 564)

The Bill was then sent to the Senate.

House Bill 1564 – Delegates Haddaway and Eckardt

AN ACT concerning

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

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

Affirmative – 136 Negative – 1 (See Roll Call No. 565)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 566)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 377 – The Speaker (By Request – Administration) and Delegates Doory, Rudolph, Hixson, Barve, Hecht, Howard, Cardin, Ali, Aumann, Bartlett, Bobo, Bohanan, Bronrott, Carr, G. Clagett, Dumais, Eckardt, Elmore, Frick, George, Haddaway, Haynes, Hucker, Ivey, James, Jones, Krebs, Lee, Love, Manno, Mathias, McHale, McKee, Mizeur, Montgomery, Morhaim, Murphy, Pena–Melnyk, Ramirez, Rice, Rosenberg, Ross, Shewell, Sophocleus, Stein, Tarrant, and F. Turner

AN ACT concerning

Solar and Geothermal Tax Incentive and Grant Program

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

Affirmative – 137 Negative – 0 (See Roll Call No. 567)

The Bill was then sent to the Senate.

House Bill 501 – ~~Delegate Love~~ Anne Arundel County Delegation

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 – 135 Negative – 0 (See Roll Call No. 568)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 569)

The Bill was then sent to the Senate.

House Bill 864 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Loans – Purchase of New Emergency Equipment

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

Affirmative – 136 Negative – 0 (See Roll Call No. 570)

The Bill was then sent to the Senate.

House Bill 930 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–Washington Regional District – Boundaries – City of Laurel

PG/MC 124–08

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

Affirmative – 137 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the Senate.

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 – 115 Negative – 21 (See Roll Call No. 572)

The Bill was then sent to the Senate.

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 – 126 Negative – 12 (See Roll Call No. 573)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 574)

The Bill was then sent to the Senate.

House Bill 1561 – Delegate Krysiak

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 – 138 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #44

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 – 137 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 577)

The Bill was then sent to the Senate.

House Bill 672 – Delegates Simmons, Waldstreicher, Dumais, Heller, Kramer, Lee, McComas, Ramirez, Rosenberg, and Shank

AN ACT concerning

Crimes – Committing Crime of Violence in Presence of Minor – Penalties

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

Affirmative – 135 Negative – 0 (See Roll Call No. 578)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 579)

The Bill was then sent to the Senate.

House Bill 942 – Delegate Nathan–Pulliam

AN ACT concerning

Health Disparities – Institutions of Higher Education – Report

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

Affirmative – 138 Negative – 0 (See Roll Call No. 580)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 581)

The Bill was then sent to the Senate.

House Bill 1222 – Delegates Proctor and Vallario

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

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

Affirmative – 124 Negative – 14 (See Roll Call No. 582)

The Bill was then sent to the Senate.

House Bill 1279 – Delegates V. Turner, Elliott, Hammen, Hubbard, Kullen, Morhaim, Nathan–Pulliam, and Tarrant

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

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

Affirmative – 137 Negative – 0 (See Roll Call No. 583)

The Bill was then sent to the Senate.

House Bill 1596 – Delegate Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

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

Affirmative – 138 Negative – 0 (See Roll Call No. 584)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #45

House Bill 303 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Well Drillers – Permit Fee

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

Affirmative – 138 Negative – 0 (See Roll Call No. 585)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 3 (See Roll Call No. 586)

The Bill was then sent to the Senate.

House Bill 507 – Southern Maryland Delegation

AN ACT concerning

Commission to Study Southern Maryland Transportation Needs

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

Affirmative – 134 Negative – 0 (See Roll Call No. 587)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 588)

The Bill was then sent to the Senate.

House Bill 900 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Gutierrez, Lee, Robinson, and Valderrama

AN ACT concerning

Criminal Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms – Repeat Offenders

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

Affirmative – 137 Negative – 0 (See Roll Call No. 589)

The Bill was then sent to the Senate.

House Bill 1085 – Washington County Delegation

AN ACT concerning

Washington County – Regulation of Special Events

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

Affirmative – 138 Negative – 0 (See Roll Call No. 590)

The Bill was then sent to the Senate.

House Bill 1139 – Delegate Kullen

AN ACT concerning

Calvert County – Regulation and Protection of Animals ~~– Animal Control Officers~~

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

Affirmative – 138 Negative – 0 (See Roll Call No. 591)

The Bill was then sent to the Senate.

House Bill 1353 – Delegates Rudolph, Impallaria, and Mathias

AN ACT concerning

Omnibus Coastal Property Insurance Reform Act

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

Affirmative – 137 Negative – 0 (See Roll Call No. 592)

The Bill was then sent to the Senate.

House Bill 1370 – Delegates King, Kipke, Schuh, and Walker

AN ACT concerning

State Government – Law Enforcement Officers – Application for Lost Pay and Attorneys' Fees

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

Affirmative – 138 Negative – 0 (See Roll Call No. 593)

The Bill was then sent to the Senate.

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 112 Negative – 25 (See Roll Call No. 594)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 740 – Harford County Delegation

AN ACT concerning

Harford County – Gaming

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

Affirmative – 134 Negative – 2 (See Roll Call No. 595)

The Bill was then sent to the Senate.

House Bill 763 – Howard County Delegation

AN ACT concerning

Howard County Public Schools – Testing and Inspection of Well Water for Bacteria

Ho. Co. 10–08

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

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

The Bill was then sent to the Senate.

House Bill 826 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Regulation of Local Campaign Finance Activity

MC 803–08

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

Affirmative – 137 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the Senate.

House Bill 832 – Montgomery County Delegation

AN ACT concerning

Montgomery County Democratic Party Central Committee – Membership

MC 802–08

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

Affirmative – 134 Negative – 2 (See Roll Call No. 598)

The Bill was then sent to the Senate.

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 – 126 Negative – 12 (See Roll Call No. 599)

The Bill was then sent to the Senate.

House Bill 963 – Carroll County Delegation

AN ACT concerning

Carroll County – Board of Education – Compensation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 600)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 601)

The Bill was then sent to the Senate.

House Bill 1002 – Delegates Conway and Mathias

AN ACT concerning

Election Law – Worcester County Democratic Party Central Committee

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

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

The Bill was then sent to the Senate.

House Bill 1149 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Bingo

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

Affirmative – 135 Negative – 0 (See Roll Call No. 603)

The Bill was then sent to the Senate.

House Bill 1211 – Delegates Oaks ~~and McIntosh~~, McIntosh, and Carr

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 604)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 605)

The Bill was then sent to the Senate.

House Bill 1277 – Delegates Walker, Taylor, Ali, Benson, Braveboy, Burns, Cane, Carter, Conaway, Doory, Frush, Gutierrez, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Rice, Robinson, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

State Government – Brokerage and Investment ~~Banking~~ Management Services – Use of ~~Certified~~ Minority Business Enterprises

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

Affirmative – 138 Negative – 0 (See Roll Call No. 606)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #47

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 607)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 608)

The Bill was then sent to the Senate.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The "Smart on Crime" Act

Delegate Anderson moved the Bill be recommitted.

The motion was adopted.

House Bill 1018 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax Credits – Agricultural Land Preservation Programs

PG 421–08

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

Affirmative – 137 Negative – 0 (See Roll Call No. 609)

The Bill was then sent to the Senate.

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

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

Affirmative – 115 Negative – 22 (See Roll Call No. 610)

The Bill was then sent to the Senate.

House Bill 1450 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Homeless Registrants~~,~~ and Supervision~~, and Penalties~~

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

Affirmative – 137 Negative – 0 (See Roll Call No. 611)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #3

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

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

Affirmative – 137 Negative – 0 (See Roll Call No. 612)

The Bill was then returned to the Senate.

Senate Bill 983 – Senator DeGrange

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

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

Affirmative – 137 Negative – 0 (See Roll Call No. 613)

The Bill was then returned to the Senate.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #11

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1039 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

PG 403–08

HB1039/786882/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1039
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike in their entirety the lines beginning with line 4 on page 1 through line 22 on page 2, inclusive, and substitute:

"FOR the purpose of establishing the Prince George's County Hospital Authority; providing for the mission of the Authority; providing that the Authority is an instrumentality of the State and a public corporation; providing that the exercise by the Authority of certain powers is the performance of an essential public function; requiring the Authority to be subject to the State Open Meetings Law and the State Tort Claims Act; exempting the Authority from certain provisions of State law; providing that the employees of the Authority are not State personnel as defined in a certain provision of State law; authorizing the Authority to take certain actions to fulfill its mission; requiring the Authority to allow the Secretary of Health and Mental Hygiene and Prince George's County access to certain records, notes, contracts, and plans; requiring the County and Dimensions Health Corporation to provide certain persons access to certain books and records; requiring the Authority to submit a certain request for proposals and certain reports to the Governor, the Secretary, the State Treasurer, the Prince George's County Executive, the Prince George's County Council, the President of the Senate, the Speaker of the House of Delegates, and certain committees of the General Assembly at certain times; providing for the powers, duties, and funding of the Authority; requiring the Authority to be governed by a Board of Directors; providing for the membership of the Board; providing for the removal of Board members under certain circumstances; establishing certain duties of the Board; providing that a member of the Board is entitled to reimbursement for certain expenses; providing that a member of the Board is not liable personally for actions taken as a member under certain circumstances; providing that Board members are subject to the provisions of the State ethics laws; specifying the terms of the members of the Board; requiring the Governor, the County Executive, and the County Council to appoint certain representatives and reach certain agreements; providing that certain obligations shall be null and void under certain circumstances; requiring the Authority to establish and implement a certain bidding process for the transfer of a certain health care system to a new owner or owners; requiring the Authority to establish certain time frames and

deadlines for the bidding and selection processes; requiring the Authority to implement and adhere to a certain time frame and certain deadlines and requirements; providing that a certain agreement may be made contingent on certain conditions and shall include a certain plan; relieving the State and the County of their respective obligations under certain circumstances; requiring the Authority to develop certain plans; requiring the Authority to submit certain information to certain persons under certain circumstances; providing that a certain health care entity shall be recognized as a merged asset system under certain provisions of law; providing for the transfer of certain property to a new owner of a certain health care system under certain circumstances; providing for certain compensation to the County for a certain acquisition under certain circumstances; authorizing the Governor to include a certain appropriation in the annual State budget bill for a certain fiscal year for the support of a certain health care system; requiring the Governor to include a certain appropriation in the annual State budget bill for a certain fiscal year for the support of a certain health care system under certain circumstances; requiring Prince George's County to make certain appropriations for the support of a certain health care system for certain fiscal years under certain circumstances; stating the intent of the General Assembly regarding certain State funding for the support of the Prince George's Hospital Center; authorizing the transfer of certain funds from the Dedicated Purpose Account under certain circumstances; defining certain terms; requiring the Department of Health and Mental Hygiene and the Department of Business and Economic Development to provide certain staffing and receive certain reimbursement; stating the intent of the General Assembly that State funding for certain purposes will not be affected by certain State support for the Prince George's County Hospital Authority; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the establishment of the Prince George's County Hospital Authority.".

On page 2, in line 25, strike "24–1609" and substitute "24–1608".

AMENDMENT NO. 2

On pages 2 through 14, strike in their entirety the lines beginning with line 33 on page 2 through line 12 on page 14, inclusive, and substitute:

"**24–1601.**

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

(B) "AUTHORITY" MEANS THE PRINCE GEORGE'S COUNTY HOSPITAL AUTHORITY.

(C) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

(D) "COUNTY" MEANS PRINCE GEORGE'S COUNTY.

(E) "COUNTY COUNCIL" MEANS THE PRINCE GEORGE'S COUNTY COUNCIL.

(F) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY.

(G) (1) "DIMENSIONS" MEANS DIMENSIONS HEALTH CORPORATION.

(2) "DIMENSIONS" INCLUDES ANY SUCCESSOR, ASSIGNEE, SUBSIDIARY, OR AFFILIATE OF DIMENSIONS HEALTH CORPORATION, OR ANY HOLDER OF A FINANCIAL INTEREST IN DIMENSIONS HEALTH CORPORATION, THAT OPERATES OR PROVIDES SERVICES AT:

(I) PRINCE GEORGE'S HOSPITAL CENTER;

(II) LAUREL REGIONAL HOSPITAL;

(III) BOWIE HEALTH CAMPUS;

(IV) GLADYS SPELLMAN SPECIALTY HOSPITAL AND NURSING CENTER; OR

(V) LARKIN CHASE NURSING AND REHABILITATION CENTER.

(H) "PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM" MEANS THE HEALTH CARE FACILITIES, ASSETS, LEASEHOLD RIGHTS, LIABILITIES, AND OPERATIONS CURRENTLY HELD, CONDUCTED, OR OPERATED BY DIMENSIONS AT:

(I) PRINCE GEORGE'S HOSPITAL CENTER;

(II) LAUREL REGIONAL HOSPITAL;

(III) BOWIE HEALTH CAMPUS;

(IV) GLADYS SPELLMAN SPECIALTY HOSPITAL AND NURSING CENTER; OR

(V) LARKIN CHASE NURSING AND REHABILITATION CENTER.

(I) "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

24–1602.

(A) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE PRINCE GEORGE'S COUNTY HOSPITAL AUTHORITY.

(B) THE MISSION OF THE AUTHORITY IS TO ESTABLISH AND IMPLEMENT AN OPEN, TRANSPARENT, AND COMPETITIVE BIDDING PROCESS FOR THE PURPOSE OF TRANSFERRING THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO ONE OR MORE NEW OWNERS.

(C) THE NEW OWNER OR OWNERS SELECTED THROUGH THE COMPETITIVE BIDDING PROCESS UNDER THIS SUBTITLE SHALL:

(1) PROVIDE ACCESS TO, IMPROVE, AND DELIVER HIGH QUALITY, COMMUNITY–ORIENTED HEALTH AND HOSPITAL SERVICES IN THE COUNTY THAT MEET THE HEALTH CARE NEEDS OF RESIDENTS OF THE COUNTY AND

SURROUNDING JURISDICTIONS IN A MANNER CONSISTENT WITH PRINCIPLES OF STATE HEALTH PLANNING LAW UNDER TITLE 19, SUBTITLE 1 OF THIS ARTICLE;

(2) BE A FINANCIALLY SELF–SUSTAINING ENTITY OR ENTITIES CAPABLE OF:

(I) OPERATING AND ACHIEVING THE GOALS SET FORTH IN ITEM (1) OF THIS SUBSECTION INDEPENDENTLY OF THE STATE AND THE COUNTY;

(II) DEVELOPING A PLAN TO SATISFY ANY LIABILITIES, INCLUDING LONG–TERM BOND INDEBTEDNESS, PENSION OBLIGATIONS, MALPRACTICE LIABILITIES, AND ANY ENCUMBRANCES PLACED BY DIMENSIONS ARISING FROM THE HEALTH CARE FACILITIES, ASSETS, LEASEHOLD RIGHTS, LIABILITIES, OR OPERATIONS HELD OR OPERATED BY DIMENSIONS;

(III) COVERING THE OPERATING AND CAPITAL EXPENSES ARISING FROM THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM; AND

(IV) ACHIEVING ACCESS TO LONG–TERM CAPITAL RESOURCES.

(D) THE AUTHORITY IS AN INSTRUMENTALITY OF THE STATE AND A PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE.

(E) (1) THE EXERCISE BY THE AUTHORITY OF THE POWERS CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

(2) THE AUTHORITY SHALL BE SUBJECT TO:

(I) THE STATE OPEN MEETINGS LAW, TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE; AND

(II) THE STATE TORT CLAIMS ACT, TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

(3) THE AUTHORITY SHALL BE EXEMPT FROM THE FOLLOWING PROVISIONS OF STATE LAW:

(I) THE STATE PERSONNEL AND PENSIONS ARTICLE;

(II) TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE;

(III) DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(IV) THE CLEARINGHOUSE PROVISIONS SET FORTH IN §§ 5–310, 5–504, AND 5–505 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(4) THE EMPLOYEES OF THE AUTHORITY ARE NOT STATE PERSONNEL AS DEFINED IN § 12–101 OF THE STATE GOVERNMENT ARTICLE.

(F) (1) THE AUTHORITY SHALL ALLOW THE SECRETARY AND THE COUNTY ACCESS TO ALL RECORDS, NOTES, CONTRACTS, AND PLANS OF THE AUTHORITY WHICH ARE NOT PROPRIETARY OR CONFIDENTIAL.

(2) THE COUNTY AND DIMENSIONS SHALL PROVIDE THE AUTHORITY, REPRESENTATIVES FROM THE STATE AND COUNTY PARTICIPATING IN THE NEGOTIATIONS TO REACH AGREEMENT ON THE PUBLIC FUNDING COMMITMENTS UNDER § 24–1604 OF THIS SUBTITLE, AND ALL ENTITIES PARTICIPATING IN THE BIDDING PROCESS SET FORTH IN § 24–1605 OF THIS SUBTITLE, TIMELY AND COMPLETE ACCESS TO ALL BOOKS AND RECORDS IN THE COUNTY'S POSSESSION OR CONTROL RELATING TO:

(I) DIMENSIONS;

(II) THE HEALTH CARE SERVICES PROVIDED BY DIMENSIONS;

(III) THE FACILITIES HELD OR OPERATED BY DIMENSIONS;

(IV) THE PROPERTY OR ASSETS UNDER THE POSSESSION OR CONTROL OF DIMENSIONS UNDER A LEASE AGREEMENT WITH THE COUNTY; AND

(V) ALL LIABILITIES ARISING FROM THESE SERVICES, OPERATIONS, FACILITIES, ASSETS, AND PROPERTY.

(G) (1) ON RELEASE OF THE REQUEST FOR PROPOSALS TO BE ISSUED IN ACCORDANCE WITH § 24–1605 OF THIS SUBTITLE, THE AUTHORITY IMMEDIATELY SHALL SUBMIT A COPY OF THE REQUEST FOR PROPOSALS TO THE GOVERNOR, THE SECRETARY, THE STATE TREASURER, THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF DELEGATES, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

(2) EVERY 3 MONTHS AFTER THE REQUEST FOR PROPOSALS IS ISSUED, THE AUTHORITY SHALL SUBMIT A STATUS REPORT ON ITS ABILITY TO FULFILL ITS MISSION WITHIN THE TIMEFRAMES AND DEADLINES REQUIRED UNDER THIS SUBTITLE TO THE GOVERNOR, THE SECRETARY, THE PRINCE GEORGE'S COUNTY EXECUTIVE, THE PRINCE GEORGE'S COUNTY COUNCIL AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF DELEGATES, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

24–1603.

(A) (1) THE AUTHORITY SHALL BE GOVERNED BY A BOARD OF DIRECTORS.

(2) THE BOARD SHALL CONSIST OF SEVEN MEMBERS APPOINTED AS FOLLOWS:

(I) THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

(II) THREE MEMBERS SHALL BE APPOINTED JOINTLY BY THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL; AND

(III) ONE MEMBER SHALL BE APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES.

(3) THE GOVERNOR SHALL DESIGNATE A MEMBER TO SERVE AS THE CHAIR OF THE BOARD.

(4) (I) THE GOVERNOR, THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES SHALL APPOINT THEIR RESPECTIVE MEMBERS OF THE BOARD NO LATER THAN 30 DAYS AFTER THE AUTHORITY IS ESTABLISHED.

(II) THE BOARD SHALL BEGIN ITS WORK IMMEDIATELY AFTER THE EARLIER OF:

1. ALL MEMBERS BEING APPOINTED; OR

2. 30 DAYS AFTER THE AUTHORITY IS ESTABLISHED.

(B) (1) THE TERM OF A MEMBER IS 2 YEARS.

(2) A MEMBER MAY BE REMOVED FOR NEGLECT OF DUTY, INCOMPETENCE, OR MISCONDUCT BY:

(I) THE GOVERNOR, IF THE MEMBER WAS APPOINTED BY THE GOVERNOR;

(II) THE JOINT ACTION OF THE COUNTY EXECUTIVE AND COUNTY COUNCIL, IF THE MEMBER WAS APPOINTED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL; AND

(III) THE JOINT ACTION OF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, IF THE MEMBER WAS APPOINTED BY THE PRESIDENT AND SPEAKER.

(3) A MEMBER MAY NOT:

(I) BE A CURRENT OR FORMER ELECTED OFFICIAL OF STATE OR LOCAL GOVERNMENT; OR

(II) HAVE A CURRENT OR PAST FINANCIAL INTEREST IN, OR OTHER AFFILIATION AS AN EMPLOYEE OR MEMBER OF THE BOARD OF, DIMENSIONS OR ANY ENTITY AFFILIATED WITH DIMENSIONS.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD SHALL CONSTITUTE A QUORUM.

(2) IF, AFTER 30 DAYS AFTER THE AUTHORITY IS ESTABLISHED NOT ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED, A MAJORITY OF THE MEMBERS WHO HAVE BEEN APPOINTED SHALL CONSTITUTE A QUORUM UNTIL ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED.

(D) HAVING BEEN GIVEN PRIOR NOTICE OF THE MATTER, THE BOARD MAY ACT ON ANY MATTER WITH THE AUTHORIZATION OF A QUORUM BEING PRESENT AND VOTING.

(E) A MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) (1) A MEMBER OF THE AUTHORITY SHALL PERFORM THE MEMBER'S DUTIES:

(I) IN GOOD FAITH;

(II) IN THE MANNER THE MEMBER REASONABLY BELIEVES TO BE IN THE BEST INTERESTS OF THE AUTHORITY; AND

(III) WITHOUT INTENTIONAL OR RECKLESS DISREGARD OF THE CARE AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE UNDER SIMILAR CIRCUMSTANCES.

(2) A MEMBER WHO PERFORMS THE MEMBER'S DUTIES IN ACCORDANCE WITH THE STANDARD PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION IS NOT LIABLE PERSONALLY FOR ACTIONS TAKEN AS A MEMBER.

(G) BOARD MEMBERS SHALL BE SUBJECT TO THE PROVISIONS OF THE STATE ETHICS LAWS, TITLE 15, SUBTITLES 1 THROUGH 7 OF THE STATE GOVERNMENT ARTICLE.

24–1604.

(A) WITHIN 10 DAYS AFTER THE AUTHORITY IS ESTABLISHED, THE GOVERNOR SHALL APPOINT A REPRESENTATIVE, AND THE COUNTY EXECUTIVE AND COUNTY COUNCIL JOINTLY SHALL APPOINT A REPRESENTATIVE, TO CONDUCT NEGOTIATIONS TO REACH AGREEMENT ON THE FUNDING THE STATE AND THE COUNTY WILL COMMIT FOR SUPPORT OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM IN THE EVENT THAT THE BIDDING PROCESS ESTABLISHED UNDER § 24–1605 OF THIS SUBTITLE RESULTS IN AN AGREEMENT TO TRANSFER THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW OWNER OR OWNERS.

(B) WITHIN 60 DAYS AFTER THE AUTHORITY IS ESTABLISHED, THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL, WITH INPUT FROM THE PRESIDING OFFICERS AND FISCAL LEADERSHIP OF THE GENERAL ASSEMBLY, SHALL REACH AGREEMENT ON THE FUNDING THE STATE AND THE COUNTY WILL COMMIT FOR SUPPORT OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM IF THE BIDDING PROCESS ESTABLISHED UNDER

§ 24–1605 OF THIS SUBTITLE RESULTS IN AN AGREEMENT TO TRANSFER THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW OWNER OR OWNERS.

(C) THE AGREEMENT ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) THE AGGREGATE AMOUNT OF FUNDING;

(2) THE PERIOD OF YEARS OVER WHICH THE AGGREGATE AMOUNT OF FUNDING SHALL BE PROVIDED, AND THE AMOUNT OF FUNDING TO BE PROVIDED EACH YEAR; AND

(3) THE PERCENTAGE OF THE TOTAL FINANCIAL COMMITMENT FOR WHICH THE STATE AND THE COUNTY WILL EACH BE RESPONSIBLE.

(D) (1) IF THE AGREEMENT FOR TRANSFER TO THE NEW OWNER OR OWNERS SELECTED THROUGH THE BIDDING PROCESS ESTABLISHED UNDER § 24–1605 OF THIS SUBTITLE REQUIRES LESS FINANCIAL SUPPORT FROM THE STATE AND THE COUNTY THAN THAT AGREED UPON UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION, THE STATE AND THE COUNTY'S FUNDING OBLIGATIONS SHALL BE REDUCED ON A PRO RATA BASIS.

(2) IF, WITHIN 60 DAYS AFTER THE ESTABLISHMENT OF THE AUTHORITY, THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL FAIL TO REACH AGREEMENT IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION, THE NEXT QUARTERLY PAYMENT, AND ANY SUBSEQUENT PAYMENTS, DUE TO DIMENSIONS FROM THE STATE AND THE COUNTY UNDER § 24–1608 OF THIS SUBTITLE SHALL BE WITHHELD.

(3) IF THE GOVERNOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL FAIL TO REACH AGREEMENT WITHIN 60 DAYS IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION, ALL OTHER OBLIGATIONS UNDER THIS SUBTITLE SHALL BE NULL AND VOID.

24–1605.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 24–1604(D)(3) OF THIS SUBTITLE, WITHIN 90 DAYS AFTER ITS ESTABLISHMENT, THE AUTHORITY SHALL DEVELOP AND ISSUE A REQUEST FOR PROPOSALS FROM ENTITIES PROVIDING HEALTH CARE SERVICES INSIDE OR OUTSIDE THE STATE FOR THE SALE OR TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM.

(B) (1) THE REQUEST FOR PROPOSALS SHALL REQUIRE THAT BIDDERS SUBMIT A PROPOSAL THAT DOES NOT REQUEST OR ASSUME PUBLIC FUNDING IN EXCESS OF THE AMOUNT OF THE STATE AND THE COUNTY'S FUNDING COMMITMENTS AGREED UPON UNDER § 24–1604 OF THIS SUBTITLE AND SET FORTH IN THE REQUEST FOR PROPOSALS; AND

(2) RESPONSIVE BIDS MAY PROPOSE FINANCIAL SUPPORT AND RESOURCES IN EXCESS OF THE PUBLIC FUNDING COMMITMENT, BUT ANY SUCH ADDITIONAL SUPPORT SHALL BE PROVIDED BY SOURCES OTHER THAN THE STATE AND THE COUNTY.

(C) THE REQUEST FOR PROPOSALS SHALL ALLOW THE AUTHORITY TO ASSESS AND GIVE CONSIDERATION TO A BIDDER'S PLAN AND ABILITY TO:

(1) MEET THE GOALS SET FORTH IN § 24–1602(C) OF THIS SUBTITLE FOR ESTABLISHING A FINANCIALLY SELF–SUSTAINING HEALTH CARE SYSTEM WHICH SHALL PROVIDE HIGH QUALITY, COMMUNITY–ORIENTED HEALTH AND HOSPITAL SERVICES TO MEET THE NEEDS OF RESIDENTS OF THE COUNTY AND SURROUNDING JURISDICTIONS;

(2) MEET THE GOALS WITHOUT REQUIRING ANY STATE OR COUNTY FUNDING IN EXCESS OF THE AMOUNT AGREED UPON UNDER § 24–1604 OF THIS SUBTITLE AND PROVIDED IN THE REQUEST FOR PROPOSALS, WITH ANY ADDITIONAL FINANCIAL SUPPORT AND RESOURCES PROVIDED BY THE BIDDER OR SOURCES OTHER THAN THE STATE OR THE COUNTY;

(3) SUPPLEMENT THE PUBLIC FUNDING STREAM WITH ITS OWN OR OTHER FINANCIAL SUPPORT AND RESOURCES;

(4) DEVELOP A PLAN FOR SATISFACTION OF THE OBLIGATIONS AND LIABILITIES HELD BY DIMENSIONS, INCLUDING BOND INDEBTEDNESS, PENSION LIABILITY, MALPRACTICE LIABILITY, AND ANY REMAINING ENCUMBRANCES PLACED ON THE REAL PROPERTY, ASSETS, AND FACILITIES BY DIMENSIONS;

(5) ADDRESS THE CHRONIC PROBLEMS OF ATTRACTING AND RETAINING QUALIFIED MEDICAL PERSONNEL TO SERVE THE HEALTH CARE NEEDS OF RESIDENTS OF THE COUNTY AND SURROUNDING JURISDICTIONS; AND

(6) DEVELOP A PLAN FOR USE OF THE REAL PROPERTY, ASSETS, AND FACILITIES CURRENTLY HELD OR OPERATED BY DIMENSIONS THAT SHALL SPECIFY:

(I) THE PORTION OR PORTIONS OF THE REAL PROPERTY, ASSETS, AND FACILITIES TO BE ACQUIRED OR TRANSFERRED UNDER THE PROPOSAL;

(II) THE SPECIFIC PURPOSES FOR WHICH EACH PORTION OF THE REAL PROPERTY, ASSETS, AND FACILITIES ACQUIRED OR TRANSFERRED WILL BE USED; AND

(III) THE PROJECTED TIMELINE FOR THE USE AND DEVELOPMENT OF EACH PORTION OF THE REAL PROPERTY, ASSETS, AND FACILITIES TO BE ACQUIRED OR TRANSFERRED.

(D) THE BOARD SHALL SELECT A BIDDER FROM AMONG THE ENTITIES SUBMITTING A PROPOSAL IN ACCORDANCE WITH ITS BY–LAWS ADOPTED UNDER § 24–1607 OF THIS SUBTITLE.

(E) ANY AGREEMENT FOR THE SALE OR TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM:

(1) MAY BE MADE CONTINGENT ON:

(I) THE RECEIPT OF SPECIFIC FUNDING COMMITMENTS FROM THE STATE AND THE COUNTY;

(II) IN ACCORDANCE WITH § 24–1606 OF THIS SUBTITLE, THE TRANSFER OF CLEAR LEGAL TITLE TO ALL REAL PROPERTY, ASSETS, AND FACILITIES TO BE ACQUIRED BY OR TRANSFERRED TO THE NEW OWNER OR OWNERS UNDER THE AGREEMENT; AND

(III) ZONING OF THE REAL PROPERTY TO BE ACQUIRED BY OR TRANSFERRED TO THE NEW OWNER OR OWNERS TO PERMIT DEVELOPMENT CONSISTENT WITH THE SURROUNDING AREA AND NOT REZONED TO LIMIT OR REDUCE THE VALUE OR DEVELOPMENT POTENTIAL OF THE REAL PROPERTY; AND

(2) SHALL INCLUDE A PLAN FOR THE SATISFACTION OF ANY INDEBTEDNESS, LIABILITIES, OR ENCUMBRANCES ON THE REAL PROPERTY PLACED AND HELD BY DIMENSIONS AS OF THE EFFECTIVE DATE OF THE TRANSFER TO THE NEW OWNER OR OWNERS.

(F) ANY HEALTH CARE ENTITY THAT RECEIVES THE TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM SHALL BE RECOGNIZED AS A MERGED ASSET SYSTEM FOR CERTIFICATE OF NEED PURPOSES UNDER TITLE 19, SUBTITLE 1 OF THIS ARTICLE.

(G) (1) THE AUTHORITY SHALL ESTABLISH A TIME FRAME AND DEADLINES FOR THE SUBMISSION OF BIDS AND SELECTION OF A SUCCESSFUL BIDDER AFTER THE REQUEST FOR PROPOSAL IS ISSUED.

(2) THE TIME FRAME AND DEADLINES SHALL ENSURE THAT A SUCCESSFUL BIDDER SHALL BE SELECTED AND AN AGREEMENT TO TRANSFER THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW OWNER OR OWNERS SHALL BE REACHED IN TIME TO PRESENT THE PROPOSED AGREEMENT TO THE GOVERNOR, THE SECRETARY, THE STATE TREASURER, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, THE PRINCE GEORGE'S COUNTY

COUNCIL, AND THE PRINCE GEORGE'S COUNTY EXECUTIVE PRIOR TO THE BEGINNING OF THE 2009 SESSION OF THE GENERAL ASSEMBLY.

(3) THE AUTHORITY SHALL IMPLEMENT AND ADHERE STRICTLY TO THE TIME FRAME, DEADLINES, AND REQUIREMENTS ESTABLISHED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(H) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (I) OF THIS SECTION, IF THE AUTHORITY FAILS TO CONDUCT THE BIDDING PROCESS IN ACCORDANCE WITH THE REQUIREMENTS, TIME FRAME, AND DEADLINES SET FORTH IN THIS SUBTITLE, THE STATE AND THE COUNTY SHALL BE RELIEVED OF THEIR OBLIGATION TO COMMIT FINANCIAL SUPPORT TO THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM AS AGREED UPON UNDER § 24–1604(B) AND (C) OF THIS SUBTITLE.

(I) IF THE AUTHORITY, ACTING IN GOOD FAITH AND WITH ALL DUE DILIGENCE, CONDUCTS THE BIDDING PROCESS IN ACCORDANCE WITH THE REQUIREMENTS, TIMEFRAME, AND DEADLINES SET FORTH IN THIS SUBTITLE, BUT IN THE JUDGMENT OF A MAJORITY OF THE BOARD IS UNABLE TO MAKE A FINAL SELECTION OF A SUCCESSFUL BIDDER AND REACH FINAL AGREEMENT ON THE TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM BEFORE THE BEGINNING OF THE 2009 SESSION OF THE GENERAL ASSEMBLY:

(1) THE AUTHORITY SHALL SUBMIT A REPORT TO THE GOVERNOR, THE SECRETARY, THE STATE TREASURER, THE PRINCE GEORGE'S COUNTY EXECUTIVE, THE PRINCE GEORGE'S COUNTY COUNCIL, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, BEFORE THE BEGINNING OF THE 2009 SESSION OF THE GENERAL ASSEMBLY;

(2) THE REPORT SHALL EXPLAIN WHY THE AUTHORITY IS UNABLE TO MAKE A TIMELY SELECTION OF A SUCCESSFUL BIDDER AND REACH A TIMELY AGREEMENT ON THE TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM, INCLUDING WHATEVER PROBLEMS THERE MAY HAVE

BEEN WITH THE BIDS AND THE STATUS OF ANY ONGOING NEGOTIATIONS OVER THOSE BIDS; AND

(3) IF, IN THE JUDGMENT OF A MAJORITY OF THE AUTHORITY, AN EXTENSION OF TIME WOULD ENABLE IT TO COMPLETE THE PROCESS OF SELECTING A SUCCESSFUL BIDDER AND REACHING AGREEMENT ON THE TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM, THE REPORT SHALL REQUEST AN EXTENSION OF TIME FOR UP TO BUT NO MORE THAN 60 DAYS, SETTING FORTH THE AMOUNT OF TIME NEEDED AND THE AUTHORITY'S PLAN FOR COMPLETING THE PROCESS WITHIN THE PROPOSED PERIOD OF TIME.

(J) ON AGREEMENT OF THE GOVERNOR, THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, AND THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE AUTHORITY'S REQUEST FOR EXTENSION OF TIME SHALL BE GRANTED.

(K) IF, AT THE END OF THE EXTENSION OF TIME AND NOT MORE THAN 60 DAYS FROM THE BEGINNING OF THE 2009 GENERAL ASSEMBLY, THE AUTHORITY HAS NOT REACHED A FINAL AGREEMENT ON THE TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A SUCCESSFUL BIDDER, THE STATE AND THE COUNTY SHALL BE RELIEVED OF THEIR OBLIGATION TO COMMIT FINANCIAL SUPPORT TO THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM AS AGREED UPON UNDER § 24–1604(B) AND (C) OF THIS SUBTITLE.

24–1606.

(A) (1) ON THE BOARD'S SELECTION OF A NEW OWNER OR OWNERS IN ACCORDANCE WITH THE BIDDING PROCESS ESTABLISHED UNDER § 24–1605 OF THIS SUBTITLE, AND ON AGREEMENT FOR THE SALE OR TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO THE NEW OWNER OR OWNERS, DISPOSITION OF THE REAL PROPERTY, ASSETS, AND FACILITIES OWNED BY THE COUNTY THAT ARE UNDER THE POSSESSION OR CONTROL OF DIMENSIONS, AS A RESULT OF ANY LEASE AGREEMENT WITH THE COUNTY, SHALL OCCUR AS FOLLOWS:

(I) THE COUNTY SHALL TRANSFER TITLE TO ALL REAL PROPERTY, ASSETS, AND FACILITIES THAT ARE ACQUIRED BY THE NEW OWNER OR OWNERS AS PART OF THE AGREEMENT FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM TO THE NEW OWNER OR OWNERS FOR COMPENSATION TO THE COUNTY AS PROVIDED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION;

(II) THE PROCESS FOR TRANSFER OF TITLE SHALL BE COMPLETED BY THE DATE OF FINAL IMPLEMENTATION OF THE AGREEMENT FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM; AND

(III) ANY PORTION OF THE REAL PROPERTY, ASSETS, AND FACILITIES THAT ARE NOT ACQUIRED BY A NEW OWNER OR OWNERS AS PART OF THE AGREEMENT FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM SHALL REMAIN UNDER THE CONTROL AND OWNERSHIP OF THE COUNTY.

(2) THE COUNTY SHALL SETTLE ALL ENCUMBRANCES THE COUNTY HAS PLACED OR BEEN INVOLVED IN PLACING ON THE REAL PROPERTY, ASSETS, AND FACILITIES TO BE ACQUIRED BY THE NEW OWNER OR OWNERS PRIOR TO THE TRANSFER OF TITLE, SO THAT, EXCEPT FOR ANY REMAINING ENCUMBRANCES PLACED AND HELD SOLELY BY DIMENSIONS, CLEAR LEGAL TITLE WILL BE CONVEYED.

(B) (1) THE COUNTY MAY NOT RECEIVE COMPENSATION OR CREDIT TOWARD ITS FINANCIAL OBLIGATIONS AS AGREED UPON UNDER § 24–1604 OF THIS SUBTITLE FOR THE REAL PROPERTY, ASSETS, AND FACILITIES ACQUIRED BY THE NEW OWNER OR OWNERS THAT WILL BE USED FOR PURPOSES RELATED TO THE OPERATIONS OF A HEALTH CARE SYSTEM SERVING THE RESIDENTS OF THE COUNTY AND SURROUNDING JURISDICTIONS.

(2) SPECIFIC PLANS FOR SUCH USE SHALL BE ESTABLISHED IN THE AGREEMENT FOR THE SALE OR TRANSFER OF THE HEALTH CARE SYSTEM.

(3) THE DEVELOPMENT OF THE REAL PROPERTY, ASSETS, AND FACILITIES FOR PURPOSES RELATED TO THE OPERATION OF A HEALTH CARE SYSTEM SHALL OCCUR AND BE SUBSTANTIALLY UNDERWAY AT LEAST ONE YEAR

BEFORE THE END OF THE PERIOD DURING WHICH THE STATE AND THE COUNTY ARE PROVIDING FINANCIAL SUPPORT TO THE HEALTH CARE SYSTEM.

(C) (1) FOR ANY PORTION OR PORTIONS OF THE REAL PROPERTY, ASSETS, OR FACILITIES ACQUIRED BY THE NEW OWNER OR OWNERS THAT WILL NOT BE USED FOR PURPOSES RELATED TO THE OPERATION OF A HEALTH CARE SYSTEM, IF ANY, THE COUNTY SHALL BE GIVEN A CREDIT TOWARDS ITS OBLIGATION FOR FINANCIAL SUPPORT OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM AS AGREED UPON UNDER § 24–1604 OF THIS SUBTITLE.

(2) THE AMOUNT OF THE CREDIT SHALL BE DETERMINED BY THE AVERAGE OF THREE INDEPENDENT APPRAISALS OF THE VALUE OF THAT PORTION OR PORTIONS OF THE REAL PROPERTY, ASSETS, OR FACILITIES, AS FOLLOWS:

(I) TWO APPRAISALS SHALL BE CONDUCTED BY QUALIFIED APPRAISERS EMPLOYED BY OR UNDER CONTRACT WITH THE STATE;

(II) ONE APPRAISAL SHALL BE CONDUCTED BY A QUALIFIED APPRAISER EMPLOYED BY OR UNDER CONTRACT WITH THE COUNTY; AND

(III) THE APPRAISALS MAY NOT BE REDUCED BY THE AMOUNT OF ANY REMAINING ENCUMBRANCES PLACED AND HELD BY DIMENSIONS.

(3) ANY CREDIT SHALL BE REDUCED BY THE AMOUNT OF FUNDING, IF ANY, REQUIRED TO REMOVE ANY ENCUMBRANCES PLACED BY OR WITH THE INVOLVEMENT OF THE COUNTY ON THE TITLE TO THE FACILITIES, ASSETS, AND REAL PROPERTY CONVEYED TO THE NEW OWNER OR OWNERS.

(4) ANY CREDIT SHALL BE APPLIED ON A PRO RATA BASIS FOR EACH YEAR OF THE COUNTY'S FUNDING OBLIGATION AS AGREED UPON UNDER § 24–1604 OF THIS SUBTITLE.

(D) IF THE AMOUNT OF THE CREDIT AS DETERMINED UNDER SUBSECTION (C)(2) AND (3) OF THIS SECTION EXCEEDS THE COUNTY'S TOTAL

OBLIGATION FOR FINANCIAL SUPPORT, THE NEW OWNER OR OWNERS SHALL PROMPTLY PAY THE BALANCE TO THE COUNTY.

24–1607.

(A) (1) SUBJECT TO ANY LIMITATIONS UNDER THIS SUBTITLE OR OTHER APPLICABLE LAW, THE AUTHORITY SHALL HAVE ALL POWERS NECESSARY OR CONVENIENT TO FURTHER ITS MISSION.

(2) THE ENUMERATION OF SPECIFIC POWERS IN THIS SUBTITLE IS NOT INTENDED TO RESTRICT THE AUTHORITY'S POWER TO TAKE ANY LAWFUL ACTION THAT THE AUTHORITY DETERMINES IS NECESSARY OR CONVENIENT TO FURTHER ITS MISSION.

(B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE AUTHORITY MAY:

(1) ADOPT AND ALTER AN OFFICIAL SEAL;

(2) SUE AND BE SUED, PLEAD AND BE IMPLEADED;

(3) ADOPT BYLAWS, RULES, AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

(4) MAINTAIN AN OFFICE AT THE PLACE DESIGNATED BY THE AUTHORITY;

(5) EMPLOY OR RETAIN ANY PERSONNEL THAT THE AUTHORITY DETERMINES TO BE NECESSARY AND FIX THEIR COMPENSATION;

(6) ENTER INTO ANY AGREEMENTS NECESSARY TO MANAGE ITS OWN AFFAIRS; AND

(8) APPLY FOR AND RECEIVE GRANTS, CONTRACTS, OR OTHER PUBLIC OR PRIVATE FUNDING.

(C) THE AUTHORITY SHALL RECEIVE FUNDING IN AN AMOUNT NOT TO EXCEED $1,500,000, DIVIDED EVENLY BETWEEN THE STATE AND THE COUNTY FROM THE APPROPRIATIONS PROVIDED UNDER § 24–1608 OF THIS SUBTITLE.

24–1608.

(A) SUBJECT TO § 24–1604(D)(2) OF THIS SUBTITLE:

(1) FOR FISCAL YEAR 2009, THE GOVERNOR MAY INCLUDE IN THE BUDGET SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION OF $12,000,000 FOR THE FINANCIAL SUPPORT OF THE FACILITIES, ASSETS, LEASEHOLD RIGHTS, LIABILITIES, AND OPERATIONS HELD OR OPERATED BY DIMENSIONS; AND

(2) FOR FISCAL YEAR 2009, THE COUNTY SHALL APPROPRIATE $12,000,000 FOR THE FINANCIAL SUPPORT OF THE FACILITIES, ASSETS, LEASEHOLD RIGHTS, LIABILITIES, AND OPERATIONS HELD OR OPERATED BY DIMENSIONS.

(B) SUBJECT TO § 24–1604(D)(2) OF THIS SUBTITLE, AND UNLESS AN AGREEMENT FOR THE SALE OR TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM TO A NEW OWNER OR OWNERS IS REACHED THAT RENDERS THE ACTION NO LONGER NECESSARY:

(1) THE GOVERNOR SHALL INCLUDE IN THE FISCAL YEAR 2010 BUDGET SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION OF $12,000,000 FOR THE FINANCIAL SUPPORT OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM; AND

(2) FOR FISCAL YEAR 2010, THE COUNTY SHALL APPROPRIATE $12,000,000 FOR THE FINANCIAL SUPPORT OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM.

(C) (1) THE STATE AND THE COUNTY SHALL MAKE THEIR RESPECTIVE PAYMENTS TO DIMENSIONS IN QUARTERLY INCREMENTS OF

$3,000,000 EACH, DUE AT THE BEGINNING OF EVERY QUARTER OF EACH FISCAL YEAR.

(2) (I) IF SCHEDULED PAYMENTS ARE NOT MADE BY THE FIFTEENTH DAY AFTER EACH PAYMENT IS DUE, CHARGES SHALL ACCRUE ON ANY UNPAID PAYMENTS AT A SIMPLE RATE OF 1% PER MONTH.

(II) LATE PAYMENT CHARGES SHALL BE ADDED TO THE SCHEDULED PAYMENT EVERY THIRTY DAYS THEREAFTER.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Board of the Prince George's County Hospital Authority, established under Section 1 of this Act, shall expire within two years of the effective date of this Act.".

AMENDMENT NO. 3

On page 14, strike in their entirety lines 19 through 35, inclusive, and substitute:

"SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State, subject to the conditions set forth in this Act, shall provide support for the Prince George's Hospital Center in the amount of $12,000,000 for each of fiscal years 2009 and 2010.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, up to $20,000,000 may be transferred from the Dedicated Purpose Account established under § 7–310 of the State Finance and Procurement Article by approved budget amendment to the Department of Health and Mental Hygiene for the purpose of providing support to Dimensions for the operation of the Prince Georges County health care system pending implementation of the requirements of this Act.".

AMENDMENT NO. 4

On page 15, in lines 1 and 4, strike "5." and "6.", respectively, and substitute "6." and "7.", respectively; and after line 8, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall remain effective for a period of two years and, at the end of two years, with no further action

required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #10

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

House Bill 140 – Delegates Ross, Barnes, Howard, Hubbard, and Kaiser

AN ACT concerning

Income Tax – Credit for Cellulosic Ethanol Technology Research and Development

HB0140/355662/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 140
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kaiser" and substitute "Kaiser, Elmore, Hixson, Doory, Bartlett, Barve, Cardin, Frick, George, Gilchrist, Ivey, Jennings, Krebs, Serafini, Murphy, Olszewski, Rice, Stukes, F. Turner, and Walker".

AMENDMENT NO. 2

On page 3, in line 12, strike "**$3,000,000**" and substitute "**$250,000**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1041 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education

PG 401–08

HB1041/935467/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1041
(First Reading File Bill)

On pages 4 through 6, strike in their entirety the lines beginning with line 20 on page 4 through line 5 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.".

Explanation: The amendment unifies the municipal corporations of Bowie, College Park, Edmonston, Glenarden, Hyattsville, New Carrollton, Riverdale Park, and University Park into single school board districts. Since the amendment only affects school board districts I through VI, there is no need to change any of the provisions relating to school board districts VII, VIII, or IX in the bill.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1151 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Property Tax Credit – Historically Operated Amusement Park

HB1151/775364/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1151
(First Reading File Bill)

On page 1, in line 4, after "or" insert "of".

On page 2, in lines 9 and 14, in each instance, after "**OR**" insert "**OF**"; in line 11, after "**MUNICIPAL**" insert "**CORPORATION**"; in line 20, strike "**SECTION**" and substitute "**SUBSECTION**"; in line 21, after "**(III)**" insert "**REGULATIONS AND**"; and in the same line, after "**AND**" insert "**UNIFORM**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1185 – Chair, Ways and Means Committee and Chair, Appropriations Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transit Administration – Public Transit Services – Efficiency and Performance Standards

HB1185/125164/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1185
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "services;" insert "establishing a certain goal for the percentage of operating costs that must be recovered from certain revenues for certain public transit services; requiring the Administration to submit a certain annual report on farebox recovery to certain committees of the General Assembly;"; in the same line, strike "Maryland Transit"; and in line 8, after "report" insert "on certain performance indicators".

AMENDMENT NO. 2

On page 2, after line 19, insert:

"(B) (1) FOR FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER, THE ADMINISTRATION'S GOAL SHALL BE TO RECOVER FROM FARES AND OTHER OPERATING REVENUES AT LEAST 35 PERCENT OF THE TOTAL OPERATING COSTS FOR:

(I) THE ADMINISTRATION'S BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES IN THE BALTIMORE REGION; AND

(II) ALL PASSENGER RAILROAD SERVICES UNDER THE ADMINISTRATION'S CONTROL.

(2) THE ADMINISTRATION SHALL SUBMIT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, HOUSE WAYS AND MEANS COMMITTEE, AND HOUSE APPROPRIATIONS COMMITTEE BY DECEMBER 1 OF EACH YEAR THAT INCLUDES:

(I) SEPARATE FAREBOX RECOVERY RATIOS FOR THE PRIOR FISCAL YEAR FOR:

1. BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES PROVIDED BY THE ADMINISTRATION IN THE BALTIMORE REGION;

2. COMMUTER BUS SERVICE PROVIDED UNDER CONTRACT TO THE ADMINISTRATION IN THE BALTIMORE REGION; AND

3. MARYLAND AREA RAIL COMMUTER (MARC) SERVICE PROVIDED UNDER CONTRACT TO THE ADMINISTRATION;

(II) A DISCUSSION OF THE SUCCESS OR FAILURE TO ACHIEVE THE FAREBOX RECOVERY GOAL ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(III) COMPARISONS OF FAREBOX RECOVERY RATIOS FOR THE ADMINISTRATION'S MASS TRANSIT SERVICES AND OTHER SIMILAR TRANSIT SYSTEMS NATIONWIDE.";

On page 2, in line 20, strike "**(B)**" and substitute "**(C)**".

On page 3, in lines 10, 20, 24, and 28, strike "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1566 – Delegate Beitzel

AN ACT concerning

Garrett County – Local Tax – Date of Payment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1570 – Delegates Frick and Barve

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – Residual Value

HB1570/815962/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1570
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "and Barve" and substitute ", Barve, Hixson, Doory, Bartlett, Cardin, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Serafini, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker"; in line 2, strike "Residual Value" and substitute "Application of Trade–In Value"; strike beginning with "prohibiting" in line 3 down through "vehicles" in line 9 and substitute "altering the definition of "total purchase price" for the purposes of the vehicle excise tax to exclude from the computation of the tax part of the consideration for the sale of a vehicle; requiring the Motor Vehicle Administration to adopt certain regulations; providing for the retroactive application of this Act; requiring the Administration to notify certain persons of certain rebates under certain circumstances; making this Act an emergency measure; defining certain terms; and generally relating to the motor vehicle excise tax"; after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(a)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)";

and in line 12, strike "13–809.1" and substitute "13–809(f)".

AMENDMENT NO. 2

On page 1, in line 18, strike "**13–809.1.**" and substitute "13–809.".

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 16 on page 2, inclusive, and substitute:

"(a) (3) **(I)** [**"**Total**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, "TOTAL** purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade–in but with no allowance for other nonmonetary consideration.

(II) AS TO A PERSON TRADING IN A NONLEASED VEHICLE TO ENTER INTO A LEASE FOR A PERIOD OF MORE THAN 180 CONSECUTIVE DAYS, "TOTAL PURCHASE PRICE" MEANS THE RETAIL VALUE OF THE VEHICLE AS CERTIFIED BY THE DEALER, INCLUDING ANY DEALER PROCESSING CHARGE, LESS AN ALLOWANCE FOR THE TRADE–IN OF THE NONLEASED VEHICLE BUT WITH NO ALLOWANCE FOR OTHER NONMONETARY CONSIDERATION.

(F) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 17 and 18 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply retroactively to affect the "total purchase price" resulting from a sale or lease transaction of a vehicle, as defined in § 13–809(a)(3)(ii) of the Transportation Article, for the purposes of computing the motor vehicle excise tax imposed on a vehicle that is leased under a lease agreement entered into on or after January 1, 2008.

SECTION 3. AND BE IT FURTHER ENACTED, That, for any individual or business entity that entered into a lease agreement for a vehicle for a period of more than 180 days on or after January 1, 2008, but before the effective date of this Act, the Motor Vehicle Administration, in consultation with the appropriate licensed dealer, shall notify the individual or business entity of any rebate owed to the individual or business entity as a result of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1572 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

HB1572/165863/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1572
(First Reading File Bill)

On page 1, in line 5, strike "Park"; and in lines 6 and 9, after "or" insert "of".

On page 3, in line 7, strike "**COASTAL HIGHWAY**" and substitute "**ROUTE 528**"; in line 15, strike "**OR CONDITIONS**"; in line 16, strike "**AND**" and substitute:

"**(III)** **REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND**";

and in line 17, strike "**(III)**" and substitute "**(IV)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 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

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

FLOOR AMENDMENT

HB0610/923429/1

BY: Delegate Dwyer

AMENDMENT TO HOUSE BILL 610
(First Reading File Bill)

On page 4, in line 14, strike the second "and"; and in line 16, after "each" insert "; and

(8) recognize English as the formal, legal language of government of Maryland".

The preceding amendment was read only.

Delegate Cane moved the previous question.

The motion was adopted.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 51 Negative – 82 (See Roll Call No. 614)

Read the second time and ordered prepared for Third Reading.

House Bill 1392 – Delegates Ramirez, Barkley, Barnes, Davis, Feldman, Frush, Griffith, Haynes, Healey, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lee, Manno, Mizeur, Montgomery, Murphy, Niemann, Taylor, Valderrama, and Vaughn

AN ACT concerning

Labor and Employment – Maryland Wage and Hour Law – Civil Penalties

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

FLOOR AMENDMENT

HB1392/453522/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 1392, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with “allowing” in line 4 down through “action;” in line 6.

AMENDMENT NO. 2

In the Economic Matters Committee Amendments (HB1392/193796/1), strike Amendment No. 1 in its entirety.

On page 6 of the bill, strike beginning with "**, AS**" in line 16 down through "**SUBTITLE**" in line 17.

AMENDMENT NO. 3

On page 6 of the bill, in line 28, strike the brackets; in the same line, strike "**SHALL**"; and in line 29, strike "**, INCLUDING:**" and substitute a period.

The preceding 3 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

House Bill 1517 – Delegate Donoghue

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, and Nuclear Medicine Technologists – Various Changes

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

Read the second time and ordered prepared for Third Reading.

House Bill 1602 – Delegate Malone

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

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

FLOOR AMENDMENT

HB1602/663229/1

BY: Delegate Ramirez

AMENDMENT TO HOUSE BILL 1602, AS AMENDED

In the Appropriations Committee Amendments (HB1602/304562/1), in line 4 of Amendment No. 1, strike "and O'Donnell" and substitute "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, Ramirez, Reznik, Rice, Riley, Rudolph, Schuler, Stein, Stukes, Tarrant, Valderrama, Weir, Haddaway, Kipke, Miller, and Stull".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 615)

ADJOURNMENT

At 4:16 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 20, 2008, Calendar Day Monday, March 24, 2008.

Annapolis, Maryland
Legislative Day: March 20, 2008
Calendar Day: Monday, March 24, 2008

The House met at 11:20 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Sheila E. Hixson of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 616)

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

EXCUSES:
Del. Doory – late – illness
Del. Jameson – recovering from surgery
Del. Robinson – late – illness

THE COMMITTEE ON APPROPRIATIONS REPORT #9

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

House Bill 782 – Delegates Branch, DeBoy, Gaines, Haynes, and Jones

AN ACT concerning

Governor's Office of Community Initiatives – Reorganization of Various State Entities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #19

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

House Bill 515 – Delegate Love

AN ACT concerning

Anne Arundel County – Development Impact Fees – Not–For–Profit Entities

HB0515/280219/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 515
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation"; and in line 5, after "by" insert "certain".

AMENDMENT NO. 2

On page 1, in line 25, after "**ENTITIES**" insert "**THAT HAVE BEEN IN EXISTENCE FOR AT LEAST 3 YEARS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 835 – Delegates Hucker, Ali, Beidle, Cane, Carr, Frush, Glenn, Gutierrez, Healey, Holmes, Manno, Niemann, Shewell, and Stein

AN ACT concerning

Mercury Switch Removal from Vehicles

HB0835/830118/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 835
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "Department;" insert "requiring certain vehicle manufacturers to report certain information to the Department on or before a certain date; requiring the Department to make a certain determination; making this Act subject to a certain contingency; requiring the Department to forward a copy of a certain determination to the Department of Legislative Services; providing for the termination of this Act under certain circumstances;".

AMENDMENT NO. 2

On page 5 in line 31, and on page 6 in line 4, in each instance, strike "**$5**" and substitute "**$3**".

On page 8, in line 3, strike "**31**" and substitute "**1**".

AMENDMENT NO. 3

On page 12, after line 24, insert:

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

(a) In this section, "vehicle manufacturer" means a person that:

(1) Is the last person in the production or assembly process of a new motor vehicle that uses mercury switches; or

(2) Serves as an importer or domestic distributor of a motor vehicle that uses mercury switches produced outside of the United States.

(b) On or before November 1, 2008, each vehicle manufacturer that sells motor vehicles in the State shall report to the Department of the Environment on how many mercury switches or mercury switch assemblies were captured in Maryland by the vehicle manufacturer under the National Vehicle Mercury Switch Removal Program during the 12–month period ending September 30, 2008.

(c) On or before December 1, 2008, the Department of the Environment shall determine whether the National Vehicle Mercury Switch Removal Program has captured at least 103,600 mercury switches or mercury switch assemblies in Maryland during the 12–month period ending September 30, 2008.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act shall take effect January 1, 2009, contingent on a determination under Section 2 of this Act by the Department of the Environment that fewer than 103,600 mercury switches or mercury switch assemblies were captured in Maryland under the National Vehicle Mercury Switch Removal Program during the 12–month period ending September 30, 2008.

(b) If the Department makes a determination under subsection (a) of this section:

(1) That fewer than 103,600 mercury switches or mercury switch assemblies were captured in Maryland under the National Vehicle Mercury Switch Removal Program during the 12–month period ending September 30, 2008, Section 1 of this Act shall take effect on January 1, 2009; or

(2) That at least 103,600 mercury switches or mercury switch assemblies were captured in Maryland under the National Vehicle Mercury Switch Removal Program during the 12–month period ending September 30, 2008, 30 days after the Department makes the determination, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

(c) Within 5 days after making a determination under subsection (a) of this section, the Department shall forward a copy of the determination to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland.";

in line 25, strike "2." and substitute "4."; and in the same line, after "That" insert ", subject to Section 3 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1436 – Delegates Weir, Boteler, Holmes, Impallaria, and Minnick

AN ACT concerning

Natural Resources – Fishing Restrictions – Net Setting

HB1436/710119/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1436
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Restrictions – " insert "Pot and"; in line 3, strike "a net" and substitute "a certain pot, net, or series of nets"; in line 4, after "net" insert "or series of nets"; strike beginning with "altering" in line 4 down through "between" in line 5 and substitute "limiting the length of"; in line 5, strike "nets for enforcement purposes" and substitute "a certain net or series of nets; limiting the application of a certain distance restriction to a certain pot, net, or series of nets; defining a certain term"; and in line 6, strike "nets" and substitute "certain pots and nets".

AMENDMENT NO. 2

On page 1, in line 16, after "(1)" insert "**IN THIS SUBSECTION, "CONNECTED LINE OF NETS" MEANS A SERIES OF CONNECTED NETS SET IN SINGLE FILE.**

(2)";

in the same line, after "as" insert "**OTHERWISE**"; in the same line, strike "paragraph (2) of this subsection" and substitute "**THIS TITLE**"; in line 17, strike "any net" and substitute "**:**

(I) A FISH POT, FYKE NET, OR CONNECTED LINE OF FYKE NETS";

in the same line, strike "**300**" and substitute "**500**"; strike beginning with "net**,**" in line 17 down through "any" in line 19 and substitute "**NET OR CONNECTED LINE OF NETS;**

(II) A FYKE";

in the same line, strike "of a total length of more than" and substitute "**OR CONNECTED LINE OF FYKE NETS THAT EXCEEDS**"; in the same line, after "feet" insert "**IN LENGTH**"; in line 20, strike ". In addition, a net may not be set" and substitute "**; OR**

(III) A FISH POT, FYKE NET, OR CONNECTED LINE OF FYKE NETS";

and in line 23, strike "(2)" and substitute "**(3)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1476 – Delegates Holmes, Beidle, Cane, Frush, Hucker, Niemann, Ross, Shewell, and Sossi

AN ACT concerning

Public Safety – Industrialized Building – Definition

HB1476/840411/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1476
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Building – Definition" and substitute "Buildings – Exemptions"; in line 3, strike "excluding" and substitute "exempting"; in the same line, after the first "a" insert "certain"; in line 4, after "certain" insert "inspection and certification"; in line 5, after the semicolon insert "authorizing a manufacturer of a certain exempted building to elect to have the Department perform a certain determination for the purpose of the Department certifying and providing a certain insignia for the building under certain circumstances;"; and in line 9, after "12–301(d)" insert "and 12–307".

AMENDMENT NO. 2

On page 2, in line 6, after "**LENGTH**" insert "**THAT IS:**

1. USED FOR BUSINESS PURPOSES, MOBILE OFFICES, OR STORAGE; AND

2. NOT OPEN TO THE GENERAL PUBLIC".

AMENDMENT NO. 3

On page 2, after line 6, insert:

"12–307.

(a) (1) The Department shall determine whether each proposed industrialized building meets the standards contained in the regulations of the Department.

(2) The determination shall include the evaluation and testing of the industrialized building and the quality control system at the factory of origin and at the building site.

(b) (1) The Department shall perform the determination required by subsection (a) of this section through its own personnel or through a designated agent.

(2) The designated agent shall be:

(i) qualified personnel of a local enforcement agency; or

(ii) a testing facility that is approved by the Department.

(3) The testing facility shall be:

(i) an architect or professional engineer whose registration is accepted by the State; or

(ii) a testing organization that is determined by the Department to be specifically qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized buildings or their component parts.

(4) In addition to evaluating and testing industrialized buildings or their component parts, the testing facility shall:

(i) list the units in compliance with the standards adopted by the Department;

(ii) provide adequate follow–up services at the point of manufacture to ensure that production units are in full compliance; and

(iii) provide for each unit an insignia in the form of a label, seal, or other evidence of compliance.

(C) A MANUFACTURER OF A BUILDING EXEMPTED FROM THE APPLICABILITY OF THIS SUBTITLE UNDER § 12–301(D)(3)(III) OF THIS SUBTITLE MAY ELECT TO HAVE THE DEPARTMENT PERFORM A DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION FOR THE PURPOSE OF THE DEPARTMENT CERTIFYING AND PROVIDING AN INSIGNIA FOR THE BUILDING UNDER THIS SUBTITLE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1493 – Delegate Kullen

AN ACT concerning

Calvert County – Authorization to Harvest Seafood and Engage in the Seafood Industry

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1504 – Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

Favorable report adopted.

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

The motion was adopted.

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

House Bill 1604 – Delegate Carr

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

HB1604/890715/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1604
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Carr" and substitute "Delegates Carr, Ali, Cane, Frush, Glenn, Healey, Holmes, Hucker, Niemann, and Stein"; in line 2, strike "Community" and substitute "Municipal"; in the same line, strike "and Playgrounds"; strike beginning with "authorizing" in line 4 down through "Program;" in line 5; in line 6, strike "Community" and substitute "Municipal"; in line 7, strike "and Playgrounds"; strike beginning with "requiring" in line 10 down through "Program;" in line 12; in line 12, after "term;" insert "providing for the application of this Act;"; in the same line, strike "Community" and substitute "Municipal"; in line 13, strike "and Playgrounds"; strike in their entirety lines 14 through 20, inclusive; in line 23, strike "5–9C–04" and substitute "5–9C–03"; in line 24, strike "Community" and substitute "Municipal"; and in the same line, strike "and Playgrounds".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 14 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in line 15, strike "**COMMUNITY**" and substitute "**MUNICIPAL**"; in the same line, strike "**AND PLAYGROUNDS**"; in line 17, strike "**COMMUNITY**" and substitute "**MUNICIPAL**"; in lines 17 and 18, strike "**AND PLAYGROUNDS**"; in line 23, strike "**MUNICIPALITIES**" and substitute "**MUNICIPAL CORPORATIONS**"; in the same line, after "**STATE**" insert "**AND BALTIMORE CITY**"; in line 25, strike "**SHOULD**" and substitute "**SHALL**"; in the same line, strike "**LOCAL GOVERNMENTS AND**"; in line 26, strike "**MUNICIPALITIES**" and substitute "**MUNICIPAL CORPORATIONS AND BALTIMORE CITY**"; strike beginning with "**REHABILITATE**" in line 26 down through "**STATE**" in line 29 and substitute "**:**

(I) REHABILITATE, EXPAND, IMPROVE, OR MAINTAIN EXISTING PARKS;

(II) PURCHASE LAND TO CREATE NEW PARKS;

(III) DEVELOP NEW PARKS;

(IV) PURCHASE AND INSTALL PLAYGROUND EQUIPMENT IN URBAN NEIGHBORHOODS AND RURAL AREAS THROUGHOUT THE STATE; OR

(V) BE USED FOR ENVIRONMENTALLY ORIENTED PARKS AND RECREATION PROGRAMS";

in line 30, strike "**COMMUNITY**" and substitute "**MUNICIPAL**"; in the same line, strike "**AND PLAYGROUNDS**"; in line 31, strike "**LOCAL GOVERNMENTS AND**"; and in line 32, strike "**MUNICIPALITIES**" and substitute "**MUNICIPAL CORPORATIONS AND BALTIMORE CITY**".

AMENDMENT NO. 4

On page 4, in line 6, strike "**IS**" and substitute "**MAY BE**"; in line 7, strike "**UNDER § 5–903(A)(2)(IV) OF THIS TITLE**" and substitute "**FROM THE GENERAL FUND OF THE STATE**"; in line 8, after "**OF**" insert "**STATE**"; in line 9, strike "**AS PROVIDED IN § 5–9C–04 OF THIS SUBTITLE**"; and strike in their entirety lines 10 through 13, inclusive.

AMENDMENT NO. 5

On page 4, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only to funding for projects that secure flexible grants through the Municipal Parks Program in accordance with Title 5, Subtitle 9C of the Natural Resources Article, as enacted by Section 1 of this Act, beginning in fiscal year 2010.";

and in line 14, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 617)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #48

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 – 133 Negative – 0 (See Roll Call No. 618)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 619)

The Bill was then sent to the Senate.

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 620)

The Bill was then sent to the Senate.

House Bill 991 – Delegates Pena–Melnyk, Kullen, Montgomery, Nathan–Pulliam, Oaks, and V. Turner

AN ACT concerning

HIV Testing – Informed Consent and Treatment ~~– Pregnant Women~~

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

Affirmative – 134 Negative – 0 (See Roll Call No. 621)

The Bill was then sent to the Senate.

House Bill 1090 – Delegates Morhaim and Harrison

AN ACT concerning

State Board of Morticians – Family Security Trust Fund and Pre–Need Contracts

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

Affirmative – 135 Negative – 0 (See Roll Call No. 622)

The Bill was then sent to the Senate.

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 – 124 Negative – 10 (See Roll Call No. 623)

The Bill was then sent to the Senate.

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

Delegate O'Donnell moved to make the Bill a Special Order until the end of the Third Reading calendars.

The motion was adopted.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the Senate.

House Bill 1431 – Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Procurement – Small Business Preference Program – Veteran–Owned and Disabled Veteran–Owned Small Businesses

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

Affirmative – 134 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the Senate.

House Bill 1549 – Chair, Health and Government Operations Committee (By Request – Departmental – General Services)

AN ACT concerning

~~General Services – Procurement – Exemptions~~
Department of General Services – Renovation of Historic Structures – Procurement Exemptions

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

Affirmative – 134 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #49

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

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

Affirmative – 121 Negative – 15 (See Roll Call No. 628)

The Bill was then sent to the Senate.

House Bill 140 – Delegates Ross, Barnes, Howard, Hubbard, ~~and Kaiser~~ Kaiser, Elmore, Hixson, Doory, Bartlett, Barve, Cardin, Frick, George, Gilchrist, Ivey, Jennings, Krebs, Serafini, Murphy, Olszewski, Rice, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Credit for Cellulosic Ethanol Technology Research and Development

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

Affirmative – 135 Negative – 0 (See Roll Call No. 629)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the Senate.

House Bill 639 – Washington County Delegation

AN ACT concerning

Washington County – Board of Education – Vacancies

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

Affirmative – 131 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the Senate.

House Bill 854 – Delegates Frick, Hixson, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, Manno, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Credit for Providing Adult Literacy Programs

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

Affirmative – 137 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 633)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 634)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the Senate.

House Bill 1432 – Delegates Ivey ~~and Vallario~~, Vallario, Howard, F. Turner, and Walker

AN ACT concerning

Election Law – Campaign Finance – Affidavit and Signature

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

Affirmative – 135 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the Senate.

House Bill 1455 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – School Buses – Length of Operation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 638)

The Bill was then sent to the Senate.

House Bill 1567 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

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

Affirmative – 134 Negative – 2 (See Roll Call No. 639)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #50

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

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

Affirmative – 90 Negative – 46 (See Roll Call No. 640)

The Bill was then sent to the Senate.

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

~~Baltimore City~~ Community ~~College – Personnel~~ Colleges – Funding Requirements

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

The motion was adopted.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the Senate.

House Bill 1296 – Delegate Feldman

AN ACT concerning

Certified Public Accountants – Licensed Out–of–State Certified Public Accountants – Practice Privilege

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

Affirmative – 135 Negative – 0 (See Roll Call No. 642)

The Bill was then sent to the Senate.

House Bill 1509 – Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environmental Service, Maryland)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

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

Affirmative – 135 Negative – 1 (See Roll Call No. 643)

The Bill was then sent to the Senate.

House Bill 1550 – Delegates Busch, V. Clagett, and George

EMERGENCY BILL

AN ACT concerning

Department of General Services Police – Jurisdiction, Authority, and Responsibility

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

Affirmative – 131 Negative – 4 (See Roll Call No. 644)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the Senate.

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 – 132 Negative – 4 (See Roll Call No. 646)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #51

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 647)

The Bill was then sent to the Senate.

House Bill 551 – Delegate Donoghue

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

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

Affirmative – 137 Negative – 0 (See Roll Call No. 648)

The Bill was then sent to the Senate.

House Bill 936 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Term Limits

PG/MC 109–08

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

Affirmative – 135 Negative – 2 (See Roll Call No. 649)

The Bill was then sent to the Senate.

House Bill 957 – Delegate V. Clagett

AN ACT concerning

State Government – Commemorative Days – Maryland Charter Day and Annapolis Charter Day

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

Affirmative – 136 Negative – 0 (See Roll Call No. 650)

The Bill was then sent to the Senate.

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 – 132 Negative – 1 (See Roll Call No. 651)

The Bill was then sent to the Senate.

House Bill 1266 – Delegates Cane, Eckardt, and Haddaway

AN ACT concerning

Wetlands – Construction of Structure on Pier – ~~Dorchester County~~ Exception

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

Affirmative – 136 Negative – 1 (See Roll Call No. 652)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 653)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #52

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 – 137 Negative – 0 (See Roll Call No. 654)

The Bill was then sent to the Senate.

House Bill 804 – Frederick County Delegation

AN ACT concerning

Frederick County – Solid Waste Collection – Franchises and Contracts

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

Affirmative – 135 Negative – 0 (See Roll Call No. 655)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 656)

The Bill was then sent to the Senate.

House Bill 931 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Planning Board – Enforcement Powers

PG/MC 112–08

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

Affirmative – 137 Negative – 0 (See Roll Call No. 657)

The Bill was then sent to the Senate.

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

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

Affirmative – 125 Negative – 10 (See Roll Call No. 658)

The Bill was then sent to the Senate.

House Bill 1247 – Delegates Hucker and Weir

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

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

Affirmative – 135 Negative – 0 (See Roll Call No. 659)

The Bill was then sent to the Senate.

House Bill 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Veterans Affairs) and Delegate Costa

AN ACT concerning

Vehicle Laws – Gold Star Registration Plates

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

Affirmative – 136 Negative – 0 (See Roll Call No. 660)

The Bill was then sent to the Senate.

House Bill 1426 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Learner's Instructional Permits

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

Affirmative – 137 Negative – 0 (See Roll Call No. 661)

The Bill was then sent to the Senate.

House Bill 1473 – Delegate Malone

AN ACT concerning

Forest and Park Wardens – Responsibilities

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

Affirmative – 137 Negative – 0 (See Roll Call No. 662)

The Bill was then sent to the Senate.

House Bill 1482 – Harford County Delegation

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

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

Affirmative – 132 Negative – 2 (See Roll Call No. 663)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #53

House Bill 134 – Delegates Kelly, Dumais, McComas, Shank, and Smigiel

AN ACT concerning

Vehicle Laws – Transporting Pets in Trucks or Trailers

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

Affirmative – 127 Negative – 7 (See Roll Call No. 664)

The Bill was then sent to the Senate.

House Bill 393 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Communicable Diseases or Conditions – Reporting

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

Affirmative – 135 Negative – 0 (See Roll Call No. 665)

The Bill was then sent to the Senate.

House Bill 1041 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education

PG 401–08

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

Affirmative – 136 Negative – 0 (See Roll Call No. 666)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 667)

The Bill was then sent to the Senate.

House Bill 1309 – Delegate McHale

AN ACT concerning

Business Regulation – Mold Remediation Services – Licensing

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

Affirmative – 132 Negative – 3 (See Roll Call No. 668)

The Bill was then sent to the Senate.

House Bill 1490 – Delegates Dumais, Anderson, Barnes, Conaway, Dwyer, Lee, McComas, McConkey, Ramirez, Rosenberg, Shank, and Smigiel

AN ACT concerning

State Government – Maryland Tort Claims Act – Broadcasting of AMBER Alert

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

Affirmative – 136 Negative – 0 (See Roll Call No. 669)

The Bill was then sent to the Senate.

House Bill 1521 – Delegates Murphy, Bohanan, Boteler, Cardin, Frick, Gilchrist, Kullen, Levy, O'Donnell, ~~and Wood~~ Wood, Hixson, Doory, Bartlett, Barve, Elmore, George, Howard, Ivey, Jennings, Kaiser, Krebs, Olszewski, Rice, Ross, Serafini, Stukes, F. Turner, and Walker

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

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

Affirmative – 137 Negative – 0 (See Roll Call No. 670)

The Bill was then sent to the Senate.

House Bill 1566 – Delegate Beitzel

AN ACT concerning

Garrett County – Local Tax – Date of Payment

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

Affirmative – 135 Negative – 1 (See Roll Call No. 671)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 672)

The Bill was then sent to the Senate.

House Bill 1571 – Delegate Olszewski

AN ACT concerning

Public Schools – Graduation Rate Formula

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 100 Negative – 32 (See Roll Call No. 673)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 674)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #54

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 – 134 Negative – 0 (See Roll Call No. 675)

The Bill was then sent to the Senate.

House Bill 616 – Delegates Kullen, Branch, Hecht, Love, Murphy, Pena–Melnyk, Proctor, Ramirez, F. Turner, Vallario, and Weldon

AN ACT concerning

Public Schools – Children With Anaphylactic Allergies – Reduction of Risk

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

Affirmative – 137 Negative – 0 (See Roll Call No. 676)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 677)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 678)

The Bill was then sent to the Senate.

House Bill 1129 – Delegates Rosenberg, Carter, and Oaks

AN ACT concerning

Real Property – Homeowners Associations – Amendment of Governing Documents

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

Affirmative – 137 Negative – 0 (See Roll Call No. 679)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 1 (See Roll Call No. 680)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 681)

The Bill was then sent to the Senate.

House Bill 1392 – Delegates Ramirez, Barkley, Barnes, Davis, Feldman, Frush, Griffith, Haynes, Healey, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lee, Manno, Mizeur, Montgomery, Murphy, Niemann, Taylor, Valderrama, and Vaughn

AN ACT concerning

Labor and Employment – Maryland Wage and Hour Law – Civil Penalties

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

Affirmative – 98 Negative – 38 (See Roll Call No. 682)

The Bill was then sent to the Senate.

House Bill 1602 – ~~Delegate Malone~~ Delegates Hammen, Aumann, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines,

Griffith, 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, Ramirez, Reznik, Rice, Riley, Rudolph, Schuler, Stein, Stukes, Tarrant, Valderrama, Weir, Haddaway, Kipke, Miller, and Stull

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

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

The motion was adopted.

House Bill 1607 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Board of Education and School Board Nominating Commission

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

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #55

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

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

Affirmative – 93 Negative – 40 (See Roll Call No. 683)

The Bill was then sent to the Senate.

House Bill 664 – Delegates Barve, Branch, ~~and Donoghue~~ Donoghue, and Cardin

AN ACT concerning

Corporate Income Tax – Reporting and Study

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

Affirmative – 137 Negative – 0 (See Roll Call No. 684)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 3 (See Roll Call No. 685)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 1 (See Roll Call No. 686)

The Bill was then sent to the Senate.

House Bill 1039 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

PG 403–08

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

Affirmative – 126 Negative – 11 (See Roll Call No. 687)

The Bill was then sent to the Senate.

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 – 126 Negative – 11 (See Roll Call No. 688)

The Bill was then sent to the Senate.

House Bill 1181 – Delegates Rudolph and James

AN ACT concerning

Teachers' Retirement System and Teachers' Pension System – Reemployment of Retirees ~~– BRAC~~

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

Affirmative – 136 Negative – 0 (See Roll Call No. 689)

The Bill was then sent to the Senate.

House Bill 1185 – Chair, Ways and Means Committee and Chair, Appropriations Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transit Administration – Public Transit Services – Efficiency and Performance Standards

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

Affirmative – 111 Negative – 26 (See Roll Call No. 690)

The Bill was then sent to the Senate.

House Bill 1463 – Delegates Conway, Elmore, and Mathias

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

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

Affirmative – 138 Negative – 0 (See Roll Call No. 691)

The Bill was then sent to the Senate.

House Bill 1517 – Delegate Donoghue

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, and Nuclear Medicine Technologists – Various Changes

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

Affirmative – 138 Negative – 0 (See Roll Call No. 692)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #56

House Bill 1159 – Delegates Manno, Barve, Cardin, Eckardt, Elmore, Gilchrist, Haddaway, Hecht, Hucker, Impallaria, Ivey, Kaiser, King, Miller, Montgomery, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Homeowners' Tax Fairness in Eminent Domain Proceedings Act

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

Affirmative – 138 Negative – 0 (See Roll Call No. 693)

The Bill was then sent to the Senate.

House Bill 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 – 134 Negative – 1 (See Roll Call No. 694)

The Bill was then sent to the Senate.

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 – 135 Negative – 2 (See Roll Call No. 695)

The Bill was then sent to the Senate.

House Bill 1498 – Delegate Kullen

AN ACT concerning

Calvert County – Soft–Shell Clam Harvesting

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

Affirmative – 138 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

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

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 697)

The Bill was then sent to the Senate.

House Bill 1602 – ~~Delegate Malone~~ Delegates Hammen, Aumann, Bates, 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, Ramirez, Reznik, Rice, Riley, Rudolph, Schuler, Stein, Stukes, Tarrant, Valderrama, Weir, Haddaway, Kipke, Miller, and Stull

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

STATUS OF BILL: BILL ON 3RD READING.

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

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #11

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

House Bill 518 – Delegate Love

AN ACT concerning

Anne Arundel County – State Matching Stipends – National Certification

HB0518/275062/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 518
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

HB1562/495866/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1562

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 10 down through "circumstances;" in line 13; in line 17, after "district;" insert "prohibiting a vendor of certain property within a special taxing district from enforcing a contract for the sale of the property unless the purchaser of the property is provided with certain information relating to the special taxing district on or before entering into the contract of sale and the contract of sale contains a certain notice; providing that a vendor may provide a purchaser with certain information by providing the purchaser with a certain collection of documents; providing that a vendor may rely on certain documents filed in the land records when providing the purchaser with certain information; providing that a purchaser under a contract for the sale of certain property within a special taxing district may cancel the contract within a certain time after receiving certain information; providing that unless the purchaser consents, settlement of a contract for the sale of certain property within a special taxing district may not take place within a certain time after a purchaser receives certain information; requiring a vendor to refund certain deposits under certain circumstances; providing that a vendor is liable for certain damages caused by certain false statements or omissions; providing that an action against a vendor for certain false statements or omissions must be brought within a certain time;"; and in line 19, after "improvements" insert "and to the sale of property located within certain special taxing districts".

On page 1, after line 29, insert:

"BY adding to
Article – Real Property
Section 10–706
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 4, after line 33, insert:

"**(III) THE COUNTY SHALL HOLD AT LEAST ONE PUBLIC HEARING ON A BILL CREATING A SPECIAL TAXING DISTRICT.**".

On page 5, in lines 1, 11, and 23, strike "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 1, strike "**THE**" and substitute "**A**"; and strike beginning with "**REQUIRE:**" in line 12 down through "**THAT**" in line 21 and substitute "**REQUIRE THAT**".

On page 5, after line 27, insert:

"Article – Real Property

10–706.

(A) (1) THIS SECTION APPLIES ONLY TO THE SALE OF RESIDENTIAL REAL PROPERTY IN CECIL COUNTY.

(2) THIS SECTION DOES NOT APPLY TO:

(I) A SALE OF PROPERTY TO A PURCHASER WHO DOES NOT INTEND TO OCCUPY THE PROPERTY; OR

(II) A SALE IN AN ACTION TO FORECLOSE A MORTGAGE, DEED OF TRUST, OR OTHER LIEN.

(B) THE VENDOR OF PROPERTY THAT IS SUBJECT TO A TAX OF A SPECIAL TAXING DISTRICT AS AUTHORIZED IN ARTICLE 24, § 9–1301(C) OF THE CODE MAY NOT ENFORCE A CONTRACT FOR THE SALE OF THE PROPERTY UNLESS:

(1) THE PURCHASER OF THE PROPERTY IS PROVIDED WITH THE FOLLOWING INFORMATION IN WRITING ON OR BEFORE ENTERING INTO THE CONTRACT FOR THE SALE OF THE PROPERTY:

(I) A DESCRIPTION OF THE AREA INCLUDED WITHIN THE SPECIAL TAXING DISTRICT;

(II) THE MAXIMUM AMOUNT OF BONDS AND OTHER OBLIGATIONS TO BE ISSUED WITH RESPECT TO THE SPECIAL TAXING DISTRICT;

(III) A DESCRIPTION OF THE PURPOSES FOR WHICH THE SPECIAL TAXING DISTRICT WAS CREATED, AND FOR WHICH THE BONDS OR OTHER OBLIGATIONS HAVE BEEN ISSUED, INCLUDING A DESCRIPTION OF ANY IMPROVEMENTS;

(IV) THE AMOUNT OF SPECIAL TAXES LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR OR, IF TAXES WERE NOT LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR, A GOOD–FAITH ESTIMATE OF THE ANNUAL TAX THAT WILL BE LEVIED ON THE PROPERTY;

(V) THE MAXIMUM AMOUNT OF SPECIAL TAXES THAT MAY BE LEVIED ON THE PROPERTY IN A YEAR;

(VI) THE PROJECTED TIME PERIOD OVER WHICH ANY BONDS OR OBLIGATIONS ISSUED IN CONNECTION WITH THE SPECIAL TAXING DISTRICT ARE TO BE REPAID; AND

(VII) A DESCRIPTION OF THE PURCHASER'S RIGHT TO FULLY PREPAY THE SPECIAL TAXING DISTRICT OBLIGATIONS; AND

(2) THE CONTRACT FOR THE SALE OF THE PROPERTY CONTAINS A NOTICE, WRITTEN IN CONSPICUOUS, BOLD, AND UNDERSCORED TYPE, THAT IS SUBSTANTIALLY THE SAME AS THE FOLLOWING:

"NOTICE REQUIRED BY MARYLAND LAW

THE PROPERTY THAT IS THE SUBJECT OF THIS CONTRACT IS LOCATED WITHIN A SPECIAL TAXING DISTRICT, WHICH HAS BEEN CREATED FOR THE PURPOSE OF FINANCING OR REFINANCING THE COSTS RELATED TO CERTAIN INFRASTRUCTURE IMPROVEMENTS WITHIN THE TAXING DISTRICT. THESE COSTS WILL BE REPAID FROM THE PROCEEDS OF SPECIAL TAXES COLLECTED FROM THE OWNERS OF PROPERTIES LOCATED WITHIN THE SPECIAL TAXING DISTRICT.

STATE LAW REQUIRES THAT THE SELLER DISCLOSE TO YOU, AT OR BEFORE THE TIME YOU ENTER INTO THIS CONTRACT, THE FOLLOWING

INFORMATION: (1) A DESCRIPTION OF THE AREA INCLUDED WITHIN THE SPECIAL TAXING DISTRICT, (2) THE MAXIMUM AMOUNT OF BONDS AND OTHER OBLIGATIONS TO BE ISSUED WITH RESPECT TO THE SPECIAL TAXING DISTRICT, (3) A DESCRIPTION OF THE PURPOSES FOR WHICH THE SPECIAL TAXING DISTRICT WAS CREATED, AND FOR WHICH THE BONDS OR OTHER OBLIGATIONS HAVE BEEN ISSUED, INCLUDING A DESCRIPTION OF ANY INFRASTRUCTURE IMPROVEMENTS, (4) THE AMOUNT OF SPECIAL TAXES LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR OR, IF TAXES WERE NOT LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR, A GOOD–FAITH ESTIMATE OF THE ANNUAL TAX THAT WILL BE LEVIED ON THE PROPERTY, (5) THE MAXIMUM AMOUNT OF SPECIAL TAXES THAT MAY BE LEVIED ON THE PROPERTY IN A YEAR, (6) THE PROJECTED TIME PERIOD OVER WHICH ANY BONDS OR OBLIGATIONS ISSUED IN CONNECTION WITH THE SPECIAL TAXING DISTRICT ARE TO BE REPAID, AND (7) YOUR RIGHT AS THE PROSPECTIVE OWNER OF THE PROPERTY TO FULLY PREPAY THE SPECIAL TAXING DISTRICT OBLIGATIONS WITH RESPECT TO THE PROPERTY.

YOU HAVE 20 CALENDAR DAYS FROM THE DATE YOU RECEIVE THE ABOVE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT TO CANCEL THIS CONTRACT BY SENDING A WRITTEN NOTICE OF CANCELLATION TO THE SELLER. YOU ARE NOT REQUIRED TO STATE A REASON FOR CANCELLING THE CONTRACT. UPON CANCELLATION OF THE CONTRACT, YOU ARE ENTITLED TO A REFUND OF ANY DEPOSIT YOU MAY HAVE MADE UNDER THIS CONTRACT.

A SELLER MAY NOT REQUIRE THAT YOU WAIVE YOUR RIGHT TO RECEIVE THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT OR YOUR RIGHT TO CANCEL THE CONTRACT WITHIN 20 CALENDAR DAYS OF RECEIPT OF THE INFORMATION. A SELLER MAY NOT REQUIRE THAT YOU CLOSE THE SALE UNDER THIS CONTRACT WITHIN 20 CALENDAR DAYS FROM THE DATE YOU RECEIVE THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT.

STATE LAW PROVIDES THAT ANY SELLER WHO, IN DISCLOSING THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT, MAKES ANY FALSE STATEMENT OF A MATERIAL FACT OR OMITS A MATERIAL FACT THAT, IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH THE STATEMENTS WERE MADE, IS NECESSARY TO MAKE THE STATEMENTS NOT MISLEADING IS LIABLE TO THE

PURCHASER FOR DAMAGES PROXIMATELY CAUSED BY THE SELLER'S FALSE OR OMITTED STATEMENT. ANY ACTION FOR DAMAGES CAUSED BY THE SELLER'S FALSE STATEMENT OR OMISSION OF A MATERIAL FACT MUST BE BROUGHT WITHIN 1 YEAR FROM THE DATE OF CLOSING UNDER THIS CONTRACT.

YOU SHOULD CAREFULLY REVIEW THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT PROVIDED BY THE SELLER TO FAMILIARIZE YOURSELF WITH YOUR RIGHTS AND OBLIGATIONS AS A PROSPECTIVE OWNER OF PROPERTY LOCATED WITHIN THE SPECIAL TAXING DISTRICT."

(C) (1) THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION SHALL BE DEEMED FULFILLED IF THE INFORMATION REQUIRED TO BE PROVIDED TO THE PURCHASER IS PROVIDED TO THE PURCHASER IN WRITING, IN A CLEAR AND CONCISE MANNER.

(2) A VENDOR MAY PROVIDE THE PURCHASER WITH THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION BY PROVIDING THE PURCHASER WITH A COLLECTION OF DOCUMENTS IF THE DOCUMENTS CONVEY THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION IN A CLEAR AND CONCISE MANNER.

(3) IN SATISFYING THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION, THE VENDOR MAY RELY ON ANY DOCUMENT THAT, IN CONNECTION WITH THE CREATION OF THE SPECIAL TAXING DISTRICT, WAS FILED BY THE OWNER OF THE PROPERTY IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(D) (1) A PURCHASER UNDER A CONTRACT FOR THE SALE OF PROPERTY THAT IS SUBJECT TO THIS SECTION MAY CANCEL THE CONTRACT WITHIN 20 CALENDAR DAYS OF RECEIVING THE INFORMATION UNDER SUBSECTION (B)(1) OF THIS SECTION BY DELIVERING WRITTEN NOTICE OF CANCELLATION TO THE VENDOR.

(2) UNLESS THE PURCHASER CONSENTS TO AN EARLIER SETTLEMENT DATE, THE SETTLEMENT OF A CONTRACT FOR THE SALE OF PROPERTY THAT IS SUBJECT TO THIS SECTION MAY NOT TAKE PLACE WITHIN 20

CALENDAR DAYS FROM THE DATE THE PURCHASER RECEIVES THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(3) NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DELIVERED BY:

(I) HAND–DELIVERY; OR

(II) FIRST–CLASS MAIL.

(4) ON CANCELLATION OF A CONTRACT FOR THE PURCHASE OF PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE VENDOR SHALL REFUND TO THE PURCHASER ANY DEPOSITS PAID BY, OR ON BEHALF OF, THE PURCHASER UNDER THE CANCELLED CONTRACT.

(E) (1) ANY VENDOR THAT, IN PROVIDING THE PURCHASER WITH THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, MAKES ANY FALSE STATEMENT OF A MATERIAL FACT OR OMITS A MATERIAL FACT THAT, IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH THE STATEMENTS WERE MADE, IS NECESSARY TO MAKE THE STATEMENTS NOT MISLEADING IS LIABLE TO THE PURCHASER FOR DAMAGES PROXIMATELY CAUSED BY THE VENDOR'S FALSE OR OMITTED STATEMENT.

(2) AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE BROUGHT WITHIN 1 YEAR FROM THE DATE OF SETTLEMENT OF THE CONTRACT OF SALE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1562/653827/1

BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 1562, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike the Committee on Ways and Means Amendments (HB1562/495866/1), in their entirety.

AMENDMENT NO. 2

On page 4 of the bill, in line 31, after "**(II)**" insert "**1.**"; and after line 33, insert:

"**2. THE COUNTY MAY NOT EXERCISE THE AUTHORITY GRANTED UNDER THIS SECTION IN AREAS THAT ARE ZONED FOR RESIDENTIAL USE.**".

AMENDMENT NO. 3

On page 5 of the bill, before line 1, insert:

"**(III) THE COUNTY SHALL HOLD AT LEAST ONE PUBLIC HEARING ON A BILL CREATING A SPECIAL TAXING DISTRICT.**";

and in lines 1, 11, and 23, strike "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(IV)**", "**(V)**", and "**(VI)**", respectively.

The preceding 3 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 45 Negative – 85 (See Roll Call No. 698)

Delegate Smigiel moved to lay the Bill on the Table.

Delegate Minnick moved the previous question.

The motion was adopted.

The motion to lay the Bill on the Table was rejected by a roll call vote as follows:

Affirmative – 43 Negative – 84 (See Roll Call No. 699)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1609 – Delegates F. Turner, Guzzone, and Pendergrass

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

HB1609/545462/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1609
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pendergrass" and substitute "Pendergrass, Hixson, Doory, Bartlett, Cardin, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, and Walker"; and strike beginning with "providing" in line 6 down through "circumstances;" in line 7.

AMENDMENT NO. 2

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**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 14 through 19, inclusive; and in line 20, strike "3." and substitute "2.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1602 – ~~Delegate Malone~~ Delegates Hammen, Aumann, Bates, 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, Ramirez, Reznik, Rice, Riley, Rudolph, Schuler, Stein, Stukes, Tarrant, Valderrama, Weir, Haddaway, Kipke, Miller, and Stull

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

STATUS OF BILL: BILL ON 3RD READING.

Delegate James moved to reconsider the vote by which **House Bill 1602** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB1602/214467/2

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1602
(Bill as Printed For Third Reading)

On page 1, in the sponsor line, after "Delegates" insert "Malone,"; in the same line, after "Bates," insert "Barkley,"; and in the same line, after "Pena–Melnyk," insert "Proctor,".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 835 – Delegates Hucker, Ali, Beidle, Cane, Carr, Frush, Glenn, Gutierrez, Healey, Holmes, Manno, Niemann, Shewell, and Stein

AN ACT concerning

Mercury Switch Removal from Vehicles

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

Read the second time and ordered prepared for Third Reading.

House Bill 1504 – Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

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

FLOOR AMENDMENT

HB1504/413024/1

BY: Delegate Morhaim

AMENDMENTS TO HOUSE BILL 1504
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "shells;" insert "requiring the Department to apply for a certain permit on or before a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, the Department of Natural Resources shall apply to the Department of the Environment for a permit to dredge fossil oyster shells on or before December 1, 2008, if the Oyster Advisory Commission recommends the application based on a review of the findings of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.";

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

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

House Bill 16 – Delegate Smigiel

AN ACT concerning

Local Government Tort Claims Act – Notice

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

Read the second time and ordered prepared for Third Reading.

House Bill 1111 – Delegate Dumais

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

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

FLOOR AMENDMENT

HB1111/393925/1

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 1111
(First Reading File Bill)

On page 2, in line 28, strike "**GOVERNOR**" and substitute "**SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE**"; and in the same line, strike "**THE CHAIR**" and substitute "**CO–CHAIRS**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 49 Negative – 85 (See Roll Call No. 700)

FLOOR AMENDMENT

HB1111/823429/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 1111, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the House Judiciary Committee Amendments (HB1111/502018/1), in lines 2 and 3 of Amendment No. 3, strike "**IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

AMENDMENT NO. 2

On page 3 of the bill, in line 2, strike "**MARYLAND JUSTICE ANALYSIS CENTER**" and substitute "**DEPARTMENT OF LEGISLATIVE SERVICES**".

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

Affirmative – 46 Negative – 87 (See Roll Call No. 701)

FLOOR AMENDMENT

HB1111/283826/1

BY: Delegates O'Donnell and McDonough

AMENDMENTS TO HOUSE BILL 1111, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in lines 26 and 27, strike "**, TO INCLUDE**" and substitute "**:**

1."

AMENDMENT NO. 2

On page 1 of the House Judiciary Committee Amendments (HB1111/502018/1), in line 11 of Amendment No. 2, after "**THREE**" insert "**OF WHOM ARE**".

On page 2 of the House Judiciary Committee Amendments, in line 1 of Amendment No. 2, strike "**AND REFLECTING**" and substitute "**;**

2. **ALL OF WHOM REFLECT**";

and in line 2, after "**PUNISHMENT**" insert "**; AND**

3. **NONE OF WHOM IS EMPLOYED BY AN ORGANIZATION THAT HAS THE PRIMARY PURPOSE OF INFLUENCING PUBLIC POLICY**".

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 45 Negative – 85 (See Roll Call No. 702)

FLOOR AMENDMENT

HB1111/543427/1

BY: Delegate Sophocleus

AMENDMENT TO HOUSE BILL 1111, AS AMENDED

On page 2 of the House Judiciary Committee Amendments (HB1111/502018/1), in line 8 of Amendment No. 4, strike "**AND**"; and in line 10, after "**CASES**" insert "**; AND**

8. **A STUDY OF THE NUMBER OF CAPITAL CASES IN WHICH AT LEAST ONE OF THE AGGRAVATING CIRCUMSTANCES PROVIDED IN §**

2–303 OF THE CRIMINAL LAW ARTICLE EXISTS BUT THE STATE DECIDES NOT TO SEEK THE IMPOSITION OF THE DEATH PENALTY".

The preceding amendment was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 53 Negative – 79 (See Roll Call No. 703)

Read the second time and ordered prepared for Third Reading.

House Bill 1460 – Delegate Simmons

AN ACT concerning

Election Law – Loans to Candidates

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

FLOOR AMENDMENT

HB1460/765466/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1460
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "contributions;" insert "authorizing the State Board of Elections to extend for a certain period of time a certain repayment period on a written showing of good cause;".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"**(B) (1) ON A SHOWING OF GOOD CAUSE, THE STATE BOARD MAY EXTEND THE REPAYMENT PERIOD REQUIRED UNDER SUBSECTION (A)(2) OF**

THIS SECTION TO A DATE ON OR BEFORE THE END OF THE ELECTION CYCLE IMMEDIATELY FOLLOWING THE ELECTION CYCLE IN WHICH THE LOAN WAS MADE.

(2) A SHOWING OF GOOD CAUSE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED IN WRITING.";

and in lines 6 and 11, strike "(b)" and "(c)", respectively, and substitute "**(C)**" and "**(D)**", respectively.

On page 3, in line 2, strike "(d)" and substitute "**(E)**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #12

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB0398/786988/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "Task Force on the Administrative Procedure Act"; in line 4, after "of" insert "establishing the Task

Force on the Administrative Procedure Act; providing for the membership and chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; providing for the duties of the Task Force; requiring the Task Force to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the Administrative Procedure Act."; and strike beginning with "expanding" in line 4 down through "Supplement)" in line 17.

AMENDMENT NO. 2

On page 1, in line 19, strike "the Laws of Maryland read as follows"; after line 19, insert:

"(a) There is a Task Force on the Administrative Procedure Act.

(b) The Task Force consists of the following members:

(1) one member of the House of Delegates, appointed by the Speaker of the House;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(3) the Attorney General, or the Attorney General's designee;

(4) the Chief Administrative Law Judge of the Office of Administrative Hearings, or the Chief Administrative Law Judge's designee;

(5) a Maryland judge, appointed by the Chief Judge of the Court of Appeals;

(6) the secretary of an executive branch department, appointed by the Governor, or the secretary's designee;

(7) one member each from a pharmacy, dental, and medical professional organization;

(8) two representatives of the Administrative Law section of the Maryland State Bar Association who are familiar with administrative law but who do not work for the government, appointed by the Bar Association;

(9) a representative of the American Federation of State, County, and Municipal Employees, appointed by the officers of the American Federation of State, County and Municipal Employees;

(10) a representative of the Firefighters Union; and

(11) two law professors who specialize in administrative law, one appointed by the Dean of the University of Maryland and one by the Dean of the University of Baltimore Law Schools.

(c) The members of the Task Force shall represent geographic, ethnic, and cultural differences throughout the State.

(d) The members of the Task Force shall select a Chair of the Task Force from among the members.

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

(f) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) The Task Force shall study the judicial review procedures of the Administrative Procedure Act to determine whether it is desirable and in the public interest for the judicial review procedures in the Act to be revised and updated.

(h) The Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on or before December 31, 2009.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 23 on page 2, inclusive.

On page 2, in line 25, after "2008." insert "It shall remain effective for a period of 1 year and 6 months and, at the end of March 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 586 – Delegates Kullen and Kipke

AN ACT concerning

Consumer Products Safety – Lead and Mercury Reduction Act

HB0586/626584/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 586
(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"; in line 3, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1082 – Delegate Benson

AN ACT concerning

Polysomnographic Technologists – Education Requirements – Waiver

HB1082/456482/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1082
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Education" insert "and Licensing"; in the same line, strike "– Waiver"; strike beginning with "have" in line 4 down through the first "and" in line 5; in line 5, after "requirements" insert "by a certain date; altering the date by which an individual must be licensed before the individual may practice polysomnography in the State"; in line 6, strike "the waiver of"; in the same line, after "education" insert "and licensing"; and in line 15, after "Section" insert "14–5C–08 and".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"14–5C–08.

(a) Except as otherwise provided in this subtitle, on or after **[**October 1, 2009**]** **OCTOBER 1, 2012**, an individual shall be licensed by the Board before the individual may practice polysomnography in this State.

(b) This section does not apply to a student enrolled in an education program under § 14–5C–09(c)(3) of this subtitle while practicing polysomnography in that program.".

On page 2, in lines 2 and 24, in each instance, strike "September 30, 2009" and substitute "**SEPTEMBER 30, 2012**"; strike in their entirety lines 10 through 22, inclusive; in line 23, strike the brackets; in the same line, strike "**(C)**"; and strike beginning with "**OR**" in line 24 down through "**2014,**" in line 26.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1326 – Delegates Rosenberg, Busch, Conway, Doory, Harrison, Hixson, James, Levy, McIntosh, Oaks, Proctor, and Vallario

AN ACT concerning

Annotated Code of Maryland – Dedicated to Roger D. Redden

HB1326/666783/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1326
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Maryland –" insert "Estates and Trusts Article –"; in line 3, after "dedicating" insert "the Estates and Trusts Article of"; and strike in their entirety lines 4 through 10, inclusive, and substitute:

"BY adding to
Article – Estates and Trusts
Section 1–104
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"WHEREAS, As a result of Mr. Redden's article, former Governor Marvin Mandel issued an executive order establishing a commission to revise the Annotated Code of Maryland and appointed Mr. Redden to the blue ribbon commission consisting of prominent judges and attorneys; and";

and strike in their entirety lines 9 through 14, inclusive, and substitute:

"Article – Estates and Trusts

1–104.

THIS ARTICLE IS DEDICATED TO THE MEMORY OF ROGER D. REDDEN, ESQUIRE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1351 – Delegates Love, Beidle, Bobo, V. Clagett, Costa, Gilchrist, Kipke, and Stein

AN ACT concerning

Continuing Care Retirement Communities – Subscriber Complaints and Investigations

HB1351/596181/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1351
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Complaints" in line 2 down through "Investigations" in line 3 and substitute "Grievances"; strike beginning with "adding" in line 4 down through "provider;" in line 7; in line 9, strike "a certain basis" and substitute "or before a certain date"; strike beginning with "authorizing" in line 9 down through "circumstances;" in line 11; and in line 12, strike "complaints and investigations" and substitute "grievances".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 13 on page 1 through line 9 on page 3, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before December 1, 2008, a provider that has obtained a

certificate of registration to provide continuing care under Title 10, Subtitle 4 of the Human Services Article shall submit the following information to the Department of Aging and to the Health Education and Advocacy Unit in the Office of the Attorney General:

(1) the number of written grievances submitted to the provider under § 10–428 of the Human Services Article during calendar year 2007;

(2) a brief summary of each grievance filed during calendar year 2007 using only nonindividually identifiable information; and

(3) any action taken by the provider regarding the resolution of each grievance filed during calendar year 2007.".

AMENDMENT NO. 3

On page 3, in line 11, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1407 – Delegates Mizeur, Pena–Melnyk, and Ivey

AN ACT concerning

Birth Options Preservation Act

HB1407/556489/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1407
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Act" and substitute "Study"; strike beginning with "prohibiting" in line 3 down through "term" in line 6 and substitute "requiring the State Board of Nursing and the State Board of Physicians to conduct a joint study on a requirement for a certain agreement between a certified nurse–midwife and a licensed physician; requiring that the Boards collaborate with certain entities; requiring that the study include a review of certain standards and determine certain recommendations; requiring the Boards to report to certain committees of the General Assembly on or before a certain date"; and in line 7, strike "the practice" and substitute "a study".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 8 on page 1 through line 8 on page 3, inclusive, and substitute:

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

(a) The State Board of Nursing and the State Board of Physicians shall conduct a joint study to determine an appropriate alternative written protocol to replace the current requirement for a certified nurse–midwife to have a signed written collaborative agreement with a licensed physician.

(b) The Boards shall conduct the study in collaboration with:

(1) The Obstetrical and Gynecologic Society of Maryland;

(2) The Maryland Hospital Association; and

(3) The American College of Nurse–Midwives, Maryland Chapter.

(c) The study shall include a review of requirements under Standard V of the Standards for the Practice of Midwifery of the American College of Nurse–Midwives to determine whether to incorporate its requirements into the State regulation of certified nurse–midwives.

(d) The study shall determine recommendations to replace the requirement for a signed written collaborative agreement with an alternative written protocol that clarifies procedures for consultation, collaboration, and referral between a certified nurse–midwife and a licensed physician.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, the State Board of Nursing and the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the results and recommendations of the study.".

On page 3, in line 9, strike "2." and substitute "3."; and in line 10, strike "October 1, 2008" and substitute "June 1, 2008".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1563 – Delegate Hubbard

AN ACT concerning

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

HB1563/146489/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1563
(First Reading File Bill)

On page 13, in line 25, strike the bracket; in the same line, strike "(i) After January 1, 2002, has" and substitute "**HAS**"; in line 28, strike "or"; in line 29, before "(ii)" insert "**[**"; in line 32, strike the brackets; and in the same line, strike "**(3)**".

On page 14, in line 5, strike the brackets; and in the same line, strike "**(4)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 704)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #4

Senate Bill 31 – Senator Rosapepe

AN ACT concerning

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

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

Affirmative – 123 Negative – 13 (See Roll Call No. 705)

The Bill was then returned to the Senate.

Senate Bill 39 – ~~Senator Dyson~~ Senators Dyson, Conway, Rosapepe, Colburn, Greenip, Lenett, and Peters

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

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

Affirmative – 137 Negative – 0 (See Roll Call No. 706)

The Bill was then returned to the Senate.

Senate Bill 182 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transportation Authority ~~– Bonding Authority~~

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

Affirmative – 137 Negative – 0 (See Roll Call No. 707)

The Bill was then returned to the Senate.

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Maryland~~ Health Care ~~Provider Rate Stabilization Account~~ Funds – ~~Transfer of Funds~~ Transfers and Disbursements

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

Affirmative – 109 Negative – 28 (See Roll Call No. 708)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 709)

ADJOURNMENT

At 3:12 P.M. on motion of Delegate Barve the House adjourned until 5:00 P.M., on Legislative Day, March 21, 2008, Calendar Day, Monday, March 24, 2008.

Annapolis, Maryland
Legislative Day: March 21, 2008
Calendar Day: Monday, March 24, 2008

The House met at 5:05 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Carolyn J. B. Howard of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 710)

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

EXCUSES:
Del. Heller – illness

SPECIAL ORDERS

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

House Bill 518 – Delegate Love

AN ACT concerning

Anne Arundel County – State Matching Stipends – National Certification

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

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

The motion was adopted.

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

~~Baltimore City~~ Community ~~College – Personnel~~ Colleges – Funding Requirements

STATUS OF BILL: BILL ON 3RD READING.

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

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 711)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #57

House Bill 515 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Development Impact Fees – Not–For–Profit Entities

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

Affirmative – 132 Negative – 0 (See Roll Call No. 712)

The Bill was then sent to the Senate.

House Bill 782 – Delegates Branch, DeBoy, Gaines, Haynes, and Jones

AN ACT concerning

Governor's Office of Community Initiatives – Reorganization of Various State Entities

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

Affirmative – 132 Negative – 0 (See Roll Call No. 713)

The Bill was then sent to the Senate.

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

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

Affirmative – 122 Negative – 9 (See Roll Call No. 714)

The Bill was then sent to the Senate.

House Bill 1436 – Delegates Weir, Boteler, Holmes, Impallaria, and Minnick

AN ACT concerning

Natural Resources – Fishing Restrictions – Pot and Net Setting

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

Affirmative – 131 Negative – 0 (See Roll Call No. 715)

The Bill was then sent to the Senate.

House Bill 1476 – Delegates Holmes, Beidle, Cane, Frush, Hucker, Niemann, Ross, Shewell, and Sossi

AN ACT concerning

Public Safety – Industrialized ~~Building – Definition~~ Buildings – Exemptions

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

Affirmative – 132 Negative – 0 (See Roll Call No. 716)

The Bill was then sent to the Senate.

House Bill 1493 – Delegate Kullen

AN ACT concerning

Calvert County – Authorization to Harvest Seafood and Engage in the Seafood Industry

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

Affirmative – 132 Negative – 0 (See Roll Call No. 717)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 0 (See Roll Call No. 718)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #58

House Bill 16 – Delegate Smigiel

AN ACT concerning

Local Government Tort Claims Act – Notice

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

Affirmative – 117 Negative – 14 (See Roll Call No. 719)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 1 (See Roll Call No. 720)

The Bill was then sent to the Senate.

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 – 91 Negative – 47 (See Roll Call No. 721)

The Bill was then sent to the Senate.

House Bill 1504 – Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

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

Affirmative – 127 Negative – 8 (See Roll Call No. 722)

The Bill was then sent to the Senate.

House Bill 1562 – Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County – Special Taxing Districts – Creation

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

Affirmative – 85 Negative – 45 (See Roll Call No. 723)

The Bill was then sent to the Senate.

House Bill 1609 – Delegates F. Turner, Guzzone, ~~and Pendergrass~~ Pendergrass, Hixson, Doory, Bartlett, Cardin, Elmore, Frick, Gilchrist, Howard, Ivey, Jennings, Krebs, Murphy, Olszewski, Rice, Ross, Serafini, Stukes, and Walker

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

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

Affirmative – 139 Negative – 0 (See Roll Call No. 724)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

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

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

FLOOR AMENDMENT

HB0398/516586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 398, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Health and Government Operations Committee Amendments (HB0398/786988/1), in line 4 of Amendment No. 1, strike "Department of Legislative Services" and substitute "Office of the Attorney General".

AMENDMENT NO. 2

On page 2 of the Health and Government Operations Committee Amendments, in line 6 of Amendment No. 2, strike "the secretary of an executive branch department" and substitute "two secretaries of principal departments of the executive branch"; in line 7, strike "the" and substitute "each"; strike beginning with "each" in line 8 down through "organization" in line 9 and substitute "of the public, appointed by the Governor"; in line 10, strike "of the Administrative Law section"; in lines 11 and 12, strike "but who do not work for the government"; in line 12, after "Association;" insert "and"; in line 15, strike "Employees;" and substitute "Employees."; and strike in their entirety lines 16 through 19, inclusive.

AMENDMENT NO. 3

On page 3 of the Health and Government Operations Committee Amendments, in line 3 of Amendment No. 2, strike "Department of Legislative Services" and substitute "Office of the Attorney General"; in line 11, after "procedures" insert "concerning employee discipline"; in line 14, strike "2009" and substitute "2008"; and in line 18, strike "and 6 months"; and in the same line, strike "March 31, 2010" and substitute "June 30, 2009".

AMENDMENT NO. 4

On page 2 of the bill, in line 25, strike "October" and substitute "July".

The preceding 4 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 518 – Delegate Love

AN ACT concerning

Anne Arundel County – State Matching Stipends – National Certification

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

FLOOR AMENDMENT

HB0518/903529/1

BY: Delegate Stocksdale

AMENDMENTS TO HOUSE BILL 518

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "County" insert "and Carroll County"; in line 6, after "Education" insert "or the Carroll County Board of Education"; and in line 8, after "County" insert "and Carroll County".

AMENDMENT NO. 2

On page 2, in line 16, after "**EDUCATION**" insert "**OR THE CARROLL COUNTY BOARD OF EDUCATION**"; and in line 20, after "**COUNTY**" insert "**OR CARROLL COUNTY**".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

~~Baltimore City~~ Community ~~College – Personnel~~ Colleges – Funding Requirements

STATUS OF BILL: BILL ON 3RD READING.

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

The motion was adopted.

House Bill 1607 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Board of Education and School Board Nominating Commission

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 132 Negative – 6 (See Roll Call No. 725)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 726)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #59

House Bill 835 – Delegates Hucker, Ali, Beidle, Cane, Carr, Frush, Glenn, Gutierrez, Healey, Holmes, Manno, Niemann, Shewell, and Stein

AN ACT concerning

Mercury Switch Removal from Vehicles

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

Affirmative – 135 Negative – 2 (See Roll Call No. 727)

The Bill was then sent to the Senate.

House Bill 1082 – Delegate Benson

AN ACT concerning

Polysomnographic Technologists – Education and Licensing Requirements – ~~Waiver~~

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

Affirmative – 140 Negative – 0 (See Roll Call No. 728)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 729)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 730)

The Bill was then sent to the Senate.

House Bill 1407 – Delegates Mizeur, Pena–Melnyk, and Ivey

AN ACT concerning

Birth Options Preservation ~~Act~~ Study

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

Affirmative – 138 Negative – 0 (See Roll Call No. 731)

The Bill was then sent to the Senate.

House Bill 1460 – Delegate Simmons

AN ACT concerning

Election Law – Loans to Candidates

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

Affirmative – 139 Negative – 0 (See Roll Call No. 732)

The Bill was then sent to the Senate.

House Bill 1563 – Delegate Hubbard

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 – 140 Negative – 0 (See Roll Call No. 733)

The Bill was then sent to the Senate.

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 – 119 Negative – 19 (See Roll Call No. 734)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

~~Baltimore City~~ Community ~~College – Personnel~~ Colleges – Funding Requirements

STATUS OF BILL: BILL ON 3RD READING.

Delegate Bohanan moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 735)

ADJOURNMENT

At 6:33 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 22, 2008, Calendar Day Tuesday, March 25, 2008.

Annapolis, Maryland
Legislative Day: March 22, 2008
Calendar Day: Tuesday, March 25, 2008

The House met at 11:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Mary Ann Love of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 736)

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

EXCUSES:
Del. Donoghue – late – doctor's appointment
Del. Guzzone – funeral
Del. James – illness
Del. Riley – funeral

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 9 – Senator Rosapepe

AN ACT concerning

Prince George's County – Alcoholic Beverages – Beer Keg Sales – Registration Form

FOR the purpose of ~~requiring a person who sells beer in kegs at retail to write certain information about the purchaser on the registration form that the purchaser must complete and sign before the keg is sold or otherwise transferred~~ requiring a person who sells beer in kegs at retail in Prince George's County to complete certain registration forms with certain information about the purchaser of the beer kegs and to record on the copy of the registration form retained by the keg licensee the purchaser's identification number and the date the purchaser's identification number was issued; making a stylistic change; defining a certain

term; and generally relating to the registration forms that accompany the sale of beer in kegs in Prince George's County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 21–106(c), (d), (e), and (f), respectively
to be Section 21–106(d), (e), (f), and (g), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 21–106(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21–106(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 21–106(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 16 – Senators Simonaire, Mooney, Jacobs, Haines, Brochin, Stone, and Muse

AN ACT concerning

Crimes – ~~Repeat~~ Sexual Offenders – ~~Enhanced~~ Sentencing

FOR the purpose of ~~increasing the maximum sentence for a person who is convicted of the felony of rape in the second degree if the person previously has been convicted of the felony of rape in the first degree, rape in the second degree, sexual offense in the first degree, or sexual offense in the second degree; increasing the maximum sentence for a person who is convicted of the felony of sexual offense in the second degree if the person previously has been convicted of the felony of rape in the first degree, rape in the second degree, sexual offense in the first degree, or sexual offense in the second degree~~ clarifying that an adult who has been convicted for a second time of first degree rape or sexual offense involving a victim under the age of 13 years is subject to the mandatory

minimum sentence provided for that crime; and generally relating to sentencing for sexual offenses.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3–304 and 3–306~~ 3–303 and 3–305
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Senate Bill 281 – ~~Senator Dyson~~ Senators Dyson and Harrington

AN ACT concerning

Affordable Housing Programs – Waiver or Modification of Fees and Charges – Enabling Authority for Counties and Municipalities

FOR the purpose of authorizing counties and municipalities to support, foster, or promote an affordable housing program for individuals or families of low or moderate income by waiving or modifying certain fees and charges for construction of certain housing units under certain circumstances; requiring the Department of Housing and Community Development to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the authority of counties and municipalities to take action to support, foster, and promote affordable housing.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 21–101
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 309 – Senators Pinsky, Brochin, Currie, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, King, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ ~~Stone,~~ and Harrington

AN ACT concerning

Global Warming Solutions – Reductions in Greenhouse Gases

FOR the purpose of ~~authorizing a certain fee and certain fines to be paid into the Maryland Clean Air Fund;~~ expanding the permissible uses of the Maryland Clean Air Fund; ~~prohibiting all~~ altering the circumstances under which certain

moneys in the Maryland Clean Air Fund ~~from reverting or being transferred to~~ must be deposited to the General Fund; ~~stating the intent of the General Assembly;~~ requiring the Department of the Environment to develop plans, adopt regulations, and implement certain programs to ~~require certain reductions in~~ reduce greenhouse gas emissions to a certain level by a certain ~~years~~ year; requiring the Department to publish certain proposed lists of certain greenhouse gas reduction measures and to ~~adopt regulations in order to implement~~ ~~report~~ provide certain reports to the Governor and the General Assembly ~~on the status of implementing~~ ~~these measures~~ on or before certain dates; requiring the Department to develop and publish a certain plan in accordance with certain requirements on or before a certain date; prohibiting the Department from proceeding with the implementation of certain greenhouse gas emissions reduction measures before the General Assembly receives certain reports and passes certain legislation; providing for the construction of certain provisions; requiring the Department to consult with the Public Service Commission, the Maryland Energy Administration, and the Power Plant Research Program on greenhouse gas reduction measures that relate to energy matters; requiring the Department to publish and implement certain greenhouse gas emissions reduction measures in accordance with certain requirements; ~~requiring the Department to prepare and publish a certain plan; requiring the Department to adopt the plan by regulation in accordance with certain requirements;~~ requiring the Department to adopt methodologies for the quantification of voluntary greenhouse gas emissions reductions; requiring the Department to adopt regulations that enable the State to monitor and verify voluntary greenhouse gas emissions reductions; providing that any provision of federal law that conflicts with certain provisions of this Act shall prevail to the extent that the federal law is stricter than the provisions of this Act; ~~requiring~~ authorizing the Department to adopt regulations, in accordance with certain requirements, that establish a cap and trade system for sources that emit greenhouse gas emissions; requiring the State, to the extent practicable, to engage other states that have certain cap and trade systems for the purpose of establishing a regional cap and trade system; requiring the Department to take certain actions if a federal law is enacted that creates a national cap and trade system for the reduction of greenhouse gas emissions; ~~authorizing~~ requiring the Department to adopt regulations that establish certain offset allowances; requiring certain sources to include greenhouse gas emissions in certain statements submitted to the Department; ~~the Department to adopt regulations, in accordance with certain requirements, to require the reporting and verification of greenhouse gas emissions and to monitor and enforce compliance~~ requiring the Department to adopt certain regulations related to greenhouse gas emissions; providing that certain proceeds should be used to implement the provisions of this Act; ~~authorizing the Department to establish a Greenhouse Gas Emissions Fee under certain circumstances; authorizing the Department to exempt certain de minimus sources of greenhouse gas emissions from paying the fee; providing for the administration and collection of the fee; requiring the fees to be deposited in the Maryland Clean Air Fund;~~ ~~creating the Office of Climate Change within the Department; requiring the Office to administer the~~

~~provisions of this Act; authorizing~~ requiring the Department to create certain committees; authorizing the Governor to alter certain deadlines under certain circumstances; authorizing the Governor to extend the date under which a specified mandate has to be achieved under certain circumstances; requiring the Department to include certain stakeholders in advisory workgroups; requiring the Department to conduct a certain study; requiring certain ~~fees~~ revenues to be deposited in a certain fund under certain circumstances; requiring the Department of the Environment, prior to the implementation of certain provisions of this Act, to make and forward a certain determination; making certain provisions of this Act contingent on a certain determination and report by the Department of the Environment; providing for the termination of certain provisions of this Act if a certain determination is not received by a certain date; declaring the legislative intent and findings of the General Assembly as they relate to global warming solutions; defining certain terms; making the provisions of this Act severable; and generally relating to the reduction of greenhouse gas emissions.

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–107
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 2–1201 through ~~2–1210~~ 2–1209 to be under the new subtitle "Subtitle 12. Greenhouse Gas Emissions Reductions"
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

Senate Bill 383 – Senators Currie and McFadden

AN ACT concerning

Tobacco Tax – Moist Snuff ~~and Little Cigars~~

FOR the purpose of ~~altering the application of the tobacco tax to certain cigars weighing less than a certain amount;~~ altering the tobacco tax rate for certain tobacco intended to be placed in the oral cavity; requiring that certain tobacco tax revenues be distributed to the Cigarette Restitution Fund for certain purposes; requiring certain revenues to be appropriated for certain activities aimed at cancer research; ~~providing a certain rate of tax for certain cigars; requiring a manufacturer that distributes free sample little cigars in the State to complete and file certain returns and pay certain tax on those little cigars;~~

altering the information required to be stated in a tobacco tax return; ~~requiring that little cigars be sold in a certain manner;~~ defining certain terms; and generally relating to the taxation ~~and packaging~~ of certain tobacco products.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–317(b) and (g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 2–1602.1 and 12–101(b–1) ~~and (b–2)~~
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section ~~12–101(c), 12–201, 12–202, and 12–302(a)~~ 2–1603 and 12–202
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 12–105
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 adding to~~
~~Article – Commercial Law~~
~~Section 11–5B–01 through 11–5B–03 to be under the new subtitle "Subtitle 5B. Little Cigar Sales of Fewer Than Five Per Package"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

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

Senate Bill 431 – Senators Pinsky, Raskin, Brochin, Conway, Dyson, Frosh, Garagiola, Madaleno, and Rosapepe

AN ACT concerning

~~Natural Resources – Forest Conservation Act – No Net Loss of Forest~~
Task Force to Study a No Net Loss of Forest Policy

FOR the purpose of ~~requiring the Department of Natural Resources, on or before a certain date, to conduct a certain assessment, develop certain draft legislation, and submit the draft legislation to the Governor and General Assembly; and generally relating to the Forest Conservation Act~~ requesting that the Governor establish a Task Force to Study a No Net Loss of Forest Policy; requiring the Task Force to develop a certain plan and draft legislation; requiring the Task Force to submit the plan and draft legislation to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the conservation of forested lands in the State.

~~BY adding to~~
~~Article – Natural Resources~~
~~Section 5–1614~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2007 Supplement)~~

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

Senate Bill 436 – Senators Pugh, McFadden, Conway, Currie, Forehand, Garagiola, Glassman, Jones, Kasemeyer, Kelley, King, Lenett, Madaleno, Muse, Peters, Raskin, and Robey

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

FOR the purpose of requiring certain children under a certain age to attend a public school regularly during the entire school year, subject to certain exceptions; raising the age to which certain persons are responsible for a child's attendance at school or receipt of certain instruction; requiring certain children to attend alternative educational programs or to be given certain information regarding GED programs by certain county boards of education; making certain stylistic changes; making this Act subject to a certain contingency; providing for a delayed effective date; and generally relating to the age of compulsory school attendance.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 438 – Senators Jones, Conway, Currie, Gladden, King, McFadden, Muse, Pugh, and Raskin

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

FOR the purpose of requiring certain nonpublic institutions of higher education to submit a certain report regarding cultural diversity programs to the Maryland Independent College and University Association on or before a certain date each year; requiring the Association to submit a certain report on the status of certain cultural diversity programs to the Maryland Higher Education Commission on or before a certain date each year; requiring the report to include a certain analysis; requiring certain public institutions of higher education to develop and implement certain plans for a program of cultural diversity; requiring certain plans to include certain improvements to certain programs under certain circumstances; requiring certain plans to include certain implementation strategies and timelines for meeting certain goals; providing for the contents of a certain plan; requiring certain plans to enhance certain programming and certain sensitivity through certain instruction and training; requiring certain public institutions of higher education to submit certain plans to the governing body of the institution for review on or before a certain date each year; requiring the governing body of certain institutions to submit a certain progress report to the Commission on or before a certain date each year; requiring the Commission to review the progress report to monitor compliance with the diversity goals of the State Plan for Higher Education; 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; and generally relating to plans for programs of cultural diversity.

BY repealing and reenacting, with amendments,
Article – Education
Section 10–211
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 11–406
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 444 – Senators King, Currie, DeGrange, Edwards, Forehand, Garagiola, Jones, Kasemeyer, Kramer, Madaleno, Munson, Peters, Raskin, Robey, and Stoltzfus

AN ACT concerning

Corporate Income Tax – Reporting and Study

FOR the purpose of altering the membership of a certain business tax study commission; limiting to certain taxable years a requirement for certain corporations engaged in manufacturing to submit certain reports as part of their income tax returns; altering the circumstances under which an individual is required to attach to an income tax return or otherwise file with the Comptroller a copy of the individual's federal income tax return; altering ~~certain definitions~~ a certain definition and repealing certain definitions for purposes of certain requirements for certain corporations to submit certain reports to the Comptroller; altering the reporting requirements and limiting the reporting requirements to certain taxable years; ~~prohibiting the disclosure of certain information to certain governmental units or officials;~~ repealing certain penalty provisions and authorizing the Comptroller to develop and implement a certain penalty system relating to certain reporting requirements; altering the due date for ~~a~~ certain annual ~~report~~ reports by the Comptroller; requiring a certain commission in consultation with the Comptroller to review certain requirements and definitions and submit certain recommendations to the Governor and General Assembly by a certain date; and generally relating to certain requirements for certain ~~corporations~~ persons to submit certain reports to the Comptroller.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–110(c), 10–402(c)(2)(vi) and (vii), 10–804(e)(3)(ii), and 10–804.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Chapter 3 of the Acts of the General Assembly of the 2007 Special Session
Section 10

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

Senate Bill 455 – Harford County Senators

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

FOR the purpose of allowing a county to pay a claim for a refund of personal property tax without interest within a certain period after the claim is approved under certain circumstances; providing for the application of this Act; and generally relating to refunds and reports for personal property tax.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–919
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 456 – Senator Astle

AN ACT concerning

Sales and Use Tax – Energy Star Product Exemptions – Boilers

FOR the purpose of altering a certain definition under the sales and use tax to include boilers for purposes of a certain tax–free period during which an exemption from the sales and use tax is provided for the sale of certain appliances that meet or exceed certain applicable energy efficiency guidelines; and generally relating to exemptions from the sales and use tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–226
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007 Special Session)

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

Senate Bill 457 – Senator Astle

AN ACT concerning

Interstate Compact on Educational Opportunity for 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; providing for the termination of this Act, subject to a certain contingency; and generally relating to the Interstate Compact on Educational Opportunity for 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 Ways and Means.

Senate Bill 459 – Senators Middleton, Colburn, Dyson, Edwards, Glassman, ~~and Munson~~ Munson, and Harris

AN ACT concerning

Task Force to Review Physician Shortages in Rural Areas

FOR the purpose of creating a Task Force to Review Physician Shortages in Rural Areas; providing for the composition, cochairs, and staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation but authorizing members to be reimbursed for certain expenses; requiring the Task Force to study the recruitment and retention of certain physicians in certain rural areas, the funding of certain programs, certain academic recruitment programs, certain federal and State programs relating to physician distribution, and certain financial and tax incentives for physicians who practice in certain rural areas; requiring the Task Force to make certain recommendations; requiring the Task Force to report to the Governor and to certain committees of the General Assembly regarding certain findings and recommendations; requiring the University of Maryland School of Medicine to develop a certain pilot program; providing for the termination of this Act; and generally relating to the Task Force to Review Physician Shortages in Rural Areas.

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

Senate Bill 465 – Senators Peters, Currie, DeGrange, Edwards, Kasemeyer, King, Kramer, McFadden, Pugh, Robey, Simonaire, Stoltzfus, and Zirkin

AN ACT concerning

Property Tax Assessment Appeals

FOR the purpose of altering a certain time limit for the Maryland Tax Court to hear and determine an appeal from a determination of a property tax assessment appeal board under certain circumstances; and generally relating to property tax assessment appeals.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–512(f)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–512(f)(5)
Annotated Code of Maryland
(2007 Replacement Volume)

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

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

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 Ways and Means.

Senate Bill 506 – Senators Rosapepe, Colburn, Kelley, Lenett, and Madaleno

AN ACT concerning

Task Force on the Preservation of Heritage Language Skills in Maryland

FOR the purpose of establishing a Task Force on the Preservation of Language Skills in Maryland; providing for the membership and duties of the Task Force; ~~requiring the election~~ providing for the selection of a chair of the Task Force; requiring the State Department of Education to provide staff for the Task Force; prohibiting members of the Task Force from receiving certain compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; requiring the Task Force to continue to advise the Governor and the General Assembly on certain matters until a certain time; and generally relating to the Task Force on the Preservation of Heritage Language Skills in Maryland.

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

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

FOR the purpose of exempting from a certain offset of a retirement allowance retired judges who are members of the Employees' Retirement System or the Employees' Pension System; requiring certain local school superintendents to make certain reimbursements under certain circumstances by a certain date; providing that certain members of the Judges' Retirement System may earn service credit under certain circumstances; providing for certain individuals who are retirees of the Employees' Retirement System or Employees' Pension System to elect to suspend temporarily their service retirement allowances under certain circumstances; requiring the Board of Trustees to suspend temporarily certain service retirement allowances under certain circumstances as of a certain date; exempting certain individuals who are retirees of the Employees' Retirement System or Employees' Pension System from a certain earnings offset under certain circumstances; providing for the resumption of a service retirement allowance with certain adjustments to the allowance after

receipt by the Board of Trustees for the State Retirement and Pension System of certain documentation; providing for certain survivorship benefits for surviving spouses of certain individuals who are retirees of the Employees' Retirement System or Employees' Pension System; requiring the Joint Committee on Pensions to submit certain information to the Senate Budget and Taxation Committee and the House Appropriations Committee by a certain date; requiring certain State agencies to submit certain data to the Joint Committee on Pensions; providing for the termination of certain provisions of this Act; and generally relating to reemployment of retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(b) and (c)(2) and (3) and 23–407(b) and (c)(2) and (3)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~22–406(c)(1) and (9) and 23–407(c)(1) and (9)~~ 22–406(c)(1), (4)(vii) and (viii), and (9) and 23–407(c)(1), (4)(v) and (vi), and (9)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~22–407 and 23–408~~ 22–406(c)(4)(ix), 22–407, 23–407(c)(4)(vii), and 23–408
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 568 – Senators Stone and Della

AN ACT concerning

Motor Vehicles – Certificates of Title – Rebuilt Salvage

FOR the purpose of requiring that a certificate of title to a vehicle contain a conspicuous notation that the vehicle is "rebuilt salvage" whenever an insurance company's application for a salvage certificate for the vehicle contains a statement that the cost to repair the vehicle for highway operation was equal to or less than the fair market value of the vehicle prior to the vehicle sustaining damage; and generally relating to salvaged vehicles.

BY repealing and reenacting, without amendments,

Article – Transportation
Section 13–506(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–507
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 597 – Senators Kramer, Currie, Della, Forehand, Frosh, Jones, King, Madaleno, Middleton~~, Munson~~, Pinsky, Robey, Rosapepe, and Zirkin

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Domestic Partners

FOR the purpose of exempting from recordation tax and State and county transfer taxes certain instruments of writing transferring property between domestic partners and former domestic partners under certain circumstances; requiring the submission of certain documents under certain circumstances to qualify for certain exemptions; defining certain terms; providing for the construction of this Act; and generally relating to certain exemptions from recordation and transfer taxes.

BY adding to
Article – Tax – Property
Section 12–101(e–1) through (e–5)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(c) and (d), 13–207(a)(2) and (3), and 13–403
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 602 – Senator Pinsky

AN ACT concerning

Direct Billing of Anatomic Pathology Services

FOR the purpose of requiring certain clinical laboratories ~~and physicians~~, physicians, or group practices that provide anatomic pathology services to certain patients to present or cause to be presented claims, bills, or demands for payment to certain individuals and entities subject to certain limitations; prohibiting certain health care practitioners from directly or indirectly charging, billing, or otherwise soliciting payment for ~~certain~~ anatomic pathology services unless the services are performed by or under the direct supervision of the health care ~~provider~~ practitioner and in accordance with the provisions of a certain federal act; providing that certain individuals and entities are not required to provide reimbursement under certain circumstances; providing that this Act does not prohibit a referring laboratory from billing for certain anatomic pathology services or histologic processing under certain circumstances; providing that this Act may not be construed to mandate the assignment of certain benefits for anatomic pathology services; defining certain terms; and generally relating to direct billing of anatomic pathology services.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–301(a), (d), (f), (h), and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 1–306
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–306
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 606 – Senators Pugh, Jones, Conway, Currie, Exum, Frosh, Gladden, Kelley, King, Madaleno, McFadden, Middleton, Muse, ~~and Raskin~~ Raskin, Peters, and Harrington

AN ACT concerning

State Government – Brokerage and Investment ~~Banking~~ Management Services – Use of Minority Business Enterprises

FOR the purpose of requiring certain State entities responsible for the management of certain funds to attempt to use to a certain extent minority business enterprise brokerage and investment ~~banking~~ management services firms; specifying that brokerage and investment management services shall include services relating to certain asset classes under certain circumstances; requiring the entities to undertake steps to remove any barriers that limit participation by minority business enterprises in certain brokerage and investment ~~banking~~ management services opportunities; requiring the entities to adopt certain guidelines; requiring the entities to submit a certain annual report to certain persons on certain matters relating to minority business enterprise brokerage and investment ~~banking~~ management services firms; and generally relating to the use of minority business enterprise brokerage and investment ~~banking~~ management services firms for certain purposes by certain State entities.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22G(a), (b), (h), and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–303
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–122
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–222
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–116
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 613 – Senator Munson

AN ACT concerning

City of Hagerstown – Fire and Explosives Investigators – Authority

FOR the purpose of providing that under certain circumstances, a City of Hagerstown fire and explosive investigator operating in the City of Hagerstown has the same authority as the State Fire Marshal and a full–time investigative and inspection assistant in the Office of the State Fire Marshal to make arrests without a warrant and to exercise certain powers of arrest; authorizing a City of Hagerstown fire and explosive investigator to exercise certain authority while operating outside the City of Hagerstown under certain circumstances; authorizing the City of Hagerstown Fire Chief to limit certain authority of a fire and explosive investigator to make an arrest without a warrant or exercise certain powers of arrest; requiring the City of Hagerstown Fire Chief to express the limitation in writing; excluding a City of Hagerstown fire and explosive investigator from the definition of "law enforcement officer" under the law relating to the Law Enforcement Officers' Bill of Rights; including a City of Hagerstown fire and explosive investigator in the definition of "police officer" in connection with provisions of law relating to the Maryland Police Training Commission and in the definition of "law enforcement official" in connection with the authorized carrying of a handgun by a person engaged in law enforcement; defining certain terms; requiring the Maryland Police Training Commission to certify certain fire and explosive investigators as police officers by a certain date under certain circumstances; and generally relating to the authority of the City of Hagerstown fire and explosive investigators.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–201(a)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–201(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–208
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–208.5
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–201(a)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(2) and 3–201(e)(2)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 614 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Mooney, and Muse

AN ACT concerning

Death Penalty – Maryland Commission on Capital Punishment

FOR the purpose of establishing a Maryland Commission on Capital Punishment; providing for the membership of the Commission; providing for the chair of the Commission; authorizing the Commission to hold public hearings; providing for the staffing of the Commission; requiring certain entities to cooperate with the Commission; providing for the funding of the Commission; providing that a member of the Commission may not receive compensation but is entitled to certain reimbursement; establishing the duties of the Commission; requiring the Commission to make a certain report by a certain date; defining a certain term; providing for the construction of this Act; providing for the termination of this Act; and generally relating to the death penalty.

BY adding to
Article – Correctional Services
Section 3–910
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

Senate Bill 648 – Senators Peters, Astle, Dyson, ~~and Munson~~ Munson, Garagiola, Colburn, Conway, Lenett, and Rosapepe

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

FOR the purpose of establishing a certain participation goal for certain certified service disabled veteran business enterprises for certain procurement contracts; requiring a certain awarding unit to consider certain efforts by and award certain contracts to certain bidders or offerors that meet or make a good–faith effort to meet certain participation goals; establishing certain criteria by which a contractor is considered to have made a good–faith effort to meet certain participation goals; requiring the Maryland Department of Veterans Affairs and the ~~Governor's Office of Business Advocacy and Small Business Assistance~~ Department of Business and Economic Development to jointly adopt certain regulations; requiring the Department of Veterans Affairs and the ~~Governor's Office of Business Advocacy and Small Business Assistance~~ Department of Business and Economic Development to designate an advocate to coordinate and oversee certain activities relating to service disabled veteran business enterprises; requiring an awarding unit to adopt certain regulations to meet the requirements of this Act; requiring an awarding unit to designate a service disabled veteran business enterprise advocate to assist the awarding unit in meeting goals related to service disabled veteran business enterprise participation; requiring certain awarding units to make certain reports on or before a certain date; requiring the Department of Veterans Affairs and the ~~Governor's Office of Business Advocacy and Small Business Assistance~~ Department of Business and Economic Development to make certain reports on or before ~~a~~ certain ~~date~~ dates; requiring the Department of Business and Economic Development to adopt certain regulations regarding the decertification of certain entities and to oversee and coordinate certain outreach programs and activities; requiring the Department of Business and Economic Development to use certain resources to implement a certain program; establishing certain prohibited acts and certain penalties for certain violations; defining certain terms; and generally relating to procurement participation by service disabled veteran business enterprises.

BY adding to
Article – State Finance and Procurement
Section 14–601 through 14–607 to be under the new subtitle "Subtitle 6. Service Disabled Veteran Business Enterprise Participation"
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 16–203(a)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 695 – Senators Gladden, Frosh, and Muse

AN ACT concerning

Police and Court Records – Nuisance Crimes – Expungement

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

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

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

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

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

Senate Bill 710 – Senator Lenett

SECOND PRINTING

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

FOR the purpose of altering the date by which certain persons are prohibited from using, selling, manufacturing, or distributing for sale certain dishwashing detergent that contains greater than a certain amount of phosphorus; and generally relating to phosphorus in dishwashing detergents.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1502
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1503
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

Senate Bill 720 – Senators Klausmeier ~~and Della~~, Della, Exum, Garagiola, and Pugh

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics ~~Committee~~ Committees

FOR the purpose of establishing certain requirements for ~~members of~~ a pharmacy and therapeutics committee of a pharmacy benefits manager; requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has certain policies and procedures; requiring a pharmacy benefits manager to disclose information about the composition of its pharmacy and therapeutics committee to a certain person under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacist to participate on its pharmacy and therapeutics committee; authorizing the Maryland Insurance Commissioner to adopt certain regulations; making certain provisions of law applicable to health maintenance organizations; defining certain terms; and generally relating to regulation of pharmacy benefits managers.

BY adding to
Article – Insurance
Section 15–1601 and 15–1602 to be under the new subtitle "Subtitle 16. Pharmacy Benefits Managers"

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 751 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Elections – Salary

FOR the purpose of increasing the salary of the members of the St. Mary's County Board of Elections; providing that this Act does not apply to the salary or compensation of the incumbent members of the St. Mary's County Board of Elections; and generally relating to the salary of the members of the St. Mary's County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204(a)(19)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Senate Bill 772 – Senators Pugh and McFadden

AN ACT concerning

State Procurement – Structuring and Bundling of Procurements

FOR the purpose of prohibiting a unit of State government subject to the State procurement law from structuring or bundling a procurement for the purpose of precluding or limiting participation by certain entities under certain circumstances; and generally relating to prohibitions governing the structuring or bundling of a procurement.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–201

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 773 – Senators Pugh and McFadden

AN ACT concerning

State Department of Education – Adult Education and Family Literacy Services

FOR the purpose of requiring the State Department of Education to compile a certain list by county of adult education and family literacy services offered to the public; requiring the Department to distribute the list to certain local school officials and to post the list on its public website; and generally relating to the compilation and distribution of information about adult education and family literacy services.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–218
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 789 – Senator Forehand

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

FOR the purpose of ~~expanding a certain requirement relating to the use of child safety seats to include certain trucks; providing that certain provisions establishing a certain age requirement for the use of child safety seats apply to certain vehicles registered in another state or Puerto Rico;~~ altering certain requirements for the use of child safety seats to require a person transporting a child under a certain ~~age~~ weight to secure the child in a child safety seat and eliminating a certain ~~weight~~ age requirement; ~~repealing a certain requirement for the use of child safety seats that applied to a person transporting a child in a motor vehicle registered in another state or country; adding height to the list of reasons that a physician may use to certify that the use of a child safety seat by a particular child is impractical; making certain clarifying changes;~~ and generally relating to child safety seats.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–412.2(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 796 – Senators Astle and Pipkin

EMERGENCY BILL

AN ACT concerning

~~Vehicle Laws –~~ Motor Vehicle Accident Reports – Access

FOR the purpose of ~~authorizing a member of the Maryland General Assembly to access a motor vehicle accident report under certain circumstances; providing that a designated employee of a law enforcement agency may be presented with certain documentation under certain circumstances; exempting certain entities that may access motor vehicle accident reports from a requirement that they present certain documentation to an officer or designated employee of a law enforcement agency; making a certain violation related to disclosing a motor vehicle accident report a misdemeanor; making stylistic changes~~ prohibiting a person from accessing a certain motor vehicle accident report for certain purposes under certain circumstances; providing for a certain penalty; repealing certain provisions of law concerning access to and disclosure of a certain motor vehicle accident report; defining certain terms; making this Act an emergency measure; and generally relating to motor vehicle accident reports.

BY repealing ~~and reenacting, with amendments,~~
Article – Transportation
Section 20–110
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–604
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10–606(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 797 – Senators Astle and Kittleman

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Wage Payment on Termination of Employment – Accrued Leave

FOR the purpose of requiring that employers give certain notice of certain leave benefits to employees; requiring an employer with a certain written policy to pay accrued leave to an employee on termination of employment only under certain circumstances; providing for the payment of accrued leave to an employee whose employment terminated during a certain time period; providing for the application of this Act; making this Act an emergency measure; and generally relating to the payment of wages upon termination of employment.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section ~~3–505~~ 3–504 and 3–505
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Senate Bill 815 – Senators Exum and Kelley

AN ACT concerning

Health Care Facilities – Individuals with Mental Disorders – Patient Rights

FOR the purpose of establishing certain rights for individuals in certain facilities; ~~establishing that certain individuals, guardians, and persons may file certain complaints in a certain court; requiring that certain complainants who are granted injunctive relief be awarded certain costs and attorney's fees;~~ defining certain terms; and generally relating to patient rights in certain facilities.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–701
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 823 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

FOR the purpose of authorizing the Board of County Commissioners of Carroll County to grant, by ordinance, a green building tax credit against certain taxes owed to the County by certain individuals and business and corporate entities that make certain environmentally friendly improvements to non–residential properties in the County; requiring the County Commissioners to establish certain eligibility criteria for the tax credit; requiring the County Commissioners to establish the amount of the tax credit; authorizing the County Commissioners to define environmentally friendly or "green" technologies; requiring the environmentally friendly or "green" technologies to include certain technologies; requiring the County Commissioners to establish a procedure for applying for the County tax credit; and generally relating to the authority of the County Commissioners to establish a green building tax credit against certain taxes owed to Carroll County.

BY adding to
The Public Local Laws of Carroll County
Section 9–104
Article 7 – Revenue and Taxes
(2004 Edition and November 2007 Supplement, as amended)

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

Senate Bill 831 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses of Fund

FOR the purpose of authorizing certain fee revenue collected for the Bay Restoration Fund to be used to award grants ~~to local governments for the costs of connecting certain existing communities to~~ or loans for certain costs related to certain community sewerage systems under certain circumstances; defining a certain term; and generally relating to the Bay Restoration Fund.

BY renumbering
Article – Environment
Section 9–1601(i) through (ii), respectively

to be Section 9–1601(j) through (jj), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1601(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2~~(a), (f),~~ (h)~~, and (i)~~
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(l)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 841 – Senator Middleton

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

FOR the purpose of ~~authorizing a certain member of the Maryland Community Health Resources Commission to be employed by a certain community health resource;~~ establishing the terms of Commission members; authorizing the Governor to remove a member under certain circumstances; establishing requirements for Commission decisions, compensation, and staff; authorizing the Commission to implement certain programs; repealing certain standing committees; requiring the Commission to adopt regulations that implement a certain subsidy program; ~~authorizing a community health resource that employs a member of the Commission to apply for and be eligible to receive a grant under certain circumstances;~~ establishing the terms of certain Commission members; extending the termination date of certain provisions; and generally relating to modifications to the Maryland Community Health Resources Commission.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–2102
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2103, 19–2106, 19–2109(a), and 19–2201(f) ~~and (h)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health – General
Section 19–2110
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 280 of the Acts of the General Assembly of 2005, as amended by Chapter 333 of the Acts of the General Assembly of 2001
Section 14

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 847 – Senators Conway and Gladden

AN ACT concerning

Task Force on the Minority Business Enterprise Program and Equity Investment Capital

FOR the purpose of establishing a Task Force on the Minority Business Enterprise Program and Equity Investment Capital; providing for the composition of the Task Force; requiring the President of the Senate and the Speaker of the House to select a co–chair from the Senate and House of Delegates; requiring the Department of General Services and the Department of Transportation to provide staff for the Task Force; prohibiting a Task Force member from receiving compensation but allowing a member to be reimbursed for certain expenses; requiring the Task Force to study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a certain manner; requiring the Task Force to report its recommendations and draft legislation to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Minority Business Enterprise Program and equity investment capital.

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 854 – Senators Jones, McFadden, ~~and Pugh~~ Pugh, and Della

EMERGENCY BILL

AN ACT concerning

Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption

FOR the purpose of altering a provision allowing a property tax collector to withhold property from a tax sale when total taxes due on the property amount to less than a certain amount; requiring a collector to send a certain notice to a certain person within a certain time after a property is sold at a tax sale; altering the manner by which a person redeeming a property shall pay the collector certain expenses and fees under certain circumstances; providing that certain sums expended to conserve or stabilize a property become part of the redemption amount; altering how certain tax sale laws should be construed; prohibiting a holder of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; requiring the holder of a certificate of sale to send a second notice within a certain time after sending the first notice; prohibiting certain assignees of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; providing that certain notice provisions shall be deemed satisfied if the holder of a certificate of sale, or the attorney of the holder of a certificate of sale, files a certain affidavit; making stylistic changes; providing that the holder of a certificate of sale may be reimbursed for certain expenses under certain circumstances; altering the type and amount of expenses for which a plaintiff or holder of a certificate of sale ~~is entitled to~~ may be reimbursed under certain circumstances; providing for the application of this Act; making this Act an emergency measure; and generally relating to tax sales.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–811, 14–828(a), 14–830, 14–832, 14–833(a), and 14–843
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Tax – Property
Section 14–817.1 and 14–833(a–1)
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 878 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

FOR the purpose of removing Harford County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to deer hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Chapter 361 of the Acts of the General Assembly of 2006)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 883 – Senator Stone

AN ACT concerning

Voluntary Cleanup Program – Enforcement and Oversight – Requirements

FOR the purpose of requiring a certain description of a proposed voluntary cleanup project to include anticipated project start and end dates; ~~requiring the Department of the Environment to schedule and hold a certain public informational meeting on an application to participate in a certain voluntary cleanup program within a certain period of time; requiring a certain notice to include the date of a certain public informational meeting;~~ requiring the Department to conduct regular inspections of a certain site to ensure that the participant is implementing the approved response action plan and ~~that the response action plan~~ is achieving certain ~~the~~ cleanup criteria; ~~requiring the Department to take any enforcement action necessary to ensure the clean up of the eligible property;~~ and generally relating to requirements of the Voluntary Cleanup Program.

BY repealing and reenacting, with amendments,
Article – Environment
Section ~~7–506 and 7–512~~ 7–506(a)

Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 7–510.1
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 885 – Senators Madaleno, Forehand, Garagiola, Jones, King, and Lenett

AN ACT concerning

The Jane E. Lawton Loan Program

FOR the purpose of establishing the Jane E. Lawton Conservation Loan Program; establishing the Jane E. Lawton Conservation Fund to finance the Program; consolidating certain programs administered by the Maryland Energy Administration into the Program; consolidating certain funds into the Fund; providing for the management and composition of the Fund; providing the powers and duties of the Administration with respect to the Program; providing that entities seeking loans under the Program comply with certain application procedures; establishing the purposes for which loans made under the Program may be used; providing that borrowers that receive loans under the Program must document that the anticipated energy cost savings over a defined period after the completion of the project funded by the loan are greater than the cost of the project; providing for repayment of the loans; authorizing the Administration to enter into contracts with third parties to make, service, or sell loans under this Act; prohibiting false statements to be made in applications for loans and providing certain penalties for entities that violate the prohibition; defining certain terms; providing that certain assets, liabilities, and obligations of the programs subject to repeal by this Act shall remain the assets, liabilities, and obligations of the fund established by this Act; and generally relating to the Jane E. Lawton Conservation Loan Program and Conservation Fund.

BY repealing
Article – State Government
Section 9–20A–01 through 9–20A–09 and the subtitle "Subtitle 20A. Energy Efficiency and Economic Development Loan Program"; and 9–2101 through 9–2109 and the subtitle "Subtitle 21. Community Energy Loan Program"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–20A–01 through 9–20A–09 to be under the new subtitle "Subtitle 20A. Jane E. Lawton Conservation Loan Program"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 916 – Senator Middleton

AN ACT concerning

Maryland Trauma Physician Services Fund – Reimbursement and Grants

FOR the purpose of requiring certain costs incurred by certain trauma centers to maintain certain surgeons on–call to be reimbursed from the Maryland Trauma Physicians Services Fund at a certain rate under certain circumstances; specifying the maximum number of hours per year that certain trauma centers are eligible for reimbursement; authorizing the Maryland Health Care Commission to establish a certain payment rate for uncompensated care incurred by certain trauma physicians that is above a certain rate under certain circumstances; ~~repealing~~ increasing a certain cap on reimbursements from the Fund to certain physicians; providing that expenditures from the Fund may not exceed revenues except under certain circumstances; requiring the Commission, in consultation with certain entities, to develop a certain process for the award of certain grants to Level II and III trauma centers in the State; requiring certain grants to be issued from a certain fund balance; requiring the Commission to report to certain committees of the General Assembly about a certain process for the award of certain grants; altering the amount for a certain grant to subsidize the stand–by costs for certain out–of–state pediatric trauma centers; defining a certain term; altering a certain definition; and generally relating to the Maryland Trauma Physician Services Fund.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–130
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 484 of the Acts of the General Assembly of 2006
Section 2

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 918 – Senator Forehand

AN ACT concerning

Long–Term Care Insurance – ~~Discrimination Based on Genetic Information or Tests – Prohibited~~ Prohibited Acts – Genetic Tests, Genetic Information, or Genetic Services

FOR the purpose of ~~repealing an exemption for long–term care insurance policies from the scope of certain provisions of law regulating the use and disclosure of certain genetic information, certain genetic tests, and the results of certain genetic tests by certain health insurance carriers in connection with health insurance policies and contracts; and generally relating to genetic tests, genetic information, and long–term care insurance~~ prohibiting a carrier or insurance producer of a carrier that provides long–term care insurance from requesting or requiring a genetic test or from using a genetic test, the results of a genetic test, genetic information, or a request for genetic services to take certain actions with regard to long–term care insurance; providing for a certain exception; defining certain terms; and generally relating to prohibited acts relating to genetic tests, genetic information, and genetic services with regard to long–term care insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 18–101(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~27–909~~ 18–120
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 924 – ~~Senator Peters~~ Senators Peters, DeGrange, Currie, Kasemeyer, McFadden, Kramer, Brinkley, Robey, Munson, King, Jones, Madaleno, Edwards, and Zirkin

EMERGENCY BILL

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – ~~Residual Value~~ Application of Trade–In Value

FOR the purpose of ~~prohibiting a lessor from passing on to the lessee the portion of the motor vehicle excise tax paid by the lessor on the residual value of a leased vehicle; providing that a lessor is entitled to a refund of the portion of the motor vehicle excise tax paid by the lessor on the residual value of a leased vehicle; requiring a lessor to apply to the Motor Vehicle Administration on a certain form in order to obtain a refund; defining certain terms; and generally relating to the motor vehicle excise tax and the residual value of leased vehicles~~ altering the definition of "total purchase price" for the purposes of the vehicle excise tax to exclude from the computation of the tax as part of the consideration for the sale of a vehicle; requiring the Motor Vehicle Administration to adopt certain regulations; providing for the retroactive application of this Act; requiring the Administration to notify certain persons of certain rebates under certain circumstances; making this Act an emergency measure; defining certain terms; and generally relating to the motor vehicle excise tax.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(a)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section ~~13–809.1~~ 13–809(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 926 – Senator Astle

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

FOR the purpose of providing that the State procurement law does not apply to a contract or grant from a unit of State government to the Chesapeake Bay Trust for certain projects; providing that the State procurement law applies to certain expenditures by the Trust; excepting units of State government from a requirement under certain circumstances that the units adopt certain procurement policies and procedures; and generally relating to the application of the State procurement law to State contracts and grants awarded to the Chesapeake Bay Trust.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–1901
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1909
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–202
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–401(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations and the Committee on Environmental Matters.

Senate Bill 980 – Senator Robey

AN ACT concerning

Uniform Commercial Code – Financing Statements – Termination by Government Employees

FOR the purpose of authorizing certain government employees to file certain termination statements with respect to certain financing statements; providing for the contents of the termination statement; requiring a certain government employee to send a copy of the termination statement to a certain secured party within a certain time after filing the termination statement; providing that a fee may not be charged for the filing of the termination statement; defining a

certain term; and generally relating to the termination of financing statements by government employees.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 9–513
Annotated Code of Maryland
(2002 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 984 – ~~Senator DeGrange~~ Senators DeGrange and Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

FOR the purpose of prohibiting the Board of Public Works from approving certain leases without a certain ~~determination by the Comptroller's General Accounting Office; requiring certain notice to the Legislative Policy Committee prior to approval of certain leases; requiring certain leases to be approved as capital leases;~~ certification by the Capital Debt Affordability Committee or approval of the General Assembly in the budget; and generally relating to the approval of leases by the Board of Public Works.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–204
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Appropriations.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #20

Delegate McIntosh, Chair, for the Committee on Environmental Matters and Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 478 – Chair, Environmental Matters Committee and Chair, Judiciary Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Commercial Drivers' Licenses

HB0478/940912/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 478
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "license;" insert "providing that, on termination of a disqualification period of less than 1 year for holding a commercial driver's license, the holder of the license may apply for reinstatement of the license and the Administration shall reissue the license when the applicant pays any required reinstatement fees;"; and in line 19, after "procedures;" insert "making a certain stylistic change;".

AMENDMENT NO. 2

On page 2, in line 15, strike "subsection (c)" and substitute "**SUBSECTIONS (C) AND (E)**"; and on page 3, in line 19, after "**RECORDS**" insert "**BEFORE THE EXPIRATION OF THE TIME THEY ARE**".

AMENDMENT NO. 3

On page 5, strike beginning with the second "for" in line 6 down through "**STATE**" in line 9 and substitute "**IF THE PERSON'S COMMERCIAL DRIVER'S LICENSE HAS BEEN PREVIOUSLY DISQUALIFIED FOR AT LEAST 1 YEAR UNDER:**

A. § 16–812(A) OR (B) OF THIS TITLE;

B. A FEDERAL LAW; OR

C. ANY OTHER STATE'S LAW".

AMENDMENT NO. 4

On page 8, strike in their entirety lines 9 through 16, inclusive; in line 17, strike "(f)" and substitute "**(E)**"; and in line 20, after "completed" insert "**AND THE INDIVIDUAL IS ISSUED A COMMERCIAL DRIVER'S LICENSE BY THE ADMINISTRATION**".

AMENDMENT NO. 5

On page 10, in line 18, strike "**A**" and substitute "**WHILE A PERSON IS SUBJECT TO A DRIVER OR VEHICLE OUT–OF–SERVICE ORDER, AS DEFINED IN § 16–812(I)(1)(II) OF THIS SUBTITLE, THE**"; and strike beginning with "**WHILE**" in line 19 down through "**SUBTITLE**" in line 21.

AMENDMENT NO. 6

On page 11, strike in its entirety line 14 and substitute:

"**(VI) A VIOLATION OF § 2–209, § 2–503, § 2–504, § 2–505, OR § 2–506 OF THE CRIMINAL LAW ARTICLE.**";

and in line 32, strike the brackets.

AMENDMENT NO. 7

On page 12, strike beginning with "**; OR**" in line 4 down through "**HOMICIDE**" in line 8; and strike beginning with "**, REGARDLESS**" in line 15 down through "**STATE**" in line 16.

AMENDMENT NO. 8

On page 14, in line 19, after "(p)" insert "**(1) (I) ON TERMINATION OF A DISQUALIFICATION PERIOD OF LESS THAN 1 YEAR, AN INDIVIDUAL MAY APPLY FOR RESTORATION OF THE INDIVIDUAL'S COMMERCIAL DRIVER'S LICENSE.**

(II) THE ADMINISTRATION SHALL REISSUE A COMMERCIAL DRIVER'S LICENSE UNDER THIS PARAGRAPH WHEN THE APPLICANT PAYS ANY REQUIRED FEES.

(2)";

in the same line, strike "Upon" and substitute "**ON**"; in the same line, after "period" insert "**OF AT LEAST 1 YEAR**"; in line 20, after "license." insert "**(3)**"; and in lines 22, 23, 25, and 27, strike "(1)", "(2)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively.

AMENDMENT NO. 9

On page 15, in lines 4, 5, and 7, in each instance, strike the bracket.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 794 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – County Commissioners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1135 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Local Ordinance Creating a County Police Department – Submission to Local Referendum

HB1135/290612/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1135
(First Reading File Bill)

On page 1, in line 10, after "measure;" insert "providing for the termination of this Act;".

On page 2, in line 31, after "enacted." insert "It shall remain effective through December 31, 2009, and, at the end of December 31, 2009, with no further action

required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1382 – Howard County Delegation

AN ACT concerning

Howard County – Mobile Home Parks – Right of First Refusal

Ho. Co. 13–08

HB1382/670714/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1382
(First Reading File Bill)

On page 3, in line 19, strike the second "**OR**"; and in line 20, after "**DOMAIN**" insert "**; OR**

(VIII) A TRANSITIONAL MOBILE HOME PARK SUBJECT TO § 16.512.A OF THE HOWARD COUNTY CODE AND § 127.2E.5 OF THE ZONING REGULATIONS OF HOWARD COUNTY AS ENACTED BY COUNCIL BILL 75–2004 (ZRA –55)".

On page 4, in line 24, after "**SUBSECTION**" insert "**(B) OR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1514 – Delegate Hucker

AN ACT concerning

State Department of Transportation – Board of Review – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1542 – Frederick County Delegation

EMERGENCY BILL

AN ACT concerning

Frederick County – Land Use or Zoning Ordinances – Amendments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #13

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1391 – Delegates Mizeur, Hammen, Benson, Donoghue, Elliott, Gutierrez, Hixson, Howard, Ivey, Kipke, Lafferty, McIntosh, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, and Schuh

AN ACT concerning

Kids First Act

HB1391/166788/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1391
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Schuh" and substitute "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"; in line 5, strike "certain"; in line 6, after "return" insert "for a certain tax year"; in the same line, strike "amount" and substitute "income eligibility standard"; strike beginning with "requiring" in line 10 down through "regulations;" in line 11; strike beginning with "widely" in line 14 down through "purpose" in line 15 and substitute "the availability of the Maryland Medical Assistance Program and the Maryland Children's Health Program to certain taxpayers"; strike beginning with "prohibiting" in line 15 down through "exceptions" in line 17 and substitute "requiring the Maryland Health Care Commission and the Office of the Comptroller to study and make recommendations on the implementation of a certain health care coverage mandate and to report on their study and recommendations to the Governor and the General Assembly on or before certain dates; requiring the transfer of certain funds from the Maryland Health Care Provider Rate Stabilization Fund to the Office of the Comptroller for a certain purpose"; in line 17, after "defining" insert "a"; in line 18, strike "terms" and substitute "term"; and strike beginning with "providing" in line 18 down through "provisions" in line 20 and substitute "providing for the termination".

AMENDMENT NO. 2

On page 4, strike beginning with the first "**THE**" in line 8 down through "**HEALTH**" in line 14 and substitute "**, "HEALTH**"; strike in their entirety lines 16 through 22, inclusive; in line 23, strike "**FEDERAL ADJUSTED GROSS**"; in line 24, strike "**THE PREVIOUS TAXABLE YEAR**" and substitute "**TAX YEAR 2007**"; and in lines 25 and 26, strike "**300% OF THE APPLICABLE POVERTY INCOME LEVEL**" and substitute "**THE HIGHEST INCOME ELIGIBILITY STANDARD FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM**".

AMENDMENT NO. 3

On page 5, strike beginning with "**(1)**" in line 1 down through "**CHILD.**" in line 29.

On page 6, in lines 1 and 6, strike "**(3)**" and "**(4)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 1, strike "**THE**" and substitute "**BEGINNING WITH THE TAX RETURN FOR TAX YEAR 2008, THE**"; in lines 3 and 4, strike "**THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION**"; in line 6, after "**RETURN**" insert "**FOR TAX YEAR 2008 OR 2009**"; in line 8, strike "**FEDERAL ADJUSTED GROSS**"; in line 9, strike "**300% OF THE APPLICABLE POVERTY INCOME LEVEL**" and substitute "**THE HIGHEST LEVEL INCOME ELIGIBILITY STANDARD FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM**"; in line 12, strike "**, WITH INSTRUCTIONS**"; and strike lines 13 and 14 in their entirety.

AMENDMENT NO. 4

On page 6, strike beginning with "determining" in line 18 down through "children" in line 21 and substitute "improving the processes for determining eligibility for the Maryland Medical Assistance Program and the Maryland Children's Health Program, including the feasibility of facilitating outreach or auto–enrollment through linkages with other electronic data sources".

AMENDMENT NO. 5

On page 6, after line 33, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission and the Office of the Comptroller shall study and make recommendations on the implementation of a health care coverage mandate for dependent children by 2011, if more than 3% of children in the State are estimated to be uninsured.

(b) The Commission and the Office shall incorporate in the study and recommendations:

(1) the number of Maryland families, by income level, claiming the State income tax exemption for dependent children;

(2) the value to a family of the State income tax exemption for dependent children, by income level;

(3) the effect of the provisions of § 10–211.1 of the Tax – General Article, as enacted by Section 1 of this Act, on the number and percentage of children in the State who are uninsured; and

(4) issues relating to the role of the State income tax exemption for dependent children in any mandate requiring parents to obtain health care coverage for their children, including:

(i) the need for special rules for noncustodial parents;

(ii) the need for changes in the information collected on the income tax form;

(iii) the manner in which a mandate should be enforced; and

(iv) any needed exceptions for taxpayers to a mandate, such as an exception for a taxpayer who:

1. is a recent resident of the State;

2. is just entering the workforce;

3. is in between jobs;

4. has been turned down for private insurance and is unable to enroll in the Maryland Health Insurance Plan;

5. claims a religious exception; or

6. is unable to obtain affordable private health insurance.

(c) The Commission and the Office shall:

(1) report on their study and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before January 1, 2010; and

(2) update the report on or before January 1, 2011, with any new information available.".

AMENDMENT NO. 6

On page 7, in line 1, strike "3." and substitute "4."; strike beginning with "widely" in line 2 down through "their" in line 3 and substitute "the availability of the Maryland Medical Assistance Program and the Maryland Children's Health Program to taxpayers with"; strike in their entirety lines 4 through 7, inclusive, and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal years 2010 and 2011, up to $300,000 each year shall be transferred from the Maryland Health Care Provider Rate Stabilization Fund established under Title 19, Subtitle 8 of the Insurance Article to the Office of the Comptroller to pay for mailings of applications and enrollment instructions for the Maryland Medical Assistance Program and the Maryland Children's Health Program, in accordance with § 10–211.1 of the Tax – General Article, as enacted by Section 1 of this Act.";

in line 8, strike "5." and substitute "6."; strike beginning with "§ 10–211.1(b)" in line 8 through the first comma in line 13; and in line 13, after "2008." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1512 – Delegate V. Clagett

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 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

HB1522/586086/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1522
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Account;" insert "requiring the Commissioner to allocate certain revenue in the Fund to the Office of the Comptroller in certain fiscal years for a certain purpose;"; and in line 11, after "Association" insert "and the Maryland Dental Society".

AMENDMENT NO. 2

On page 5, in line 19, after "2010" insert "**AND 2011:**

1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UP TO $300,000 EACH YEAR TO THE OFFICE OF THE COMPTROLLER TO PAY FOR MAILINGS OF APPLICATIONS AND ENROLLMENT INSTRUCTIONS FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM FOR FAMILIES WITH CHILDREN; AND

2. THE REMAINING REVENUE TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT; AND

(VII) IN FISCAL YEAR 2012".

AMENDMENT NO. 3

On page 7, in line 16, strike "**AND**"; and in the same line, after "**ASSOCIATION**" insert "**, AND THE MARYLAND DENTAL SOCIETY**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 649 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

~~Baltimore City~~ Community ~~College – Personnel~~ Colleges – Funding Requirements

STATUS OF BILL: BILL ON 3RD READING.

Delegate Bohanan moved to make the Bill a Special Order for Friday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 737)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #60

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

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 738)

The Bill was then sent to the Senate.

House Bill 518 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – State Matching Stipends – National Certification

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 739)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 76 – Senators Conway, Della, Exum, Gladden, Jones, Kelley, McFadden, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Procedure – Custodial Interrogation – ~~Electronic~~ Recordation

FOR the purpose of establishing that it is the public policy of the State that ~~custodial interrogations of criminal suspects be recorded whenever practicable; requiring that an electronic recording be made of certain custodial interrogations except under certain circumstances; establishing that the State shall bear the burden~~

~~of proving, by a preponderance of the evidence, that a certain exception to the requirement to record a custodial interrogation is applicable; requiring the State to file a certain notice under certain circumstances; requiring the notice to contain certain information; requiring the recording of the making and signing of a certain writing under certain circumstances; requiring a court to make a certain finding under certain circumstances; exempting recordings made in accordance with this Act~~ certain law enforcement units shall make certain efforts to create a certain audiovisual recording under certain circumstances and certain law enforcement units shall make certain efforts to create a certain audio recording under certain circumstances; exempting certain recordings from certain provisions of law; defining ~~certain terms~~ a certain term; ~~providing that~~ requiring the Governor's Office of Crime Control and Prevention ~~shall~~ to work with State and local law enforcement agencies to ensure that the State secures certain funding ~~and~~, develop a program to assist the agencies in funding ~~compliance with this Act; providing for the application of this Act; providing for a delayed effective date;~~ the establishment of certain interrogation rooms, and monitor and report during certain meetings on the progress of jurisdictions and the Department of State Police in establishing certain interrogation rooms; and generally relating to custodial interrogations of certain individuals.

BY adding to
Article – Criminal Procedure
Section 2–401 ~~and 2–402~~ through 2–404 to be under the new subtitle "Subtitle 4. Custodial Interrogation"
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 125 – Senators Brochin, Madaleno, Pinsky, and Pugh

AN ACT concerning

Courts – Service of Process – Increase in Sheriff's Fees – Distribution to Rental Allowance Program Fund

FOR the purpose of increasing certain fees for service of process of certain papers by a sheriff; requiring that a certain amount of the fees be distributed to a certain fund established under the Rental Allowance Program of the Department of Housing and Community Development; establishing the Rental Allowance Program Fund; providing for the purpose of the Fund; requiring the Department to administer the Fund; specifying that the State Treasurer shall hold the Fund separately and the State Comptroller shall account for the Fund; specifying that the Fund is a special, nonlapsing fund; providing for the composition of the Fund; specifying that certain earnings shall be paid into the Fund; specifying that certain proceeds shall be invested and reinvested in a

certain manner; providing that the money in the Fund may be used only for certain purposes; defining a certain term; and generally relating to the Rental Allowance Program Fund in the Department of Housing and Community Development.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–402
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–1401
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–1402 through 4–1408
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–1409
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 130 – Senators Exum and Currie

AN ACT concerning

Prince George's County – Alcoholic Beverages – Drive–Through Purchase Facilities

FOR the purpose of prohibiting the Board of License Commissioners in Prince George's County from issuing ~~or transferring an~~ a new alcoholic beverages license on or after a certain date for use in a drive–through purchase facility in which alcoholic beverages are sold at retail and dispensed through a door or window to purchasers in or on a motor vehicle; providing for the application of this Act; and generally relating to alcoholic beverages sales in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 9–217(n)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 259 – Senators Middleton and Edwards (Joint Subcommittee on Program Open Space/Agricultural Land Preservation) and Senators Astle, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Greenip, Haines, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

FOR the purpose of altering the amount a local government can spend on development projects after it has attained its acquisition goals under Program Open Space; providing for the termination of this Act; and generally relating to the apportionment of local government funds for Program Open Space.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–905(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 393 – Senators Forehand, Conway, Garagiola, Jones, Kelley, King, Madaleno, Pinsky, Pugh, and Raskin

AN ACT concerning

Domestic Violence – Permanent Protective Order After Conviction and Imprisonment

FOR the purpose of ~~providing that a protective order is permanent if a respondent is convicted and sentenced to imprisonment for a certain act of abuse~~ requiring the court to issue a new final protective order against an individual under certain circumstances; limiting the relief that a court is authorized to grant in a final protective order issued under this Act; establishing that a final protective order issued under this Act is permanent unless terminated at the request of the victim; and generally relating to protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 403 – Senator Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

FOR the purpose of altering the amount in controversy in a civil action in which a party may not demand a jury trial; providing for the construction and application of this Act; making this Act contingent on the passage and ratification of a certain constitutional amendment; and generally relating to jury trials in civil actions.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–402(e)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 411 – Senator Edwards

AN ACT concerning

Allegany County – ~~Investment for~~ Video Lottery Construction – ~~Reimbursement for~~ Local Impact Grants – Rocky Gap Construction Costs

FOR the purpose of ~~requiring that, to the extent that money remains after payment of certain costs for video lottery terminals on a location on State property associated with Rocky Gap State Park, Allegany County be reimbursed up to a certain amount for its contribution toward constructing certain improvements in Rocky Gap State Park; providing that money reimbursed to the county be considered part of the direct investment in construction and related costs required of an applicant for a video lottery operation license;~~ authorizing local impact grants from proceeds of certain video lottery terminals to be used in Allegany County for certain purposes and to pay down certain debt incurred by the County in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park; making this Act contingent on the taking effect of another Act; and generally relating to video lottery gaming and local impact grants from gaming proceeds in Allegany County.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–02(b)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,
Article – State Government
Section ~~9–1A–36(j)(3)~~ 9–1A–31(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007 Special Session)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 437 – Senators Jones, Forehand, Kramer, Madaleno, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

State Designations – Walking as the State Exercise

FOR the purpose of designating walking as the State exercise.

BY adding to
Article – State Government
Section 13–320
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 464 – Senators Conway, Currie, Dyson, Exum, Forehand, Frosh, Gladden, Jones, Kelley, Madaleno, McFadden, Muse, Pinsky, Pugh, ~~and Raskin~~ Raskin, and Harrington

AN ACT concerning

Maryland Higher Education Commission – Unreasonable Duplication of Programs – ~~Expansion of Existing Programs~~ Standards

FOR the purpose of requiring the Maryland Higher Education Commission to adopt regulations that establish definitions for determining unreasonable duplication of programs; requiring certain regulations to include a consideration of certain factors; requiring a certain review conducted by the Commission to include written input from certain public institutions of postsecondary education; requiring the ~~Maryland Higher Education~~ Commission to require certain governing boards of public institutions of postsecondary education to submit certain plans to resolve unreasonable duplication of programs that address ~~the possibility of an expansion of an existing program under certain circumstances~~ certain standards; requiring the Commission to issue a written decision including certain findings, conclusions, and rationale for certain determinations; requiring the Commission to provide certain institutions certain notification and requiring certain institutions to take certain steps if certain plans address ~~the possibility of an expansion of an existing program under certain circumstances~~ certain standards; authorizing the Commission to take certain steps to eliminate certain duplication if certain plans do not address ~~the possibility of an expansion of an existing program under certain circumstances~~ certain standards; requiring the Commission to ~~explore the possibility of an expansion of an existing program under certain circumstances~~ require certain plans to address certain standards; requiring the Commission to adopt certain regulations on or before a certain date; and generally relating to the ~~expansion of existing programs as a solution to~~ standards for determining unreasonable program duplication.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–206 and 11–206.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 493 – Senator Frosh

AN ACT concerning

Lawyers – Payment of Taxes and Unemployment Insurance Contributions

FOR the purpose of repealing a requirement that the Client Protection Fund verify that a lawyer has paid or provided for payment of all undisputed taxes and unemployment insurance contributions before accepting a certain annual fee from the lawyer; requiring the Fund to provide a certain list of lawyers to the Comptroller; authorizing the Comptroller to take certain action if the Comptroller determines that a lawyer has not paid certain taxes and unemployment insurance contributions and the lawyer does not make payment or provide for payment in a certain manner within a certain time after receiving notice from the Comptroller; and generally relating to verifying that certain lawyers have paid or provided for payment of all undisputed taxes and unemployment insurance contributions.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–313
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 528 – Senator Raskin

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil Relief – Waiver of Sovereign Immunity

FOR the purpose of clarifying that certain earnings and amounts earnable operate to reduce certain awards of back pay in certain administrative proceedings; establishing that certain respondents may elect to have certain claims asserted in a certain complaint filed with the Maryland Human Relations Commission determined in certain civil actions brought by the Commission on the complainant's behalf; requiring that certain respondents give notice of certain elections to the Commission and certain other complainants and respondents; establishing that a certain complainant may bring a certain civil action alleging a discriminatory act if the complainant filed a certain administrative charge or complaint in a timely manner and the civil action is filed within a certain time after the occurrence of a certain act of discrimination; establishing that the

filing of certain civil actions will automatically terminate certain proceedings before the Commission; establishing that certain earnings and amounts earnable operate to reduce certain awards of back pay in certain civil actions; prohibiting the use of sovereign immunity as a defense against certain awards in employment discrimination cases; providing for the payment of certain awards made against the State; correcting a certain cross–reference; and generally relating to the Maryland Human Relations Commission, administrative and civil relief for certain acts of discrimination, and the waiver of sovereign immunity.

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 11(e)(6), 11A, 11B, 11D, and 17A
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 17B
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

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

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; prohibiting a court, in making a decision regarding child custody or visitation, from considering a disability of a party, except under certain circumstances; and generally relating to child custody, guardianship, and visitation.

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 and Executive Nominations.

Senate Bill 579 – Senator Forehand

AN ACT concerning

Immunity from Liability – ~~Medical Emergency –~~ Use of Automated External Defibrillator

FOR the purpose of ~~providing immunity from civil liability under certain circumstances, notwithstanding certain other provisions of law, to an individual or facility that acquires an automated external defibrillator (AED) or that owns, manages, or is responsible for the premises where an AED is located, to a certain individual who retrieves an AED, or to a certain individual who uses, attempts to use, or fails to use an AED in response to a sudden cardiac arrest emergency at a facility; altering, under the Automated External Defibrillation Program of the Maryland Institute for Emergency Medical Services Systems,~~ altering the circumstances under which an individual is immune from civil liability for providing automated external defibrillation; providing that immunity from liability is not available to certain ~~persons~~ individuals for certain conduct that is grossly negligent, willful or wanton misconduct, or intentionally tortious conduct; and generally relating to immunity from liability for use of an automated external defibrillator.

~~BY repealing and reenacting, without amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 5–603(c)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Courts and Judicial Proceedings~~
~~Section 5–603(d)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Education
Section 13–517(a)(1) and (3) and (m)(5)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 13–517(m)(3) and (4)
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 580 – Senators Conway, Colburn, Lenett, and Stoltzfus

AN ACT concerning

Radiation Oncology/ Therapy Technologists, Medical Radiation Technologists, Radiologist Assistants, and Nuclear Medicine Technologists – Licensure

FOR the purpose of requiring the State Board of Physicians to adopt certain regulations for the licensure of radiologist assistants and the licensure instead of certification of radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists; requiring the Board to set certain fees; altering the name and membership of the Radiation Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee; requiring the Committee to make certain recommendations, review certain applications, investigate certain complaints, and provide certain advice regarding radiologist assistants; providing for the supervision of certain radiologist assistants; requiring the Board to determine certain duties of certain radiologist assistants; requiring that certain individuals be licensed by the Board to practice radiology assistance on or before a certain date; establishing certain qualifications for certain radiologist assistants; providing for the renewal and reinstatement of certain licenses for radiologist assistants; authorizing the Board to deny, reprimand, place on probation, or suspend or revoke the licensure of a radiologist assistant under certain circumstances; requiring certain reports to be filed by certain health care institutions regarding radiologist assistants; allowing certain exceptions to filing certain reports; requiring certain notification of entrance into certain treatment programs; prohibiting the unauthorized practice of radiology assistance; prohibiting the practice or representation of the ability to practice radiology assistance without a certain license; substituting licensure for certification as the professional credential for medical radiation technologists and nuclear medicine technologists; requiring that the Board issue certain licenses to certain certified medical radiation technologists and nuclear medicine technologists at the time certain certificates expire and in accordance with certain renewal requirements; authorizing certain certified medical radiation technologists and nuclear medicine technologists to continue to practice until certain licenses are issued; making certain technical changes; defining certain terms; and generally relating to the licensure of radiologist assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations

Section 14–5B–01, 14–5B–03 through 14–5B–18, and 14–5B–20
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–5B–02, 14–5B–19, and 14–5B–21
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 622 – Senators Brinkley, Colburn, Haines, Kittleman, and Mooney

AN ACT concerning

Business Regulation – Stationary Engineers – Boilers

FOR the purpose of altering the scope of stationary engineer services that are subject to certain licensing requirements; altering the types of boilers certain stationary engineers ~~may~~ are authorized to oversee; providing that the Maryland Stationary Engineers Act and certain regulations may not supersede certain authority of the Board of Boiler Rules; defining certain terms; altering a certain definition; and generally relating to stationary engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–101 and 6.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 6.5–103
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 6.5–301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 717 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

FOR the purpose of expanding the authority of pharmacists to administer certain vaccinations to individuals under certain circumstances; authorizing the State Board of Pharmacy to set certain fees; ~~granting the Board sole authority to adopt certain regulations;~~ and generally relating to the expansion of the authority of pharmacists to administer vaccinations.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–508
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 742 – Senator Zirkin

AN ACT concerning

Human Services – Residential Child Care Program – Bill of Rights

FOR the purpose of providing that a contract awarded or renewed between a certain agency and a provider of a residential child care program shall require the provider to conspicuously post a "Residents' Bill of Rights" in the facility of the provider that includes certain rights; requiring a provider of a residential child care program to develop and, on placement, provide to residents and their parents or legal guardians a handbook of the policies of the provider and the contracting agency as they relate to certain issues; requiring certain documentation regarding receipt and review of the handbook by certain persons; providing that nothing in this Act precludes an agency or provider from providing additional rights to a resident; altering a certain definition; and generally relating to residential child care programs.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Human Services
Section 8–701
Annotated Code of Maryland
(2007 Volume)

BY adding to
Article – Human Services

Section 8–707
Annotated Code of Maryland
(2007 Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 782 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Statement of Need

FOR the purpose of requiring a statement of need for developing, operating, establishing, relocating, or expanding a residential child care program; providing certain exceptions; requiring that, before an application is submitted or a license is granted, the Department of Human Resources ~~and~~ or the Department of Juvenile Services ~~to~~ shall issue a statement of need to a program; requiring the Departments to adopt certain regulations; requiring the Departments to consider certain needs of certain children and consult with certain stakeholders in developing certain regulations; requiring the Departments to provide notification of certain applications in a certain manner; defining certain terms; requiring a certain report on or before a certain date; and generally relating to statements of need for residential child care programs.

BY adding to
Article – Human Services
Section 8–703.1
Annotated Code of Maryland
(2007 Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 783 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Certification of ~~Direct Care Workers~~ Residential Child Care Program Professionals

FOR the purpose of renaming the State Board for Certification of Residential Child Care Program Administrators to be the State Board for Certification of Residential Child Care Program ~~Administrators and Direct Care Workers~~ Professionals; altering the membership of the Board; requiring an individual to be certified before the individual may operate as a ~~direct care worker~~ residential child and youth care practitioner in a residential child care program; specifying

the qualifications of certain certificates; specifying procedures for certain applications; establishing a certain date by which all residential child care programs shall have certified ~~direct care workers~~ residential child and youth care practitioners; altering certain definitions; defining certain terms; correcting certain obsolete references; and generally relating to the certification of individuals to operate residential child care programs.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–101, 20–201, 20–202, 20–205, 20–301, 20–302, 20–303, 20–305, ~~20–306,~~ 20–309, 20–310, 20–311, 20–312, 20–313, 20–401, 20–402, 20–403, and 20–501 to be under the amended title "Title 20. Residential Child Care Program ~~Administrators and Direct Care Workers~~ Professionals"
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section ~~20–303,~~ 20–304, 20–306, 20–307, 20–308, and 20–502
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 20–302.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–701(c)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(61)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 792 – Senator Lenett

AN ACT concerning

Residential Real Property – Maryland Building Performance Standards – Minimum Standards for Visitability – Study

FOR the purpose of ~~altering a certain prohibition on the Department of Housing and Community Development from adopting, as part of the Maryland Building Performance Standards, certain modifications to certain building code requirements; requiring the Department to adopt as a modification of the Maryland Building Performance Standards certain minimum standards for visitability in the design and construction of a single–family dwelling under certain circumstances; requiring the minimum standards for visitability to include certain requirements~~ requiring the Department of Housing and Community Development to study minimum standards for visitability for newly constructed single–family dwellings in accordance with certain requirements; requiring the Department to report certain findings and recommendations to certain committees on or before a certain date; defining a certain term; providing for the termination of this Act; and generally relating to minimum standards for visitability in residential real property.

~~BY repealing and reenacting, with amendments,~~
~~Article – Public Safety~~
~~Section 12–503~~
~~Annotated Code of Maryland~~
~~(2003 Volume and 2007 Supplement)~~

~~BY adding to~~
~~Article – Public Safety~~
~~Section 12–503.1~~
~~Annotated Code of Maryland~~
~~(2003 Volume and 2007 Supplement)~~

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 826 – ~~Senator Conway~~ Senators Conway and Harrington

AN ACT concerning

HIV Testing – Informed Consent and Treatment ~~– Pregnant Women~~

FOR the purpose of altering requirements for health care providers to obtain informed consent for HIV testing; establishing procedures for referral for treatment and supportive services for individuals who test positive; requiring local health officers to make certain information available to certain health care providers; requiring certain health care providers to notify pregnant women that they will be tested for HIV infection as part of certain routine tests; requiring certain health care providers to advise pregnant women that they have the right to

make a certain refusal; requiring certain health care providers to obtain certain consent from pregnant women; requiring certain health care providers to test certain patients; making a certain exception; requiring certain health care providers to make certain offers of HIV testing and provide referrals for certain treatment and services under certain circumstances; requiring certain health care providers to offer certain HIV tests and antiretroviral prophylaxis during labor and delivery under certain circumstances; and generally relating to requirements for informed consent for HIV testing, referrals for treatment, and HIV testing ~~of pregnant women~~.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–336 and 18–338.2
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 882 – Senator Middleton

AN ACT concerning

Certified Professional, Associate ~~Counselor~~, and Supervised Counselors–Alcohol and Drug – Qualifications

FOR the purpose of authorizing the State Board of Professional Counselors and Therapists to waive a certain requirement that an applicant for a certificate to practice as ~~an~~ a professional, associate, or supervised counselor–alcohol and drug complete a certain number of hours of clinically supervised experience in alcohol and drug counseling after the award of a ~~bachelor's~~ certain degree if the applicant has obtained certain experience approved by the Board; and generally relating to qualifications for certified professional, associate, and supervised counselors–alcohol and drug.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section ~~17–302.4~~ 17–302.3, 17–302.4, and 17–302.5
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 17–302.6
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 889 – Senator Dyson

AN ACT concerning

Nurse Practitioners – Authority to Certify

FOR the purpose of ~~authorizing certain nurse practitioners to make a certain determination of incapacity or debilitation under certain circumstances; requiring a certain nurse practitioner to provide a copy of a certain determination to a certain standby guardian;~~ authorizing certain nurse practitioners to certify that a certain minor is pregnant or has given birth under certain circumstances; authorizing certain nurse practitioners or certain nurse midwives to provide certain information about the birth of a child for purposes of filing a birth certificate; authorizing certain nurse practitioners to complete and sign a certain death certificate under certain circumstances; requiring certain nurse practitioners who complete a certain death certificate to give or transmit the certificate to a certain mortician within a certain period of time; authorizing certain nurse practitioners to serve as a witness to a certain advance directive under certain circumstances; authorizing certain nurse practitioners to issue a certain oral emergency medical services "do not resuscitate order" under certain circumstances; ~~authorizing certain nurse practitioners to conduct a certain examination for purposes of a certain involuntary admission;~~ requiring the Department of Health and Mental Hygiene to pay for a certain examination conducted by a certain nurse practitioner; authorizing certain nurse practitioners to conduct certain educational training programs for applicants for certification for the Insect Sting Emergency Treatment Program; authorizing certain nurse practitioners to certify that certain applicants for assignment of a certain special disability registration number or plates to a certain vehicle have certain conditions; defining certain terms; and generally relating to the certifying authority of nurse practitioners.

~~BY repealing and reenacting, with amendments,~~
~~Article – Estates and Trusts~~
~~Section 13–906~~
~~Annotated Code of Maryland~~
~~(2001 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–301
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–208(a), 4–212, 5–601(h) and (o) through (q), 5–602(c) ~~through (e)~~ and (d), 5–608(c), ~~10–616(a),~~ 10–628, and 13–704
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 5–601(a), 5–602(a) and (e), and 13–701
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 5–601(o)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–616(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 909 – Senator Middleton

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Board of Trustees – Young Farmer

FOR the purpose of expanding the membership of the board of trustees of the Maryland Agricultural Land Preservation Foundation to include a certain member appointed by the Governor from a certain list of nominees submitted by the Young Farmers Advisory Board; requiring nominees submitted by the Young Farmers Advisory Board to meet certain requirements; and generally relating to expanding the membership of the board of trustees of the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–503
Annotated Code of Maryland

(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–1002(d)
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 915 – ~~Senator Middleton~~ Senators Middleton, Dyson, Harris, and Colburn

AN ACT concerning

Task Force on the Future Conservation of Maryland's Open Space and Farmland

FOR the purpose of establishing a Task Force on the Future Conservation of Maryland's Open Space and Farmland; providing for the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to make certain evaluations and determinations; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to conserving open space and farmland in Maryland.

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 920 – Senators Brinkley, Colburn, Currie, Dyson, Edwards, Frosh, Garagiola, Glassman, Haines, Kittleman, Klausmeier, Middleton, Mooney, Munson, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Task Force to Study Statewide Gypsy Moth Infestation

FOR the purpose of establishing a Task Force to Study Statewide Gypsy Moth Infestation; providing for the membership of the Task Force; providing that the Governor shall designate the chair of the Task Force; providing for the staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; providing for the duties of the Task Force; requiring the Task Force to report certain findings

and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Statewide Gypsy Moth Infestation.

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 930 – Senator Colburn

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

FOR the purpose of requiring the Department of Natural Resources to apply to the United States Army Corps of Engineers for a certain permit to dredge fossil oyster shells; requiring the Department to apply for a certain permit on or before a certain date under certain circumstances; and generally relating to the dredging of fossil oyster shells.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 931 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Dorchester County; providing for the termination of this Act; and generally relating to the length of time a school bus may be operated in Dorchester County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 932 – Senator Colburn

AN ACT concerning

Real Property – Talbot County – Recordation of County Right–of–Way Plats

FOR the purpose of including Talbot County in the provisions of law in which the clerks of the circuit courts for certain counties are required to receive, index, and file county right–of–way plats; and generally relating to the recordation of county right–of–way plats in Talbot County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–109.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 951 – Senators Miller and Dyson

AN ACT concerning

Public Safety – Industrialized ~~Building – Definition~~ Buildings – Exemptions

FOR the purpose of ~~excluding~~ exempting a certain building that has less than a certain width and length from certain inspection and certification standards and regulations adopted by the Department of Housing and Community Development for certain industrialized buildings; authorizing a manufacturer of a certain exempted building to elect to have the Department perform a certain determination for the purpose of the Department certifying and providing a certain insignia for the building under certain circumstances; and generally relating to industrialized buildings.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–301(d) and 12–307
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 974 – Senator Middleton

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

FOR the purpose of ~~authorizing~~ requiring the Health Services Cost Review Commission to assess a certain amount in hospital rates to reflect a certain reduction in hospital uncompensated care and to operate and administer the Maryland Health Insurance Plan; requiring, for the portion of the assessment related to a certain expansion of health care coverage, ~~requiring~~ the Commission to ensure that the assessment amount not exceed certain savings and requiring each hospital to remit its assessment amount to the Health Care Coverage Fund; requiring any savings not subject to the assessment to be shared among certain purchasers; requiring, for the portion of the assessment related to the Maryland Health Insurance Plan, ~~requiring~~ the Commission to ensure the assessment is ~~revenue neutral to each hospital and~~ included in the reasonable costs of each hospital when establishing the hospital's rates, is not considered in making certain determinations, and is not less than a certain percentage of net patient revenue; requiring each hospital to remit certain amounts to the Maryland Health Insurance Plan Fund at certain intervals; prohibiting a certain assessment from exceeding a certain percentage of certain hospital revenue; providing that funds generated from the assessment may be used only for certain purposes; repealing requirements for the Commission to determine certain savings and assess a certain amount in hospital rates; repealing certain requirements related to an assessment on hospitals for the operation and administration of the Maryland Health Insurance Plan; establishing the intent of the General Assembly with regard to Medicaid day limits on hospital services; ~~requiring that~~ authorizing funds generated from ~~the~~ a certain assessment under this Act ~~be used only for certain purposes~~ to be used for a certain purpose notwithstanding certain provisions of law; requiring the Commission to ensure that a certain assessment does not exceed certain savings; requiring this Act to be abrogated under certain circumstances; altering a certain statutory reference; and generally relating to a Health Services Cost Review Commission assessment on hospitals.

BY repealing
Article – Health – General
Section 19–214(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to
Article – Health – General
Section 19–214(d)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing
Article – Health – General
Section 19–219(d) and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–504(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–504(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 740)

ADJOURNMENT

At 11:55 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 23, 2008, Calendar Day Wednesday, March 26, 2008.